



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: August 4, 2023  
Comment Deadline: September 3, 2023  
Corps Action ID Number: SAW-2023-00252

The Wilmington District, Corps of Engineers (Corps) received an application on July 21, 2023, from Martin Marietta Materials, Inc. seeking Department of the Army authorization to discharge dredged or fill material into potential waters of the United States, including wetlands, associated with the Fuquay Quarry project in Holly Springs, in 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. Ronald Kopplin  
Martin Marietta Materials, Inc.  
2235 Gateway Access Point, STE 400  
Raleigh, North Carolina 27607

**AGENT (if applicable):** Mr. Thomas Brown  
Martin Marietta Materials, Inc.  
2235 Gateway Access Point, STE 400  
Raleigh, North Carolina 27607

## 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:

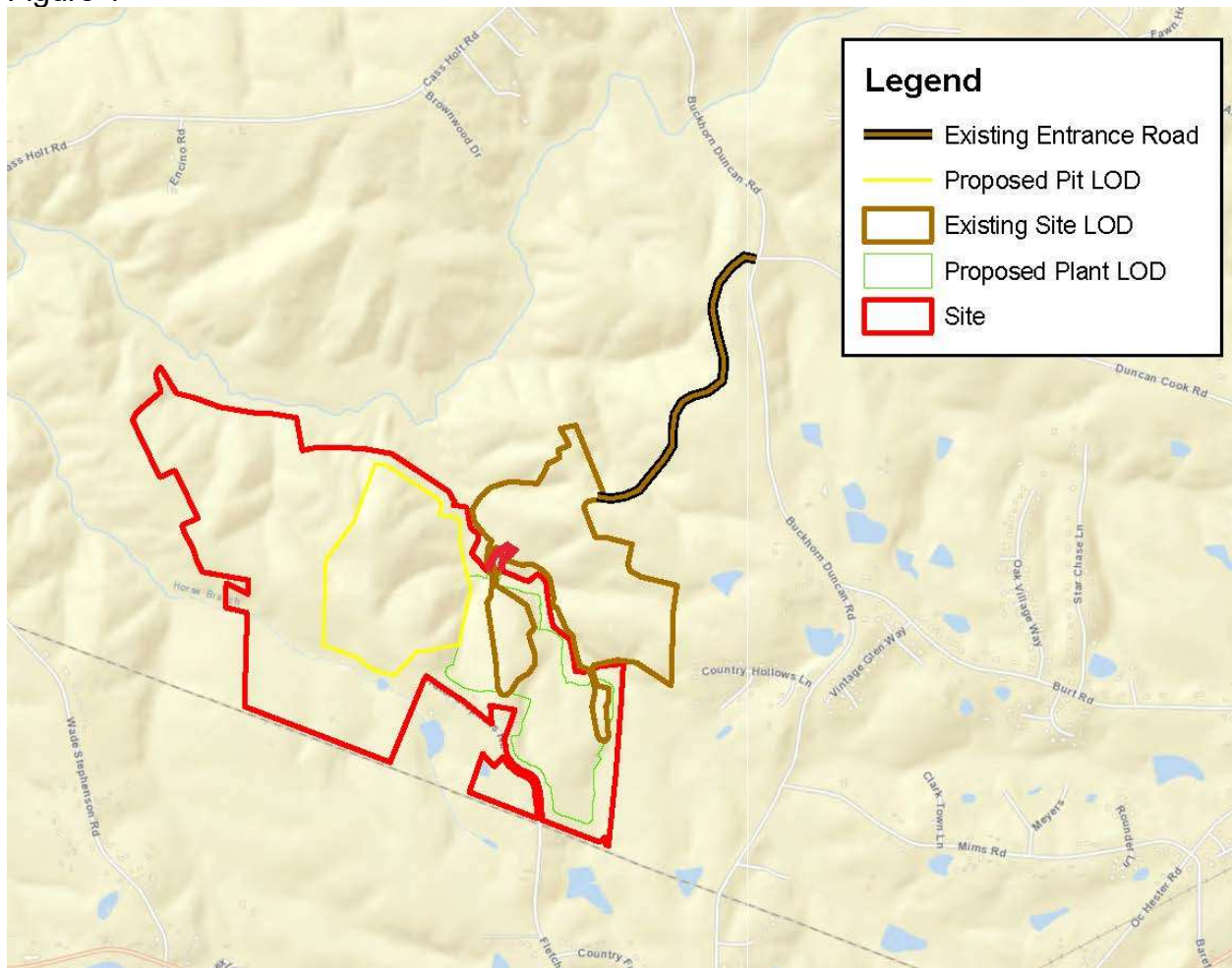
- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

## Location

Location Description: As depicted in Figure 1, the proposed project (Project) is at the terminus of Tutor Stephens Road, located west of Buckhorn Duncan Road, east of Wade Stephenson Road, south of Cass Holt Road, and north of NC 42 in Holly Springs, in Wake County, North Carolina.

