



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: March 23, 2007
Comment Deadline: April 23, 2007
Corps Action ID #: SAW-2007-681-313

The Wilmington District, Corps of Engineers (Corps) has received an application from Vulcan Materials Company, Attn: Mr. Tim Knopf, seeking Department of the Army authorization to impact 0.49 acres of wetland and 1592 linear feet of stream channel in and adjacent to unnamed tributaries of Coddle Creek to facilitate the expansion of Vulcan Materials Cabarrus Quarry off Poplar Tent Road at Concord, Cabarrus 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: Vulcan Materials Company
4401 North Patterson Avenue
Winston-Salem, NC 27115

AGENT: Carolina Wetland Services
Attn: Craig R. Wyant
550 E. Westinghouse Blvd.
Charlotte, NC 28273

Authority

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

Location

The proposed project is located at the site of the existing Vulcan Materials Company Cabarrus Quarry west of Concord on the north side of Poplar Tent Road (SR 1394) just west of the intersection with Interstate Highway 85. The project site is also bounded on the north by Cessna Road, on the west by Akins Road and on the east by Goodman Road. The project is in west central Cabarrus County at approximately 35.4120 degrees north latitude and 80.7031 degree west longitude and is in the Yadkin River Basin, Hydrologic Unit 03040105.

Existing Site Conditions

The Vulcan Materials Cabarrus Quarry facilities occupy a total of approximately 311 acres. All but the northernmost 85 acres have been disturbed as part of the existing mining operation. Aquatic resources of the site include an undisturbed intermittent stream channel segment (Stream A) with adjacent wooded wetland (Wetland AA) in the southeast corner of the existing mined area. This channel segment is 244 feet long. The wetland is vegetated with sweet gum, red maple and silky dogwood and is 0.49 acres in size. A 126-foot long segment of this channel and a 0.33-acre portion of this wetland were previously filled under a Nationwide Permit 39 authorization issued in 2003. An existing perennial channel flows in a northerly direction through the eastern portion of the mined area to the northern property line. From the northern property line this stream continues approximately 1 mile to its confluence with Coddle Creek. A second intermittent stream that lacks important aquatic function (Stream B) originates within the 85-acre un-mined area and flows east to the perennial channel. This intermittent stream segment is 1348 feet long and has no adjacent wetlands. No portion of the existing quarry of the proposed expansion area is located within a FEMA regulated floodplain.

Applicant's Stated Purpose

The purpose of the proposed work is to expand the existing crushed stone quarry operation into known reserves. This expansion will also provide on-site storage for overburden and additional stock pile storage areas within the site.

Project Description

The applicant proposes to discharge dredged or fill material into a total of 0.49 acres of wetland (Wetland AA), 244 linear feet of intermittent channel with important aquatic function (Stream A) and 1348 linear feet of intermittent channel lacking important aquatic function (Stream B). The existing perennial channel will not be impacted by the proposed work and the northern 675 feet will be provided with a 50-foot wide, wooded buffer. Cumulative impacts to aquatic resources under the proposed new work and the previously authorized work will total 0.82 acres of wetland and 1718 linear feet of intermittent stream channel. The applicant proposes to mitigate for wetland and stream channel impacts through payment to the NC Ecosystem Enhancement Program. Plans showing the proposed work are included with this public notice.

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 combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality 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), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by April 23, 2007.

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.

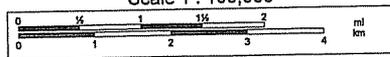
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, April 23, 2007. Comments should be submitted to Mr. Steven Lund, US Army Corps of Engineers, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006, telephone 828-271-7980 ext 223.

