



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: November 14, 2014
Comment Deadline: December 15, 2014
Corps Action ID Number: SAW-2010-00061

The Wilmington District, U. S. Army Corps of Engineers (Corps) received an application from Mr. Brian Hoaglund of Clearwater Paper Group seeking Department of the Army authorization to impact 1,882 lf of stream and 0.04 acres of wetland, associated with expansion of their existing manufacturing facility in Cleveland 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: Brian Hoaglund
Clearwater Paper Group
601 W. Riverside Avenue
Spokane, Washington 99201

AGENT (if applicable): Clearwater Environmental Consultants, Inc
R. Clement Riddle, P.W.S
224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

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 site is located at 671 Washburn Switch Road in the Town of Shelby, Cleveland County, North Carolina. To access the site from Asheville, take I-26

East to Exit 67 (US Highway 74 to Columbus/Rutherfordton/NC Highway 108). Continue onto US Highway 74 and travel approximately 37 miles. Turn left on to Washburn Switch Road. The Clearwater Paper facility is on the left before crossing the railroad tracks. In general, the site is bordered to the north and east by Washburn Switch Road, to the west by Plato Lee Road, and to the south by Artee Road.

Project Area (acres):	100	Nearest Town: Shelby
Nearest Waterway:	UT Beaverdam Creek	River Basin: Santee
3050105		
Latitude and Longitude:	35.317610 N, -81.611313 W	

Existing Site Conditions

The proposed project site is mostly developed with narrow riparian corridors and open fields. Existing infrastructure on site includes an existing tissue manufacturing facility and associated infrastructure.

Applicant's Stated Purpose

The basic project purpose of the proposed expansion at the Clearwater Paper site is to make and convert tissue paper into usable products for the home and commercial markets. More specifically, the overall project purpose is to expand tissue paper making and converting capacity to meet market demands.

Project Description

The proposed project includes the addition of 450,000 square feet of manufacturing and warehouse space. Additional manufacturing space would house a tissue machine which converts raw material to "parent rolls" of tissue; converting equipment which converts rolls into consumer products such as toilet paper, paper towels, facial tissue, and napkins; a parent roll storage warehouse; and a bale storage warehouse. The project also includes a finished goods warehouse and a secondary entrance road. The secondary entrance road crosses property owned by Cleveland County. Cleveland County has given permission to Clearwater Paper to cross their property. The project will include stream and wetland impacts associated with the expansion and stream impacts associated with a secondary entrance road. The secondary entrance road was permitted in 2012 as a part of the permit modification; however, not all impacts were completed and the modification has since expired.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The project as proposed avoids approximately 3,653 linear feet of stream to the west of the existing facility. Additionally, the site plan makes use of existing infrastructure which minimizes impacts and land disturbance on site. At this time, it is not anticipated that the expansion would require

jurisdictional impacts associated with utilities. Any future impacts for utilities would be minor and temporary. Initial site plans included a larger finished goods warehouse that would have impacted approximately 257 linear feet of stream and 0.12 acre of wetland. The warehouse was reconfigured and reduced in size to avoid jurisdictional impacts.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Upon completion and implementation of practical avoidance and minimization efforts, a total of 1,882 linear feet of new stream impacts associated with the expansion of the Clearwater Paper site are unavoidable. Impacts associated with the previous permit include 104 linear feet of stream impact. Unavoidable stream impacts will be mitigated for at a compensatory mitigation ratio of 1:1.

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 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 December 15, 2014 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):

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.

