



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: **June 9, 2005**  
Comment Deadline: **July 11, 2005**  
Corps Action ID #: **200520383**

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Mr. Cecil E. Rowland  
Roxboro Steam Electric Plant  
1700 Dunnaway Road  
Semora, North Carolina 27343

**Agent:** Environmental Services, Inc.  
Attn: Mr. Jeff Harbour  
524 S. New Hope Road  
Raleigh, NC 276104

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures under Section 404 of the Clean Water Act (33USC 1344).

## Location

The project is approximately 18.7 acres in size and is located on the south side of Hyco Lake, west of McGhees Mill Road (SR1336), and east of Dunnaway Road (SR 1377), northwest of Roxboro, North Carolina. The site is located in Person County and the coordinates (in decimal degrees) for the site are 36.4837959 ° North, 79.0679751 ° West. The project site contains one unnamed tributary to Hyco Lake, with adjacent wetlands and two bodies of open water in the Roanoke River Basin (Hydrologic Unit Code 03010104). The project is located within the boundaries of the existing Progress Energy steam electric plant.

## **Existing Site Conditions**

The proposed project site is located adjacent to the main facility at the Progress Energy plant and consists primarily of mixed hardwood/pine forest communities. Representative upland tree species include: sweet gum (*Liquidambar styraciflua*), white oak (*Quercus alba*), eastern red cedar (*Juniperus virginiana*), and loblolly pine (*Pinus taeda*). Wetland community species include black willow (*Salix nigra*), ironwood (*Carpinus Carolinian*), red maple (*Acer rubrum*), softrush (*Juncus effuses*), and tearthumb (*Polygonum sagittatum*). The site contains approximately 54 linear feet of intermittent stream channel that does not provide important aquatic function, 0.21-acre of adjacent wetlands, and two small farm ponds. The larger pond is located along the northern boundary of the property, near the middle of the project area. The smaller pond is located near the northwest corner of the site, adjacent to the unnamed tributary to Hyco Lake. The total acreage of the two farm ponds is 0.33-acre.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the proposed project is to provide a storage area for gypsum. The Roxboro steam electric plant consists of four (4) coal-fired generating units. Flue Gas Desulfurization (FGD) systems will be installed on each of these units. The FGD system utilizes a limestone (calcium carbonate) slurry sprayed into the flue gas to remove sulfur dioxide. A byproduct of this reaction is gypsum. Progress Energy has entered into a contract with BPB to utilize the gypsum to make wallboard. A contractual agreement requires that the Roxboro steam electric plant accrue a stockpile of 250,000 tons of gypsum prior to the wallboard facility becoming operational. After the wallboard facility is operational, a stockpile of 300,000 tons of gypsum must be maintained. The area chosen to store the stockpiled gypsum is directly south of the location of the wallboard facility. A conveyor will direct the gypsum from the FGD system to the gypsum storage area and a second conveyor will be constructed to direct gypsum from the storage area to the wallboard facility located across the railroad tracks, thereby reducing the impact of trucking the material to the facility.

## **Project Description**

The applicant has requested DA authorization associated with the construction of a gypsum storage facility for the placement of fill material into 0.33-acre of open water, 54 linear feet of an unnamed tributary to Hyco Lake, and 0.21-acre of adjacent wetland habitat consisting of bottomland hardwood forests and freshwater marsh.

The Corps is presently evaluating on-site alternatives to avoid and minimize impacts to waters of the U.S. Progress Energy has not proposed any mitigation for the impacts associated with the proposed project.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms. Cyndi Karoly by June 3, 2005.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

