



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: July 31, 2013
Comment Deadline: August 30, 2013
Corps Action ID Number: SAW-2013-01263

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Jon Morris of Beacon Partners, Inc., seeking Department of the Army authorization to impact 1.15 acres of wetland and 1,503 linear feet of stream, associated with the development of an industrial park in 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 <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Mr. Jon Morris
Beacon Partners, Inc
610 East Morehead Street
Charlotte, North Carolina 28202

Agent (if applicable): Mr. Leonard S. Rindner
Leonard S. Rindner, PLLC
3714 Spokeshave Lane
Matthews, North Carolina 28105

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 RiverOaks Corporate Center is located southwest of the intersection of Poplar Tent Road and Derita Road in Concord, North Carolina 28027. This site is located in the Upper Pee Dee River Basin (8-Digit Cataloging Unit 03040105). From Interstate 85, head west

on Poplar Tent Road for approximately one mile. The project area is located southwest of the intersection of Derita Road and Poplar Tent Road (See Figure 1 & 2).

Project Area (acres): 122

Nearest Town: Concord

Nearest Waterway: Rocky River

River Basin: Upper Pee Dee

Latitude and Longitude: 35.4061N, 80.7159W

Existing Site Conditions

The 122 acre site consists of primarily active agricultural areas planted with wheat and soybeans. Some forested portions and urbanized disturbed areas remain within the property, as well. Residential areas reside to the west of the project area. Poplar Tent Road, residential, and commercial properties are located to the north of the project area. Derita Road, the Concord Regional Airport, and a quarry are located to the east and northeast. To the south and southwest of the project area there are commercial properties, Cox Mill High School, and forested areas. Construction on Poplar Tent Road is underway to widen it from the subject property to the interchange with I-85. The Rocky River is located approximately 1000 feet southwest from the current project area.

Applicant's Stated Purpose

The purpose of the proposed activity is to develop a corporate park able to accommodate industrial, light manufacturing and professional office space in proximity to the Interstate 85 transportation corridor, north of the greater charlotte metropolitan area.

Project Description

RiverOaks Corporate Center is a 1,621,000 SF master-planned industrial park on a 122 acre site along Interstate 85 north of Charlotte. The development will consist of large industrial manufacturing, assembly, and logistics facilities, headquarters, corporate and/or business offices, support facilities, trucking access and access roads, employee and customer parking, and stormwater management facilities. Beacon Partners proposes phasing the project into two parts.

Phase 1 of the project anticipates the grading of the pad for Building B, the grading of and possibly construction for the first phase of building A and the installation of the main park road and utility infrastructure from Derita Road and Poplar Tent Road. Since the NCDOT will allow no left turn from Poplar Tent Road to Derita Road due to its "Superstreet Design", the entrance off of Poplar Tent Road will be the main truck access for RiverOaks Corporate Center. Impacts S1, S2 and W1 would occur in the first phase for park infrastructure development and impact W2 would also occur for the grading and eventual construction of Building B. Proposed Phase 1 impacts include 1.014 acres of wetland and 270 linear feet of perennial stream.

Phase 2 of the project would entail the preparation of the site for the Expansion of Building A as well as the grading/construction of Buildings C and D. The grading and site preparation for Building A would include the disturbance of wetlands W3, W4, W5 and W6, as well as, stream impacts S3, S4, S5 and S6. This work is proposed to occur sometime after the infrastructure is

