



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 23, 2018
Comment Deadline: March 26, 2018
Corps Action ID Number: SAW-2008-02741

The Wilmington District, Corps of Engineers (Corps) received an application from Edgecombe County and the North Carolina Department of Transportation (NCDOT) seeking Department of the Army authorization to discharge fill material into waters of the United States associated with the proposed construction of a tire manufacturing facility, railway access, and associated roadway construction for site access on the Kingsboro CSX Select site. Specifically, the project would permanently impact 5.23 acres of open water pond, 9.12 acres of wetlands, and 2,769 linear feet of stream draining to Walnut Creek and Penders Mill Run located north of US Highway 64, approximately 5 miles east of Rocky Mount, in Kingsboro, Edgecombe 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 <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicants: Edgecombe County & North Carolina Department of
Transportation
Mr. Eric Evans, County Manager
Post Office Box 10
Tarboro, North Carolina 27886

Mr. Tony Coggins, Division Environmental Officer
NCDOT Highway Division 4
509 Ward Boulevard
Wilson, North Carolina 27895

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 site is located on an approximate 400 acre parcel of an approximately 1400 acre tract of agricultural land located on the north side of US Highway 64. The tract is bordered to the north by US Highway 64 Alternate, to the west by Kingsboro Road, to the south by US Highway 64 and the CSX Railroad and to the east by Harts Mill Run Road, approximately 5 miles east of Rocky Mount, in Kingsboro, Edgecombe County, North Carolina.

Project Area (acres): 400 acres
Nearest Waterway: Walnut Creek
Latitude and Longitude: 35.92198°N, -77.64253°W

Nearest Town: Kingsboro
River Basin: 03020101

Existing Site Conditions

The proposed project area is located in the Upper Coastal Plain. The general land use in the vicinity of the proposed project is agricultural, forest, and residential. The project site consists primarily of forested areas and agricultural fields with US Highway 64 and the CSX railroad forming a portion of the southern boundary. There are two residential areas located on or adjacent to the site. Midlakes Mobile Home Park is located in the northern portion of the site, and a small residential subdivision along Deer Walk Road, west of Harts Mill Run Road is present adjacent to the southeastern portion of the property.

The jurisdictional boundaries were delineated in August 2008, which were reviewed by the Corps, and an Approved Jurisdictional Determination (AJD) was issued. Subsequently, the delineation was verified and the AJD renewed by the Corps on December 20, 2013. The on-site streams, three UTs to Walnut Creek, one UT to Penders Mill Run, and Walnut Creek are considered Relatively Permanent Waters, which flow via Walnut Creek and Penders Mill Run to the Tar River, a Traditionally Navigable Water. These streams carry the NC Division of Water Resources (NCDWR) best usage classification of “WS-IV, NSW.” “WS-IV” refers to those waters used as sources of water supply for drinking, culinary, or food processing purposes where a WS-I, II or III classification is not feasible. WS-IV waters are generally in moderately to highly developed watersheds or Protected Areas. “NSW” refers to Nutrient Sensitive Waters; a supplemental classification intended for waters needing additional nutrient management due to being subject to excessive growth 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 project area.

The wetlands within the project area are of the Headwater Forest, Riverine Swamp Forest, or Basin Wetland classification types, according to the North Carolina Wetland Assessment Method (NCWAM). These features contain a mix of plant assemblages, with the Basin Wetland area near the center of the site containing small shrubs and trees such as black willow (*Salix nigra*), and tag alder (*Alnus serrulata*), and herbaceous plants such as shallow sedge (*Carex lurida*), soft rush (*Juncus effusus*), and woolgrass (*Scirpus cyperinus*). The other wetlands on site are forested with canopy species including sweetgum (*Liquidambar styraciflua*), green ash (*Fraxinus pennsylvanica*), red maple (*Acer rubrum*), and cottonwood (*Populus deltoides*), saplings and shrubs including sugar-berry (*Celtis laevigata*), and Chinese privet (*Ligustrum sinense*), and vines such as horsebrier (*Smilax rotundifolia*).

Applicant's Stated Purpose

The purpose of the project, as stated by the applicant, is as follows:

The proposed project is to provide site (Project Diamond) and transportation (R-5868) infrastructure capable of supporting a tire manufacturing facility, and on a larger scale, to bring relieve economic distress in Edgecombe County through a major industrial development.

Project Description

Project Diamond would entail the discharge of fill material into 5.23 acres of open water, 9.12 acres of wetlands, and 2,769 linear feet of stream channel associated with the construction of an approximate 400-acre site pad for the proposed Triangle Tyre facility, and a 2-lane roadway accessing the site from Kingsboro Road to the west and US 64 Alternate to the north [NCDOT Transportation Improvement Program (TIP) R-5868]. The Triangle Tyre facility would consist of four separate factories, built in two phases, and associated supporting infrastructure including rail spurs, internal roadways and parking areas, raw material and finished product receiving and shipping areas, offices, and stormwater best management practices (BMPs).

