

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

## (After-the-Fact)

Issue Date: March 28, 2006  
Comment Deadline: April 28, 2006  
Corps Action ID #: 200620210

The Wilmington District, Corps of Engineers (Corps) has received an after-the-fact application from **Carolina Sunrock, LLC**, seeking Department of the Army authorization to impact **a total of 1.52 acres of wetlands** and 62 linear feet of stream associated with **a widened road crossing and a new stockpile area adjacent to a new railroad siding, at their stone quarry and process plant south of Kittrell**, in Vance 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 [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Carolina Sunrock, LLC  
PO Box 25  
Butner, NC 27509

### 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

Carolina Sunrock stone quarry and process plant is located on the east side of US Highway 1 (214 Sunrock Road), southwest of the south end of SR 1552 (South Chavis Road), on the north bank of the Tar River, south of Kittrell, in Vance County, North Carolina. The impact site is adjacent to, and on the west side of, an unnamed tributary to the Tar River, just east of the Seaboard Coastline railroad track, north of the existing Carolina Sunrock quarry and plant facilities, at 36.1793° North, 78.4445° West. The site is in the Tar River Basin (8-Digit Cataloging Unit 03020101).

### Existing Site Conditions

The existing Sunrock property is entirely east of US Highway 1 and north of the Tar River. A Seaboard Coastline Railroad track running north-south divides the developed (quarry/process plant) east portion of the property from a narrow sliver of undeveloped,

wooded land that runs along US Highway 1. The northern portion of Carolina Sunrock's property east of the railroad track is mostly undeveloped woodland. Carolina Sunrock has cleared and filled an area on the west side of an unnamed tributary to the Tar River in the northwest portion of the property, just east of the railroad track. The majority of the fill area is on an upland slope adjacent to the floodplain of the tributary; however, Carolina Sunrock also cleared and filled a 1.66-acre area of wetlands in the floodplain adjacent to the tributary, without the required authorization under Section 404 of the Clean Water Act. The filled wetland was, based on the adjacent unimpacted areas, an herbaceous scrub-shrub wetland that was formerly a beaver pond that has been drained. Carolina Sunrock has removed the unauthorized fill from a 0.17 acre area, within the 50 foot buffer of the tributary, so that the remaining filled wetland area is 1.49 acres. An earthen fill road crosses the site and the tributary from west to east just north of the impact site. The road uses two metal pipe culverts (84 and 60 inches in diameter), approximately 18 feet long, for the stream crossing.

The areas adjacent to Carolina Sunrock's property to the north and east are generally fields and undeveloped woodlands, with scattered private residences.

### **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to provide access and an aggregate stockpile area adjacent to a new rail spur and railroad loadout equipment, to expand distribution of construction aggregate potential of this quarry site.

### **Project Description**

The permit request for a portion of this project is an after-the-fact application. The majority of wetland impacts associated with this permit application have already been completed. This public notice does not imply, on the part of the Corps of Engineers or other agencies, either a favorable or unfavorable opinion of the work performed. This notice is issued to solicit comments regarding the factors on which a final decision will be based. The applicant has agreed to place the project on hold, pending the resolution of the permit application. Further enforcement action, including possible legal action, has been suspended pending the outcome of this consideration.

Carolina Sunrock proposes to construct approximately one mile of new rail spur and aggregate load-out facility, off the east side of the existing Seaboard Coastline railroad, on the upland just west of the impacted wetlands site. They also propose to place additional fill, consisting of shot rock up to 20 feet deep and smaller stone material on top, in the 1.49 acres of previously impacted wetlands and the 15 acres of adjacent upland area to the north, to construct an aggregate stockpile facility of approximately 16.5 acres, and propose to widen and improve the existing earthen road for access to the stockpile and load-out facilities. The improved road will require replacing the existing pipes with three corrugated metal pipes, each 60 feet long, which will impact 0.03 acre of wetlands and 52 additional feet of the unnamed tributary to the Tar River.

A process (crusher) plant will be constructed on the upland south of the wetland impact site, and conveyors parallel to the railroad spur will carry the crushed rock to the stockpile area, using screens to separate the different sized products into separate piles.

Carolina Sunrock states that, as a result of the existing topography and location of the tributary, the railroad spur has to be constructed at the proposed location along the existing track, and constructing the plant over existing stone reserves or having to double handle the aggregate products (hauling processed stone from a process plant stockpile to a loading stockpile) are not legitimate options financially, based on the market price of stone and the additional cost. In addition, Carolina Sunrock states that a typical process plant and associated stockpiles cover approximately 18 to 20 acres, but that by constructing the plant on the upland south of the site and using conveyors, they can fit the stockpiles and load-out facility in the 16.5 acre area.

Carolina Sunrock proposes to use preservation of existing wetlands on their Kittrell property and use of the North Carolina Ecosystem Enhancement Program to mitigate for the completed and proposed impact to wetlands. Details of the available wetland preservation areas and mitigation requirements have not yet been completed.