complete for Phase 1 and its timing will be dictated with the timing being dictated by market/expansion demand. Proposed Phase 2 impacts include 0.134 acres of wetland and 1,233 linear feet of perennial and intermittent stream.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Although several key design factors dictate the layout of the site, various site plans have been evaluated since the initial project planning began in order to avoid and minimize impacts by the developer. The initial site plan was moved forward towards the roads to the extent possible to avoid and minimize impacts to the extensive wetland areas associated with the Rocky River floodplain. Upon purchase of the property, 24 acres of the extensive Rocky River floodplain and wetland complex was preserved by transferring it to the Cabarrus County Soil and Water Conservation District. In another revision, the developer eliminated a parking lot with road frontage and through the use of headwalls at road crossings was able to significantly reduce approximately 842 linear feet of perennial stream impact. In addition the developer avoided impacts by proposing concrete cast in place retaining walls, thereby reducing fill slope impacts in jurisdictional areas.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The developer proposes to use a combination of mitigation measures including the permanent protection of remaining unimpacted streams and wetlands through the use of Restrictive Covenants and payment into the North Carolina Ecosystem Enhancement In Lieu Fee Program.

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, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

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 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 August 30, 2013 to:

NCDWQ Central Office
Attention: Ms. Karen Higgins
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM): The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency certification, the Corps requests via this Public Notice, concurrence or objection from the NCDCM.

Evaluation

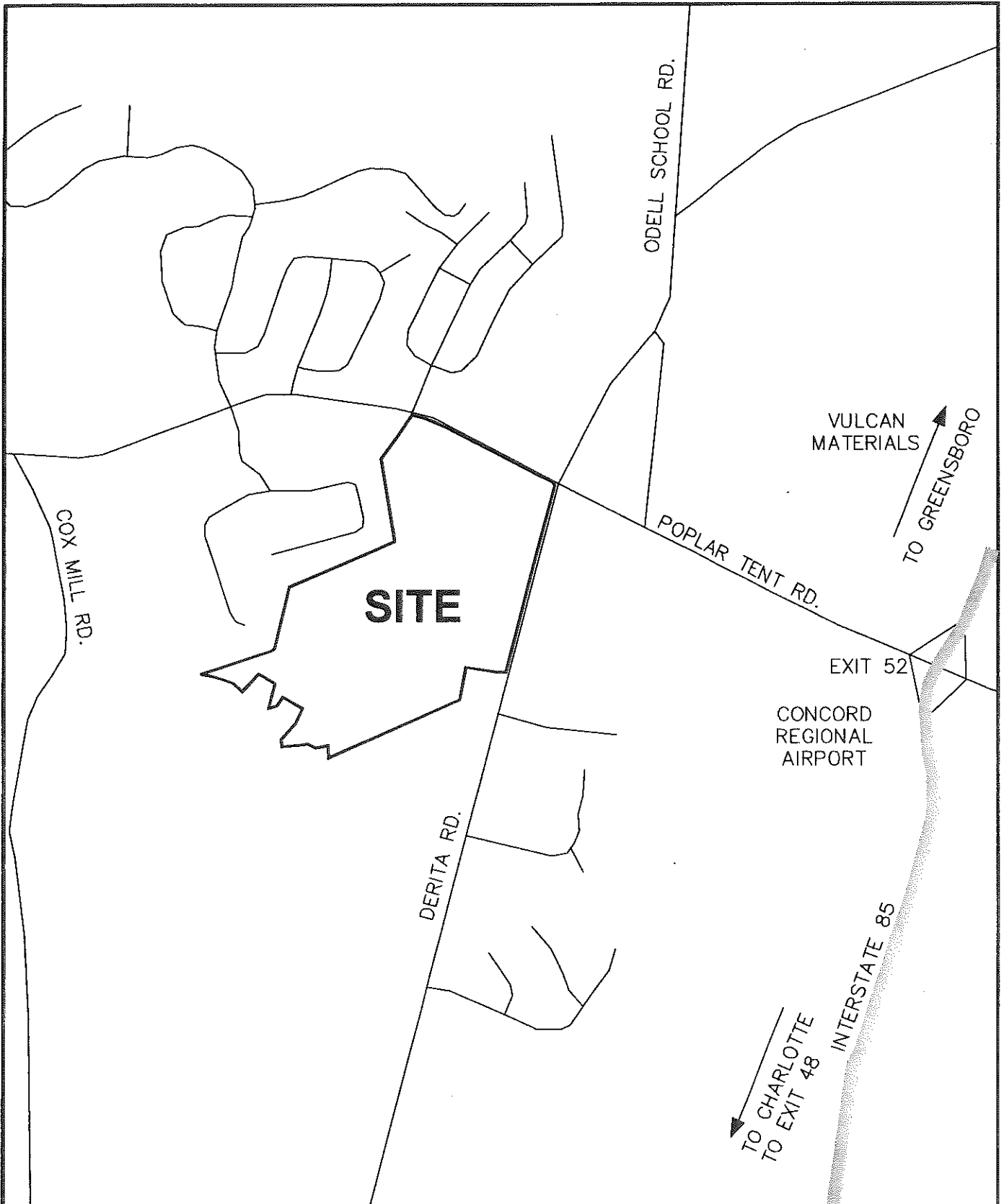
The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably 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

