



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 28, 2017
Comment Deadline: May 30, 2017
Corps Action ID Number: SAW-2013-02028

The Wilmington District, Corps of Engineers (Corps) received an application from 3M Company seeking Department of the Army authorization to permanently impact 2,533 linear feet of stream channel and 0.15 acre of forested wetlands, and 0.6 acre of open water associated with the expansion of 3M Company's Pittsboro mine, near Moncure, in Chatham 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>

Applicant: 3M Company
Attn: James Zieglmeier
4191 Highway 87 South
Moncure, North Carolina 27559

Agent: Environmental Consulting and Technology of NC, PLLC
Attn: Chris Wu
7208 Falls of Neuse Rd, Suite 102
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

Directions to Site: The existing Pittsboro Quarry is located at 4191 Highway 87 South, south of the Town of Pittsboro, in Chatham County, North Carolina. From the intersection of U.S. Highway 64 and Highway 87 in the Town of Pittsboro, travel south on Highway 87 for 4 miles and the quarry entrance is on the left (east).

Project Area (acres): 860

Nearest Town: Pittsboro

Nearest Waterway: Rocky Branch

River Basin: Cape Fear (03030002)

Latitude and Longitude: 35.6610N, -78.1769W

Existing Site Conditions

The 3M Pittsboro Quarry Extension site is located in the Piedmont physiographic region of North Carolina. Mining operations began in 2002 and have remained active through the present. The project area encompasses 860 acres of land, within which 176 acres are proposed to be excavated to recover andesite ore. Another 225 acres, wholly located in uplands, are proposed as an extension of the excavated material stockpile. The remaining 469 acres would remain undisturbed. The existing developed portions of the 2,200-acre property occupy 495 acres and include the 153 acre pit open quarry operated for 3M by Luck Stone, Inc., a crusher facility and work-in-process stockpile, a 3M roofing granules plant, a Luck Stone, Inc. quarry office and maintenance facilities; a 180 acre excavated materials stockpile; and stormwater management infrastructure.

Both the quarry and stockpile extension areas contain planted pine timber stands in various stages of growth, hardwood coves and clear-cut forests that are regenerating. Numerous maintained service roads are present on both tracts. The local landscape typifies the Piedmont physiographic region with low dissected ridges. Small wetlands intersperse both summits and depressions within the proposed extension areas. Throughout the proposed extension areas, exposed ground surfaces are rocky and outcrops of boulders are common. The water resources on the property include 22,857 linear feet of unnamed tributaries to Stinking Creek and Robeson Creek, of which 5,505 feet are perennial. Elevations on the site range from 380 to 511 feet above mean sea level. The Soil Survey of Chatham County, North Carolina (NRCS, 2006) shows the quarry and stockpile extension areas are underlain by Type B soils which have a moderate infiltration rate when thoroughly wet and are moderately well drained. The hydrologic regime is driven by rainfall runoff. The riparian areas along the three intermittent streams within the quarry extension area are dominated by pine trees in various stages of development and mature oak-hickory forested areas. The understory vegetation for the pine trees includes sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), American holly (*Ilex opaca*), dogwood (*Cornus florida*), southern red oak (*Quercus falcata*), black oak (*Quercus velutina*), winged elm (*Ulmus alata*), and black cherry (*Prunus serotina*) with greenbriar (*Smilax rotundifolia*), blackberry (*Rubus* spp.), and honeysuckle (*Lonicera japonica*). Understory for the oak-hickory forests include dogwood, American holly, sourwood (*Oxydendron arboreum*), redbud (*Cercis canadensis*), greenbriar, Christmas fern (*Polystichum acrosticoides*), rattlesnake plantain

(*Goodyeara pubescens*), heartleaf (*Hexastylis* sp.), ebony spleenwort (*Asplenium platyneuron*), and spotted wintergreen (*Chimaphila maculata*).

Wetlands and streams on the site are piedmont headwater systems that flow to Rocky Branch and Stinking Creek which flows to the Deep River and Jordan Lake respectively in the Cape Fear River. The tributary within the site have a best usage classification of WS-IV. WS-IV waters are used as sources of water supply for drinking, culinary, or food processing purposes.

