



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: September 29, 2023
Comment Deadline: October 30, 2023
Corps Action ID Number: SAW-2022-01436

The Wilmington District, Corps of Engineers (Corps) received an application on August 28, 2023, from Gregory Poole Equipment Company seeking Department of the Army authorization to discharge fill material into 0.102 acre of riparian non-riverine wetlands, associated with constructing the new Gregory Poole headquarters, a commercial light industry facility in Garner, Wake 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: Mr. Eddie Williford
Gregory Poole Equipment Company
Post Office BOX 469
Raleigh, North Carolina 27602

AGENT (if applicable): Mr. Rick Trone
WithersRavenel
115 MacKenan Drive
Cary, North Carolina 27511

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 project area is located within the existing Greenfield North industrial park on the north side of North Greenfield Parkway, approximately 0.6 miles northwest of its intersection with US Highway 70, at 500 North Greenfield Parkway in Garner, Wake County, North Carolina.

Project Area (acres): ~36.21

Nearest Town: Garner

Nearest Waterway: Unnamed Tributary to White Oak Creek

River Basin: Neuse; Hydrologic Unit Code (HUC) 03020201

Latitude and Longitude: 35.695532 N, -78.561284 W

Existing Site Conditions

The Greenfield North industrial park is approximately 225-acres, consisting of 19 parcels. The applicant currently owns two parcels within the industrial park totaling approximately 47 acres; the project site (Site) consists of one of these parcels at approximately 36 acres. The Site is located along the eastern edge of the Piedmont Physiographic Province and includes a low ridge along the north property line used as a railroad corridor, with the land generally sloping towards the south. Two slight topographic drainages run generally north-south through the middle of the site. Elevations within the Site range from approximately 305 feet above mean sea level (MSL) to 338 feet MSL. The soils encountered in this area are the residual product of in-place chemical weathering of rock presently underlying the site. Soils mapped on the property are presented in the table below:

Soil Type	Map Unit Symbol	Percent of Site	Hydric Rating (% of mapping unit)
Chewacla loam, 0-2% slopes, frequently flooded	ChA	11	45
Dothan loamy sand, 2-6% slopes	DoB	48.7	0
Rawlings-Rion complex, 6-10% slopes	RgC	27.9	0
Vance sandy loam, 2-6% slopes	VaB	12.5	0

Among the 4 soil types that occur within the property, Chewacla loam is listed as hydric or partially hydric. Average annual precipitation for Wake County is 46.9 inches of rainfall and 6 inches of snowfall.

The Site was historically used for farming or pasture, with the topographic drainage portion remaining primarily forested. Farming on the Site appears to have been abandoned between 1983 and 1993. Land clearing/grading for the Greenfield North industrial park appears to have begun in the late 1980s, however the Site has remained vacant and is currently wooded. The Site is bound by a railroad corridor to the north, North Greenfield Parkway to the south, an overhead transmission line corridor to the

west, and a residential area to the east. General land use in the vicinity is largely commercial/industrial with a multi-family residential complex to the south and scattered agricultural and residential land use to the north across East Garner Road.

The Site contains two vegetative communities consisting of mixed hardwood/pine forest and early successional. The mixed hardwood/pine forest vegetation is comprised primarily of red maple (*Acer rubrum*), black gum (*Nyssa sylvatica*), sweet gum (*Liquidambar styraciflua*), tulip tree (*Liriodendron tulipifera*), white oak (*Quercus alba*), loblolly pine (*Pinus taeda*). The understory and groundcover consist of Chinese privet (*Ligustrum sinense*), American holly (*Ilex opaca*), Japanese stiltgrass (*Microstegium vimineum*), and greenbrier (*Smilax rotundifolia*). Early successional communities consist mainly of loblolly pine with minor components of many of the above species.

No currently valid Jurisdictional Determinations (JDs) exist for the Site; however, JDs were previously issued for the Site on June 6, 2000, and March 14, 2006. The Corps documented an unauthorized discharge of dredged or fill material within wetlands on the Site on June 11, 2001, which was resolved partially through acknowledgement that a portion of the activities were authorized by Nationwide Permit (NWP) 26 and partially through planting wetland vegetation including bald cypress (*Taxodium distichum*) and black gum. Site reconnaissance was conducted by the applicant's agent in June 2022, to determine and delineate the presence and location of potential waters of the U.S. (WOUS); a preliminary jurisdictional determination request was submitted to the Corps on June 29, 2022. The wetland delineations were performed in accordance with the Corps 1987 Delineation Manual and subsequently issued Regional Supplement to the 1987 Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0). The Corps did not field verify the delineation but indicated agreement with the delineation via email on September 9, 2023.

The Site is in the Neuse River Basin, HUC 03020201. No streams exist within the Site. The nearest receiving stream (an unnamed tributary (UT) to White Oak Creek) is located greater than 1,000 feet to the southwest and carries the North Carolina Division of Environmental Quality (NCDEQ) best usage classification of "C NSW." "C" refers to waters protected for uses such as aquatic life propagation, survival and maintenance of biological integrity (including fishing and fish), wildlife, secondary contact recreation, and agriculture. "NSW" refers to Nutrient Sensitive Waters, which is a supplemental classification intended for waters needing additional nutrient management due to being subject to excessive growths of microscopic or macroscopic vegetation. There are no designated Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply I (WS-I), or Water Supply (WS-II) waters within 1.0 mile of the Site.