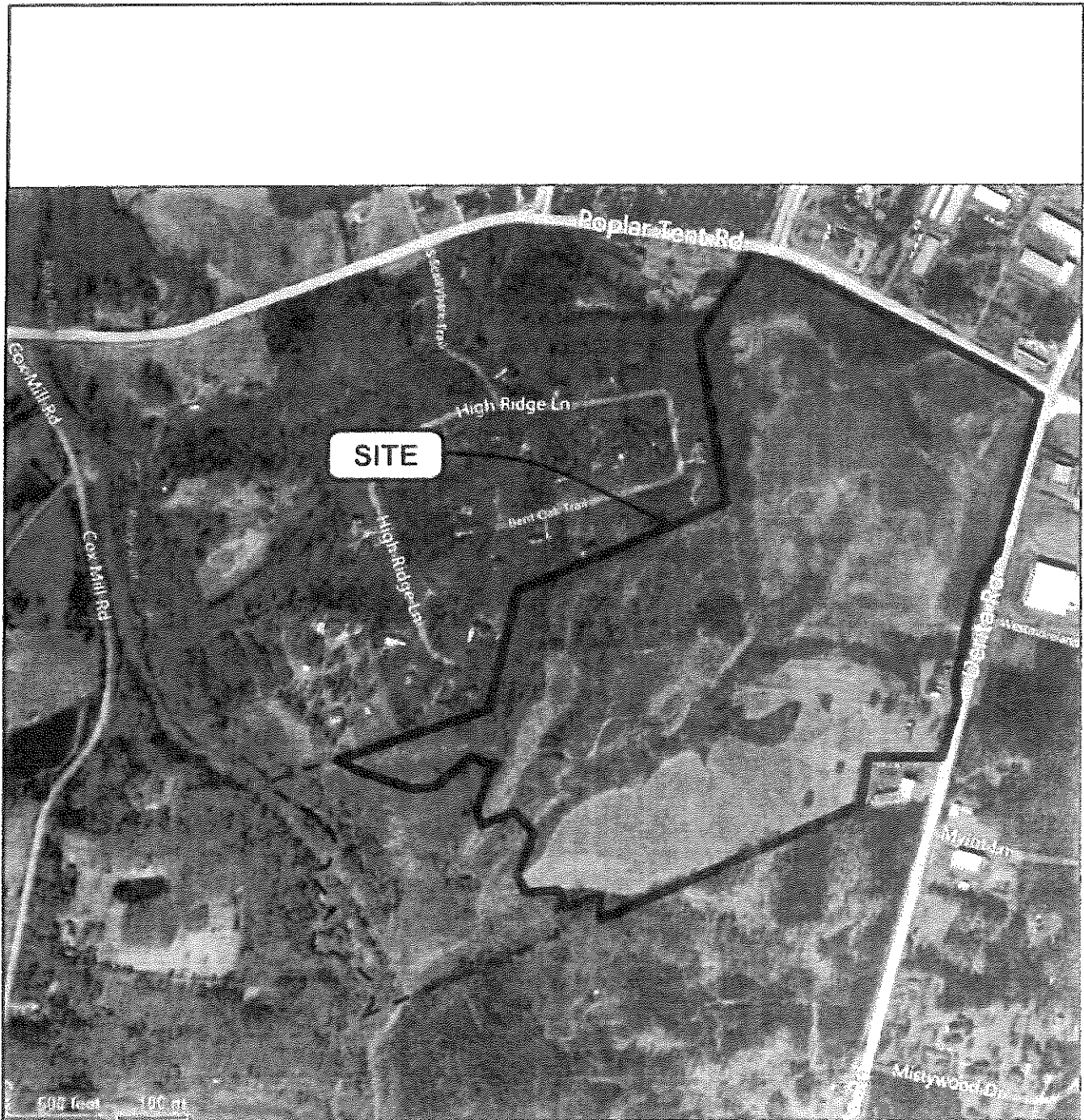
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. 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.

