

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: March 2, 2006
Comment Deadline: April 3, 2006
Corps Action ID #: 200221365

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: Wake Stone Corporation
Attn: Mr. David Lee
Post Office Box 190
Knightdale, NC 27545

AGENT (if applicable): Soil & Environmental Consultants, PA
Attn: Mr. Bob Zarzecki
11010 Raven Ridge Road
Raleigh, NC 27614

Authority

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

Location

The project consists of 442 acres located north of Burnette Road (SR 1528) and North Halifax Road (SR 1527), east of the intersection of N.C. Highway 48 and Interstate 95, east of Gold Rock, Nash County, North Carolina. (36.0612 N, 77.8349 W). The property is bordered to the north by Swift Creek, with several of its unnamed tributaries and their adjacent wetlands transecting the property.

Existing Site Conditions

Presently, the project authorized under the existing mining permit consists of 402 acres. The active pit comprises 68.4 acres, the processing plant, roadways and stockpile areas comprise 38.3 acres, overburden storage comprises 34 acres, with stabilized vegetative

perimeter berms comprising 22 acres. The Corps has previously authorized impacts to jurisdictional waters of the United States, including wetlands, on two separate occasions. Nationwide Permit Number 25 was issued on December 4, 1989, to impact 5.91 acres. The second authorization to 3.04 acres of jurisdictional wetlands was verified on July 28, 1994.

The applicant has recently purchased an additional 40 acres to provide an additional 30 acres of overburden storage, with the remaining 10 acres being utilized to provide buffers required by state mining regulations. Therefore, the total project area consists of 442 acres.

The majority of the property consists of land historically utilized for agricultural crop production, pasturing of livestock, or silviculture. The remaining areas have been managed for timber production as either mixed pine-hardwood forests or pine plantations. The bottomland hardwood uplands on the property are vegetated by loblolly pine (*Pinus taeda*), red oak (*Quercus falcata*), ironwood (*Carpinus caroliniana*), American holly (*Ilex opaca*), greenbrier (*Smilax rotundifolia*), wild grape (*Vitis rotundifolia*). The uplands are primarily underlain by Norfolk (non-hydric) soils.

Wetlands on the property have been historically impacted by land use practices of agriculture, silviculture, and mining activities. The wetlands can be characterized as bottomland hardwood forests vegetated by black gum (*Nyssa sylvatica*), red maple (*Acer rubrum*), ironwood, greenbrier, and species of *Carex*, which are located either along the tributaries or at the upper reaches of the tributaries. These wetland areas are underlain by either Rains or Meggett soils and have evidence of wetland hydrology from drift lines, drainage patterns in wetlands and the presence of oxidized root channels within 12 inches of the surface. Specifically, 10 wetland areas were identified on the property. Wetland Areas 1, 2, 6, 7, and 8 have degraded function due to silviculture activities. Wetland Areas 3, 4, 5, and 10 are not as degraded and are presently bottomland hardwood forest wetlands within the floodplain of Swift Creek. Wetland Area 9 is associated with a small tributary system in an undisturbed area along the easternmost portion of the quarry property.

Applicant's Stated Purpose

The project purpose is to continue to provide crushed stone products for public and private construction projects in the northeastern North Carolina market.

Project Description

Overall, the project involves the discharge of 392 cubic yards of fill material into 2,058 linear feet (0.24 acre) of unnamed intermittent and perennial tributaries to Swift Creek and 2,805 cubic yards of fill material into 6.28 acres of wetlands adjacent to the unnamed tributaries. Specifically, the impacts associated with streams involve the excavation of 516 linear feet of Stream 1A, 423 linear feet of Stream 2A, 696 linear feet of Stream 3A for pit expansion. The proposed construction of the perimeter road would impact 115

linear feet of Stream 1B, 49 linear feet of Stream 2B and 154 linear feet of Stream 3B through culvert installation and fill. Finally, there would be an additional 105 linear feet of impacts to Stream 5A associated with the filling of the overburden site.

The project also involves the excavation for pit expansion to 0.16 acre of Wetland 1A, 0.27 acre of Wetland 2A, 1.48 acre of Wetland 3A, and 0.94 acre of Wetland 4A. Construction of the perimeter road would impact 0.04 acre of Wetland 2B, 0.25 of Wetland 3B, and 0.31 acre for Wetland 4B. Finally, an additional 1.43 acres fill material would occur at Wetland 5A and 1.40 acres at Wetland 6A associated with storage of overburden.

The applicant proposes to mitigate for unavoidable impacts to jurisdictional waters of the United States through the restoration of 2,188 linear feet of stream restoration, 1,295 linear feet of stream enhancement, and a total of 19.6 acres of wetland mitigation accomplished through restoration, enhancement, creation and preservation. The mitigation property is known as the Newell Farm and is located between Dr. King Boulevard (SR 1001) and Fishing Creek (HUC Cataloging Unit 03020102), west of Warrenton, Warren County, North Carolina.

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: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly (all other projects) by March 24, 2006.

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. Furthermore, the applicant received a letter dated May 5, 2005, from Mr. Peter Sandbeck with the North Carolina Department of Cultural Resources, State Historic Preservation Office, stating that they had conducted a review of the proposed undertaking and were aware of no historic resources, which would be affected by the proposed project.

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 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. A final determination on the effects of the proposed project will be made 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."

