



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: December 13, 2023  
Comment Deadline: January 12, 2024  
Corps Action ID Number: SAW-2020-00807

The Wilmington District, Corps of Engineers (Corps) received an application on November 28, 2023, from Vulcan Materials Company seeking Department of the Army authorization to discharge fill material into 0.12 acre of wetlands and 0.41 acre (4,168 linear feet) of stream, associated with the expansion of the existing quarry pit and overburden storage area at Vulcan's Rockingham Granite Quarry located at 353 Galestown Road in Rockingham, Richmond 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:** Tony Johnson  
Vulcan Materials Company  
11020 David Taylor Drive, Suite 400  
Charlotte, North Carolina, 28262

**AGENT (if applicable):** JC Weaver  
Civil & Environmental Consultants, Inc.  
3701 Arco Corporation Drive, Suite 400  
Charlotte, North Carolina, 28273

## 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

Location Description: The proposed project site is located at 353 Galestown Road, in Rockingham, North Carolina, 28379. The review area is within the applicant-owned property adjacent to the existing quarry and is composed of a portion of Parcel ID Number 745304723177, totaling approximately 210 acres in Richmond County, North Carolina. The general project location is in the northeast quadrant of the intersection of US Highway 74 and Galestown Road, approximately 2 miles east of Rockingham as depicted in Figure 1.

Project Area (acres): 210

Nearest Town: Rockingham

Nearest Waterway: Hitchcock Creek

River Basin: Pee Dee; Hydrologic Unit Code (HUC) 03040201

Latitude and Longitude: 34.944397 N, -79.808339 W

Figure 1



## Existing Site Conditions

Current land use within the permitted quarry boundary is commercial and industrial. Facilities and areas within the permitted quarry boundary include an existing quarry pit, asphalt plant, overburden and disposal fill area, processing plant/stockpile area, a mixed-use area (that includes an employee building, stockpile area, laboratory, stormwater pond, maintenance facility, and fuel tanks), the current quarry pit and overburden storage area. Land use adjacent to the Quarry is a mixture of undeveloped lands and residential structures. Major transportation routes include US Highway 74, US Highway 1, and various county roads (e.g., Zion Church Road).

The proposed site is 210 acres which has been cleared within the last 2 years. Portions of the property have a mixed hardwood/pine forest vegetation comprised primarily of river birch (*Betula nigra*), red maple (*Acer rubrum*), black willow (*Salix nigra*), sweet gum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), and American beech (*Fagus grandifolia*). The shrub and herb understory is composed of smooth alder (*Alnus serrulata*), alligator weed (*Alternanthera philoxeroides*), tufted knotweed (*Polygonum cespitosum*), buttonweed (*Diodia virginiana*), soft rush (*Juncus effusus*), sweet gum (*Liquidambar styraciflua*), American beech (*Fagus grandifolia*), and American Holly (*Ilex opaca*). The onsite soils are comprised of Ailey loamy sand and Pacolet gravelly sandy loam soils.

The project site is located in the Pee Dee River Basin, HUC 03040201. There are 3 wetlands and 6 perennial and intermittent streams onsite with those unnamed tributaries flowing into Hitchcock Creek, which flows directly into the Pee Dee River, a Traditionally Navigable Water.

The Rockingham Quarry previously has received permits from the Corps. In 1993 and 1995, the Corps authorized the use of Nationwide Permit 26 for 1.03 acres of wetland impacts (Action ID: SAW-1993-02654) and 1.58 acres of wetland impacts (Action ID: SAW-1995-02484) respectively, for quarry expansion and the relocation of State Route 1117 for quarry operations. In 2002, the Corps authorized the use of Nationwide Permit 18 (Action ID: SAW-2201-01048) for 0.07 acre of wetland impacts for the expansion of an existing road crossing at the quarry entrance. A Standard Permit for pit expansion and haul road improvement was issued in 2016 (Action ID SAW-2015-02083) for 0.88 acre of wetland impacts and 2,557 linear feet of stream impacts. This Standard Permit was modified in 2020 for an additional 0.027 acre of wetland impacts.

## Applicant's Stated Purpose

The purpose of the proposed project as stated by the applicant is to expand Vulcan's mining capabilities at the Rockingham Quarry, improve overall quarry optimization, and increase aggregate production processes. The applicant states that the proposed action is needed to meet the continued and growing local and regional demand for high quality construction aggregate products and materials currently produced at the Quarry. An increase in aggregate production would also allow Vulcan to continue to manufacture