## **Evaluation**

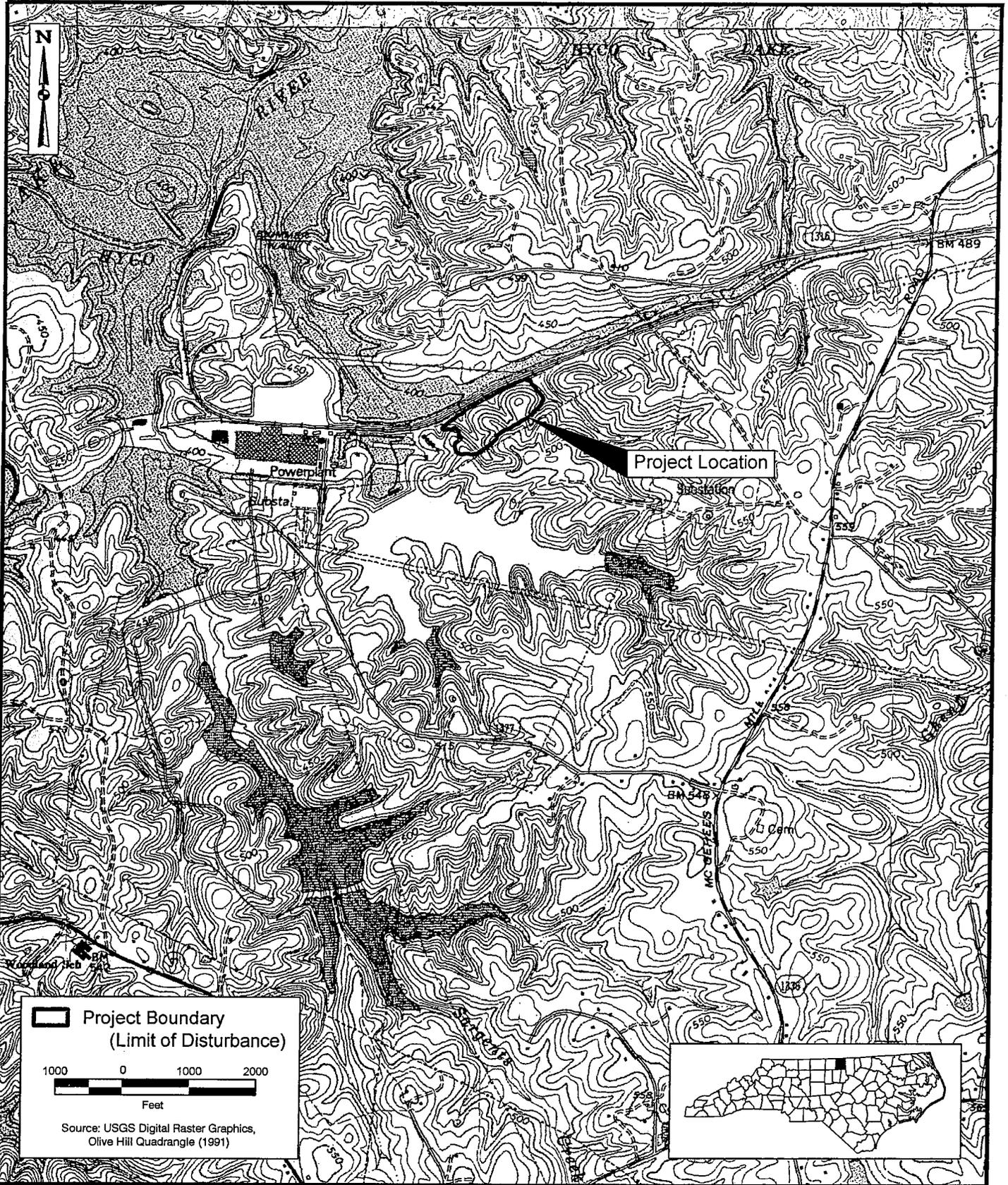
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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 is soliciting comments from the public; Federal, State and local agencies and officials; 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 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.