### **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 April 21, 2006.

### **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.

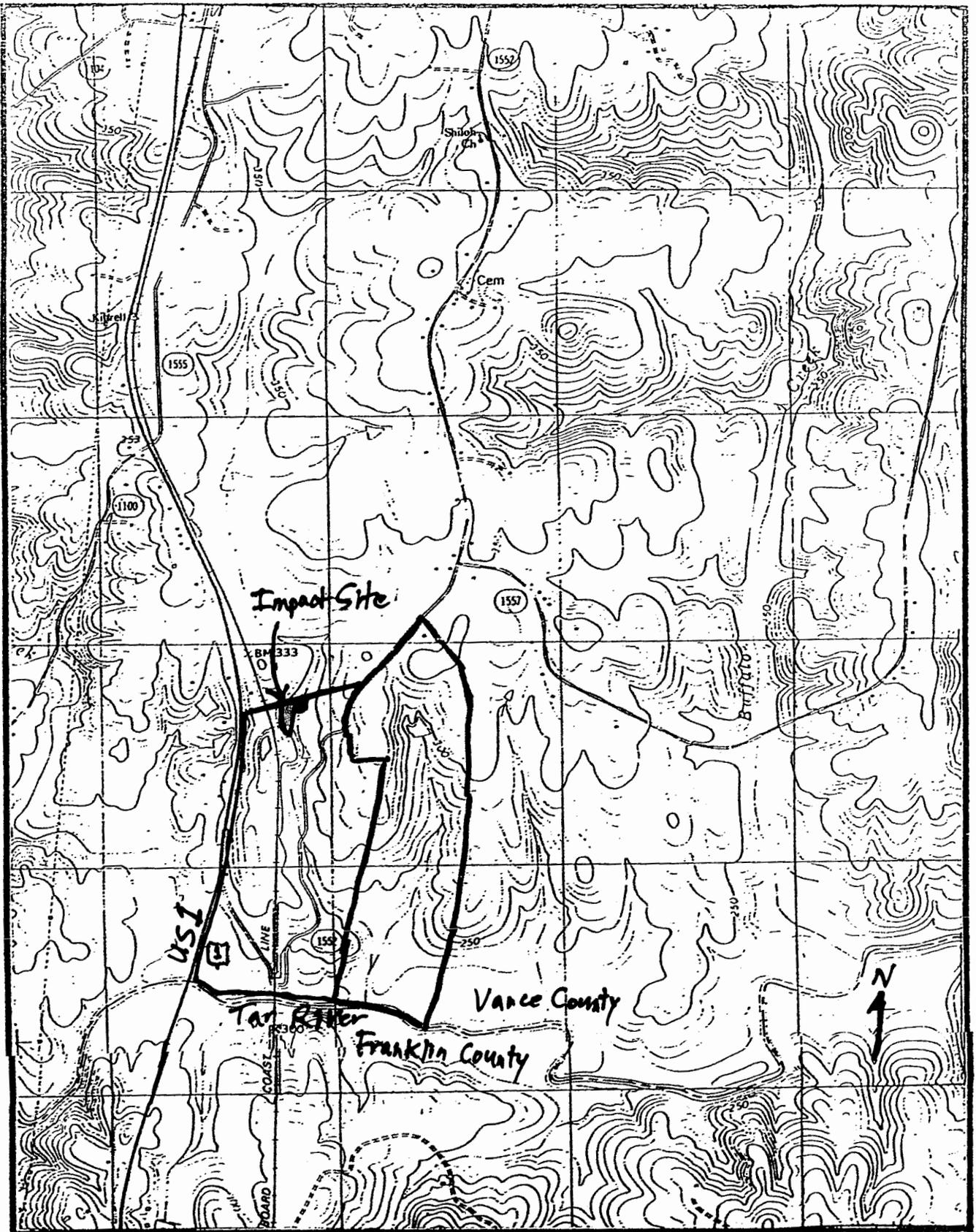
## **Commenting Information**

The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, including any consolidate 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, April 28, 2006. Comments should be submitted to:

Eric Alsmeyer  
Wilmington District, Corps of Engineers  
Raleigh Regulatory Field Office  
6508 Falls of Neuse Road, Suite 120  
Raleigh, North Carolina 27615-6814  
Telephone (919) 876-8441, Ext. 23

