



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: **13 June 2005**
Comment Deadline: **12 July 2005**
Corps Action ID #: **200531491**

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

Applicant: Mr. Scott Millar
Catawba County Economic Development Corporation
Post Office Box 3388
Hickory, North Carolina 28603

Agent (if applicable): Joey Lawler & Lisa Beckstrom
S&ME, Inc.
9751 Southern Pine Boulevard
P.O. Box 7668
Charlotte, NC 28241-7668

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act.

Location

The proposed project is located on the south side of N.C. Highway 10, and west of U.S. Highway 321, southwest of Newton, Catawba County, North Carolina (35.6225282°N – 81.3083325°W). The site contains stream channels and wetlands adjacent to the South Fork of the Catawba River (USGS Hydrologic Unit 03050102, DWQ Sub-basin 03-08-35). The Catawba River flows to the Atlantic Ocean through the Santee-Cooper River in South Carolina.

Existing Site Conditions

The project area is an approximately 250-acre tract comprised primarily of open, active cattle pasture, fallow fields, smaller wooded areas and narrow, riparian corridors. A portion of the eastern property boundary (1,165 linear feet) adjoins the South Fork Catawba River. The property contains approximately 10,285 linear feet (linear feet) of first and second-order perennial stream channels, 495 linear feet of intermittent stream channel, and 8.64 acres of freshwater wetlands.

Large portions of the streams, wetlands and riparian corridors have been heavily-impacted by cattle. The remaining riparian vegetation consists of a canopy of sycamore (*Platanus occidentalis*), red maple (*Acer rubrum*), and ironwood (*Carpinus caroliniana*). The shrub layer, when present, was dominated by Chinese privet (*Ligustrum sinense*) and multiflora rose (*Rosa multiflora*). Herbaceous vegetation includes bamboo grass (*Microstegium vimineum*), Japanese honeysuckle (*Lonicera japonica*), Christmas fern (*Polystichum acrostichoides*), chickweed (*Stellaria media*), henbit (*Lamium amplexicaule*), and bittercress (*Cardamine hirsuta*). Vegetation in fallow fields consists of boxelder (*A. negundo*) saplings, Johnson grass (*Sorghum halepense*), Bermuda grass (*Cynodon dactylon*), blackberry (*Rubus* sp.) and multiflora rose. Vegetation along deciduous slopes not heavily-impacted by cattle include a canopy of tulip tree (*Liriodendron tulipifera*) and white oak (*Quercus alba*) with a subcanopy of American beech (*Fagus grandifolia*), flowering dogwood (*Cornus florida*) and pawpaw (*Asimina triloba*).

Wetlands on the property are classified as Palustrine Emergent (PEM), Palustrine-Scrub-Shrub (PSS), and Palustrine-Forested (PFO). Approximately 2.86 acres is classified as PFO/PSS, 5.08 acres as PFO/PEM, and 0.70 acres as PFO. Wetland A (2.86 acres) is located within the active floodplain of Stream 2. The majority of Wetland A is forested, however, there is some herbaceous area located under the existing power line and in the active cattle pasture. Typical tree species located within the forested wetland areas consist of sycamore, red maple, black willow (*Salix nigra*) and ironwood. In Wetland A, shrub species typically consist of Chinese privet and multiflora rose and the herbaceous layer is absent due to cattle grazing. Wetland B (0.37 acres) is located above the confluence of Streams 4 and 5 near the southern boundary that is classified as PFO. Wetland C (0.33 acres) is a narrow, linear feature located in the southeastern portion of the property. Cattle have heavily impacted this wetland with much of the overstory vegetation removed. Wetland D (5.08 acres) is the largest of the wetlands and is located in the southeastern portion of the site. The majority of this wetland is wooded but is herbaceous and scrub-shrub in the existing power line right of way. The wooded portion of Wetland D is fenced and has not been impacted by cattle. No impacts are proposed to this wetland.

Five perennial stream channels and one intermittent stream channel are located on the property. A total of 11,945 linear feet of stream channel is located on the property including the South Fork of the Catawba River. Please reference the following table for more detailed information on length and type of channel.

Stream ID	Classification	Total Length (lf)	Existing Channel Quality*	Proposed Impacts (lf)
1	Perennial	2,915	Poor	250
2	Perennial	6,037	Poor	2,495
3	Perennial	302	N/A – No impacts	0
4	Perennial	1,031	Poor	591
5	Intermittent	495	Poor	495
South Fork	Perennial	1,165	N/A – No impacts	0

*Quality determination based upon completion of USACE/DWQ Stream Quality Assessment Worksheets.