Evaluation

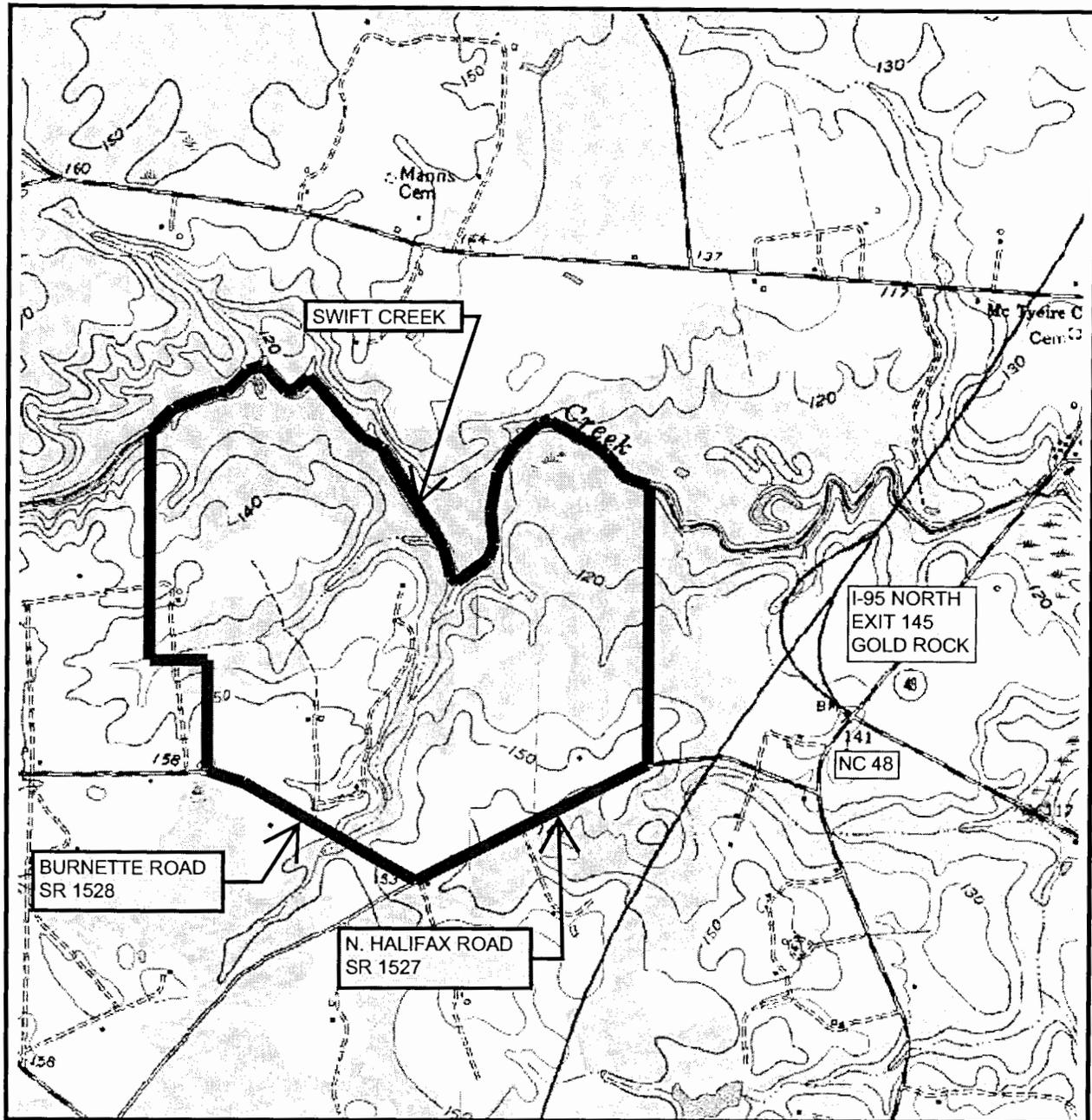
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which 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, April 3, 2006. Comments should be submitted to Ms. Jean B. Manuele at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



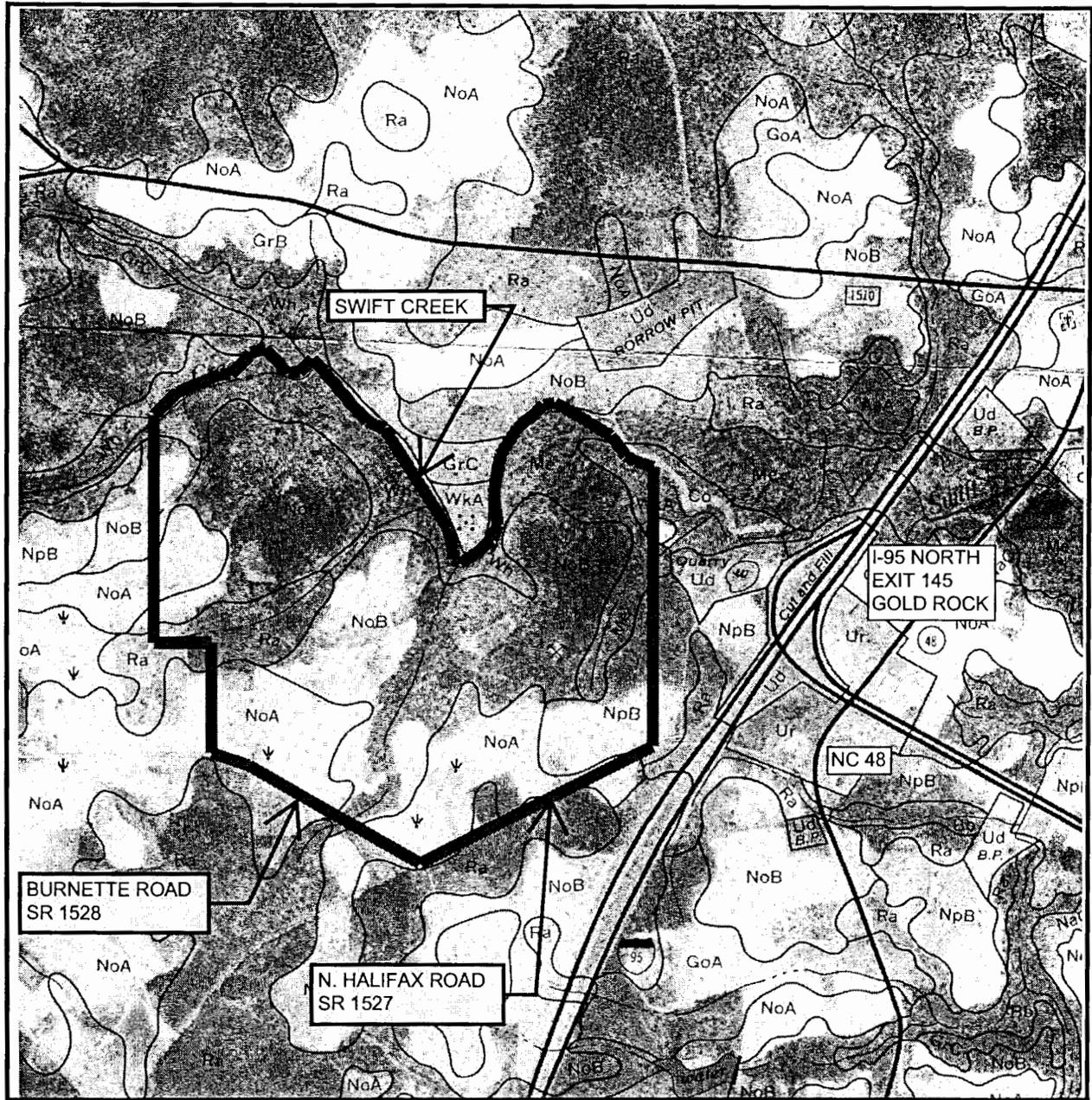
Project #: 1021.D2	Scale: 1"=2000'
Project Mgr.: BZ	Date: 12-09-05