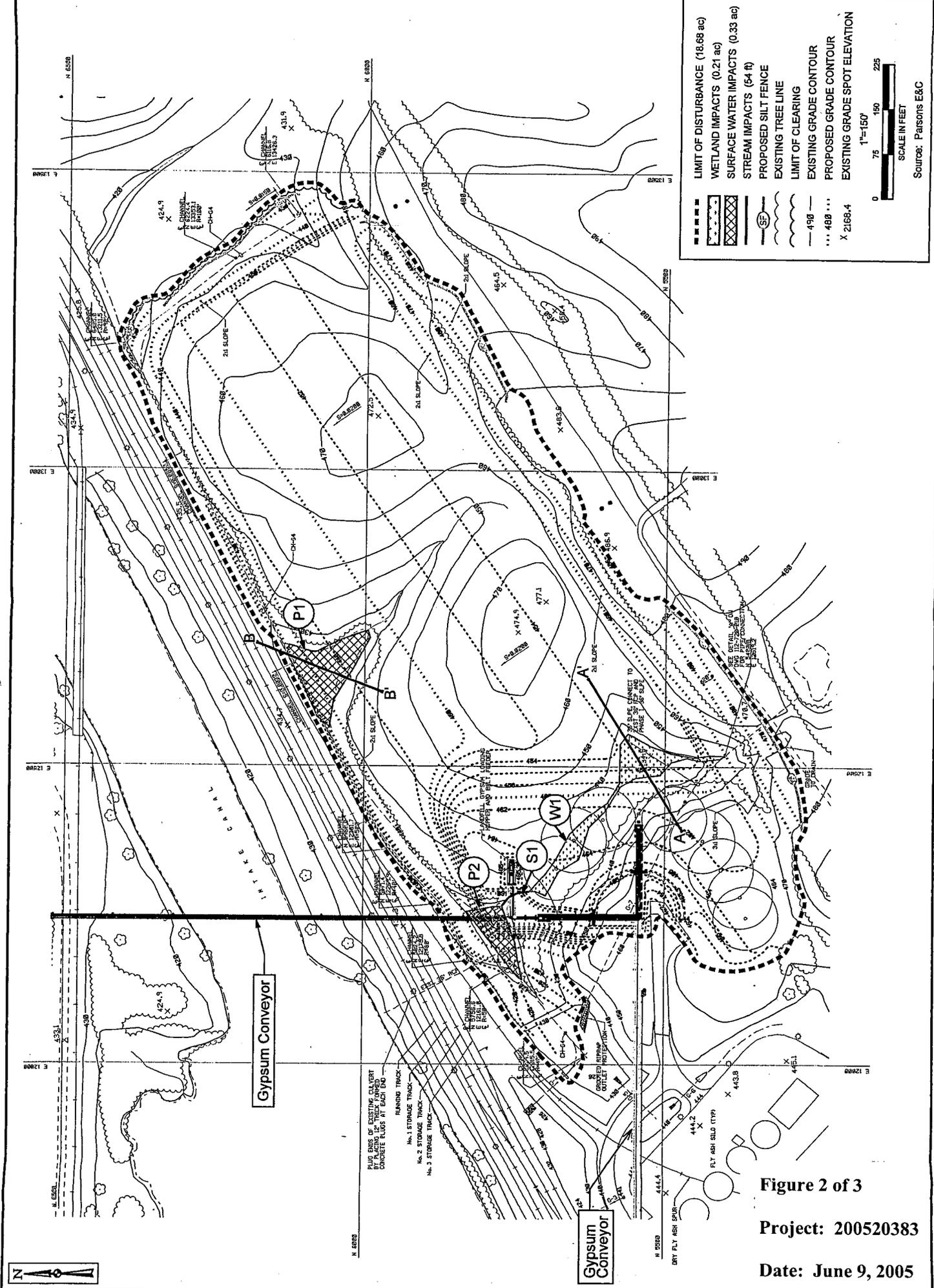
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, July 11, 2005. Comments should be submitted to Andrea Wade, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina 27615.



Project Location Map  
**Roxboro Plant- Gypsum Storage Area**  
 Person County, North Carolina