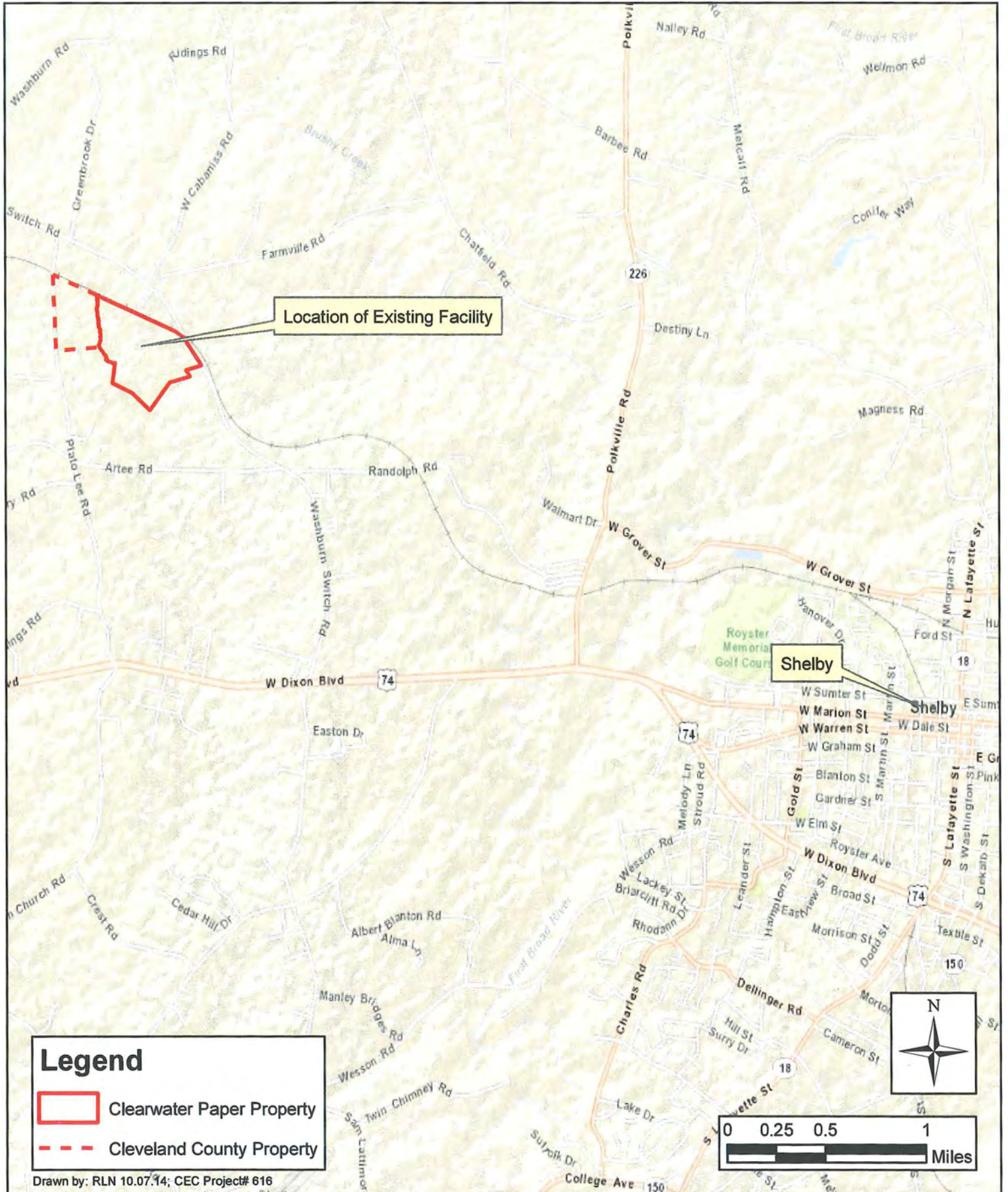
Commenting Information

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, December 15, 2014. Comments should be submitted to Mr. William Elliott, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 2880, at 828-271-7980.

Clearwater Paper Expansion (+/- 100 AC)



