

US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: June 21, 2007
Comment Deadline: July 23, 2007
Corps Action ID #: SAW 2007 01841 234

The Wilmington District, Corps of Engineers (Corps) has received an application from Martin Marietta Materials, Inc. seeking Department of the Army authorization to impact approximately 3,527 linear feet of stream channels (2,872 linear feet of important stream channel and 655 linear feet of un-important stream channel) of the jurisdictional waters of two unnamed tributaries of Spurgeon Creek Branch associated with the proposed expansion of their existing Salem Quarry facility located off of High Point south of the intersection with US 311, southeast of Winston-Salem, in Forsyth 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

Applicant: Martin Marietta Materials, Inc.
P.O. Box 7446
Charlotte, NC 28241

AGENT (if applicable):

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 proposed project site is located on the southern property boundary of the existing quarry facility running adjacent to High Point Road, southwest of Winston-Salem, in Forsyth County, North Carolina. Coordinates (in decimal degrees) for the site are 36.0262382 North, -80.1103207 West. The site is adjacent to two unnamed tributaries of Spurgeon Creek in the Yadkin River Basin (8-Digit Cataloging Unit 03040101).

Existing Site Conditions

General land use in the vicinity of the existing quarry operation consists of low density residential neighborhoods and open pasture farm land. The project impact area is bordered to the north by the existing quarry, bordered to the east by High Point Road, bordered to the south by private property, and bordered to the west by the main branch of Spurgeon Creek. Vegetation within the proposed impact is mostly forested with red maple (*Acer rubrum*) and sweet gum (*Liquidambar styraciflua*) and understory vegetation consisting of Chinese privet (*Ligustrum sinense*) and Japanese honeysuckle (*Lonicera japonica*). Two jurisdictional streams are present within the project site's boundaries, unnamed tributaries of Spurgeon Creek. The stream channel has been degraded by the surrounding past farm land use (i.e. open pasture cattle impacts). The stream channels are greatly incised and unstable.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to expand an existing crushed stone quarry operation into known suitable stone reserves.

Project Description

Martin Marietta Materials, Inc. (Martin Marietta) has nearly exhausted the stone reserves at its Salem Quarry in Forsyth County, North Carolina. In order to mine additional stone reserves which have been identified on site and to continue quarry operations to meet area demands for construction aggregates, Martin Marietta proposes to expand their existing mining operations to the south. The existing quarry operation is constrained to the north by US 311, to the east by High Point Road, and to the west by the main branch of Spurgeon Creek.

Approximately 106 acres of land is located in the proposed mining expansion. Two unnamed tributaries to Spurgeon Creek are located within this 106 acre Tract. One alternative considered for the expansion was to mine around these two stream channels. However, due to their close proximity to each other and the amount of existing overburden (dirt above the rock), adequate reserves could not be achieved by this alternative. Another alternative considered was to re-route the two unnamed tributaries. However in light of the topographical challenges located on the site, the new channels would have an eighty foot elevation drop located into an 160 foot wide trench. This would result in an unstable / unnatural conveyance of stream channel flows plus would greatly impact the available access to the stone reserves on the 106 acre tract. Martin Marietta proposes that by allowing the water within the two tributaries to enter the pit of the proposed quarry expansion, the quality of the water entering Spurgeon Creek from these impacted tributaries would be improved. The onsite treatment and stormwater control resulting from the quarry operations would be a net benefit to the water quality of Spurgeon Creek.

The applicant proposes to mitigate for permanent impacts to jurisdictional waters by payment to the North Carolina Ecosystem Enhancement Program (EEP). By letter dated June 13, 2007, the EEP stated their willingness to accept payment and provide up to

2,872 linear feet of warm water stream channel mitigation (2 to 1 ratio of 5,744 linear feet of credits) in the Yadkin Basin (8-Digit Cataloging Unit 03040101).

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 July 16, 2007.

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 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."