Evidence of bank instability, mass-wasting, defoliation from grazing, increased widening and erosion was identified in connection with the on-site streams. In general, all on-site streams (except the South Fork of the Catawba River) were considered to be of poor-fair quality.

Applicant's Stated Purpose

The purpose of this project is to construct a 1,500,000 square-foot distribution facility to service a nationwide retail chain. The facility would handle the flow and delivery of consumer products to approximately 90-100 existing and future retail stores within the local geographic region, and ultimately employ approximately 1,000 people.

Project Description

The proposed project consists of the following elements: (1) an approximate 1,550,000 square-foot regional distribution center, (2) an approximate 1,980,000 square-foot trailer parking lot to accommodate 1,030 trailers and 22 tractors, (3) an approximate 300,000 square-foot employee parking lot with approximately 800 parking spaces, (4) an entrance road approximately 2,000 feet long and 42 feet wide, and (5) roadway improvements to N.C. Highway 10 and the interchange of U.S. Highway 321 and N.C. Highway 10.

The applicant is proposing roadway improvements to N.C. Highway 10 in order to accommodate the tractor-trailer traffic associated with this project. These roadway improvements include widening N.C. Highway 10 one foot on either side to provide for a 24-foot wide roadway from the U.S. 321 interchange to the entranceway of the distribution center. Additionally, two turning lanes will be constructed for traffic turning into the site: a 750-foot left turn lane and a 250-foot right turn lane for westbound and eastbound traffic, respectively. No impacts to wetlands or stream channels are proposed associated with existing roadway improvements.

Construction of the distribution facility, access road, and trailer parking area will result in piping approximately 3,336 linear feet of poor-to-fair quality perennial stream and 495 linear feet of intermittent, unimportant stream (See above table). Approximately 250 linear feet of these impacts are associated with the construction of an access road. The remainder of the stream channel impacts (3,581 linear feet) is associated with the construction of the facility's building pad, parking lots, and water quality basins. The applicant is proposing to place approximately 65,000 cubic yards of clean earthen fill material into approximately 0.90 acres of forested, scrub-shrub and emergent wetlands for construction of a suitable building pad. The applicant is proposing to place fill into 0.73 acres of Wetland A and 0.17 acres of Wetland B. No impacts are proposed to Wetland C and D.

The applicant has proposed the following mitigation measures to compensate for the proposed impacts to wetlands and stream channels associated with this project:

1. Restoration of approximately 2,200 linear feet of degraded, on-site stream channel utilizing natural channel design techniques.
2. Level II enhancement of approximately 2,232 linear feet of degraded, on-site stream channel through cattle exclusion; removal of existing culverts and elimination of their associated farm road crossings; selective placement of in-stream stabilization and habitat structures; selective removal of invasive plants and re-vegetation of an approximate 50-foot riparian corridor with native plantings.
3. Placement of protective mechanisms (deed restrictions) on approximately 3,305 linear feet of additional on-site stream to prevent development within the riparian areas. Vegetated buffers would be 100-foot along the on-site side of the South Fork Catawba River and 50 feet wide along all other remaining on-site streams and wetland areas.
4. Enhancement of approximately 0.70 acre of degraded, on-site wetlands through native plantings and cattle exclusion.
5. Preservation of remaining on-site wetlands (approximately 7.2 acre) through placement of protective mechanisms and establishment of an approximate 50-foot buffer around the wetlands.
6. Payment to the North Carolina Ecosystem Enhancement Program for approximately 0.25-acre of riparian wetlands at a 1:1 ratio such that the applicant's remaining wetland mitigation commitment is fully satisfied.

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 (all other projects) by July 12, 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