**Figure 1 – DRAKE, NC
USGS TOPO. QUAD.**

**NASH COUNTY QUARRY
WAKE STONE CORP.
Nash County, NC**



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Web Page: www.SandEC.com



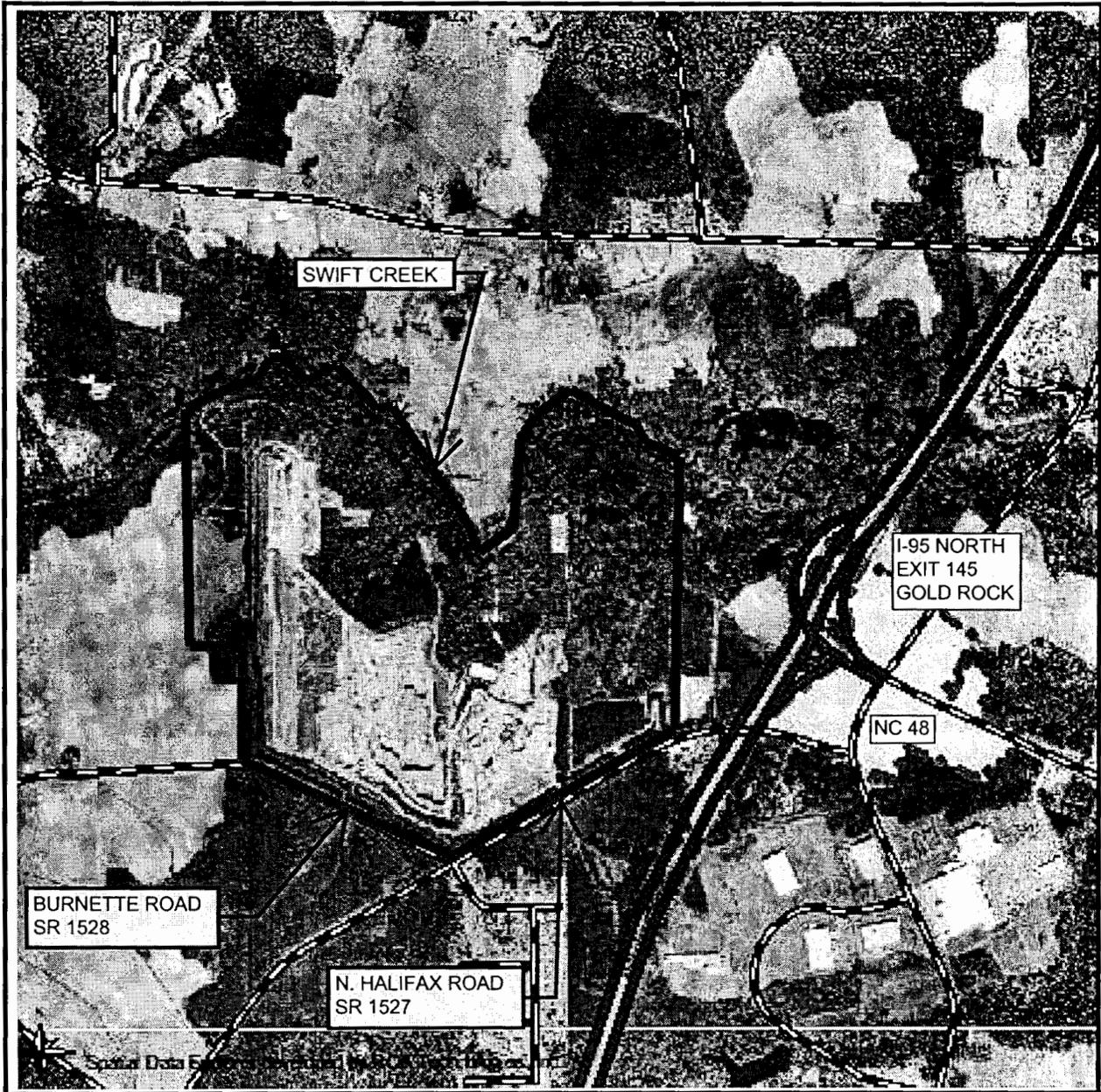
Project #: 1021.D2	Scale: 1"=2000'
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**Figure 2 – SHEET NO. 5
NASH CO. SOIL SURVEY**

