



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: March 26, 2024  
Comment Deadline: April 25, 2024  
Corps Action ID Number: SAW-2020-01319

The Wilmington District, Corps of Engineers (Corps) received an application on March 4, 2024 from Heidelberg Materials SE Agg LLC (Heidelberg Materials) seeking Department of the Army authorization to impact 1.48 acres of wetlands, 2,152 linear feet of stream, and 6.17 acres of open water pond associated with the expansion of the Neverson Quarry in Sims, Wilson 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:** Heidelberg Materials SE Agg LLC  
Ms. Mary Ann Hoerle  
3825 Barrett Drive, Suite 300  
Raleigh, North Carolina 27609

**AGENT (if applicable):** Soil & Environmental Consultants, Inc.  
Mr. Bob Zarzecki  
8412 Falls of Neuse Road, Suite 104  
Raleigh, North Carolina 27615

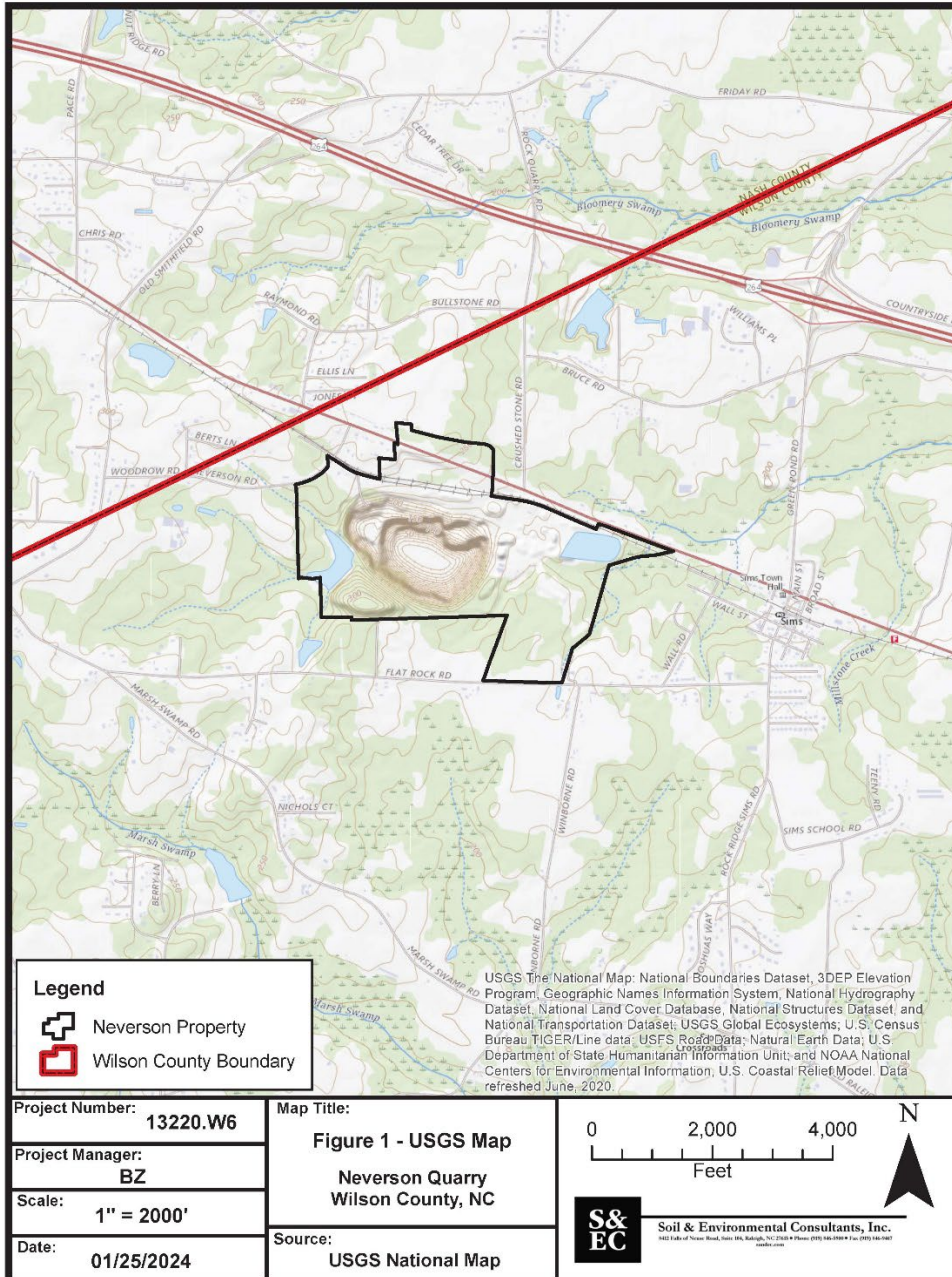
## Authority

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 at the existing Neverson Quarry at 7225 Neverson Road in Sims, Wilson County, North Carolina