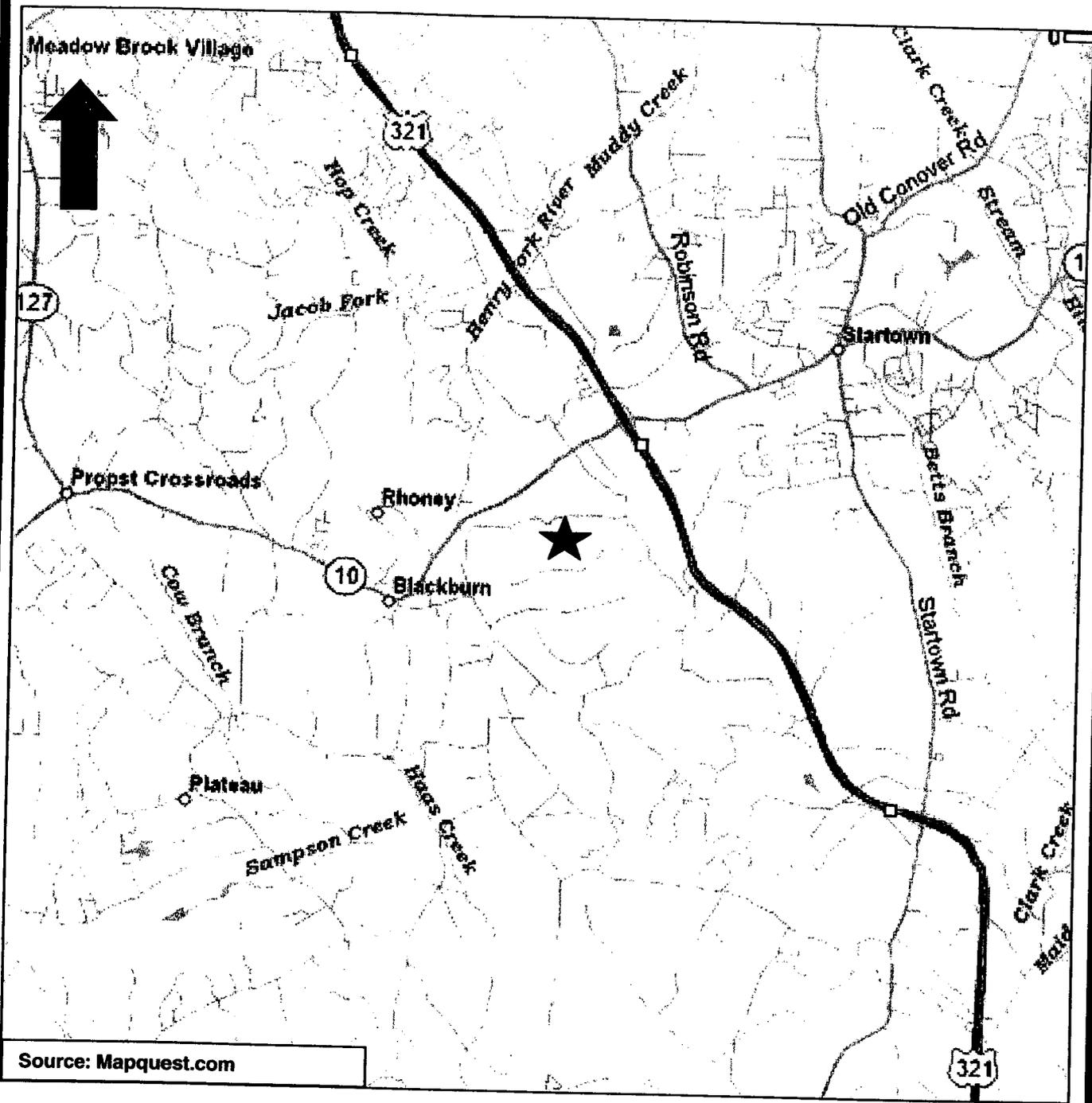
United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

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 12, 2005. Comments should be submitted to Ms. Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801.