**NASH COUNTY QUARRY
WAKE STONE CORP.
Nash County, NC**



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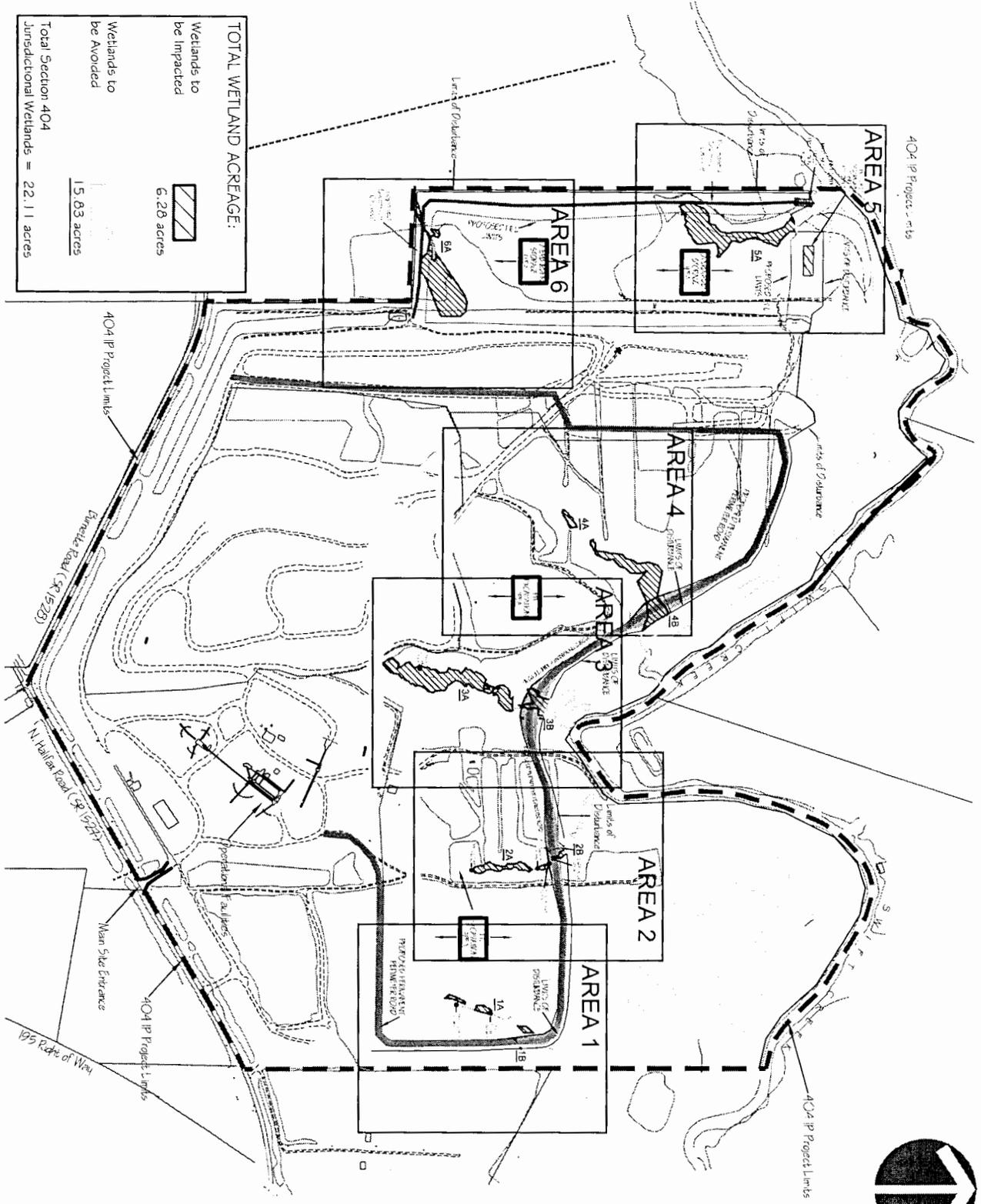
**Figure 3 – NASH CO. GIS
2004 AERIAL PHOTO**

NASH COUNTY QUARRY
WAKE STONE CORP.
Nash County, NC



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404 IP Project Limits

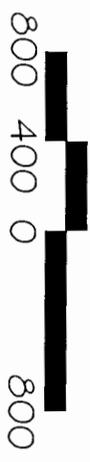


TOTAL WETLAND ACREAGE:

Wetlands to be Impacted: 6.28 acres

Wetlands to be Avoided: 15.83 acres

Total Section 404 Jurisdictional Wetlands = 22.11 acres



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OVERALL EXISTING & PROPOSED CONDITIONS



Project:	NASH COUNTY QUARRY EXPANSION PROJECT	
Location:	NASH CO., NC	Client: WAKE STONE
Sheet Title:	OVERALL EXISTING & PROPOSED CONDITIONS	