Applicant's Stated Purpose

The applicant's stated purpose is to extend the boundaries of the existing quarry and corresponding excavated materials stockpile to extract the remaining proven onsite reserves in order to provide 3M and Luck Stone with an uninterrupted supply of andesite and metavolcanic minerals needed to supply the asphalt shingle industry in the southeastern United States and overseas, as well as to meet local aggregate needs.

Project Description

The project would extend the existing quarry to the north and would result in the construction of a berm along the south side of Charlie Brooks Road (SR 1969), which would also be a permanent overburden storage area. This berm would also be landscaped to provide a physical (public safety), visual and noise barrier buffer between the quarry and public roadways. These planned activities would impact a total of 2,533 linear feet of headwater streams and its associated riparian buffers, which would be excavated during the quarry extension.

In addition, 0.15 acre of jurisdictional wetlands and 0.6 acre of open waters would be impacted by the applicant's preferred alternative. The applicant provided 55 alternative offsite mining options and five onsite mine plan alternatives in their permit submittal, including an upland only ("no action") alternative. The applicant's preferred alternative involves the expansion of the existing 153-acre quarry area to approximately 329 acres. The applicant also proposes to extend the existing 180 acre excavated materials stockpile to approximately 225 acres, none of which are subject to the Corps' jurisdiction.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: While the applicant's preferred alternative plan would directly impact more jurisdictional streams, wetlands, and open waters than three of the other alternatives provided (i.e., Alternatives 3A, 3B and 3C), the plan was reduced in scope to avoid 1,998 linear feet of streams, a 44 percent reduction; 0.35-acre of wetlands, a 70 percent reduction; and 1.6 acres of open waters, a 73 percent reduction. According to the applicant, all of the perennial streams, 85 percent of the intermittent streams, and 91 percent of the jurisdictional wetlands and open waters in the quarry and

stockpile extension areas would be avoided. Over 99.5 percent of the physical disturbance would occur in uplands.

The applicant's existing shingle granule manufacturing process utilizes reclaimed water from the Town of Pittsboro wastewater treatment facility as the process water make-up supply and is equipped with a zero-discharge industrial wastewater treatment system. This process design reduces the nutrient loading to the B. Everett Jordan Lake federal project by 3,727 and 453 lbs./yr. of nitrogen and phosphorus, respectively, which benefits the receiving aquatic environment that has been designated as impaired by nutrients under Section 303 of the federal CWA.

Compensatory Mitigation

The applicant's proposed mitigation includes purchase of mitigation bank credits from an approved bank operated by Restoration Systems, LLC (RS); purchase of in-lieu-fee credits from the North Carolina Division of Mitigation Services; and preservation of certain onsite streams and riparian buffers. The applicant provided supporting documentation in letters dated March 17, 2017, and April 10, 2017, from RS and March 20, 2017, from DMS stating they are willing to accept compensatory mitigation payment for up to 2,533 linear feet of stream impacts and 0.15 acre of wetland impacts within the Haw River Basin (03030002). In addition, as required by DEQ, the applicant will purchase up to 292,433 ft² of riparian buffer credits from RS and DMS. Further, 3M is proposing to place 11,882 linear feet of intermittent and perennial stream under conservation easements to protect them from future development.

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 may affect, but not likely to adversely affect 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).
- 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. Pursuant to the Endangered Species Act (ESA) of 1973, our office has examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database (dated April 2015). According to information provided by the

U.S. Fish and Wildlife Service, Raleigh Office, there are documented occurrences of Northern Long-eared Bat in Wake County. The proposed project would involve clear cutting of hardwood forest within the Corps action area; potential habitat for the Northern Long-eared Bat. Based on this information, the Corps believes the proposed project may affect, not likely to adversely affect the Northern Long-eared Bat or its 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.

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 May 22, 2017, to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

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, May 30, 2017. Comments should be submitted to James Lastinger, Regulatory Project Manager, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884, Ext 32.