



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 2, 2015
Comment Deadline: April 17, 2015
Corps Action ID Number: SAW-2006-41372-125

The Wilmington District, Corps of Engineers (Corps) received an application from B/S/H Home Appliances Corporation seeking Department of the Army authorization to fill in 1.02 acres of wetland, associated with expansion of an existing plant by constructing an additional 517,500 square foot building adjacent to the existing logistics building located within the Craven County Industrial Park on the south side of US 70, approximately 4.3 miles west of New Bern in Craven 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: B/S/H Home Appliances
Attention: Mr. Timothy Harvey
1901 Main Street, Suite 600
Irvine, California 92614

AGENT (if applicable): Robert M. Chiles, P.E.
Attention: Mr. Robert M. Chiles
Post Office Box 3496
New Bern, North Carolina 28564

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: Property is an 84 acre parcel at the Craven County Industrial Park (35.133513 -77.167459) southeast of the intersection of Clarks Road and US 70 near Deep Branch, west of New Bern in Craven County, North Carolina

Project Area (acres): 84.11 acres

Nearest Town: New Bern

Nearest Waterway: Deep Branch

River Basin: Middle Neuse (03020202)

Latitude and Longitude: 35.133513 N, -77.167459 W

Existing Site Conditions

The site is adjacent to the existing BSH Appliance Logistics Center located within the Craven County Industrial Park. The site is bordered on the north by US Highway 70, to the west by North Carolina State Road 1225 and to the south by existing industrial development. The area is maintained in a mowed condition. Craven County Industrial Park is located on Clarks Road, one exit (approximately 4.3 miles) west of New Bern along US Highway 70. The Industrial Park is divided centrally by the highway into north and south campuses, with Industrial Drive being the entrance road of the north campus and Executive Parkway being the entrance road of the south campus. The project site is located at 300 Executive Parkway, the first parcel on the left at the Industrial Park's entrance.

Existing facilities on the site includes a 583,000 square foot building, paved aprons and trailer storage, driveways, employee parking, and storm water management system. Prior to construction, site coverage included 34 acres of woodland and 50 acres of agricultural fields. All wooded areas, except those contained within wetlands were removed during the first construction phase.

Existing topography is relatively flat. The most prevalent ground surface elevations onsite range from 27 to 29 feet, NAVD88. Areas used for an overburden spoil pile and an earthen berm visual screen slope upward from these elevations at 3H:1V to flat plateau top surfaces. Except for the screening berm, the largest topographic relief is found where the site slopes downward at the east property line into an existing agricultural drainage ditch and an unnamed tributary of Deep Run, a tributary of Bachelor's Creek.

According to the USDA Soil Survey of Craven County, soils at the project site are classified as Bragg soils (BrB), Lynchburg fine sandy loam (Ly), Leaf silt loam (La), Lenoir silt loam (Le), Rains fine sandy loam (Ra), Pantego fine sandy loam (Pa), and Goldsboro loamy fine sand (GoA). Site specific geotechnical investigations have been performed by Mactec Engineering and Consulting, Inc., and their report of findings prepared November 16, 2004 indicates that the site is located in the Coastal Plain Physiographic Province. Additional information regarding soil classifications, relative densities and various construction methodologies are also contained in the report.

Three areas of wetlands subject to the permit requirements of Section 404 of the Clean Water Act were located within the project site and contain 0.13, 0.59, and 1.02 acres. These areas are depression forested wetlands populated with a mix of hardwoods,

conifers and shrub/scrub assemblage. The three areas ponds approximately six inches to one foot of water seasonally and are connected to the unnamed tributary via long established agricultural ditches. A notice of jurisdictional determination was issued for these areas under US Army Corps of Engineers (USACE) Action Id. 200511024. Portions of the two larger areas totaling 0.45 acres were previously impacted as part of the first construction phase. Those impacts were issued Nationwide Permit Number 39 bearing USACE Action Id 200511129, and NCDENR 401 approval bearing DWQ Project #05-1071.

Applicant's Stated Purpose

The stated purpose of the project is to expand the existing BSH Logistics Center to complete the intended supporting function for BSH Home Appliance's manufacturing facility at Bosch Boulevard in New Bern, North Carolina.

Project Description

The applicant proposes to impact 1.02 acres of wetlands in order to initiate the second construction phase at the logistics center. Second phase construction proposes an additional 517,500 square feet of building space, attendant driveways, trailer storage, loading and unloading aprons. Upon completion, the building will enclose over 1,100,500 square feet of materials storage, handling, shipping and receiving space, and the office space required for onsite staffing and management purposes.

The applicant applied for and was issued a Department of the Army Permit for this work in 2008. However, due to the depressed economy, the project was not completed. The permit has expired and the applicant is requesting reauthorization for the proposed work.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant's basic search area was limited to the Craven Industrial Park in northern Craven County and areas adjacent to the existing B/S/H manufacturing facility. The search for alternative sites was limited to parcels that were available and large enough to support the proposed logistics center and proximity to existing 4-lane roadways. Given these restrictions, the applicant identified two off-site alternatives. One alternative was a different tract located within the Industrial Park and the other was a tract located adjacent to the existing BSH manufacturing facility off of NC 43 and Bosch Boulevard Extension. The tract located within the Industrial Park is only slightly smaller at approximately 80 acres, but was not chosen because the site is divided by an unnamed tributary to Deep Run. In addition, the property possibly contains wetlands similar to the site chosen. Construction on this site would require impacting areas within the Neuse River Riparian Buffer in addition to jurisdictional wetlands and streams. The tract located adjacent to the existing BSH manufacturing facility contains a building that would have to be torn down prior to construction. During the site evaluation

process, North Carolina Department of Transportation purchased part of the property for the new Highway 43 Bypass. Remaining portions of the property are not large enough for the building, storm water facilities and parking and loading dock requirements.

The applicant considered several different designs for the facility, but the location of the wetlands immediately adjacent to the existing logistics facility made avoidance difficult and expensive. None of the design alternatives were economically feasible and none met the applicant's purpose.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: On October 9, 2008 the applicant purchased 2.25 acres of credit from the NCEEP to compensate for impacts associated with the permit issued in 2008. That project was not constructed and this application is a renewal of that project. The applicant will apply the previously purchased credits as compensatory mitigation for this project.

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 April 14, 2015 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 included 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 included the consistency certification, the Corps requests, via this Public Notice, 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, April 14, 2015. Comments should be submitted to Tracey Wheeler
Washington Regulatory Field Office
2407 West Fifth Street
Washington, North Carolina 27889 or at (910) 251-4627.