Project No.:	1021.D1
Proj. Mgr.:	BZ
Scale:	AS SHOWN
Sheet No.:	FIGURE 1

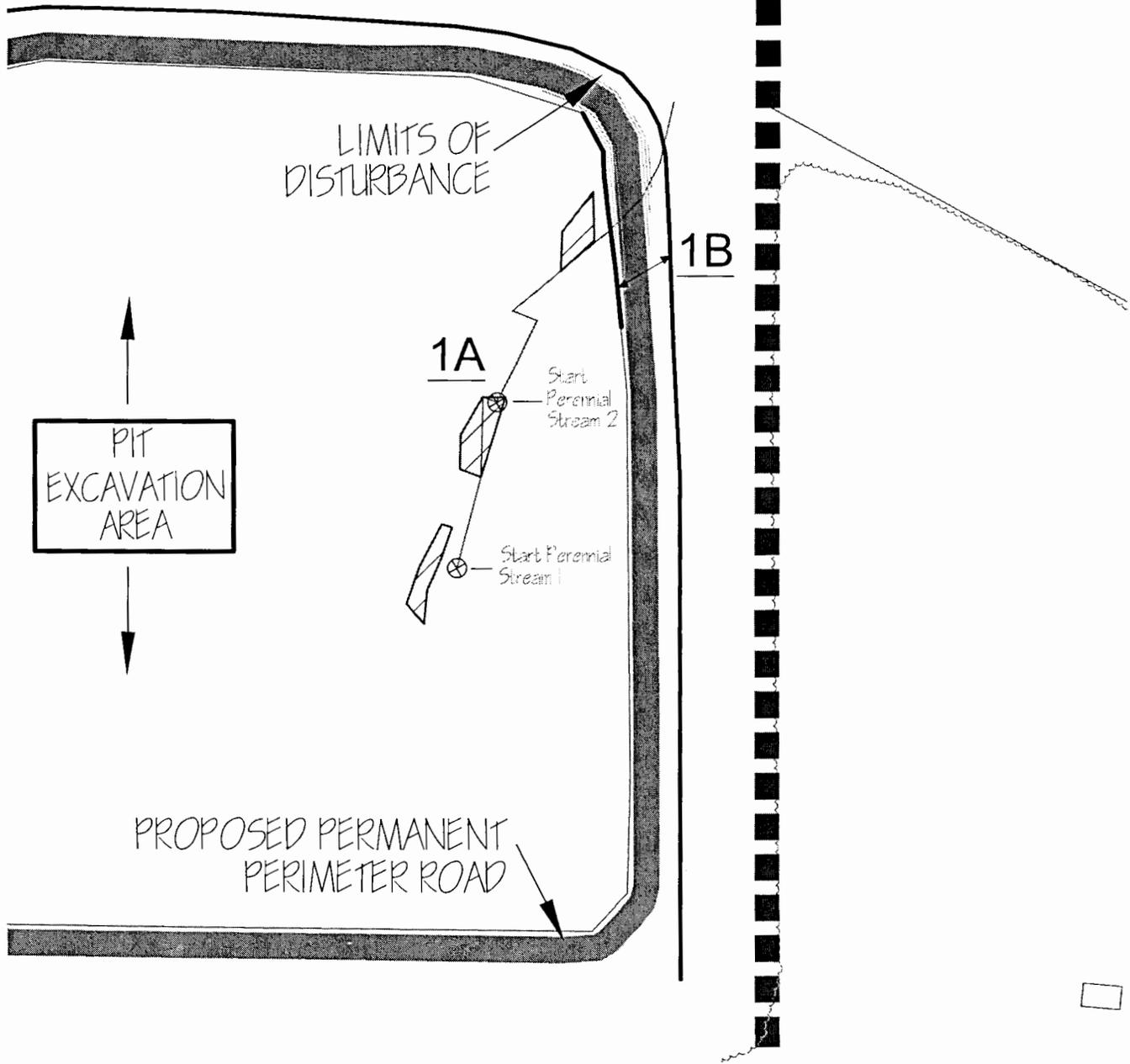


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AREA I IMPACTS:	
<u>1A EXCAVATED</u>	
Wetlands	0.16 acres
Stream 1	224 lf
Stream 2 (Partial)	292 lf
<u>1B FILL</u>	
Stream 2 (Partial)	115 lf



AREA I PROPOSED IMPACTS

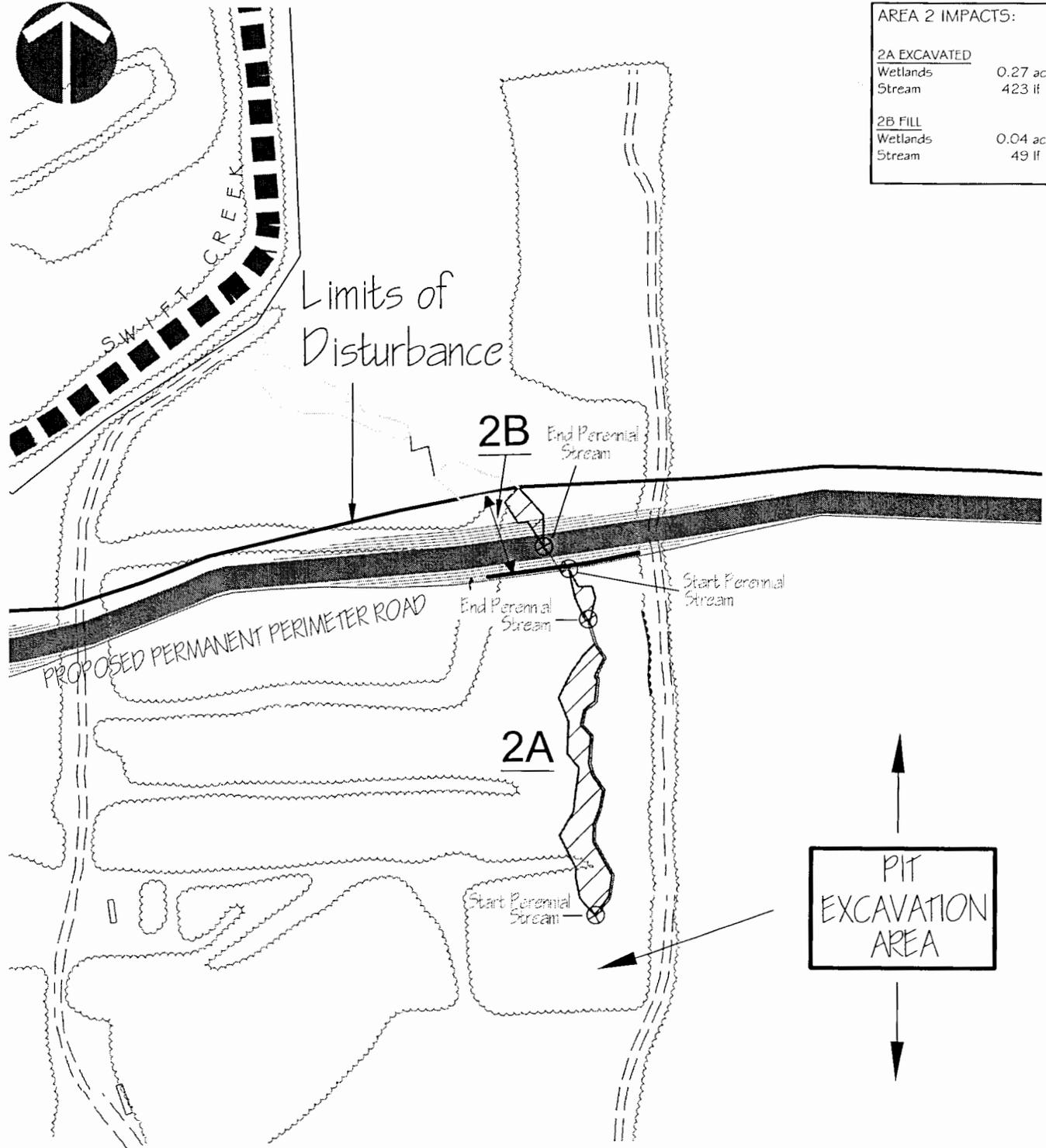
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Location:	NASH CO., NC	Client:	WAKE STONE	Proj. Mgr.:	BZ
Sheet Title:	AREA I PROPOSED IMPACTS		Scale:	AS SHOWN	
			Sheet No.:	FIGURE 2	

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AREA 2 IMPACTS:	
2A EXCAVATED	
Wetlands	0.27 acres
Stream	423 lf
2B FILL	
Wetlands	0.04 acres
Stream	49 lf



