



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 15, 2013  
Comment Deadline: June 14, 2013  
Corps Action ID Number: SAW-2010-00636

The Wilmington District, Corps of Engineers (Corps) received an application for modification to an existing permit from Mr. Dean Green of Greensboro Auto Auction, seeking Department of the Army authorization to impact an additional 319 linear feet of jurisdictional stream channel, associated with the addition of a turning lane to an existing entrance to Greensboro Auto Auction in Guilford 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

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

**Applicant:** Greensboro Auto Auction  
Mr. H. Dean Green  
3907 West Wendover Avenue  
Greensboro, North Carolina 27409

**Agent:** Mr. David S. Brame and Mr. Michael T. Brame  
4811 Koger Blvd.  
Greensboro, North Carolina 27407

## Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

## **Location**

Directions to Site: The proposed site is located at 3919-3921 West Wendover Avenue and 4009 West Wendover Avenue, adjacent to the existing Greensboro Auto Auction at 3909 West Wendover Avenue in Greensboro, Guilford County, North Carolina.

Project Area (acres): 26.5                                      Nearest Town: Greensboro  
Nearest Waterway: South Buffalo Creek                      River Basin: Cape Fear  
Latitude and Longitude: 36. 0594N, -79.8810 W

## **Existing Site Conditions**

The project site is currently developed and contains structures formerly occupied by Evergreens Senior Healthcare System, LifeSpan Incorporated and Guilford County Mental Health Services. The site is bounded by Wendover Avenue to the north, the existing Greensboro Auto Auction to the east and south and Costco Wholesale Corporation to the west.

## **Applicant's Stated Purpose**

The purpose of this project is to provide safe access to existing and proposed inventory and sales lots of the Greensboro Auto Auction (GAA).

## **Project Description**

The project includes improvements to the existing access road including the construction of a turning lane on Wendover Avenue and a turning lane on the GAA access road. Roadside slopes from the proposed turning lanes would encroach into the adjacent stream. A permit has been issued for impacts to 295 linear feet of stream associated with the construction of the turning lane on Wendover Avenue. The applicant is proposing to fill an additional 319 linear feet of stream associated with the addition of the turning lane on the existing GAA access road.

## **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Approximately 100 linear feet of stream would be avoided. Culverts would be constructed to maintain low flow and allow aquatic life movement. The applicant would utilize best management practices (BMPs) for the protection of surface waters.

## **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has proposed to purchase 425 stream credits from the Cripple Creek Stream and Wetland Mitigation Bank and 189 stream credits from Bass Mountain Stream Mitigation Bank.

## **Essential Fish Habitat**

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

Pursuant to Section 106 of the National Historic Preservation Act of 1966, the Corps consulted the latest published version of the National Register of Historic Places and initially determines that designated historic properties, or properties listed as being eligible for inclusion therein are neither located within the project area nor would 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**

Pursuant to the Endangered Species Act of 1973, the Corps 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 determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. The Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- 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. The Corps will make a final determination on the effects of the proposed project 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.

## **Other Required Authorizations**

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

**North Carolina Division of Water Quality (NCDWQ):** The Corps will generally not make a final permit decision until the 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 constitutes 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, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, 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, by June 7, 2013 to:

NCDWQ Central Office  
Attention: Ms. Karen Higgins  
1650 Mail Service Center  
Raleigh, NC 27699-1650

## **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 consolidated 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 14, 2013. Comments should be submitted to Thomas Brown, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4884 x22.