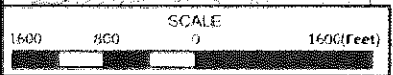
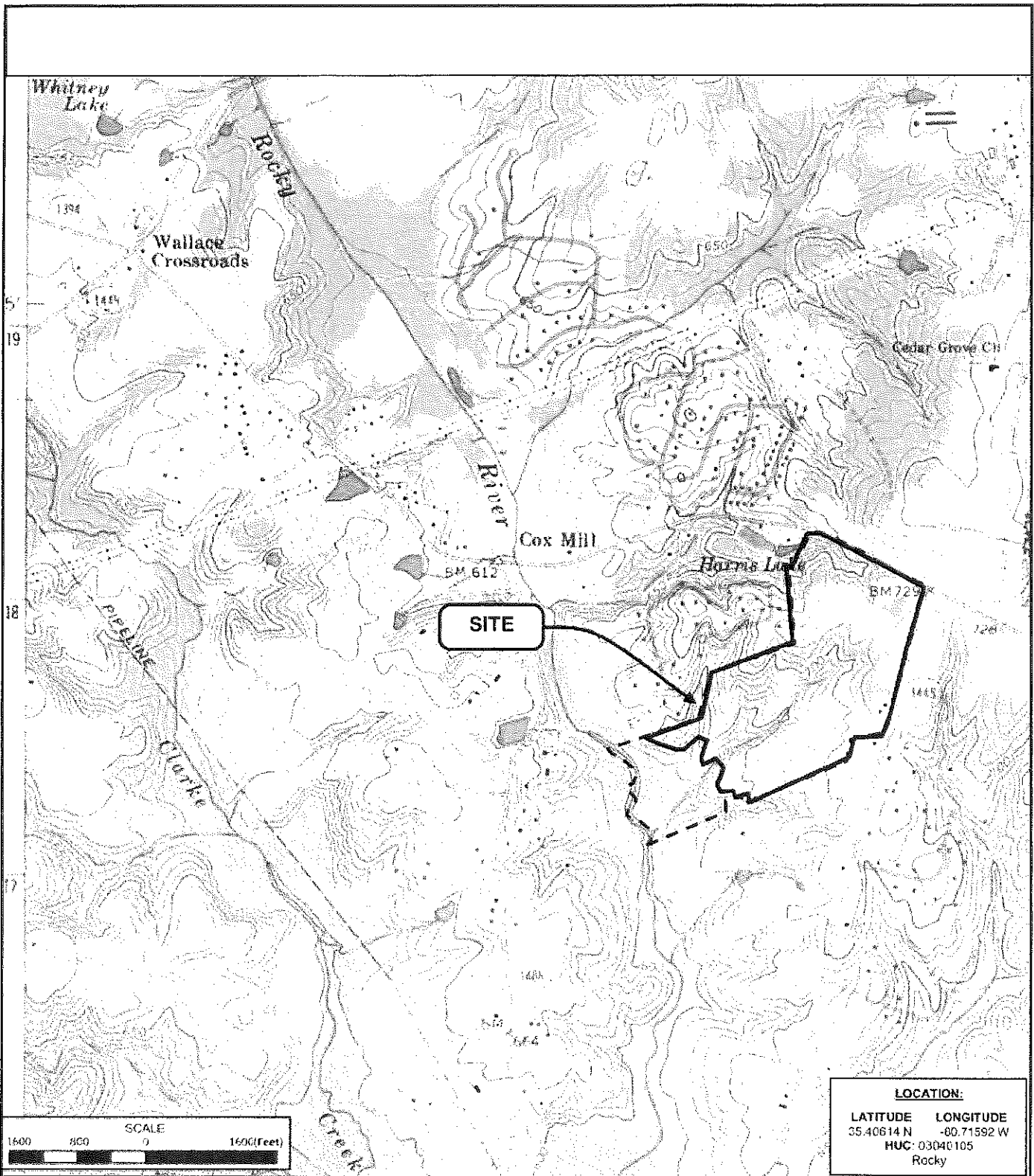
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, August 30, 2013. Comments should be submitted to Steve Kichefski, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980 x234.