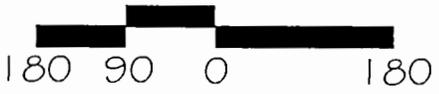
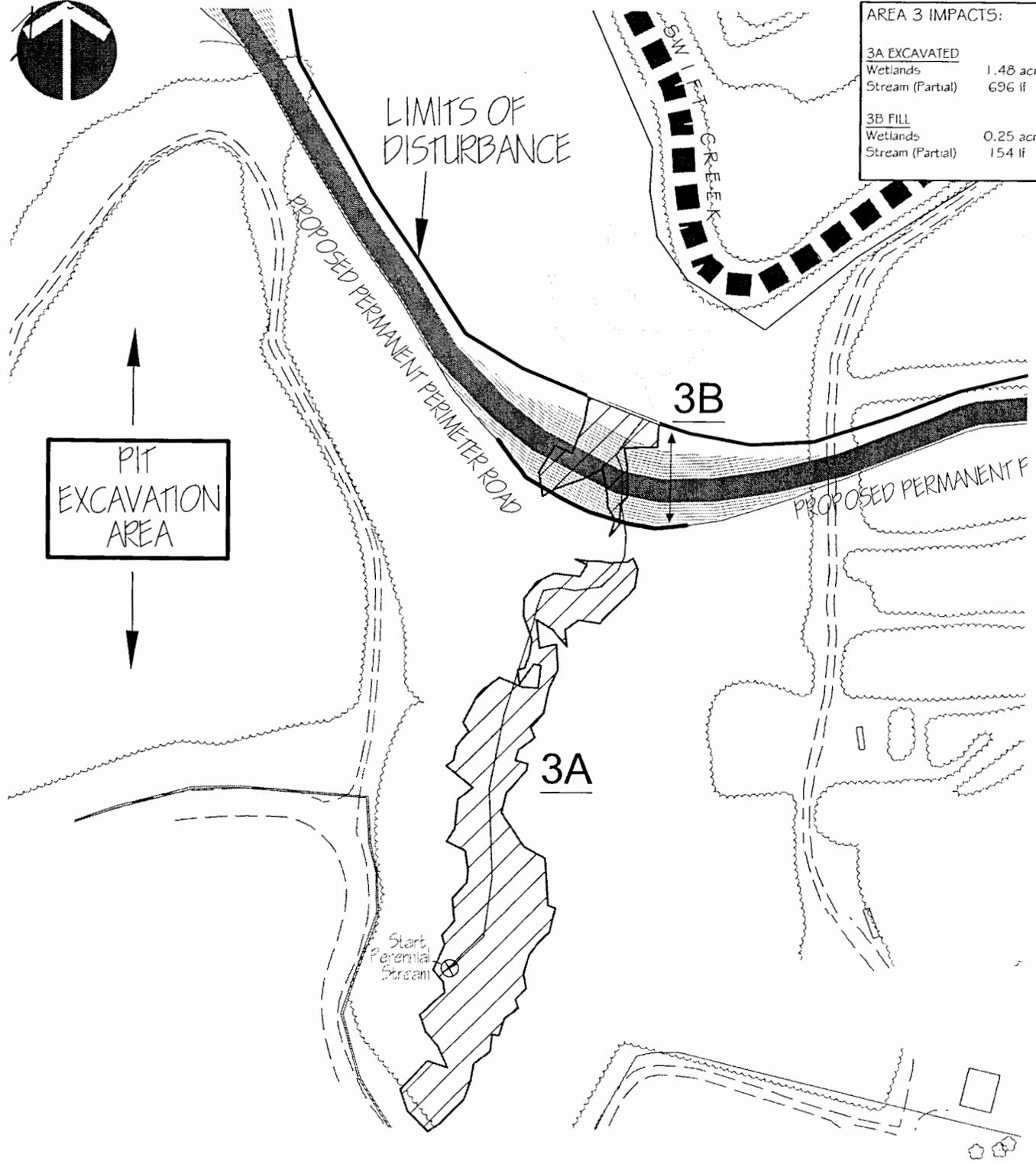
AREA 2 PROPOSED IMPACTS

Project: NASH COUNTY QUARRY EXPANSION PROJECT		Project No.: 1021.D1		Soil & Environmental Consultants, PA 11010 Raven Ridge Road • Raleigh, North Carolina 27614 Phone: (919) 846-5900 • Fax: (919) 846-9467 www.SandEC.com
Location: NASH CO., NC Client: WAKE STONE		Proj. Map: BZ		
Sheet Title: AREA 2 PROPOSED IMPACTS		Scale: AS SHOWN		
		Sheet No.: FIGURE 3		

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AREA 3 IMPACTS:	
3A EXCAVATED	
Wetlands	1.48 acres
Stream (Partial)	696 lf
3B FILL	
Wetlands	0.25 acres
Stream (Partial)	154 lf