Source: Mapquest.com

★ = Approximate site location

Scale: NTS
 Checked by: LJB
 Drawn by: JoL
 Date: 05.17.05

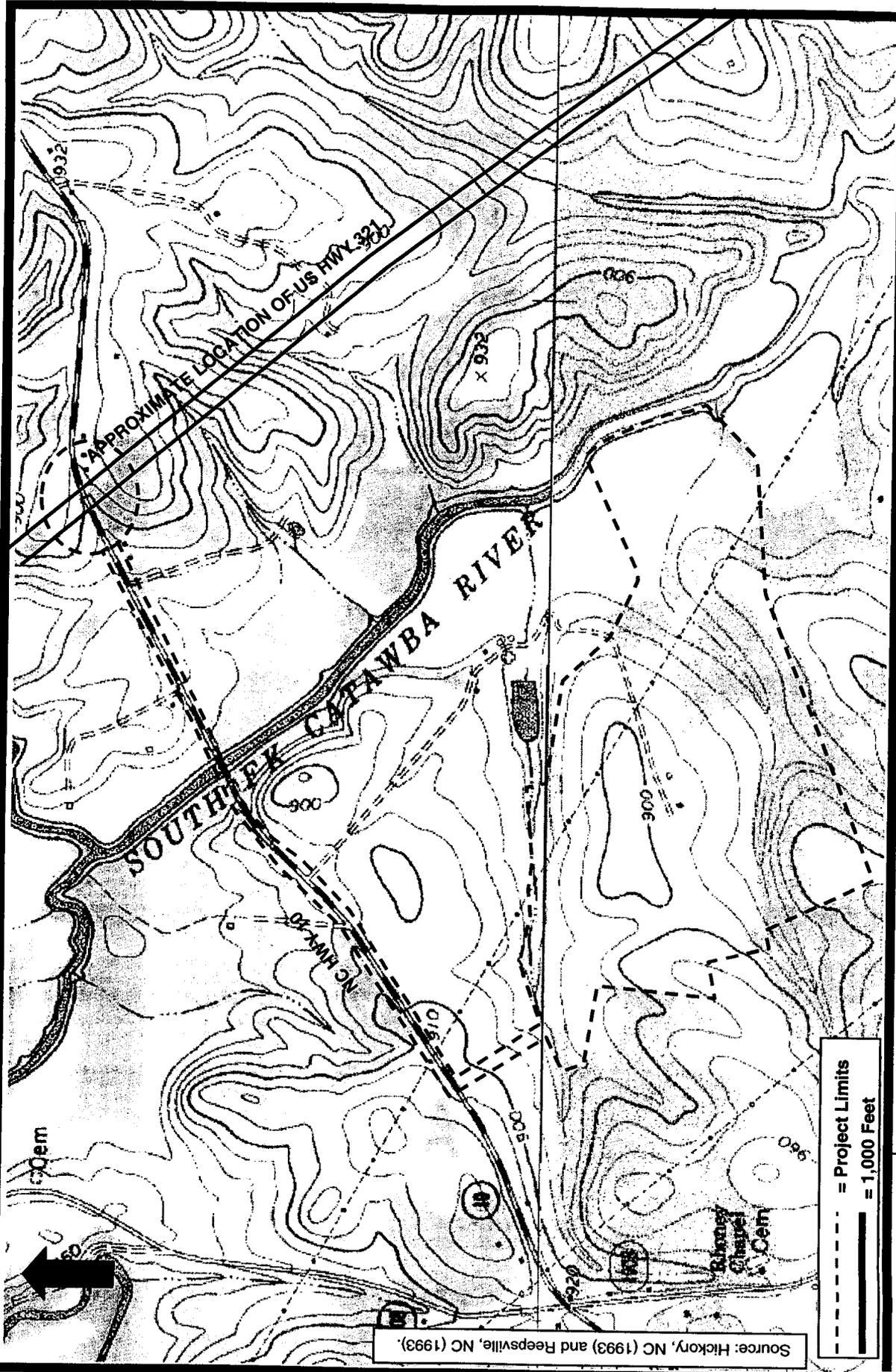


SITE VICINITY MAP
PROJECT BULLSEYE PROPERTY
 CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
 CATAWBA COUNTY, N.C.

FIGURE NO.
 1

Project No.: 1357-05-274

AFD 20053 1491



USGS TOPOGRAPHIC MAP

FIGURE NO. 2

PROJECT BULLSEYE PROPERTY

CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
CATAWBA COUNTY, N.C.