 ColeJenest & Stone	<i>Shaping the Environment Realizing the Possibilities</i>	RIVEROAKS CORPORATE CENTER	VICINITY MAP	Scale N.T.S.
	Land Planning + Landscape Architecture + Civil Engineering + Urban Design	200 South Tryon Street, Suite 1400 Charlotte, North Carolina 28202 p+ 704 376 1555 f+ 704 376 7851 w + www.colejeneststone.com	BEACON PARTNERS 610 E. Morehead Street, Suite 250 Charlotte, NC 28202	Project No. 4086 Issued 01/31/13

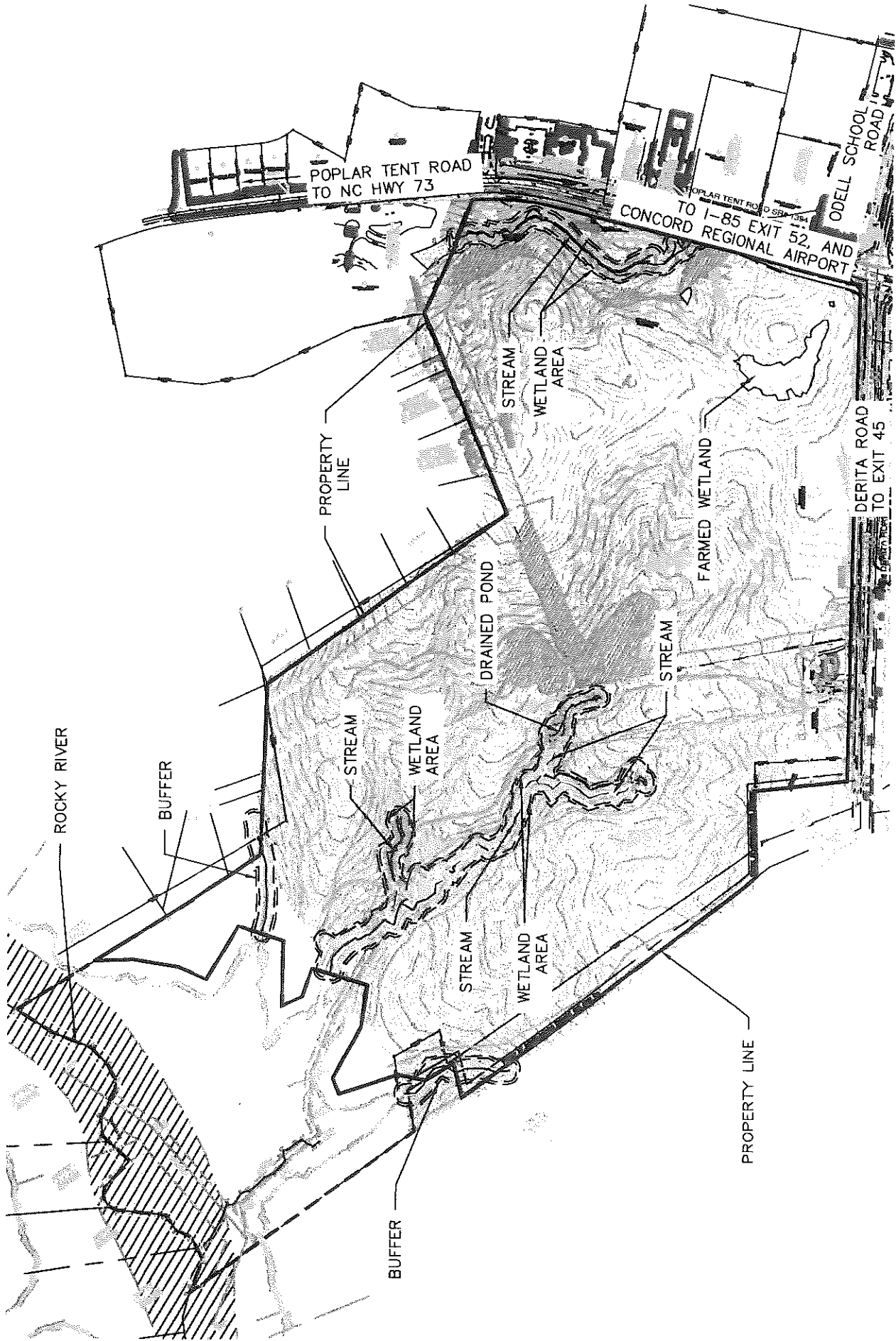


 <p>Cole Jenest & Stone</p>	<p><i>Shaping the Environment and Saving the Environment</i></p> <p>10000 10000 10000 10000</p> <p>10000 10000 10000 10000</p>	<p>RIVEROAKS CORPORATE CENTER</p> <p>BEACON PARTNERS 6101 Monahan Street, Suite 300 Charlotte, NC 28202</p>	<p>AERIAL VIEW</p> <p>Project No. 4086 Issued 01/31/13</p>	<p>Scale N.T.S.</p> 
---	--	---	---	---



LOCATION:
 LATITUDE 35.40614 N LONGITUDE -80.71592 W
 HUC: 03040105
 Rocky

 ColeJenest & Stone	<i>Shaping the Environment Realizing the Possibilities</i>	RIVEROAKS CORPORATE CENTER	USGS MAP	Scale N.T.S.
	Land Planning + Landscape Architecture + Civil Engineering + Urban Design	200 South Tryon Street, Suite 1400 Charlotte, North Carolina 28202 p+ 704 376 1555 f+ 704 376 7851 url+ www.colejeneststone.com	BEACON PARTNERS 610 E. Morehead Street, Suite 250 Charlotte, NC 28202	Project No. 4086 Issued 01/31/13