Legend

- Clearwater Paper Property
- Cleveland County Property

Drawn by: RLN 10.07.14; CEC Project# 616

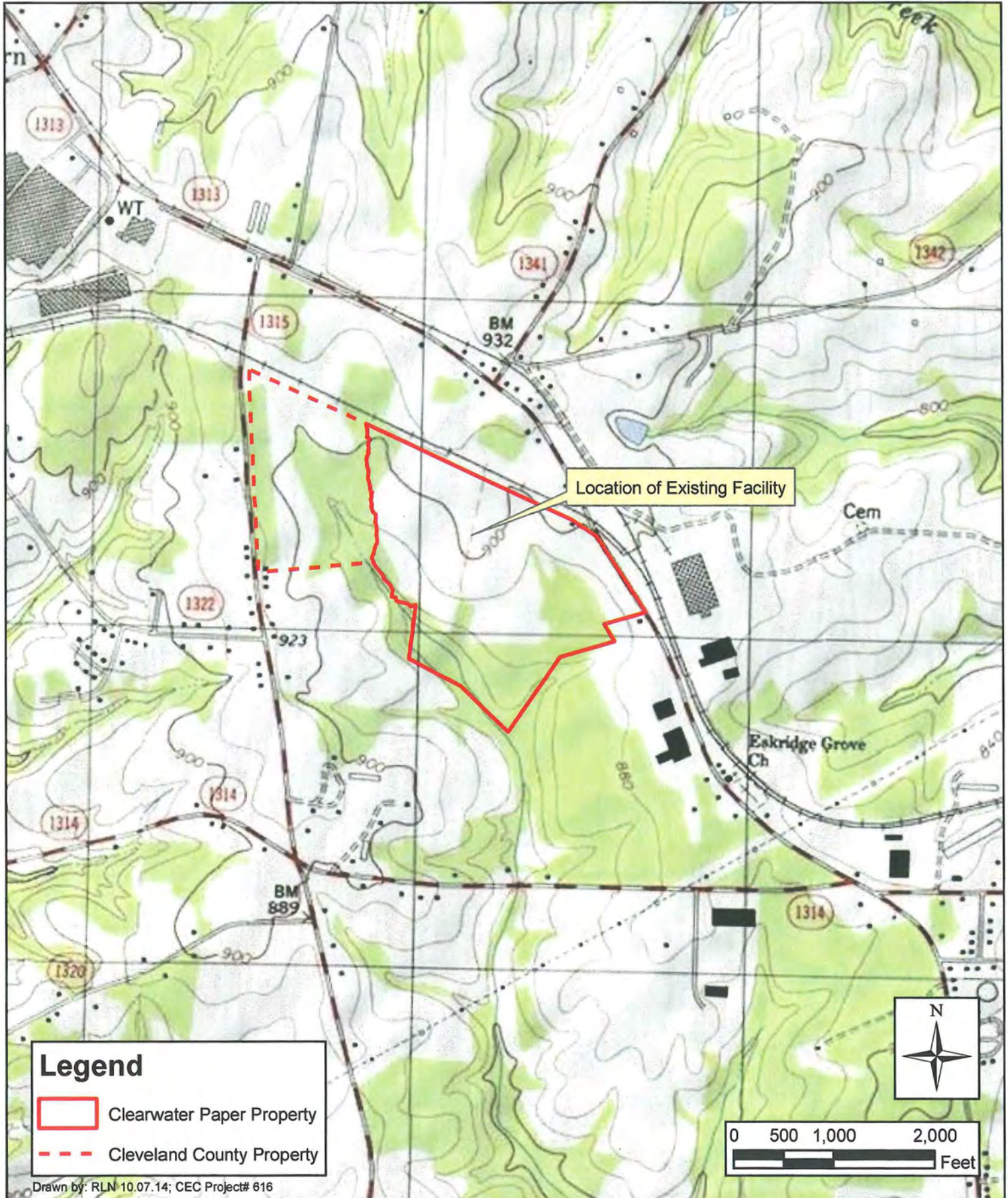
Cleveland County,
North Carolina

ClearWater

224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

Site Vicinity
Figure 1

Clearwater Paper Expansion (+/- 100 AC)