One wetland (Wetland A) was delineated within the Site, a 0.102-acre feature classified as a Headwater Forest wetland according to the North Carolina Wetland Assessment Method (NCWAM). Headwater Forest wetlands are generally small in size and occur frequently within narrow topographic drainages in this region. Wetland A contained many of the above-listed mixed hardwood/pine forest species, as well as bald cypress (*Taxodium distichum*) and false nettle (*Boehmeria cylindrica*). Wetland A appears to be

part of a larger wetland system running generally northeast to southwest that was bifurcated initially by a farm road/driveway and eventually North Greenfield Parkway. A culvert under North Greenfield Parkway carries flow from Wetland A to the downstream portion of this wetland, which further flows under a maintenance access road and US Highway 70 before reaching White Oak Creek. No assessment of functional quality of the on-site wetland area was included in the application.

Based on a review of the administrative record, aerial photography, and LiDAR resources, Greenfield North industrial park was contemplated, planned, and approved by the planning authority as a master planned development, indicating that the entirety of the Greenfield North industrial park is the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. As such, the Greenfield North industrial park is considered the single and complete project per 33 CFR part 330.2(i). All previous and currently proposed impacts to WOUS within the Greenfield North industrial park are therefore considered cumulative with respect to Nationwide Permit thresholds, including:

- Corps Action ID SAW-2000-21109: approximately 0.33 acre of wetlands were filled on the Site prior to June 7, 2001, determined to be authorized by Nationwide Permit (NWP) 26;
- Corps Action ID SAW-2005-20482: 0.097 acre of wetlands were filled on the Site; and
- Corps Action ID SAW-2006-32303: 55 linear feet (approximately 0.027 acre) of stream channel impacts were authorized by NWP 39 for the Greenfield North Stormwater Management Pond #1 outfall.

As such, the cumulative loss of WOUS for the Greenfield North industrial park single and complete project currently totals 0.454 acre. Based on the above impact totals, the currently proposed 0.102 acre of permanent loss of wetlands on the Site would exceed the allowable cumulative impact thresholds for the single and complete project under Nationwide Permit 39 or any other potentially applicable General Permit. This project is therefore subject to Individual Permit review.

Applicant's Stated Purpose

The project purpose, as stated by the applicant, is to construct the Gregory Poole headquarters, a commercial light industry facility intended to consolidate multiple local facilities and meet the existing demand in the Triangle for Caterpillar construction equipment with adequate space to maintain and maneuver the large equipment onsite.

Project Description

The Applicant provided the following project description, as shown on the plan sheets labeled "Site Plan" (C2.00) and "Wetland Impacts" (Sheet Numbers 1 and A):

The proposed project (Project) would include approximately 258,370 square feet of

equipment sales, rentals, service, maintenance, office space, customer and employee parking, machine shops, a parts warehouse, and a component rebuild facility. Another portion of the site would include gravel and concrete equipment laydown areas large enough to accommodate heavy equipment storage, equipment testing following repairs/maintenance, and adequate space to allow for customer equipment demonstrations. The proposed work would require the permanent discharge of fill material into and loss of a 0.102-acre wetland area (Wetland A). This impact would result from installation of both a peripheral interior road and a proposed gravel and concrete equipment lay-down area.

Typical construction equipment would be used to prepare the site and construct the facilities. Equipment may include, graders, bulldozers, tampers, rollers, bucket loaders, trucks, and construction equipment used to construct utilities and buildings.

Avoidance and Minimization

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

Due to the large size of the equipment to be stored, repaired, and shipped at the proposed facility, the entire site must be used and therefore impacts to Wetland A cannot be avoided. To accommodate the approximately 258,370 square feet of proposed building space, concrete pads, driveways, safety aisles, parking, and lay-down areas, it is necessary to impact the entirety of Wetland A (0.102 acre) with a driveway crossing and grading/fill. The peripheral interior road that would serve the site would need to cross Wetland A to facilitate site functionality. Proposed grading and fill at the top of the wetland is likely to negatively impact the hydrologic input to the wetland due to grading and re-routing of runoff to meet stormwater requirements. As such, what would be the remainder of the wetland is proposed to be filled to facilitate development of gravel and concrete equipment lay-down areas. Omitting the road crossing was deemed not feasible, as an internal road is necessary to facilitate access and use of the entire site. Otherwise, employees and customers would be required to exit the main site entrance and travel to other site entrances via North Greenfield Parkway. The project is designed therefore to minimize additional traffic on North Greenfield Parkway. Additionally, to make the site feasible for a variety of equipment uses, lay-down areas must be maximized; therefore, it was deemed impracticable to minimize impacts or avoid Wetland A.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to mitigate for 0.102 acre of permanent wetland impacts at a 2:1 mitigation to impact ratio, by procuring 0.21 riparian non-riverine wetland credits from a mitigation bank with available in-kind credits in HUC 03020201. The applicant provided a statement of availability from Wildlands

Holdings III, LLC, for in-kind credits from the Falling Creek Umbrella Mitigation Bank: McClenny Acres II 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 historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected.

The North Carolina Department of Natural and Cultural Resources (NCDNCR) provided a letter, dated July 22, 2022 (ER 22-1727), stating that "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."

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 would not affect federally listed endangered or threatened species or their formally designated critical habitat.

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 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 (NCDWM):

- ☒ 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, October 30, 2023. Comments should be submitted to David E. Bailey, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at David.E.Bailey2@usace.army.mil. The Corps Project Manager can be contacted at (919) 817-2436. Comments may also be submitted to RaleighNCREG@usace.army.mil.