



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 8, 2023  
Comment Deadline: March 13, 2023 Corps  
Action ID Number: SAW-2019-00292

The Wilmington District, Corps of Engineers (Corps) received an application from EastGroup Properties, Inc., seeking Department of the Army authorization to impact 557 linear feet of stream channel, 0.974 acre of wetlands, and 0.06 acre of open water along with 1,217 linear feet of onsite stream restoration for the construction of the Skyway Logistics Park (Site) industrial distribution/warehouse logistics center in Mecklenburg County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

**Applicant:** EastGroup Properties, Inc.  
Ron Coffey  
3495 Piedmont Road NE, Building 11, Suite 350  
Atlanta, GA 30305

**Agent:** Atlas Environmental, Inc.  
Jennifer Robertson  
338 S. Sharon Amity Road, #411  
Charlotte, NC 28211

## Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344)
- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

## Location

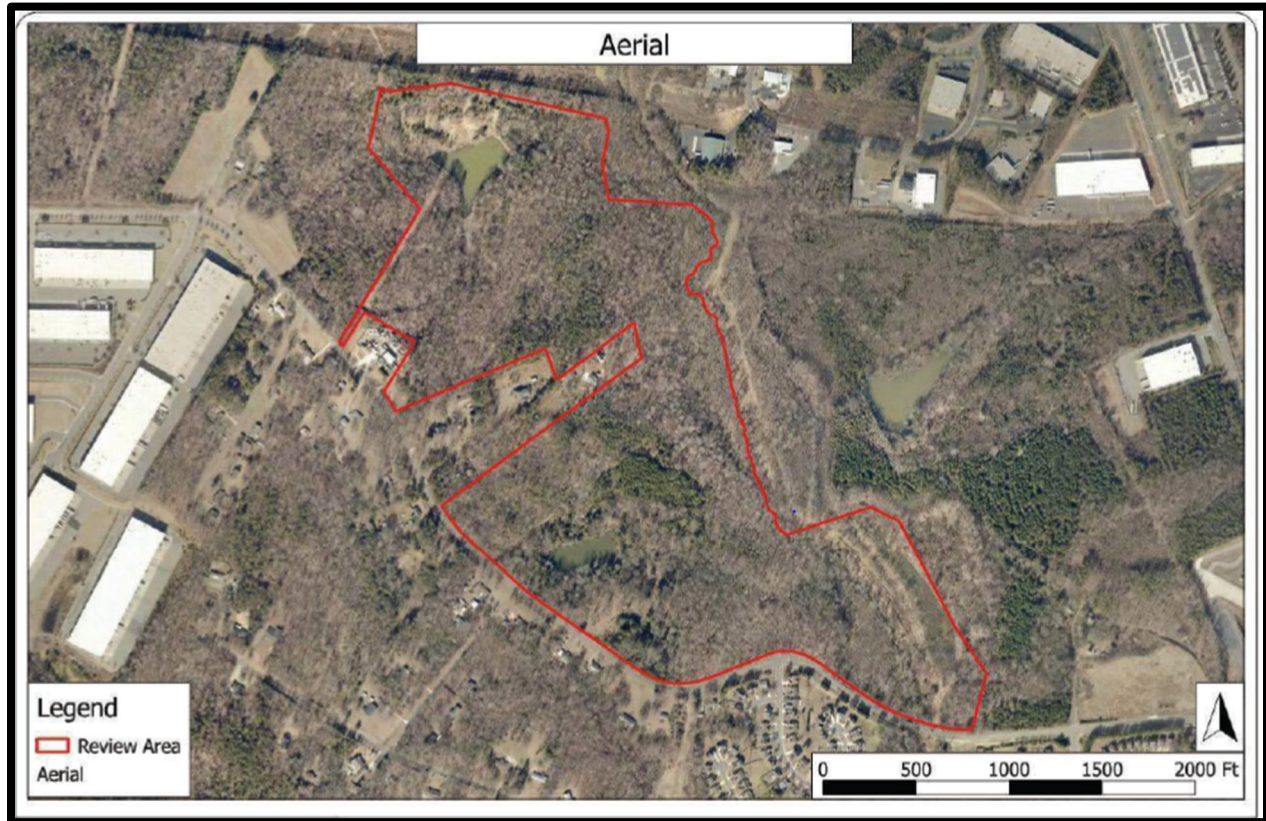


Figure 1. Location of Skyway Logistics Park

**Location Description:** The project site is located on the north side of Shopton Road; approximately 0.85 miles west of the intersection of Shopton Road and Beam Road.  
**Parcel Identification Numbers:** 17107125 (partial), 14107126, 14107121, 14107104, 14124107 (partial), 1410716, 14107122, 14107123, and 14107109 (partial).