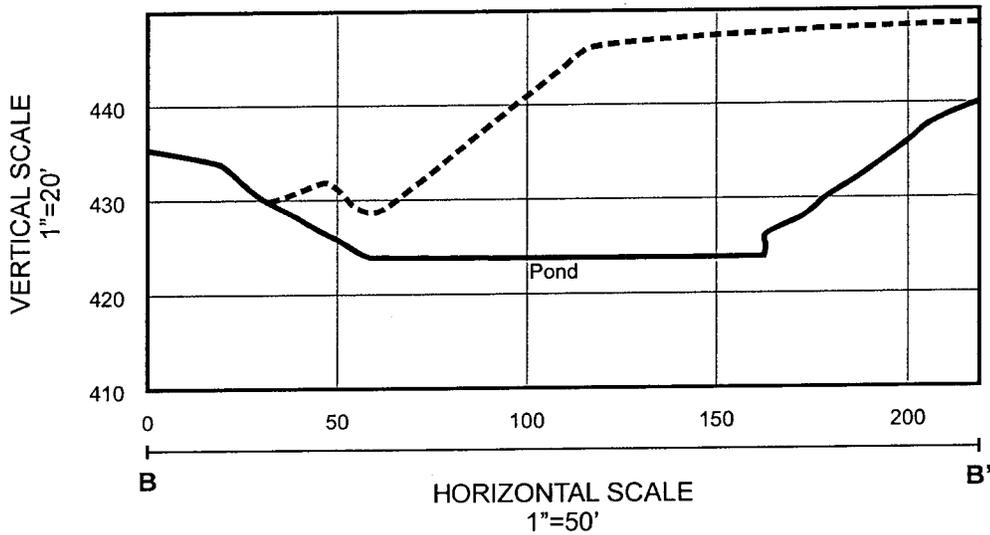
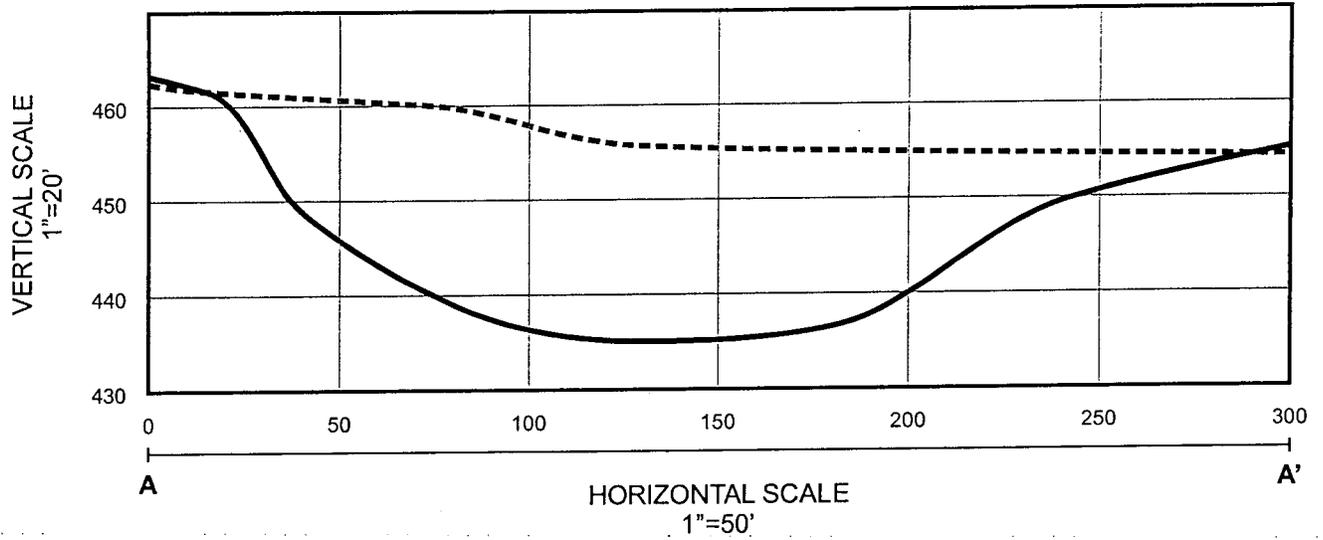
Figure 1 of 3  
 Project: 200520383  
 Date: June 9, 2005



**LIMIT OF DISTURBANCE (18.68 ac)**  
**WETLAND IMPACTS (0.21 ac)**  
**SURFACE WATER IMPACTS (0.33 ac)**  
**STREAM IMPACTS (54 ft)**  
**PROPOSED SILT FENCE**  
**LIMIT OF CLEARING**  
**EXISTING GRADE CONTOUR**  
**PROPOSED GRADE CONTOUR**  
**EXISTING GRADE SPOT ELEVATION**  
 X 2166.4

0 75 150 225  
 SCALE IN FEET  
 1"=150'  
 Sources: Parsons E&C

**Figure 2 of 3**  
**Project: 200520383**  
**Date: June 9, 2005**



Existing Topography  
 Proposed Topography  
 Source: Figure 5



Representative Cross-Sections  
**Roxboro Plant- Gypsum Storage Area**  
 Person County, North Carolina

**Figure 3 of 3**  
**Project: 200520383**  
**Date: June 9, 2005**