Specifically, there are two surface water sites (Sites 5 and 6). The project will involve the draining of two ponds (2.99 acres and 2.15 acres at Site 5) near the site entrance on the north side of the property to facilitate road construction. These ponds will remain drained following the road construction to allow natural stream and wetland formation. Site 6 will involve the filling of 0.09 acre of open water for the construction of an outbound warehouse.

Impacts to Sites 1, 3, and 4, involving the filling of 87 linear feet (lf), 365 lf and 163 lf, respectively, for culvert and fill are associated with the 2-lane roadway construction from Kingsboro Road. In addition, there would be 0.07 acre of riparian wetland fill at Site 4 to facilitate road construction.

The project would impact an additional 635 lf (Site 8) and 1,519 lf (Site 10) through filling to facilitate the pad construction for the proposed warehouse facility. Wetland impacts associated the proposed pad construction associated with the proposed facility will impact 0.71 acre of riparian wetlands at Site 6, 0.56 acre of non-riparian wetlands at Site 7, 7.71 acres of riparian wetlands at Site 8, and 0.07 acre at Site 9.

Construction of Phase 1 of the project would begin in early March to meet the schedule required by Triangle Tyre. Phase 1 construction activities would be limited to upland areas until all appropriate permits are received. Construction duration on the Phase 1 site and pad preparation is limited to 5 months. The construction schedule of Phase 2 of the Triangle Tyre site has yet to be determined.

Construction of the access roads would begin in the Spring of 2018 with priority placed upon sections needed for construction access to the site. Construction access is needed immediately to meet Triangle Tyre's required schedule but would not involve impacts to jurisdictional features until a permit has been issued. The rail construction would begin later in 2018 and be completed prior to the completion of the manufacturing facility. Final access road and rail construction is not on the critical path so a firm completion date has not yet been determined. The duration would depend upon the timeline of the facility construction.

Water and sewer improvements are currently in the design and permitting phase contracted independently by the County to serve the Kingsboro CSX Select Site and surrounding area. Construction is anticipated to be complete no later than December 31, 2018. Other utility construction related to the site (including power, fiber optic, and natural gas) will be constructed prior to the completion of the manufacturing facility, but is not anticipated to involve any jurisdictional impacts.

This information has been included with this Public Notice as well. Supplemental documentation including project plans and a narrative can be found on the District Website at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>.

Avoidance and Minimization

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

Within the Project Diamond site, several layouts were evaluated. This included shifting the factories further to the north and east. Siting the plants further north would impact the stream, wetland, and pond system along an unnamed tributary of Walnut Creek approximately 1 mile upstream of the Tar River, which was recently designated as critical habitat for the Atlantic Sturgeon.

Due to the proximity to the River and the amount of impact associated with that location, Project Diamond was shifted south. Impacts in the southern section were minimized by relocating associated infrastructure such as parking and stormwater BMPs. Further minimization is not practical as adequate room is required between factory buildings for the movement of truck traffic, safety, and construction access.

The access road alignment has been designed to minimize impacts to jurisdictional resources on the Kingsboro CSX Select Site, and avoid future impacts to access other pads. The entrance off Kingsboro Road has been located to allow for adequate traffic flow and safety between the US 64 interchange and the US 64 Alternate (Alt.)-Kingsboro Road intersection. The entrance off US 64 Alt. uses an existing road between two ponds. The eastern crossing internal to the site is located in an area of minimal wetlands and lower slope (resulting in less impact), and the second crossing is below a confluence to avoid crossing both features.

Rail access from the south was evaluated and shifted as far east as possible to avoid impacts to the main drainage between Pads B and C. Further shifting to avoid impacts entirely was not practical as it would interfere with the operations and flow of materials on the site. In addition, the two buildings on the south side were modified in length to further reduce jurisdictional impacts.

Compensatory Mitigation

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

Compensatory requirements for Project Diamond are summarized below. This project will impact 2,769 linear feet of warm water streams and 9.12 acres of wetlands. Mitigation is proposed for 2,134 linear feet of stream impacts, which encompasses all sites except the 635 feet of tributary at Site 8. Mitigation is proposed for 8.56 acres of wetland impacts, which encompasses all sites except the 0.56 acre of isolated wetland at Site 7.

The NC Division of Mitigation Services has agreed to supply compensatory mitigation for these impacts. There are no private mitigation banks within the HUC that can meet the full mitigation requirements; however, if credits become available during the permit review period the applicants will coordinate with the USACE and NCDWR to evaluate this option.

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial 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:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- 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). A letter dated September 13, 2012 for the SHPO indicates that there are no historic resources which would be affected by the project.
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, 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 (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, 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 (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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.
- 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. 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 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 submitted additional site-specific information on federally protected threatened and endangered species, which can be found on the District Website at <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/PublicNotices.aspx>.

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. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. 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 March 19, 2018, to:

NCDWR Central Office
Attention: Ms. Karen Higgins
401 and Buffer Permitting Unit
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):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps will request, upon receipt, concurrence or objection from the 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 shall 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 26, 2018.

Comments should be submitted to US Army Corps of Engineers, Raleigh Regulatory Field Office, Attention: Ms. Samantha Dailey, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587 or at (919) 554-4884 extension 22.