Project No.: 1357-05-274



ENGINEERING • TESTING
ENVIRONMENTAL SERVICES

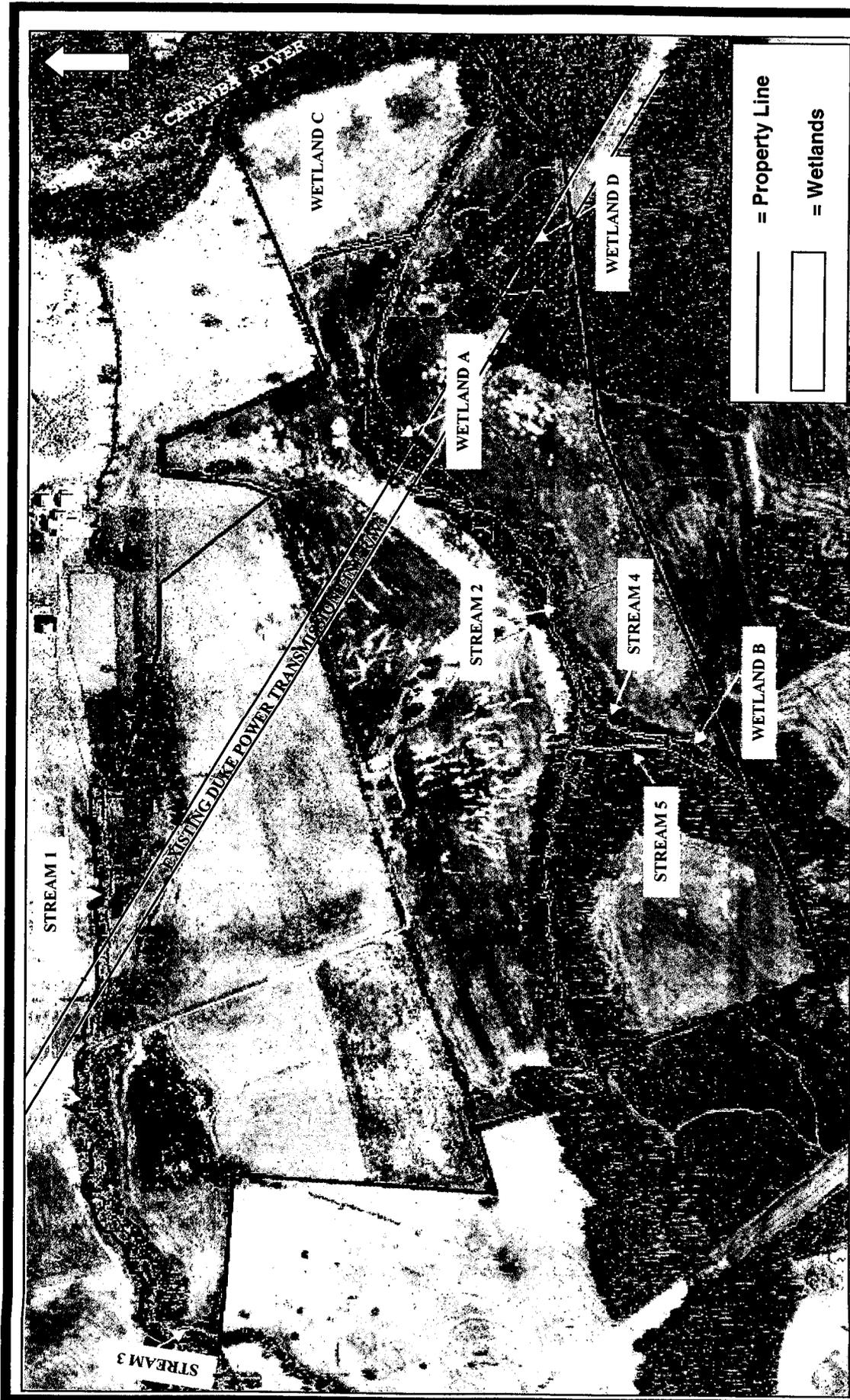
Scale: As Shown

Checked by: LJB

Drawn by: JoL

Date: 5-21-05

OFF 200531491



Scale: NTS
 Checked by: LJB
 Drawn by: JoL
 Date: 05-17-05

S&ME
 ENGINEERING • TESTING
 ENVIRONMENTAL SERVICES

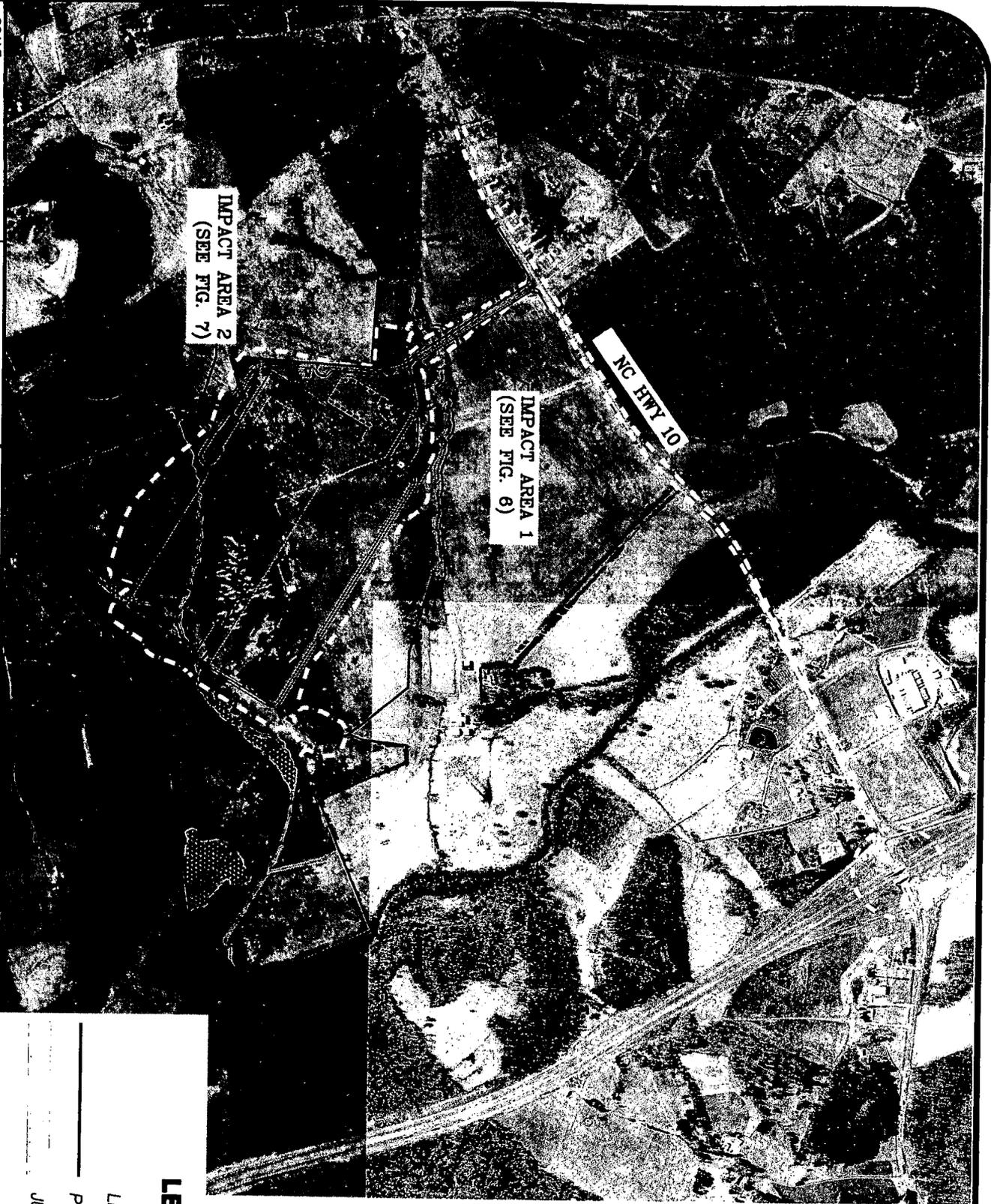
EXISTING SITE CONDITIONS
 PROJECT BULLSEYE PROPERTY
 CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
 CATAWBA COUNTY, NORTH CAROLINA

Project No.: 1357-05-274

FIGURE NO.

3

AID 200531491



LEGEND

— LIMITS OF CONSTRUCTION

— PROPERTY LINE

— JURISDICTIONAL LIMITS

SCALE: 1" = 1200'	DATE: 5-24-05
PROJECT NO. 1354-05-274	DRAWN BY: CTF
	CHECKED BY:

 **S&ME**

9751 SOUTHERN PINE BLVD.
CHARLOTTE, NC 28273
PH. 704-523-4726
FAX. 704-523-3953

WWW.SMEINC.COM

**LIMITS OF CONSTRUCTION
PROJECT BULLSEYE PROPERTY**

CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
CATAWBA COUNTY, NORTH CAROLINA

FIGURE NO.
5

ATP 200531491



PROPOSED ACCESS ROAD
(250 LF)

STREAM 1

SCALE: 1" = 100'

DATE: 5-24-05

PROJECT NO. 1357-05-274

DRAWN BY: CTF
CHECKED BY:



S&ME

WWW.SMEINC.COM

9751 SOUTHERN PINE BLVD.
CHARLOTTE, NC 28273
PH: 704-523-4726
FAX: 704-523-3953

LEGEND

IMPACTED STREAM
STREAM

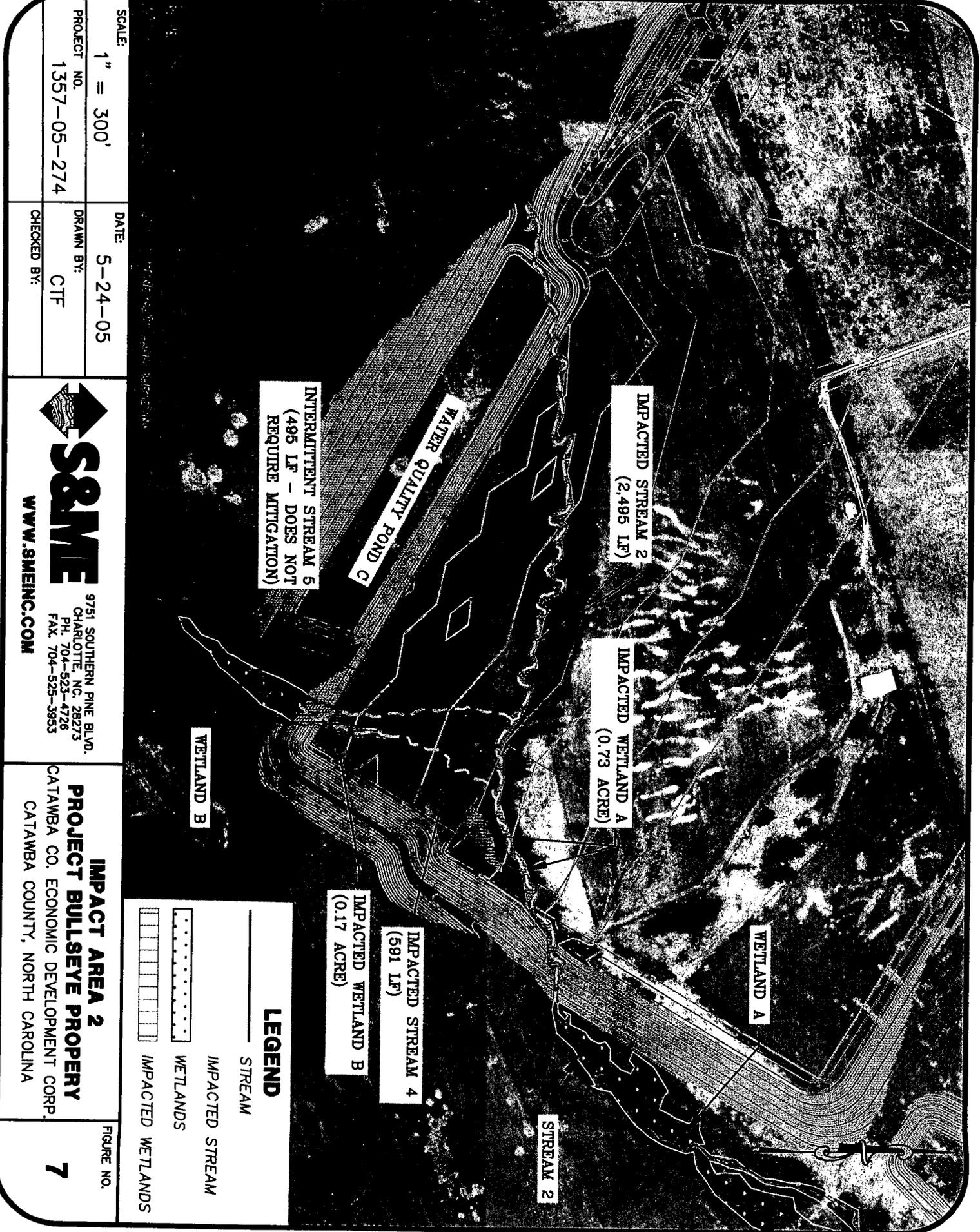
IMPACT AREA 1

PROJECT BULLSEYE PROPERTY
CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
CATAWBA COUNTY, NORTH CAROLINA

FIGURE NO.