**Project Area (acres):** 118

**Nearest Town:** Charlotte

**Nearest Waterway:** Coffey Creek

**River Basin:** Santee

**Latitude and Longitude:** 35.16645N, -80.93548W

## Existing Site Conditions

The proposed project area is located within Mecklenburg County; approximately 8.3 miles southwest of the city of Charlotte, Mecklenburg County, North Carolina, in the United States Geologic Survey (USGS) 7.5-minute quadrangle of Charlotte West, North Carolina (Figure 2) and within the Lower Catawba watershed, USGS hydrologic unit 03050103. The proposed project area consists of undeveloped forested lands, agricultural fields, and one single-family resident and the surrounding land use is comprised of undeveloped forested lands, residential developments, commercial and industrial facilities, agricultural fields, and single-family homesites.



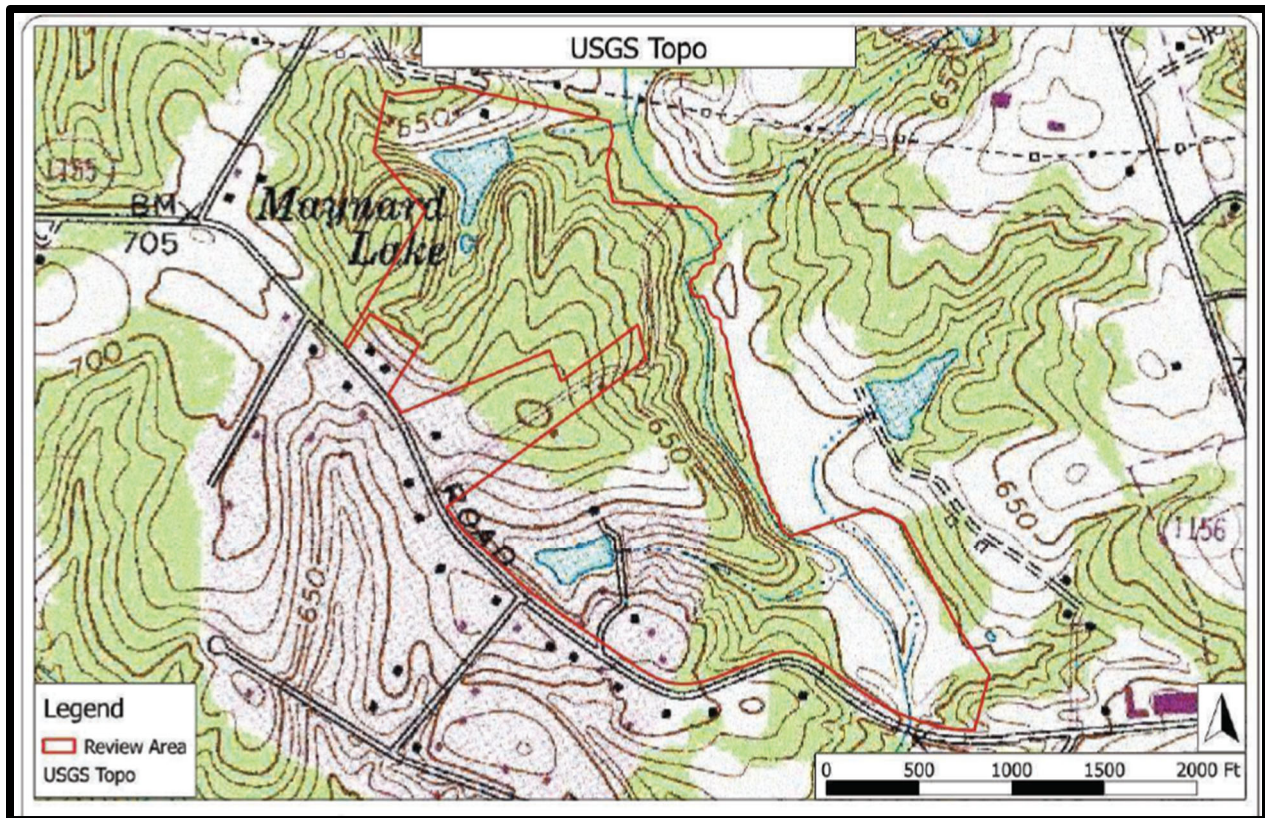


Figure 2. USGS Topographic Map

The FEMA FIRMs mapping identifies much of the eastern, southeastern, and northeastern sections of the project area as Zone X, an area outside the 100-year and 500-year floodplains with a portion of the eastern border as Zone AE.

The EcoRegion Map of North Carolina indicates that the site is in the Southern Outer Piedmont (45b) of the Piedmont Physiographic Province. The landform class consists of mostly irregular plains rather than the plains with hills as seen in the Southern Inner Piedmont and the Carolina Slate Belt. Gneiss, schist, and granite are typical rock types, covered with deep saprolite and mostly red, clayey subsoils. Kanhapludults are common soils, such as Cecil, Appling, and Madison series. Some areas within the region have more alkaline soils such as Iredell series.

In October 2020, the Corps issued a Preliminary Jurisdictional Determination which identified 5,806 linear feet of stream channel, 17.7 acres of wetlands and 4.13 acres of open water of man-made ponds. Open Water Ponds 1 and 3 were subsequently drained in January 2022 to be restored back to the area's natural conditions. A revised Preliminary Jurisdictional Determination request application has been submitted along with the Standard Permit application, as site conditions have re-established natural conditions with the removal of the man-made ponds and additional potential jurisdictional wetlands have re-appeared in the relic pond areas.

Currently, the proposed project area contains six (6) streams (i.e., 5 perennial and 1 intermittent) totaling 6,903 linear feet, ten (10) wetlands (i.e., 7 forested wetland and 3



emergent wetlands) totaling 20.26 acres and one (1) open water totaling 0.06 acres (Figure 3).