Evaluation

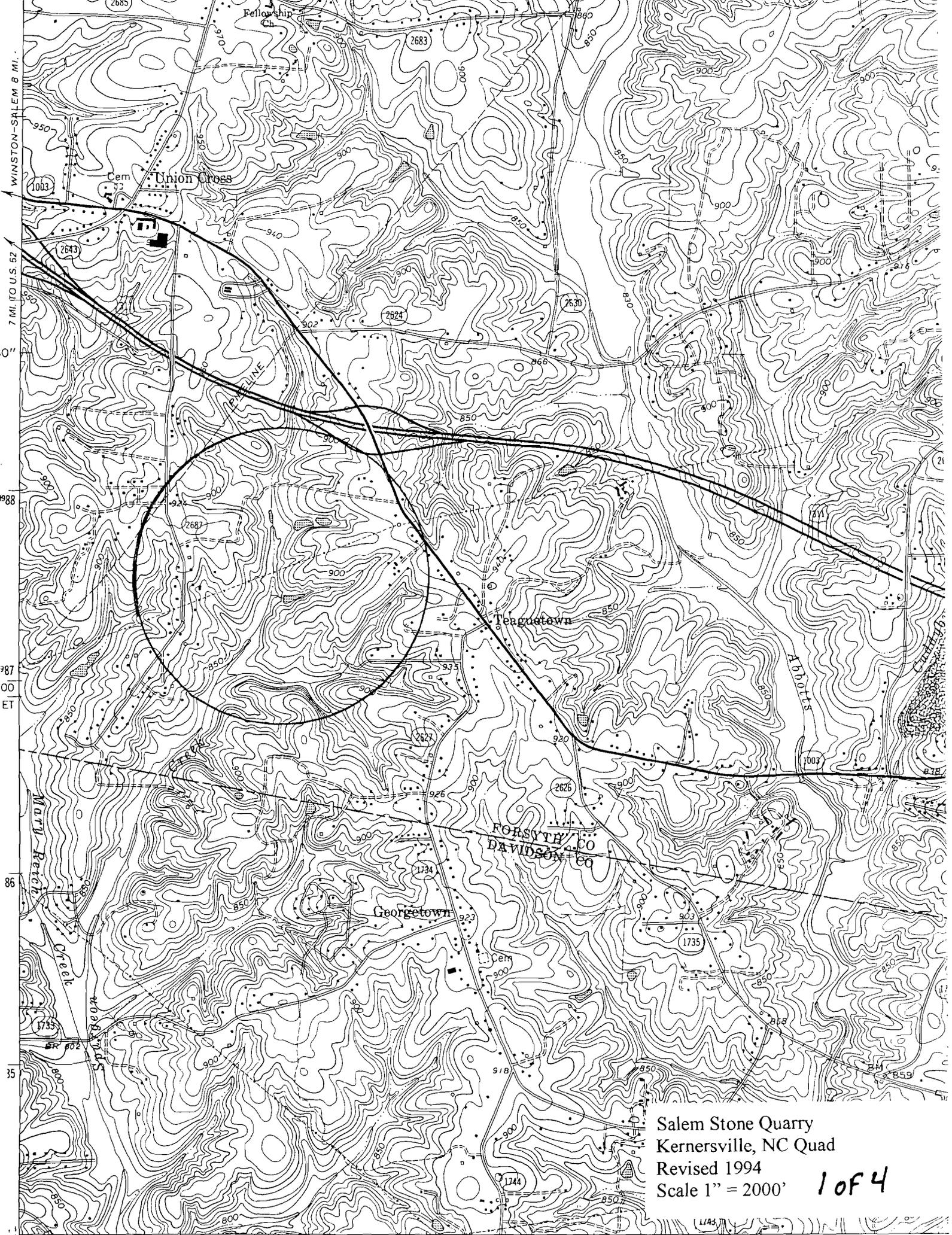
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which 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, July 23, 2007. Comments should be submitted to John Thomas, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



WINSTON-SALEM 8 MI.