6

AFD 200531491



SCALE: 1" = 300'	DATE: 5-24-05
PROJECT NO. 1357-05-274	DRAWN BY: CTF
	CHECKED BY:

S&ME
 9751 SOUTHERN PINE BLVD.
 CHARLOTTE, NC 28273
 PH. 704-523-4726
 FAX. 704-523-3953
WWW.SMEINC.COM

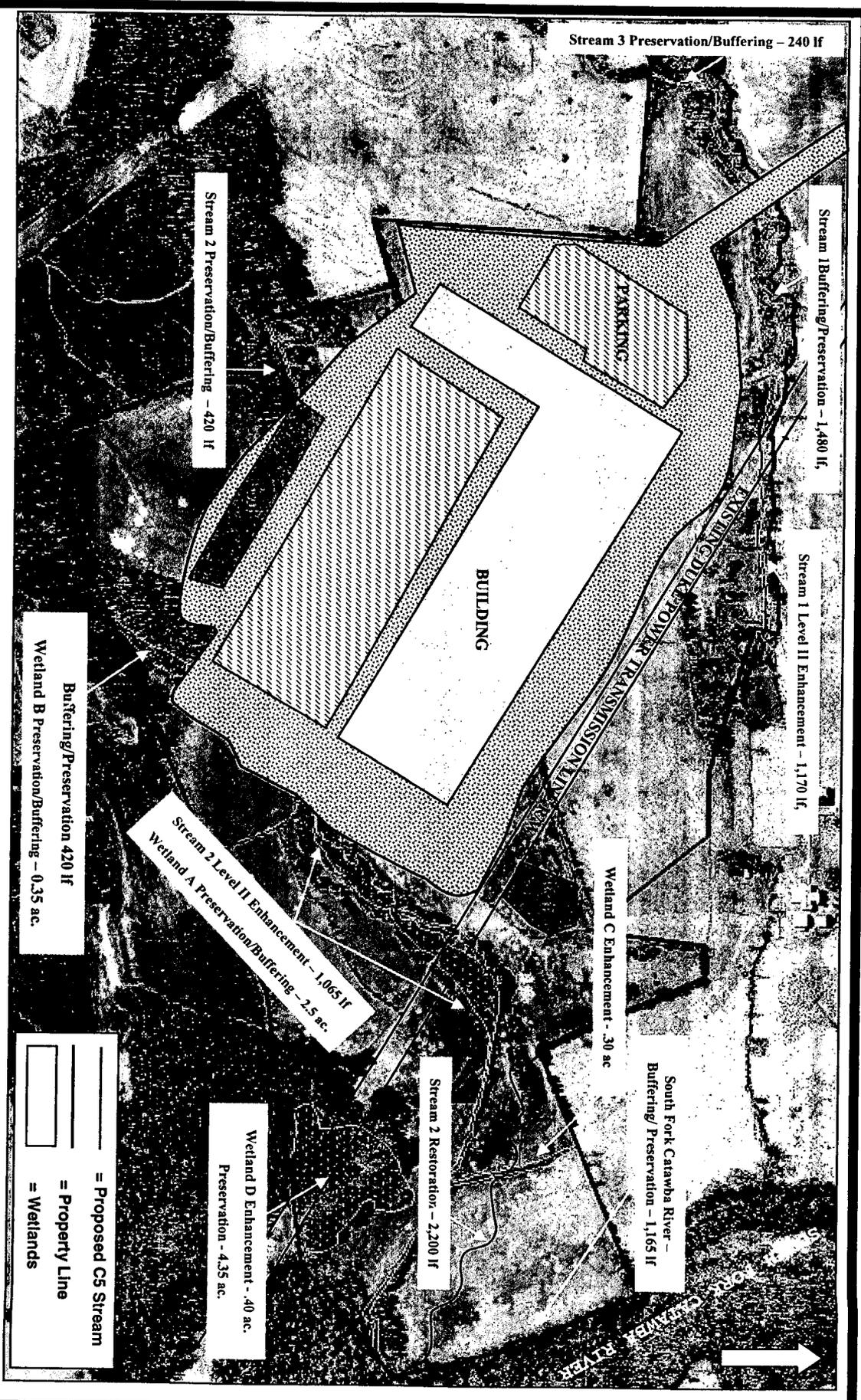
IMPACT AREA 2
PROJECT BULLSEYE PROPERTY
 CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
 CATAWBA COUNTY, NORTH CAROLINA

FIGURE NO.
7

LEGEND

	STREAM
	IMPACTED STREAM
	WETLANDS
	IMPACTED WETLANDS

A#D 200531491



Scale: NTS
 Checked by: LJB
 Drawn by: JOL
 Date: 05-17-05



PROPOSED MITIGATION AREAS
PROJECT BULLSEYE PROPERTY
 CATAWBA CO. ECONOMIC DEVELOPMENT CORP.
 CATAWBA COUNTY, NORTH CAROLINA

Project No.: 1357-05-274

FIGURE NO.
8

AIO 200531491