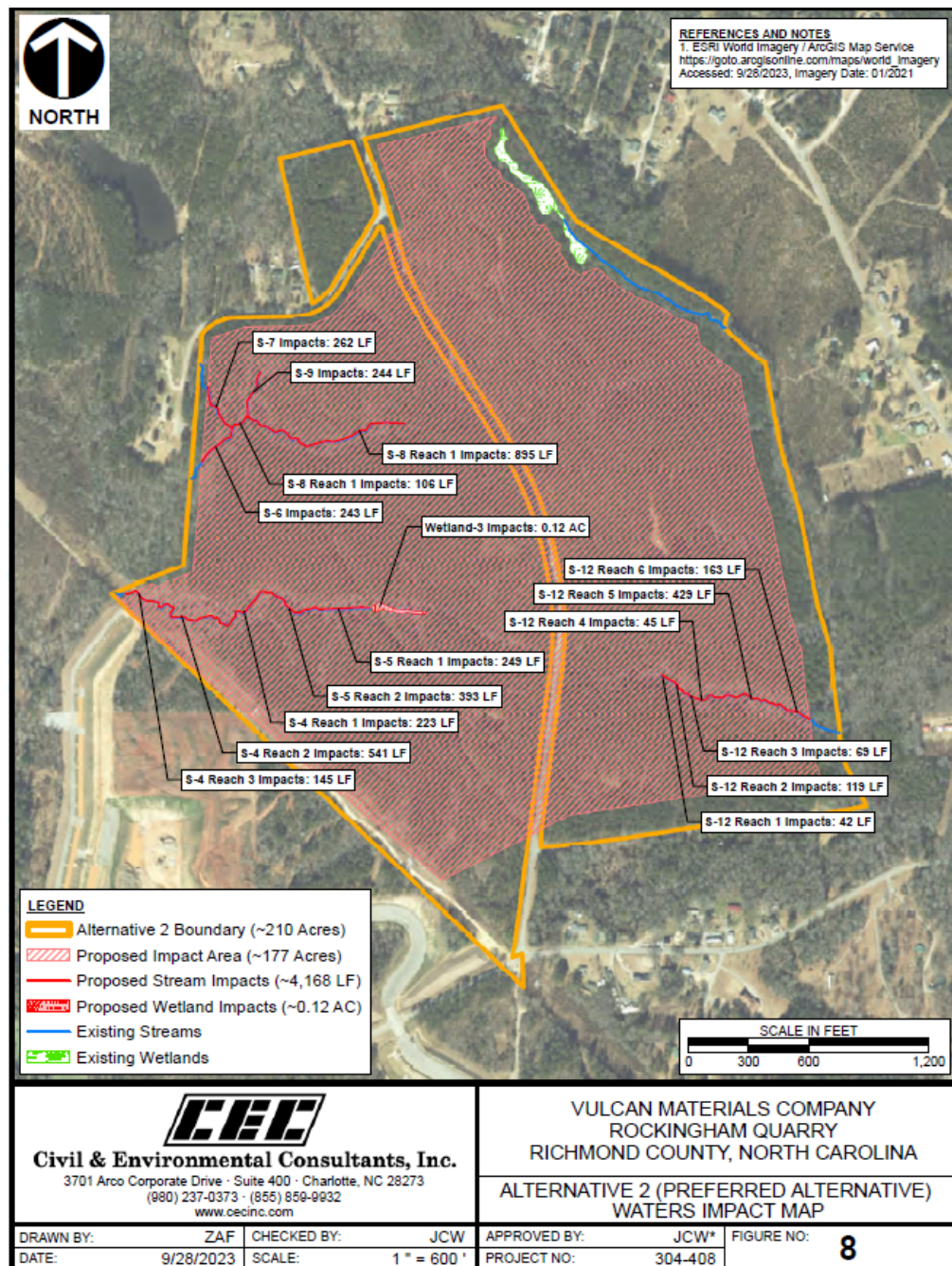
and supply the local market with in-demand materials and increase the percentage of aggregate products that are produced and supplied within the United States.

### **Project Description**

Vulcan Materials Company proposes to expand their existing aggregate quarry mine and overburden storage area at the Rockingham Quarry. The Proposed Action includes the removal and relocation of an estimated four 4 million cubic yards (CY) of overburden and waste material to be stored and transported on roads within the permitted quarry boundary (Figure 2). The applicant is proposing to permanently impact approximately 0.41 acre (4,168 linear feet) of perennial streams and 0.12 acre of palustrine forested wetland.



Figure 2



## **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Vulcan would employ best management practices to minimize potential impacts to waters of the U.S. (WOTUS)

## **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: There are no active mitigation banks with available credits to purchase in the primary service area. Utilization of the NC Division of Mitigation Services In-Lieu Fee Program is also not an option due to the lack of available credits. Wetland and stream mitigation for this project would be achieved through a Permittee Responsible Mitigation (PRM) site within the same HUC as the proposed project impacts. Expected to be proposed for authorization under Nationwide Permit (NWP) 27 in the coming weeks, the proposed PRM Turkey Mitigation Site (Action ID: SAW-2023-00121) located in Anson County, North Carolina would involve the restoration of a historically degraded stream system, providing ecological uplift to existing North Carolina Stream Assessment Method (NCSAM) low quality scoring streams, North Carolina Wetland Assessment Method low quality scoring wetlands, and riparian buffer. Wetlands and streams permanently impacted at the TIAA Property would be replaced at a 2:1 ratio at the Turkey Mitigation Site.

## **Essential Fish Habitat (EFH)**

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.

## **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 resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

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:

- ☒ For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect
- ☒ 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.

### **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 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 should do so in writing, within 30 days of the issue date of the notice by emailing comments to [publiccomments@deq.nc.gov](mailto:publiccomments@deq.nc.gov) with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office  
Attention: Stephanie Goss, 401 and Buffer Permitting Branch  
(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, January 11, 2024. Comments should be submitted to Richard G. Harmon, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at [Richard.G.Harmon@usace.army.mil](mailto:Richard.G.Harmon@usace.army.mil). The Corps Project Manager can be contacted at (919) 724-8773. Comments may also be submitted to [RaleighNCREG@usace.army.mil](mailto:RaleighNCREG@usace.army.mil).