Project Area (acres): 302  
 Nearest Town: Sims  
 Nearest Waterway: Millstone Creek  
 River Basin: Neuse  
 Latitude and Longitude: 35.7615 N, -78.08160 W

## **Existing Site Conditions**

The quarry has been in operation since the early 1900's and has rail access leased by the Carolina Coastal Railway along the northern portion of the property. The total acreage within the mine permit is 302 acres with 219 acres permitted for disturbance. The 219 acres permitted for disturbance is composed of 12 acres for ponds, 38 acres for stockpiles, 28 acres for overburden piles, 29 acres for processing area, 75 acres for granite excavation, and 37 acres for soil excavation. The total potentially-jurisdictional waters within the mine property include 4,556 linear feet of streams, 3.97 acres of wetlands, and 9.72 acres of open water pond.

## **Applicant's Stated Purpose**

The applicant has stated that the basic project purpose is to mine aggregates to meet market demands.

The applicant has stated that the overall project purpose is to provide for the continued operation of the existing Neverson Quarry by expanding the existing pit to provide mined aggregates to the surrounding market area as well as the Morehead City Sales Yard.

## **Project Description**

Heidelberg Materials is proposing to expand their Neverson Quarry. The existing pit is proposed to be expanded to the southwest and west, two streams would be relocated along the property boundaries, an overburden storage pile would be constructed in the southeastern portion of the property with an associated temporary haul road. The quarry expansion would occur in two phases. Total impacts to waters/wetlands proposed for both phases of this expansion project would be 1.403 acres of permanent wetlands impacts, 0.08 acres of temporary wetlands impacts, 2,040 linear feet of permanent stream impacts, 6.17ac of permanent open water (pond) impacts, and 112 linear feet of temporary stream impacts

The first phase would relocate Stream Z along the southern most property line. Stream Z is currently a straight trapezoidal channel that was created in the early 1990's to allow for pit expansion during that time. This relocation would allow for the expansion of the existing pit to the south as depicted on the attached plans. A temporary haul road would be constructed to allow for the construction of the new overburden storage pile to the southeast.

The second phase of the expansion project would include the relocation of Stream F along the western most property line and the removal of wetlands and the majority of the open water pond to allow for pit expansion to the west. A berm would be constructed within the upper end of the pond to maintain offsite water levels and to allow for water from Stream F to flow to Stream Z.

## **Avoidance and Minimization**

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

The total jurisdictional waters/wetlands within the mine property include 4,556 linear feet of streams (not including stream B which runs along the eastern boundary), 3.97 acres of wetlands, and 9.72 acres of open water. The applicant's proposed alternative (Alternative 4) would avoid impacts to 2,516 linear feet of streams and create an additional 3,276 linear feet of relocated stream channel for a net gain of 1,236 linear feet of stream channel. The preferred alternative would avoid impacts to 1.513 acres of wetlands and 3.55 acres of open waters. Impacts were minimized by relocating Stream Z (existing length of 1,438 linear feet, proposed relocated length of 2,118 linear feet) and Stream F (existing length of 602 linear feet, proposed relocated length of 1,158 linear feet) feet of stream channel.

## **Compensatory Mitigation**

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

To compensate for the permanent impacts to streams and wetlands, 2,642 feet of stream mitigation credits and 2.806 acres of wetland mitigation credits are proposed to be purchased for the project. All mitigation credits will be purchased first from private mitigation banks with available credits and any balance will be purchased from the N.C. Division of Mitigation Services (DMS). Statement of availability letters have been provided from EcoTerra (mitigation banker) and DMS for the full amount of anticipated mitigation..

## **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.

N/A – No EFH present within project area.

## **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:

- Should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps' permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.
- 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 Corps subsequently requests concurrence from the SHPO and/or THPO.
- Cultural resources that have been determined not 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 by the proposed work. The Corps subsequently requests concurrence from the SHPO and/or THPO.
- 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; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO and/or THPO.
- 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; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO and/or THPO.
- 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:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

- 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.
  - The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
  - The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS: *Select the Affects/Effects Determination*
- 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.

### **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 applicant did not provide or satisfy all the elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 180 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):**

N/A – The project is not located within a Coastal County subject to NCDCM Jurisdiction.

**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, **April 25, 2024**. Comments should be submitted to Billy Standridge, Washington Regulatory Field Office, 2407 West Fifth Street, Washington, North Carolina 27889, or via email at [billy.w.standridge@usace.army.mil](mailto:billy.w.standridge@usace.army.mil). The Corps Project Manager can be contacted at (910) 251-4595. Comments may also be submitted to [WashingtonNCREG@usace.army.mil](mailto:WashingtonNCREG@usace.army.mil).