Project Area (acres): ~367 acres  
Nearest Town: Holly Springs  
Nearest Waterway: Buckhorn Creek  
River Basin: Cape Fear  
Latitude and Longitude: 35.579577N, -78.880838W

Figure 1



## Existing Site Conditions

The proposed project area (Site) consists primarily of early successional and undeveloped woodlands. The existing quarry facility is located to the north and east of

the Site. A portion of the Site is currently in use by the quarry as overburden storage. The area immediately surrounding the Site is largely comprised of agricultural, silvicultural, and rural residential home sites.

The Site is located within the Buckhorn Creek-Cape Fear River sub-watershed in the Cape Fear River Basin (Hydrologic Unit Code [HUC] 03030004). The Site drains to Buckhorn Creek (Stream Index: 18-7-(2)), which is designated as a Class B water (Primary Contact Recreation, Fresh Water) by the North Carolina Department of Environmental Quality (NCDEQ).

A majority of the proposed future pit site is comprised of early successional species due to recent timbering activities. The undisturbed woodlands consist of mixed hardwood/pine forest community. The mixed hardwood/pine forest community consist of a canopy comprised of loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). The understory consists of ground cover comprised of Christmas fern (*Polystichum acrostichoides*) and common greenbriar (*Smilax rotundifolia*).

Based on information obtained from the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Wake County, the soils within the Site are composed of 10 soil series summarized in Table 1 below.

Table 1

Map Unit Symbol	Map Unit Name
CeB	Cecil sandy loam, 2 to 6 percent slopes
ChA	Chewacla and Wehadkee soils, 0 to 2 percent slopes, frequently flooded
FrB	Fuquay loamy sand, 0 to 6 percent slopes
PaC	Pacolet sandy loam, 6 to 10 percent slopes
PaD	Pacolet sandy loam, 10 to 15 percent slopes
PaE	Pacolet sandy loam, 15 to 25 percent slopes
RaA	Rains sandy loam, 0 to 2 percent slopes
UdE	Udorthents loam, 0 to 25 percent slopes
W	Water
WeC	Wedowee sandy loam, 6 to 10 percent slopes

A Preliminary Jurisdictional Determination request was submitted by the applicant on January 27, 2023. A site visit to review the lateral limits of potential wetland and non-wetland waters was performed by the Corps on April 25, 2023. The Site contains 20 potential non-wetland waters (stream channel), 8 potential wetland waters (wetland), and 1 potential non-wetland water (open water). Onsite aquatic resources consist of approximately 21,386 linear feet (lf) of stream channel, 0.88 acre (ac) of wetland, and 0.38 ac of open water.

Hydrologic indicators such as dry season water table, saturated soil, water-stained leaves, and oxidized rhizospheres on living roots were observed within wetlands. The

dominate trees/saplings/shrubs observed at the wetland data form location included loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*) and red maple (*Acer rubrum*). Dominant ground cover species observed within the wetland consisted of Japanese stiltgrass (*Microstegium vimineum*) and common greenbriar (*Smilax rotundifolia*). Soils within the wetland at the data form location consisted of chroma 1 loamy/clayey soils and chroma 2 loamy/clayey soils with prominent redox concentrations indicating a depleted matrix.

A Nationwide Permit (NWP) (Action ID: SAW-2008-00508), was issued on March 11, 2019, for the quarry site. The verification authorized the permanent discharge of fill material within 145 lf of stream channel for the construction of two road crossings.

### **Applicant's Stated Purpose**

The applicant's stated purpose is to cost-effectively continue supplying the Market Area currently served by the applicant's existing Fuquay Quarry by: (1) constructing a new plant site, (2) expanding the existing quarry pit, and (3) opening a new quarry pit to mine suitable stone reserves in a systematic and economically viable fashion to supply the market's long-term needs.

### **Project Description**

The Project involves the construction of a new plant which would allow the applicant to mine high ground under the existing plant area, the widening of an existing road and excavation and construction of a pit.

