



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 18, 2017
Comment Deadline: June 19, 2017
Corps Action ID Number: SAW-2016-01348

The Wilmington District, Corps of Engineers (Corps) received an application from Vulcan Materials Company (VMC) seeking Department of the Army authorization to impact Waters of the US, associated with the expansion of the VMC Cabarrus Quarry located in Concord, Cabarrus 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:

Vulcan Materials Company
Attn: Mr. Tony Johnson
11020 David Taylor Drive, Suite 105
Charlotte, North Carolina 28262
Phone: 571-422-6401
Email: johnsonto@vmcmail.com

AGENT:

A Fine Line Design
Attn: Mr. Craig R. Wyant
Post Office Box 163
High Shoals, North Carolina 8077
Phone: 704-240-0793
Email: craig.wyant@charter.net

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 VMC Cabarrus Quarry is located on Poplar Tent Road, in Concord, in Cabarrus County, North Carolina. From I-85 north of Charlotte take the Poplar Tent Road exit. Turn left onto Poplar Tent Road. Follow to Cabarrus Quarry office on right to check in. From office take Poplar Tent Road to Harris School Road, turn right, follow to Cessna Road and turn right, Follow to Trail Road and turn right. Site is at end of Trail Road on right consisting of Tax Parcel ID 4691-31-9145

Project Area (acres): 68.91 acres (expansion area) **Nearest Town:** Concord, NC
Nearest Waterway: Coddle Creek **River Basin:** Pee Dee
Latitude and Longitude: 35.4159 N, 80.6970°W

Existing Site Conditions

The VMC Cabarrus Quarry “Andrews” Expansion site is located in the piedmont physiographic region of North Carolina. Mining operations at the quarry began prior to 1996 and have remained active through the present. The total mine is 413.64 acres in land area.

The project area is approximately 75% forested land with mixed medium aged pine and hardwoods. The remainder of land is open crop fields or young successional growth. Surrounding land use is rural residential to the northwest, existing rock quarry to the southeast, and forested land to the northeast and southeast. A perennial unnamed tributary to Coddle Creek runs along the southern property boundary. The aquatic resources within the project area include one medium quality unnamed intermittent tributary to Coddle Creek. Elevations on the site range from a low of 630 feet above Mean Sea Level (MSL) along the southeastern property boundary, to a high of approximately 730 feet MSL along the northwestern property boundary on Trail Drive. The NRCS Soil Survey of Cabarrus County, North Carolina shows the project area as being underlain by Cecil sandy clay loam over a majority of the site with a small amount of Poindexter loam in the southern corner. The hydrologic regime is predominately driven by runoff from onsite forest land and agricultural fields and from off site stormwater runoff from residential development north of the project area. The first order tributary originating on the property arises from surface flow and has historically been deeply eroded into the landscape due to past agricultural practices.

Permitting and Jurisdictional Determination History

<u>File Number</u>	<u>Subject</u>
SAW-1996-04022	Jurisdictional determination on 9.7 acres of the mine site.
SAW-1999-30139	Nationwide Permit 26 allowing the loss of 0.31 acre of wetlands.
SAW-2002-31237	Jurisdictional determination on 8.163 acres of the mine site.
SAW-2004-30423	Jurisdictional determination on 85.3 acres of the mine site.
SAW-2007-00681	Individual Permit allowing the loss of 0.49 acre of wetlands and 1,592 linear feet of stream

Applicant's Stated Purpose

Applicants: The applicant's stated purpose is to expand the existing pit to allow for mining operations to continue for the near future and to provide storage space for the overburden and waste rock generated in order to access the known reserves of the pit expansion.

Basic: The basic purpose of this project is to mine construction grade aggregate.

Overall: The overall purpose of this project is to mine construction grade aggregate in order to supply the surrounding market need on a long term basis in a systematic and cost effective manner.

Project Description

The proposed project would involve the expansion of the existing Cabarrus Quarry pit to the north on the existing Cabarrus Quarry property and as an overburden storage area for the soil and waste rock removed to expose the rock resource in the quarry pit.

The project would result in the loss of 359 linear feet of medium quality headwater intermittent stream. The proposed stream channel impacts would result from the construction of a rip rap underdrain, check dam, and placement of the overburden fill over the underdrain. Wetlands will not be impacted by the project. The applicant's preferred alternative would allow the mine to continue operations through the life of the mine.

Avoidance and Minimization

While the applicant's preferred alternative plan would directly impact more jurisdictional stream than some other alternatives considered, the plan has been designed to avoid direct impacts to approximately 116 linear feet of a first order stream and minimize indirect impacts to a second order perennial stream through the use of a 100 foot buffer and basin to protect it from pollutants and sedimentation..

Compensatory Mitigation

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

There are no active mitigation banks within HUC 03040105; therefore, the applicant proposes mitigation for all permanent impacts via the purchase of stream mitigation credits from the North Carolina Division of Mitigation Services (DMS). The applicant provided supporting documentation in a letter dated April 11, 2017, from DMS, indicating that they are willing to accept compensatory mitigation payment for up to 359 linear feet of stream impacts within the Rocky River Sub-Basin within the Yadkin River Basin (030040105).

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.

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 may 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.

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 June 19, 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 (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, June 19, 2017. Comments should be submitted to David L. Shaeffer, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (704) 510-1437 or via e-mail at AshevilleNCREG@usace.army.mil.