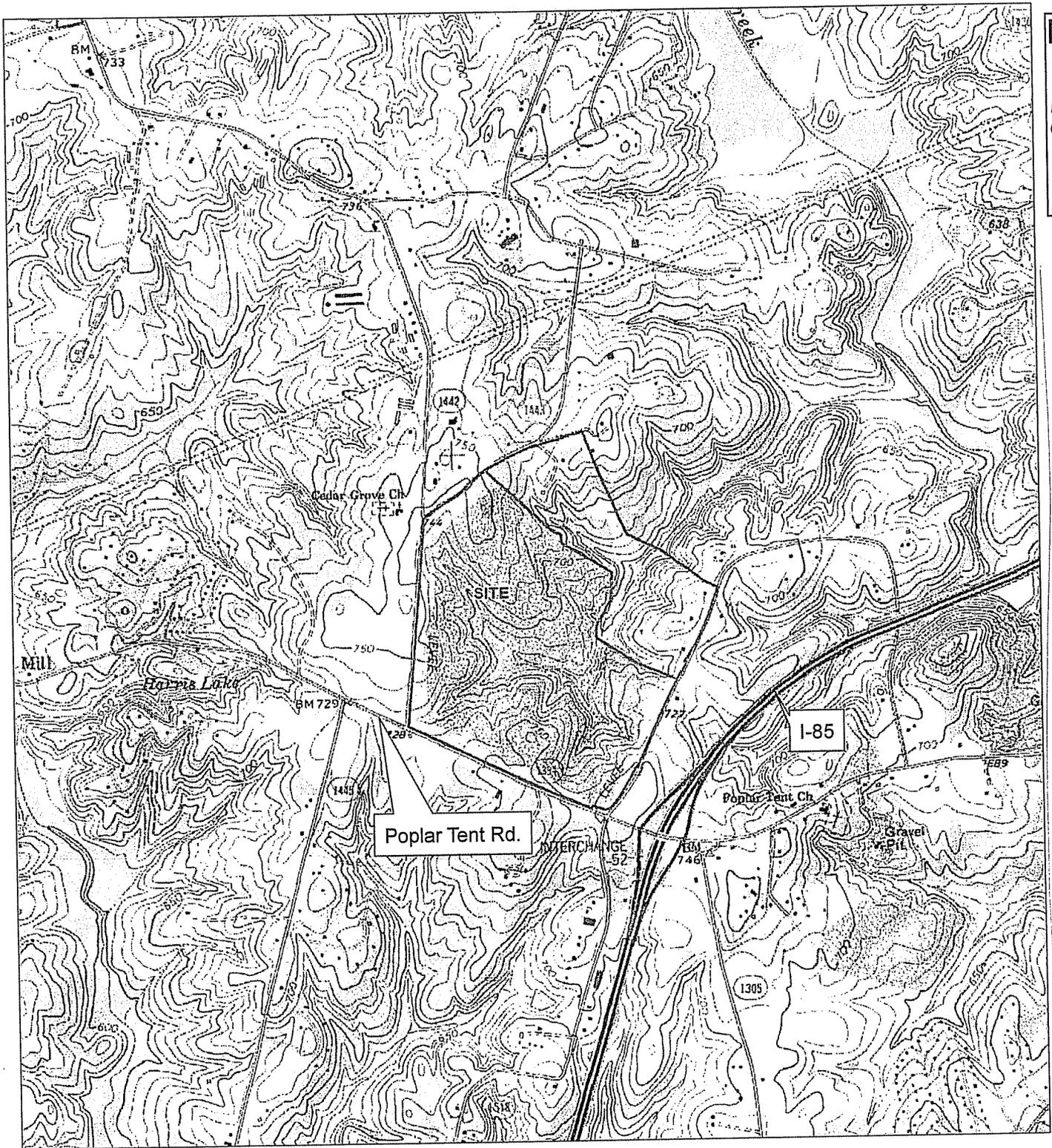


Vicinity Map Courtesy of the U.S. Geological Survey

7.5 Minute Topographic Map Series, Kannapolis, North Carolina quadrangle, dated 1996.

Scale 1 : 100,000





SHEET 2 OF 12
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Image Courtesy of the U.S. Geological Survey

7.5 Minute Topographic Map Series, Kannapolis, North Carolina quadrangle, dated 1996.
Approximate Scale 1" = 2000'



Approximate Scale: 1" = 650'
Reference: Cabarrus County Aerial Photos, 2001.