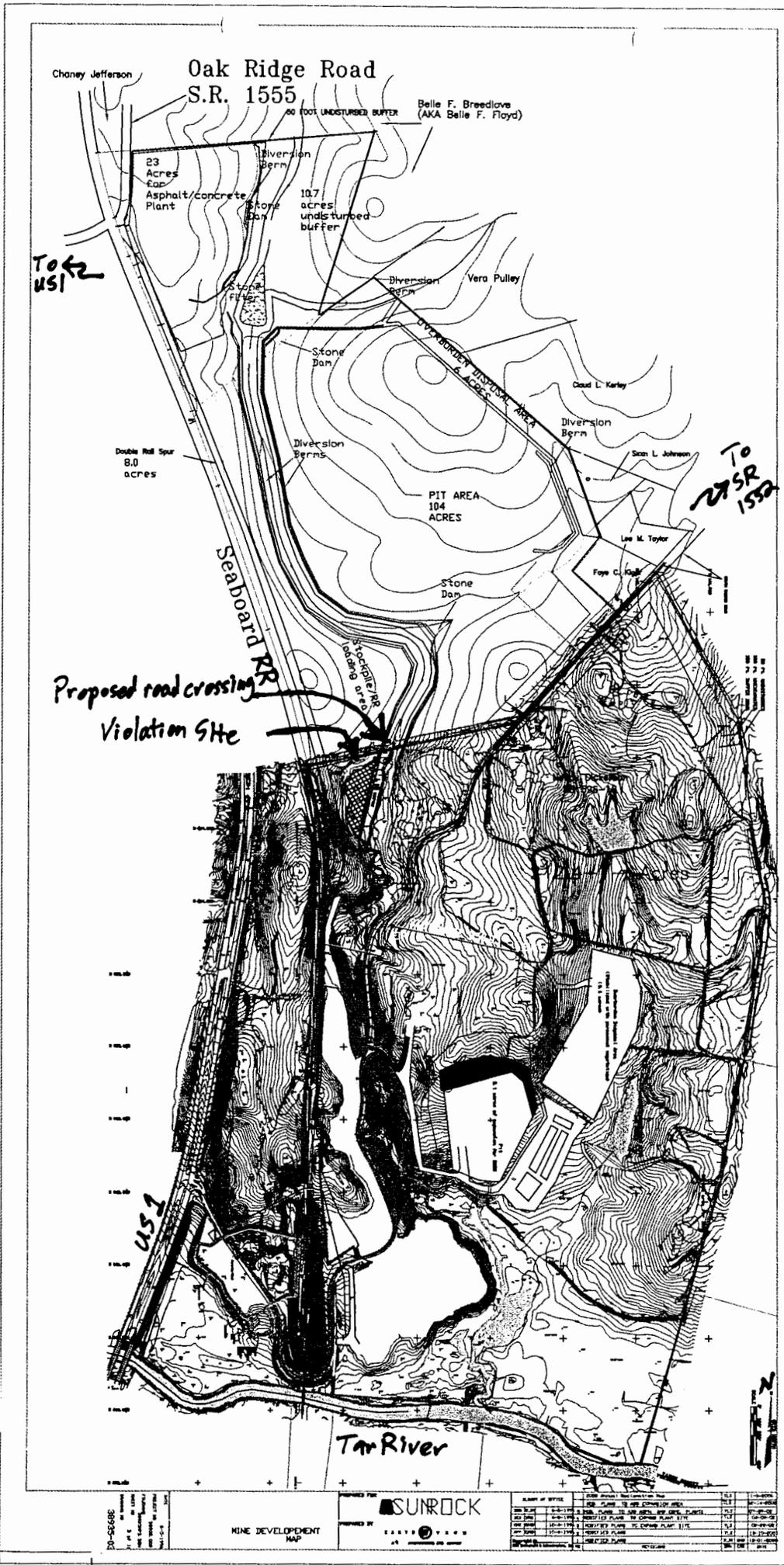


CAROLINA SUNROCK CORPORATION  
 P.O. BOX 25; 1001 WEST B ST.  
 BUTNER, N.C. 27509-0025

FIGURE 1. PROJECT LOCATION MAP  
 FROM: USGS KITTRELL QUADRANGLE; 1979  
 N3607.5-W7822.5/7.5

CAROLINA SUNROCK LLC

FIGURE 2



Oak Ridge Road  
S.R. 1555

23 Acres  
Asphalt/concrete  
Plant

10.7 acres  
undisturbed  
buffer

Belle F. Breedlove  
(AKA Belle F. Floyd)

To US1

To SR 1552

Proposed road crossing  
Violation Site

Tar River

20-06686  
Scale  
1" = 100'

MINE DEVELOPMENT  
MAP

SUNROCK  
MINE DEVELOPMENT  
MAP

NO.	DATE	DESCRIPTION	BY	SCALE
1	10/1/19	PRELIMINARY	JL	1" = 100'
2	10/1/19	REVISION	JL	1" = 100'
3	10/1/19	REVISION	JL	1" = 100'
4	10/1/19	REVISION	JL	1" = 100'
5	10/1/19	REVISION	JL	1" = 100'
6	10/1/19	REVISION	JL	1" = 100'
7	10/1/19	REVISION	JL	1" = 100'
8	10/1/19	REVISION	JL	1" = 100'
9	10/1/19	REVISION	JL	1" = 100'
10	10/1/19	REVISION	JL	1" = 100'

