



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 27, 2017
Comment Deadline: November 27, 2017
Corps Action ID Number: SAW-2014-02127

The Wilmington District, Corps of Engineers (Corps) received an application from Scannell Development Company seeking Department of the Army authorization to impact 1.193 acres of wetlands, associated with the construction of the Hodge Road Business Park, a 1,000,000 square foot distribution hub, at 2309 Hodge Road, in Knightdale, 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

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Scannell Development Company
Mr. Joel Scannell
8801 River Crossing Blvd, Suite 300
Indianapolis, Indiana 46240

AGENT: Spangler Environmental, Inc.
Mr. James Spangler
4338 Bland Road
Raleigh, North Carolina 27609

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:

Project Area (acres): 78.8

Nearest Town: Knightdale

Nearest Waterway: Unnamed tributary to Neuse River

River Basin: Neuse/03020201

Latitude and Longitude: 35.7632 N, -78.5139 W

Existing Site Conditions

The site is located at 2309 Hodge Road, approximately 2,000 feet north of the intersection of Hodge Road and Poole Road, in Knightdale. The original site conditions contained two abandoned single family residences with several small out buildings associated with past farming activities. The applicant obtained nationwide permit verifications to permanently impact 0.465 acre of wetlands and temporarily impact 0.164 acre of wetlands associated with the initial phase of the development. Phase I of the development is currently underway and the site is now partially-developed with warehouses. The 0.465 acre of permanent wetland impact has been completed by the filling of wetlands C2 and C3 and the partial filling of wetland F. The 0.164 acre of temporary fill was originally proposed as the result of the installation of an offsite sewer connection. The Town of Knightdale will extend sewer main to the project site therefore the wetland impacts are no longer needed and were not completed. The undisturbed portion of the site is a mixture of sparse wooded areas and formerly cultivated fields. Most of the fields are within the western and northern portions of the site, while the wooded areas are in the eastern portion of the site. The sparse mixture of vegetation is a result of the original land owner timbering the site many years ago. The site contains two unnamed tributaries to the Neuse River and nine jurisdictional riparian wetlands. These wetlands were rated utilizing the North Carolina Wetland Assessment Method (NCWAM) as either low, medium, or high quality. Tributary B is a perennial stream which runs west to east on the north side of the site and is approximately 1,315 linear feet. Tributary J is an intermittent stream, approximately 40 linear feet, which drains to tributary B. Tributary B has two high quality abutting wetlands, A and B, which cumulatively total 1.312 acres. The remainder of the wetlands onsite, D1, D2, D3, D4, D5, E, and F, are located to south and cumulatively total 1.193 acres. These wetlands developed after the breach of a farm pond and are medium quality. The site is located in the Neuse River Basin. The current conditions include a 150,000 square foot warehouse, Building #1, associated parking and truck court, public infrastructure (spine road, water, sewer, and storm drainage), a poured concrete pad and steel superstructure for Building # 2, interior and perimeter landscaping, and a stormwater control measure.

Applicant's Stated Purpose

The purpose of the project is to construct an approximately 1,000,000 square foot warehouse distribution hub, including office space, required semi-truck roadway, circulation, parking and loading infrastructure, along with the required stormwater and utility services. This proposed project is located in a geographic location along major interstate highway corridors approximately mid-way between the planned CCX rail hub and major central North Carolina Air freight hub(s) in Raleigh and the Triad.

Project Description

The overall project involves the construction of six warehouse style buildings totaling 1,008,000 square feet. Phase I construction has already begun. The proposed project involves construction of four additional buildings. The distribution hub requires a semi-tuck roadway, circulation, parking and loading infrastructure, stormwater management facilities, and utilities. The continued development at the site proposes to impact 1.193 acres of wetlands which include the filling of wetlands D1, D2, D3, D4, D5, E, and the remainder of wetland F totaling 1.193 acres of permanent impacts. Cumulatively, the project would impact 1.658 acres of wetlands. Mitigation was required for the initial phase of the development. The applicant purchased 0.93 acre of riparian wetland credits from a private mitigation bank to fulfill the mitigation requirements.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The preferred alternative was designed to avoid the higher quality wetlands (A and B) on the northeastern portion of the property. All streams were avoided. Additionally, the previously authorized, off-site sewer line impacts were abandoned avoiding 0.164 acres of wetlands.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposed a 2:1 mitigation ratio to offset all wetland impacts. The applicant plans to purchase available mitigation credits from private mitigation banks and will satisfy the remainder of the necessary mitigation through the North Carolina Division of Mitigation Services (DMS). Statements of availability from either a bank or DMS were not provided.

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).
- 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 federally listed endangered or threatened species or their formally designated critical habitat.
 - The Corps reviewed this project in accordance with (IAW) the NLEB Standard Local Operating Procedures for Endangered Species (SLOPES) between the USACE, Wilmington District, and the Asheville and Raleigh U.S. Fish and Wildlife Service (Service) Offices, and determined that the action area for this project is located outside of the highlighted areas/red 12-digit HUCs and activities in the action area do not require prohibited incidental take; as such, this project meets the criteria for the 4(d) rule and any associated take is exempted/excepted.
 - 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.
- The Corps determines that the proposed project may affect 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.
- 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 November 16, 2017 to:

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

- 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 NCDWM, and the NCDWM 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 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, November 27, 2017. Comments should be submitted to Tasha Alexander, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, at (919) 554-4884 ext. 35.