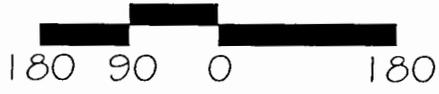
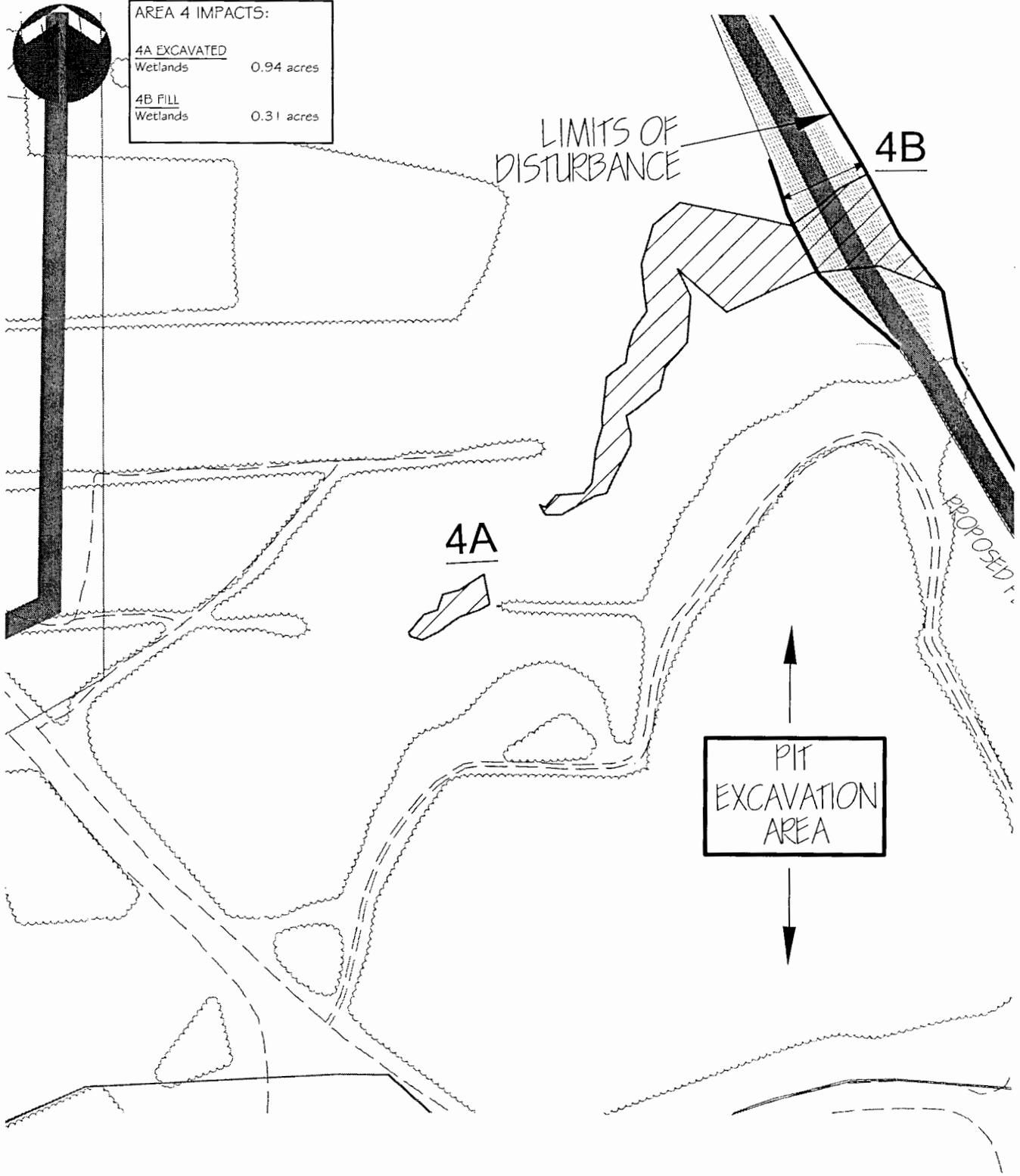


AREA 3 PROPOSED IMPACTS

Project: NASH COUNTY QUARRY EXPANSION PROJECT		Project No.: 1021.D1	<p>Soil & Environmental Consultants, PA 11010 Raven Ridge Road • Raleigh, North Carolina 27614 Phone: (919) 846-5900 • Fax: (919) 846-9467 www.SandEC.com</p>
Location: NASH CO., NC	Client: WAKE STONE	Proj. Mgr.: BZ	
Sheet Title: AREA 3 PROPOSED IMPACTS		Scale: AS SHOWN	
		Sheet No.: FIGURE 4	

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AREA 4 IMPACTS:	
4A EXCAVATED Wetlands	0.94 acres
4B FILL Wetlands	0.31 acres



AREA 4 PROPOSED IMPACTS

Project: NASH COUNTY QUARRY EXPANSION PROJECT	
Location: NASH CO., NC	Client: WAKE STONE
Sheet Title: AREA 4 PROPOSED IMPACTS	