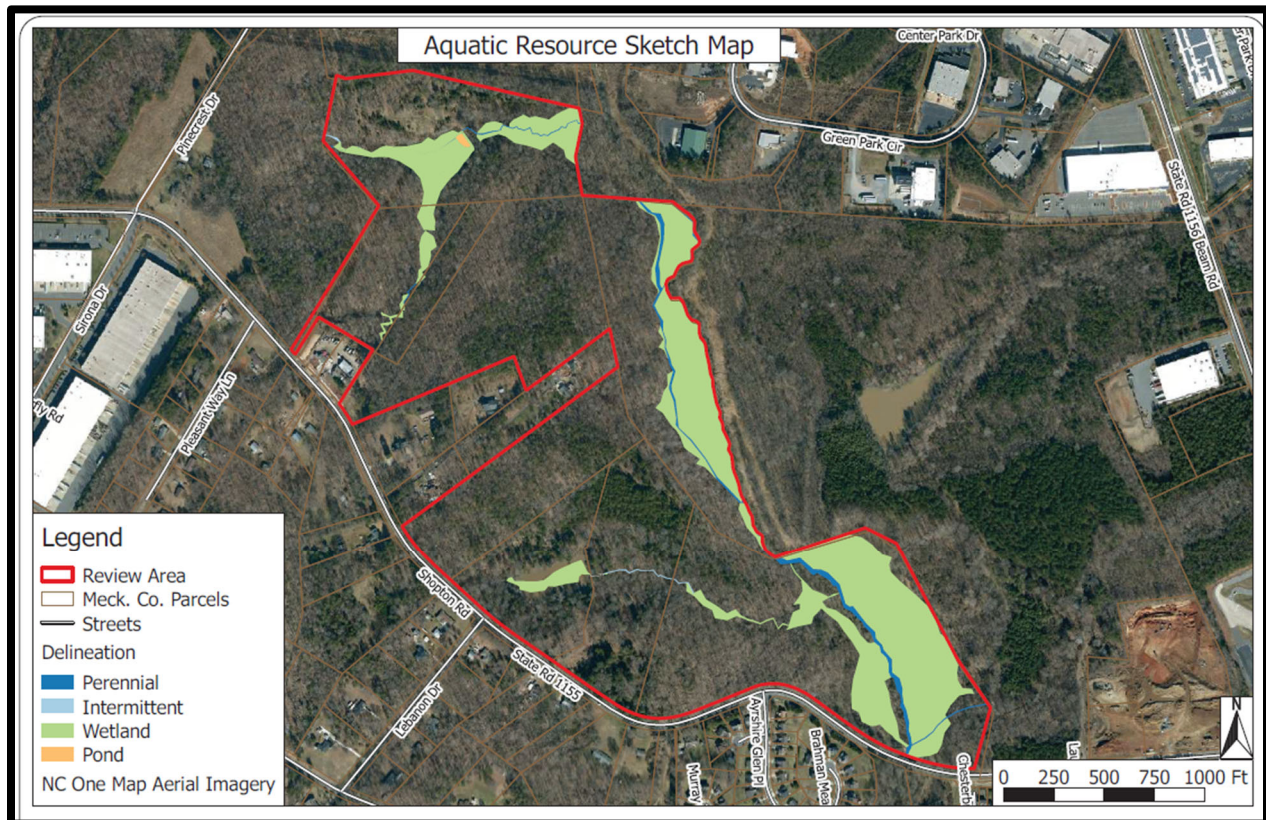


Figure 3. Skyway Logistics Park Delineation Map

## Applicant's Stated Purpose

The purpose of the proposed project is to construct a high-quality, light industrial center to support high-volume logistics for warehouse and distribution facilities that supply goods and services to transportation hubs in the city of Charlotte in Mecklenburg County, North Carolina.

## Project Description

Phase 1 of the proposed project was issued multiple Nationwide Permits (i.e., Nationwide Permit 39 and Nationwide Permit 58) under Corps Action ID SAW-2020-01723 on January 12, 2022, to facilitate the construction of an industrial site which was authorized to permanently impact 339 linear feet of stream channel and 0.007 acre of wetlands along with the permanent conversion of 0.062 acre of forested wetlands to emergent wetlands. In addition to the permanent stream and wetland impacts, Phase 1 of the project also proposed to temporary impact 60 linear feet of stream channel. In June 2022, the applicant submitted a Nationwide Permit modification request to reduce the amount of permanent stream impacts to 115 linear feet and 0.062 acre of wetland. The Corps issued the modified Nationwide Permits 39 and 58 on June 10, 2022.

Phase 2 of the proposed project would involve constructing five (5) warehouse and distribution buildings, along with associated infrastructure (i.e., access roads, and parking lots) and stormwater management facilities. Specifically, the site plan includes a total of 796,000 square feet of warehouse space in five buildings, 899 automobile parking spaces and 87 truck (tractor-trailer) parking spaces. Implementation of the proposed project would permanently impact 557 linear feet of stream channel, 0.974 acre of wetlands, and 0.06 acre of open water along with 1,217 linear feet of onsite stream restoration. Phase 2 permanent impacts would be considered cumulative with the already approved Phase 1 permanent impacts.