The applicant currently leases the property where the current pit and plant are located from a third party. The applicants existing county and state permits allow for the mining of the existing plant site. The applicant stated that the owner has adjusted the lease to reduce the amount of mining the applicant can complete in the existing plant area. The applicant further stated that construction of a new plant is necessary for continued operation of the existing Fuquay Quarry pit. To continue serving the growing market demand in this area, the applicant is also proposing the construction of a new pit area west of the proposed plant. An existing road crossing which is currently utilized for hauling overburden would be upgraded and widened. Currently, the road is only used by articulated trucks carrying overburden. The road would need to be widened to allow for fixed frame haul trucks carrying shot rock for safety and logistics reasons.

The construction of the plant would result in the permanent discharge of fill material within 0.089 ac (2,570 lf) of stream channel and 0.37 ac of wetland. The construction and excavation of the proposed pit would result in the loss of 0.048 ac (1,226 lf) of stream channel and 0.01 acre of wetland. The proposed road widening would result in the permanent discharge of fill material within 0.048 ac (156 lf) of stream channel.

### **Avoidance and Minimization**

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

The applicant has utilized known regional geology, performed exploratory drilling, and delineated aquatic resources in order to avoid and minimize impacts. According to the applicant the Project has been designed to avoid impacts to higher quality wetlands and streams. Per the applicant, the proposed design of the pit reduced stream channel loss by 4,981 lf, when compared to their original plans. Additionally, the applicant stated that impacts have been avoided by reducing the size the plant site and the road width as much as possible.

To minimize impacts to aquatic resources, the applicant proposes use of stormwater management and erosion control techniques that would preserve downstream water quality. The proposed stripping technique would direct all runoff to the proposed pit or other erosion control structure. The applicant proposes a minimum 50ft wooded buffer around all aquatic resources not directly impacted by this requested permit.

### 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 loss of aquatic resources by purchasing 7,135 stream credits and 0.76 wetland credits. The applicant proposes to purchase wetland credits and all available stream credits from Middle Cape Fear Umbrella Mitigation Bank, Daniels Creek Mitigation Site. Additional stream credits would be purchased from North Carolina Division of Mitigation Services (NCDMS) in Lieu Fee program. Acceptance letters from the Middle Cape Fear Umbrella Mitigation Bank and NCDMS were included with the permit application.

The applicant plans to complete the Project in two phases: 1) construction of plant site and 2) excavation and construction of pit. The plant site would be constructed within a 5-year timeframe and the excavation and construction of the pit is proposed within a 20-year timeframe. The applicant is therefore requesting that mitigation requirements be phased accordingly. As such, mitigation for Phase 1 would total 4,683 stream credits and 0.74 wetland credits. Mitigation for Phase 2 would total 2,452 stream credits and 0.02 wetland credits. The proposed mitigation amounts and ratios are shown Table 2 below.

Table 2

Phase Number	Impact Areas	Ratio	Stream Credits	Wetland Credits
Phase 1	Stream A, Stream H, Stream E, Stream D, Wetland C, Wetland D, Wetland F	2:1	3,914	0.74
	Stream I, Stream G, Stream E	1:1	769	N/A
Phase 2	Stream J, Stream L, Wetland H	2:1	2,452	0.02

## 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.

The applicant's search of the SHPO's public mapping shows two potentially historic sites near the Site. Burt Farm (WA0538) is located east of the current mine site. The Farm has not been impacted by the 30+ years of quarrying operations and will not be impacted by continued operations. WA0538 is owned by the same party from whom the applicant leases the existing pit and plant. Nash-Weathers House (WA1029) was located near the proposed pit area. Per the applicant WA1029 was removed by the previous landowner.

## 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 is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment

and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

The applicant conducted a search of the U.S. Fish and Wildlife Service (Service) Information for Planning and Consultation (IPaC) system. The applicant IPaC search identified four Endangered Species, and one proposed Endangered Species: Tricolored Bat (*Perimyotis subflavus*), Red-cockaded Woodpecker (*Dryobates borealis*), Cape Fear Shiner (*Notropis mekistocholas*), Michaux's Sumac (*Rhus michauxii*), Rough-leaved Loosestrife (*Lysimachia asperulaefolia*).

The applicant stated that none of these species have been observed onsite and does not expect the project to encounter any of these endangered species. No Critical habitat for any of these species exists within the project area. Additionally, the applicant's search of the North Carolina Natural Heritage Program found that there are no known occurrences of federal listed species within one mile of the project area.

### **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, September 3, 2023. Comments should be submitted to George Lyle Phillips III, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at [George.L.Phillips@usace.army.mil](mailto:George.L.Phillips@usace.army.mil). The Corps Project Manager can be contacted at (919) 588-9200. Comments may also be submitted to [RaleighNCREG@usace.army.mil](mailto:RaleighNCREG@usace.army.mil).