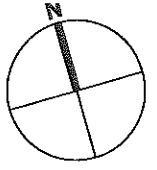
RIVEROAKS

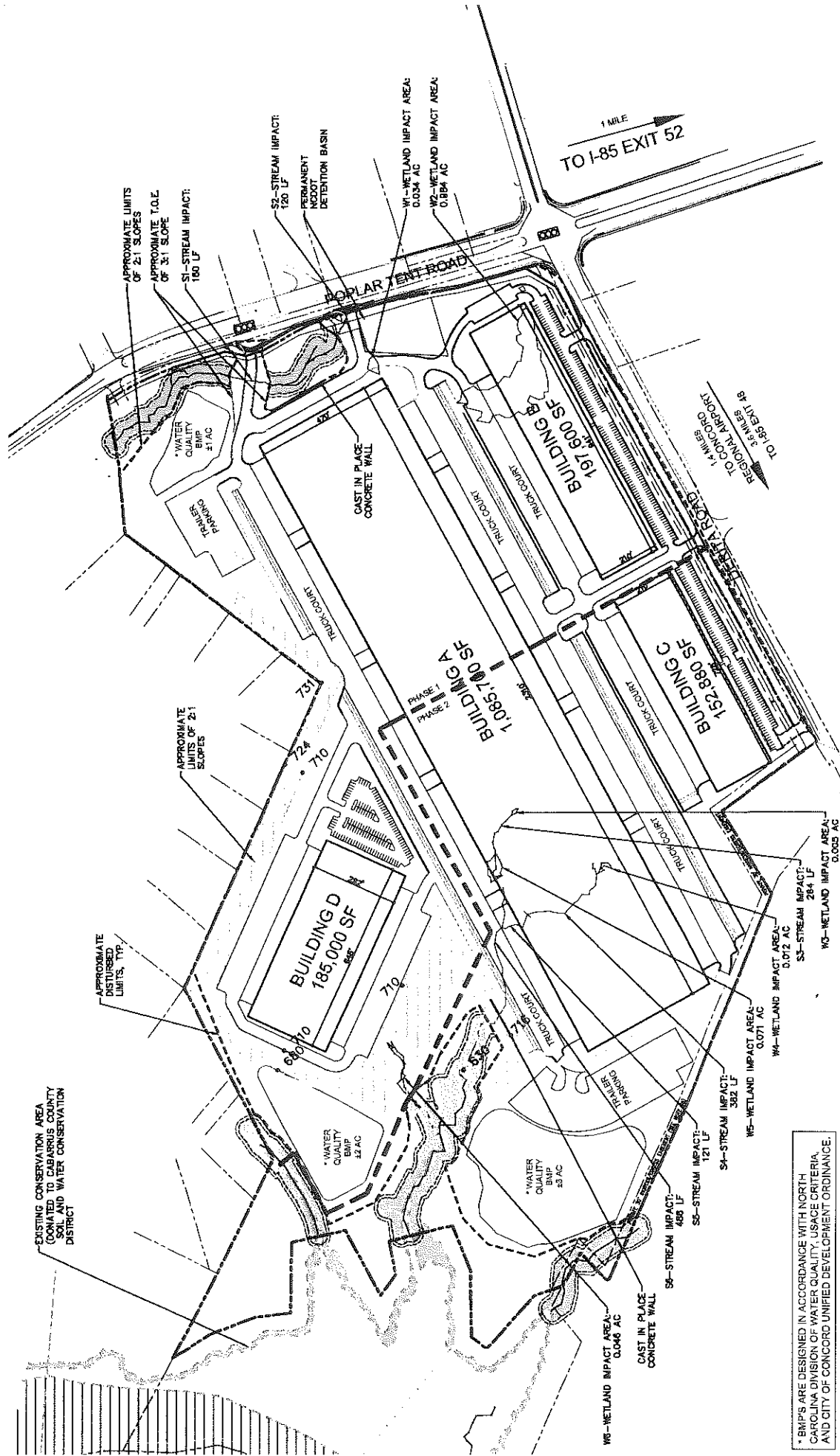
EXISTING CONDITIONS - SURVEY

BEACON PARTNERS Project No. 4086

Issued 10/31/13

SCALE: 1"=500'