Cumulatively, the proposed project would permanently impact 672 linear feet of stream channel, 1.04 acre(s) of wetland, and 0.06 acre of open water, and permanently convert 0.062 acre of wetland.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

*The Standard Permit application stated the applicant has proposed to restore 1,395 linear feet of stream in three reaches and proposes to purchase stream and/or wetland credits through North Carolina Department of Mitigation Services' in-lieu fee program for the permanent impacts of 557 linear feet of stream channel and 0.974 acres of wetland that result in the loss of waters of the United States. In addition, the applicant proposes to include buffers around all aquatic resources. Buffer enhancement includes natural or planted buffers ranging from 30 to 100 feet (at a minimum) depending on local ordinance. Buffer areas will be plainly marked before, during, and after any construction activities to ensure that no encroachment occurs. Also, sediment and erosion control measures will be implemented site wide.*

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Phase 1: In the modified Nationwide Permits 39 and 58 issued in June 2022 for Phase 1 of the proposed project, the Corps determined the applicant needed to purchase 460 stream mitigation units (SMUs) and 0.25 acre of wetland mitigation units (WMUs) from the North Carolina Department of Mitigation Services (NCDMS) (specifically NCDMS 03050103 Expanded Service Area mitigation site). The SMUs and WMUs for Phase I were purchased from the NCDMS on June 17, 2022.