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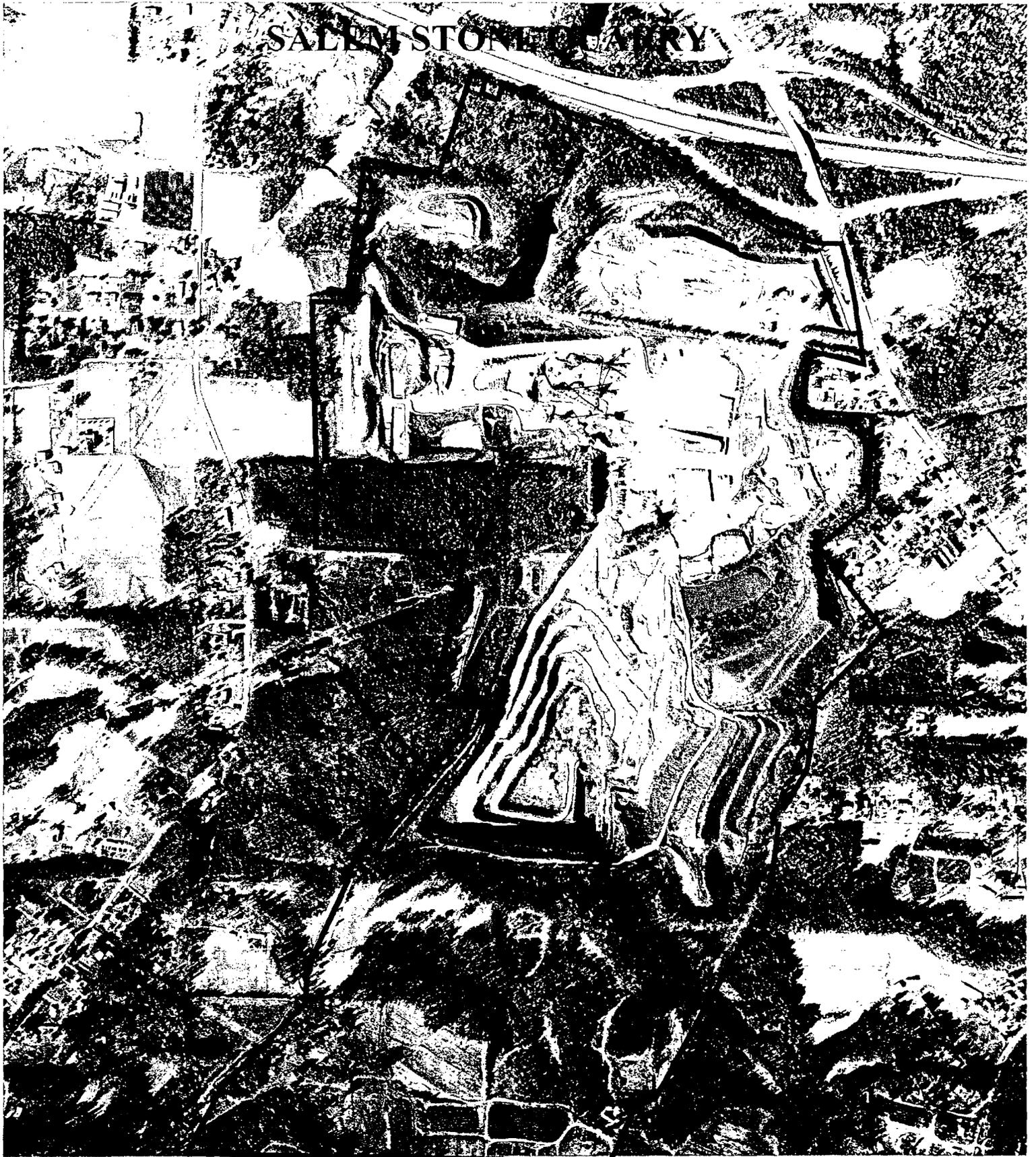
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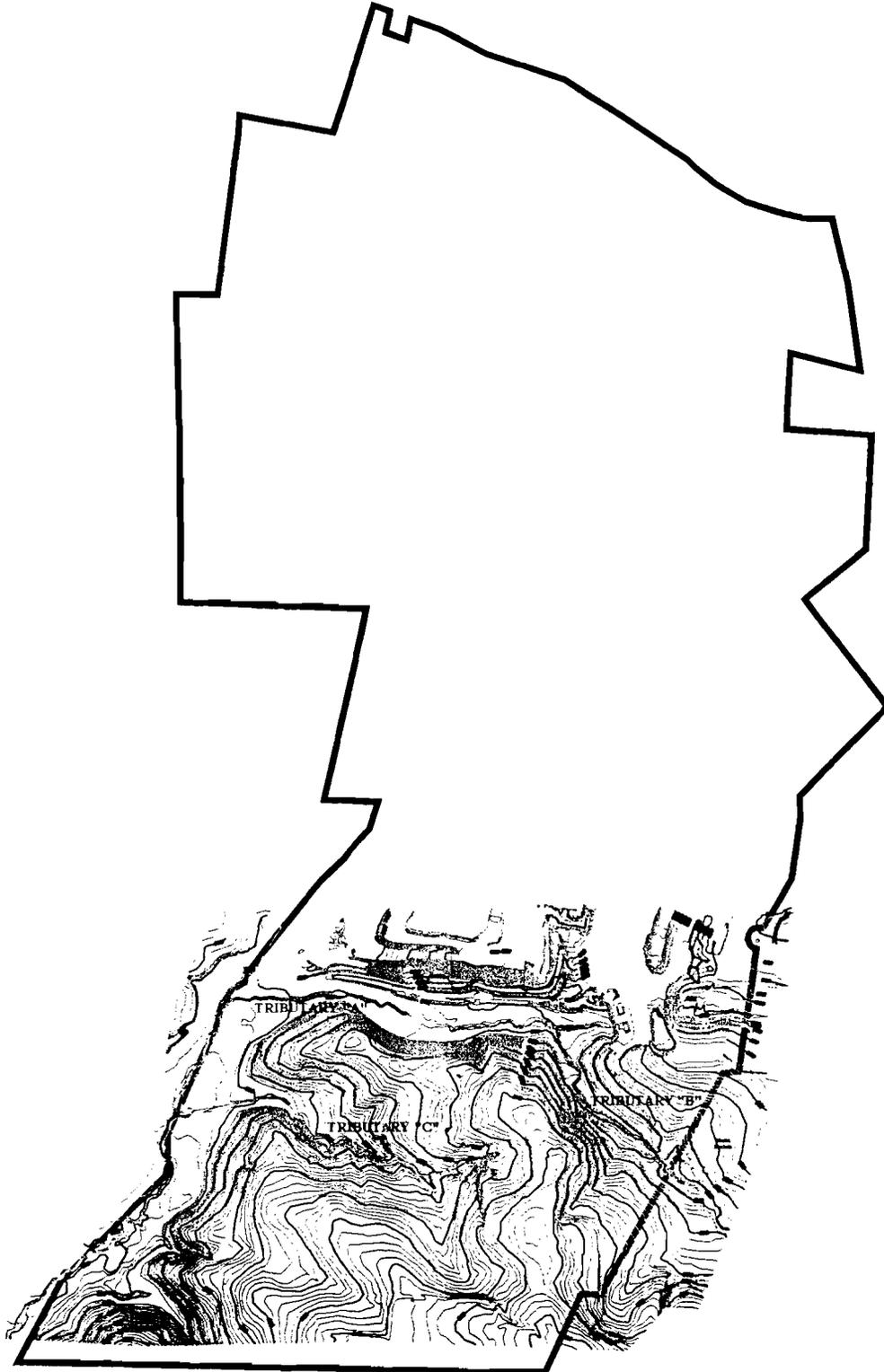
Salem Stone Quarry
Kernersville, NC Quad
Revised 1994
Scale 1" = 2000'

1 of 4

SALEM STONE QUARRY



SALEM STONE QUARRY



INSERT MAP OF SALEM STONE QUARRY
SCALE 1" = 400'