Drawn by: RLN 10.07.14; CEC Project# 616

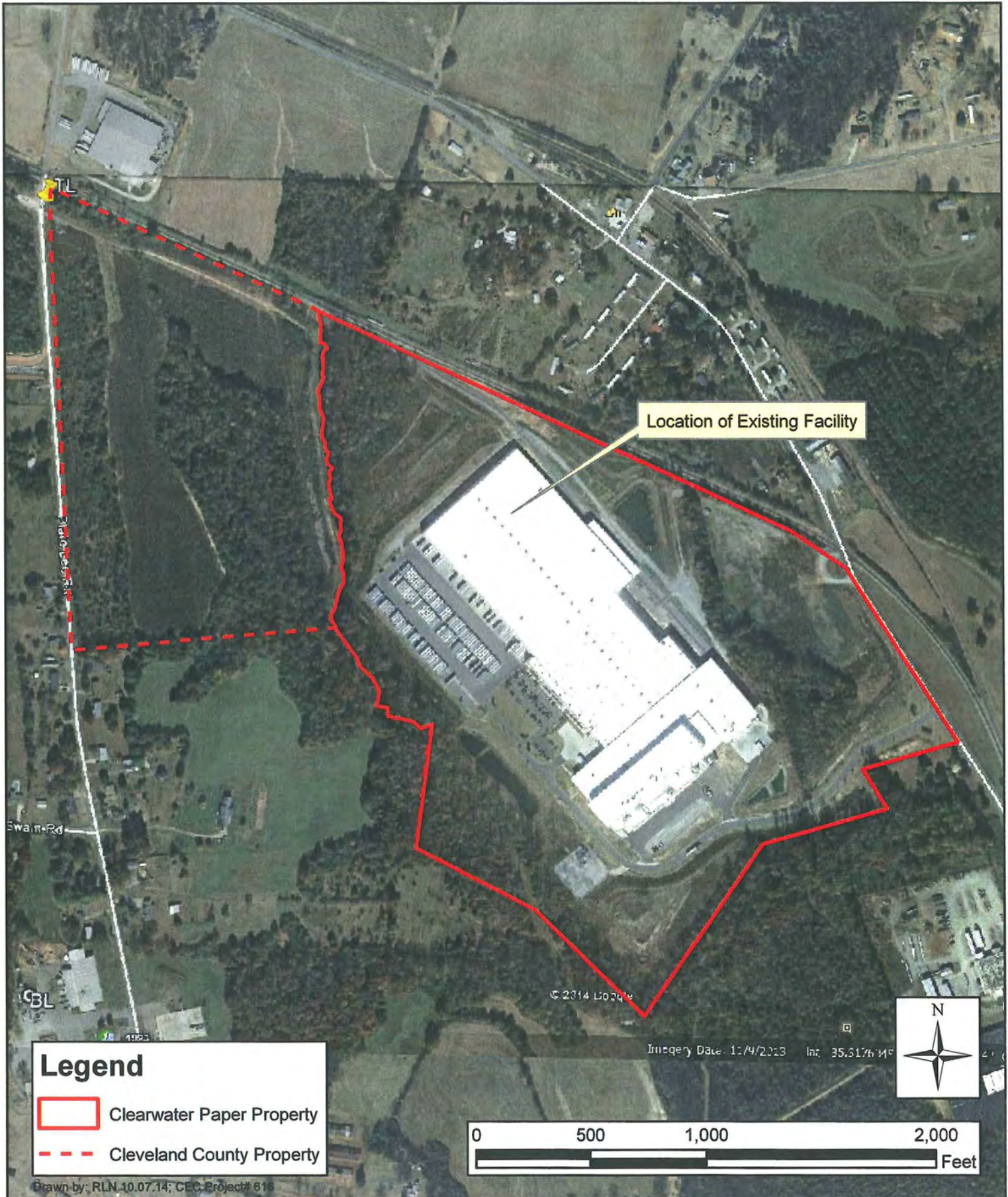
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USGS Topographic Map
Shelby Quad
Figure 2

Clearwater Paper Expansion (+/- 100 AC)