Phase 2: The applicant has chosen to restore 1,217 linear feet of stream channel on-site and proposed to purchase 1,114 SMUs and 2.15 WMUs from the NCDMS to offset the unavoidable loss of aquatic resources associated with Phase 2 (Table 1).

Table 1. Applicant's Mitigation Proposal for Phase 2

Aquatic Feature Impacted	Reason for Impact	Applicant Proposed Mitigation Ratio	Impact Amount	Proposed Credits to be Purchased
Stream Impacts				
Stream CH300	Grading/Fill	2:1	130 linear feet	260 linear feet of stream credits
Stream CH500	Grading/Fill	2:1	427 linear feet	854 linear feet of stream credits
Stream CH100	Stream Restoration	N/A	801 linear feet	N/A
Stream CH200			53 linear feet	
Stream CH300			363 linear feet	
Wetland Impacts				
Wetland WL1100	Grading/Fill	2:1	0.071 acre	0.142 acre of wetland credits
Wetland WL3000		2:1	0.275 acre	0.55 acre of wetland credits
Wetland WL3100		4:1	0.0997 acre	0.399 acre of wetland credits
Wetland WL5100		2:1	0.001 acre	0.002 acre of wetland credits
Wetland WL5200		2:1	0.527 acre	1.054 acres of wetland credits
Wetland WL1100	Construction Access (temporary)	N/A	0.498 acre	N/A
Open Water Impacts				
Open Water 1	Drained	N/A	0.060 acres	N/A

## Essential Fish Habitat

The Corps' determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

- ☒ This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

## Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- ☒ No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO). *In a letter dated August 18, 2021, the North Carolina Department of Natural and Cultural Resources, State Historic Preservation Office (SHPO) stated "We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed."* Reference ER 21-1635

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

## Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- ☒ The Corps determines that the proposed project may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.

☒ By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

According to the Information for Planning and Consultation (IPAC) website, the following species are listed: Tricolored Bat (*Perimyotis subflavus*), Monarch Butterfly (*Danaus plexippus*), Michaux's sumac (*Rhus michauxii*), Schweinitz's sunflower (*Helianthus schweinitzii*), and smooth coneflower (*Echinacea laevigata*).

*In a letter dated March 13, 2019, the U.S. Fish and Wildlife Service (USFWS) stated "the project site contains potential suitable habitat for the Northern Long-eared Bat which is currently federally listed as a threatened species. The clearing of trees for construction of the project, staging areas, etc. could impact suitable maternity roost trees for the Northern Long-eared Bats. The nearest known record for this species is about 45 miles from the project site. According to the new 4(d) rule implemented for the listing of the Northern Long-eared Bat, a*



*cutting moratorium of June 1 through July 31 is recommended within areas of habitat for this species. We could concur with a not likely to adversely affect determination if tree clearing activities are conducted outside the recommended June 1 through July 31 moratorium. Further, we do not believe the project site contains suitable habitat for any other federally listed species known to occur in Mecklenburg County.”*

## **Other Required Authorizations**

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

### **North Carolina Division of Water Resources (NCDWR):**

- ☒ The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by \_\_\_\_\_ to:

NCDWR Central Office  
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit  
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

### **North Carolina Division of Coastal Management (NCDCM):**

- ☒ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).



## Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, **until 5pm, March 13, 2023**. Comments should be submitted to Mr. Bryan Roden-Reynolds, Charlotte Regulatory Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, at (704) 510-1440. Comments may also be submitted to CharlotteNCREG1@usace.army.mil or [bryan.k.roden-reynolds@usace.army.mil](mailto:bryan.k.roden-reynolds@usace.army.mil).