Project No.: 1021.D1
Proj. Mgr.: BZ
Scale: AS SHOWN
Sheet No.: FIGURE 5

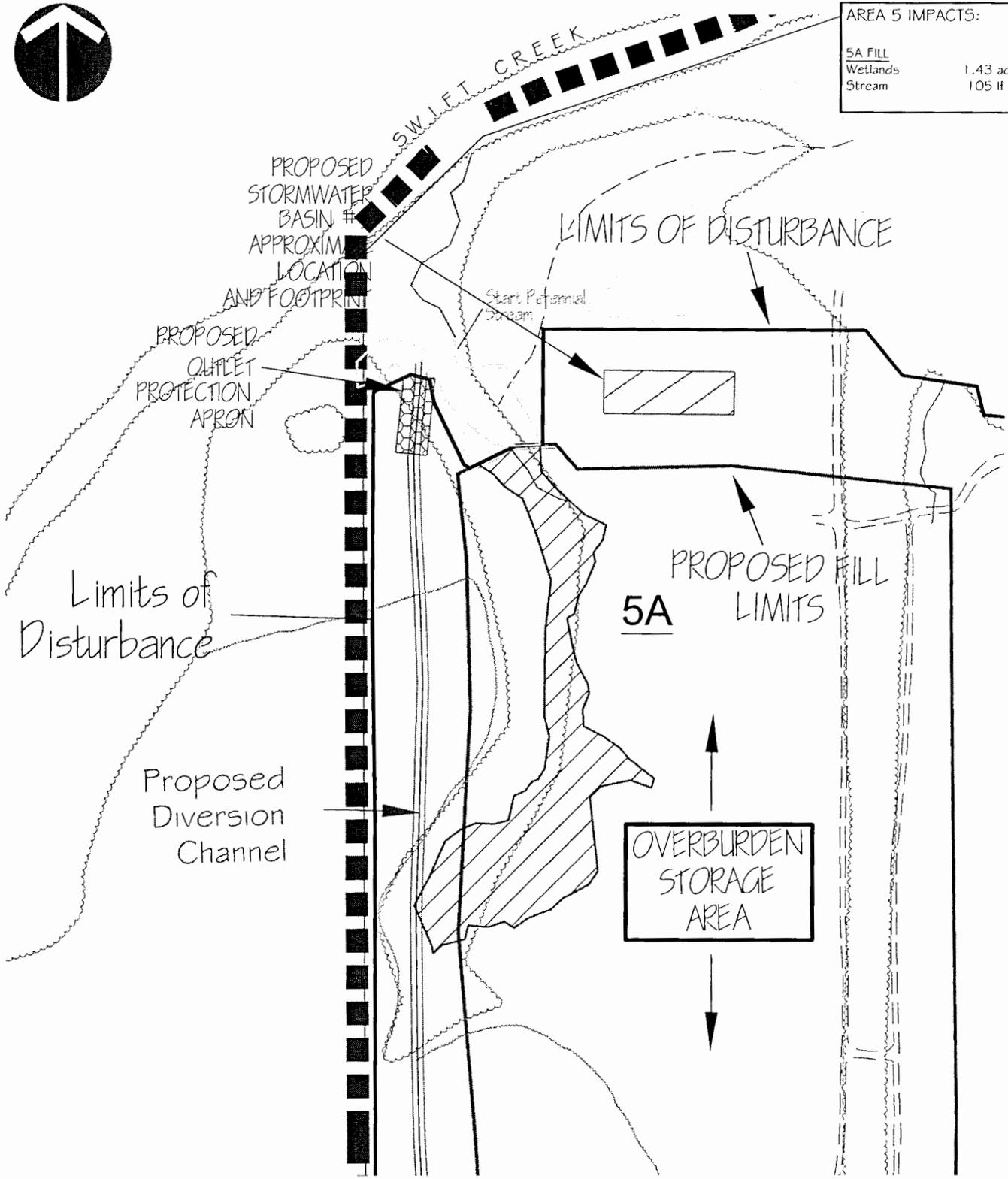


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AREA 5 IMPACTS:	
5A FILL	
Wetlands	1.43 acres
Stream	105 lf



AREA 5 PROPOSED IMPACTS

Project:	NASH COUNTY QUARRY EXPANSION PROJECT	
Location:	NASH CO., NC	Client: WAKE STONE
Sheet Title:	AREA 5 PROPOSED IMPACTS	

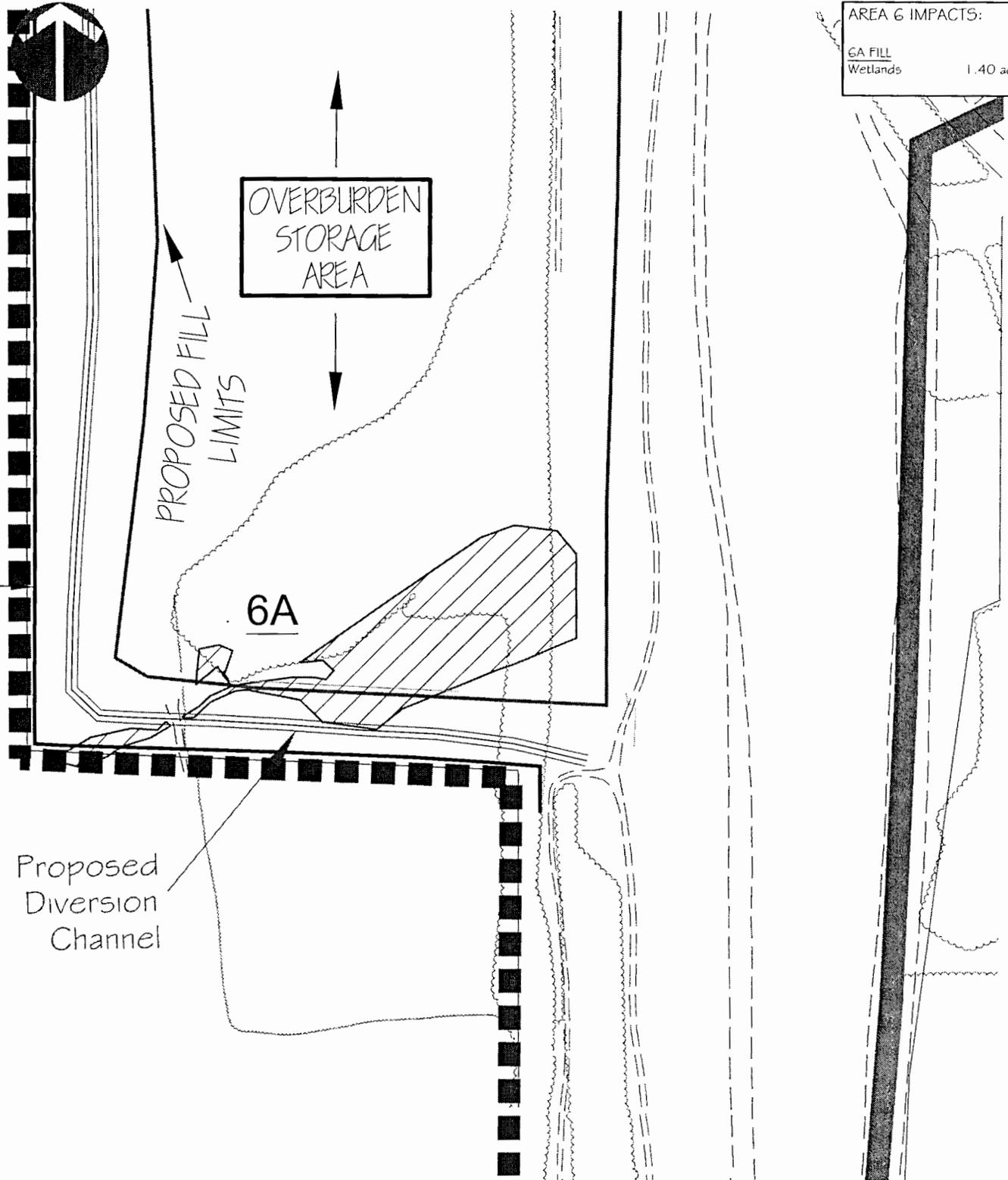
Project No.:	1021.D1
Proj. Mgr.:	BZ
Scale:	AS SHOWN
Sheet No.:	FIGURE 6



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AREA 6 IMPACTS:
 6A FILL
 Wetlands 1.40 acres



AREA 6 PROPOSED IMPACTS

Project:	NASH COUNTY QUARRY EXPANSION PROJECT	
Location:	NASH CO., NC	Client: WAKE STONE
Sheet Title:	AREA 6 PROPOSED IMPACTS	

Project No.:	1021.D1
Proj. Mgr.:	BZ
Scale:	AS SHOWN
Sheet No.:	FIGURE 7



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