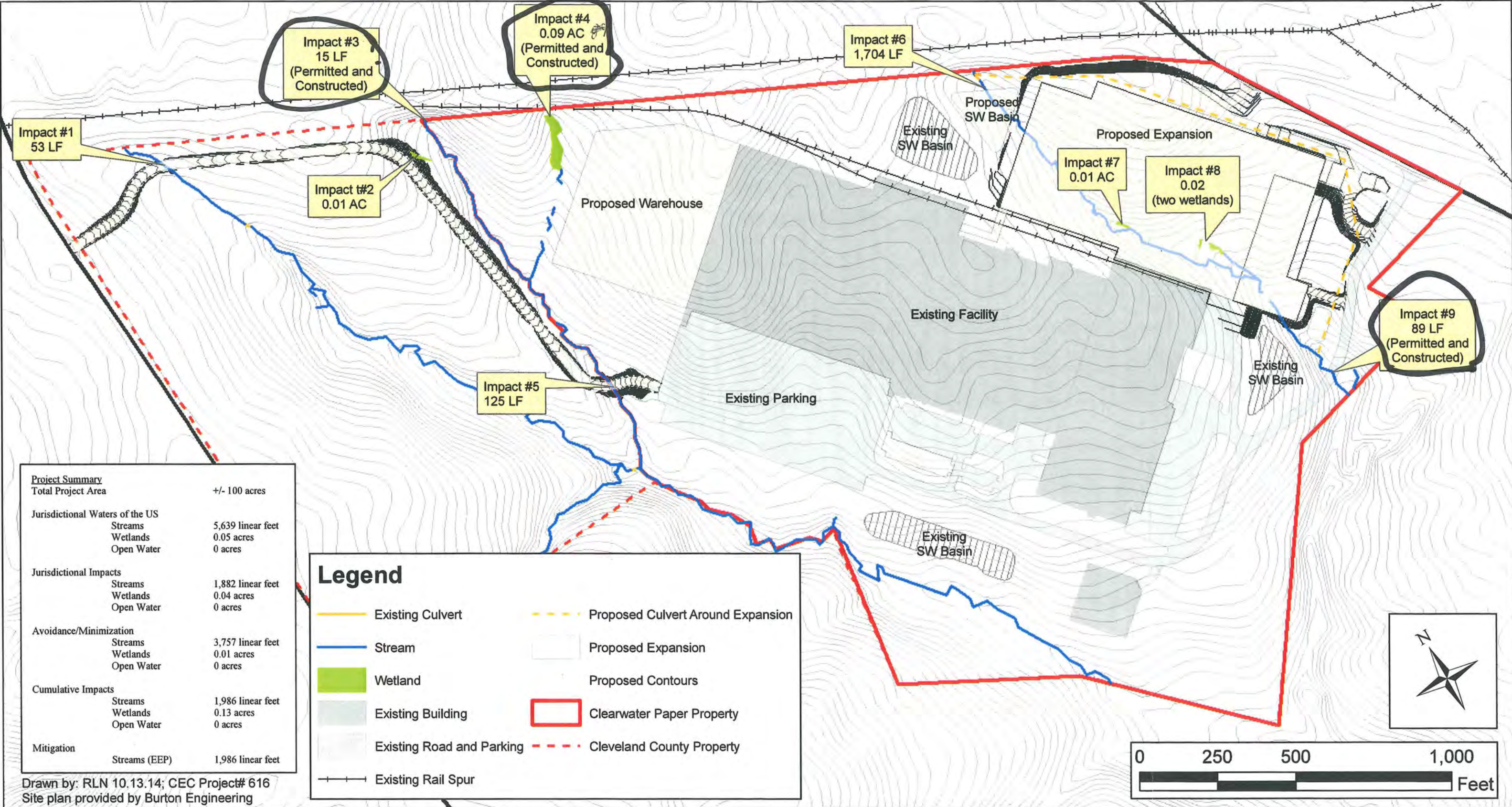
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Aerial Photograph (2013)
Google Earth Imagery
Figure 6

Clearwater Paper Expansion (+/- 100 AC)



Project Summary	
Total Project Area	+/- 100 acres
Jurisdictional Waters of the US	
Streams	5,639 linear feet
Wetlands	0.05 acres
Open Water	0 acres
Jurisdictional Impacts	
Streams	1,882 linear feet
Wetlands	0.04 acres
Open Water	0 acres
Avoidance/Minimization	
Streams	3,757 linear feet
Wetlands	0.01 acres
Open Water	0 acres
Cumulative Impacts	
Streams	1,986 linear feet
Wetlands	0.13 acres
Open Water	0 acres
Mitigation	
Streams (EEP)	1,986 linear feet

Legend

Existing Culvert	Proposed Culvert Around Expansion
Stream	Proposed Expansion
Wetland	Proposed Contours
Existing Building	Clearwater Paper Property
Existing Road and Parking	Cleveland County Property
Existing Rail Spur	

Drawn by: RLN 10.13.14; CEC Project# 616
 Site plan provided by Burton Engineering

Cleveland County,
 North Carolina

ClearWater
 224 South Grove Street, Suite F
 Hendersonville, North Carolina 28792

Site Plan
 Burton Engineering
 Figure 3A