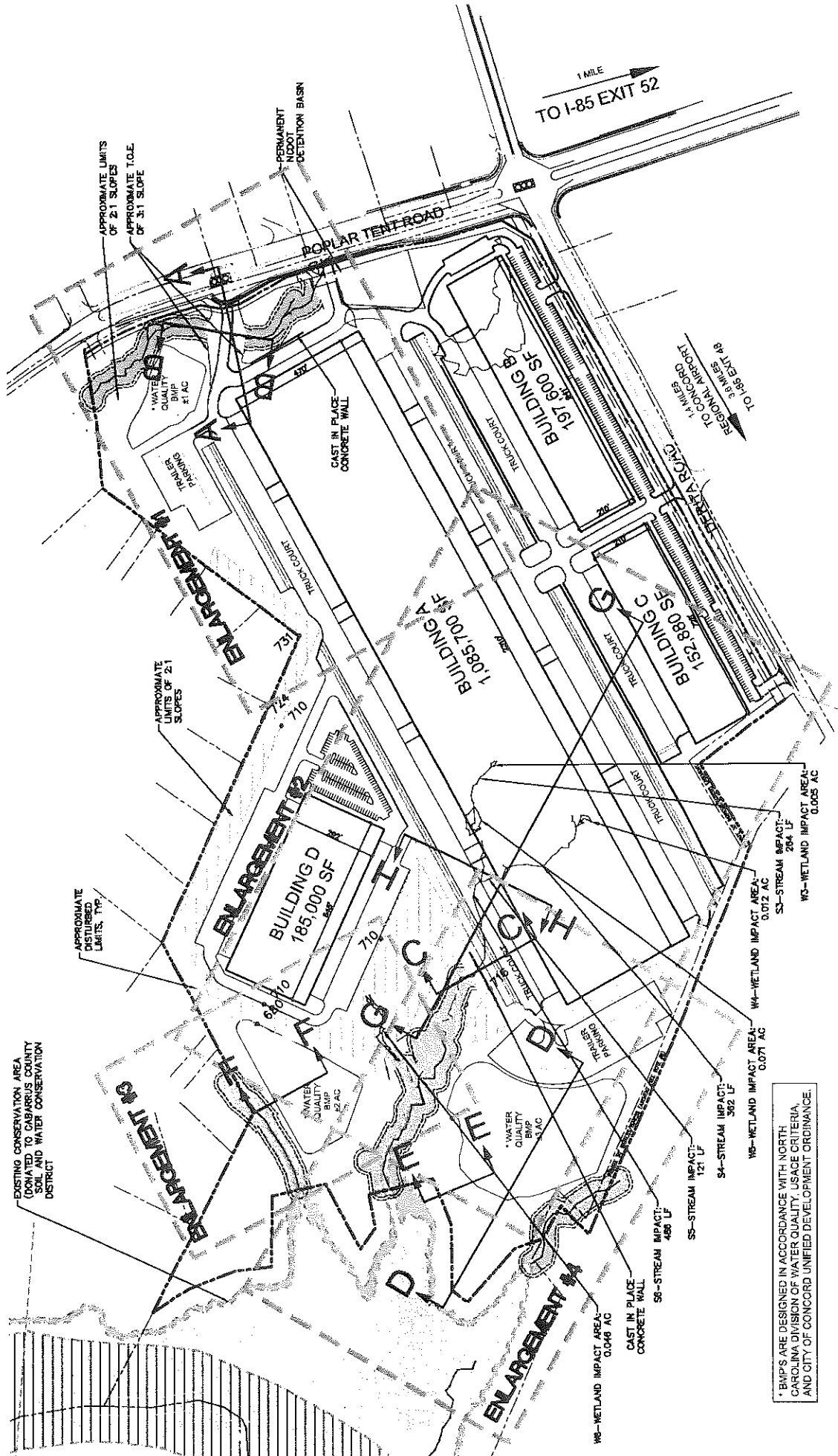
**RIVEROAKS CORPORATE CENTER
BEACON PARTNERS**

CONCEPTUAL PREFERRED SITE PLAN

Project No. 4086 Issued 6.26.13 SCALE: 1" = 300'
0 150 300 600

* BNIP'S ARE DESIGNED IN ACCORDANCE WITH NORTH CAROLINA DIVISION OF WATER QUALITY, USAGE CRITERIA, AND CITY OF CONCORD UNIFIED DEVELOPMENT ORDINANCE.





ENLARGEMENT AND CROSS-SECTION KEY MAP

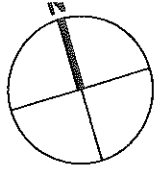
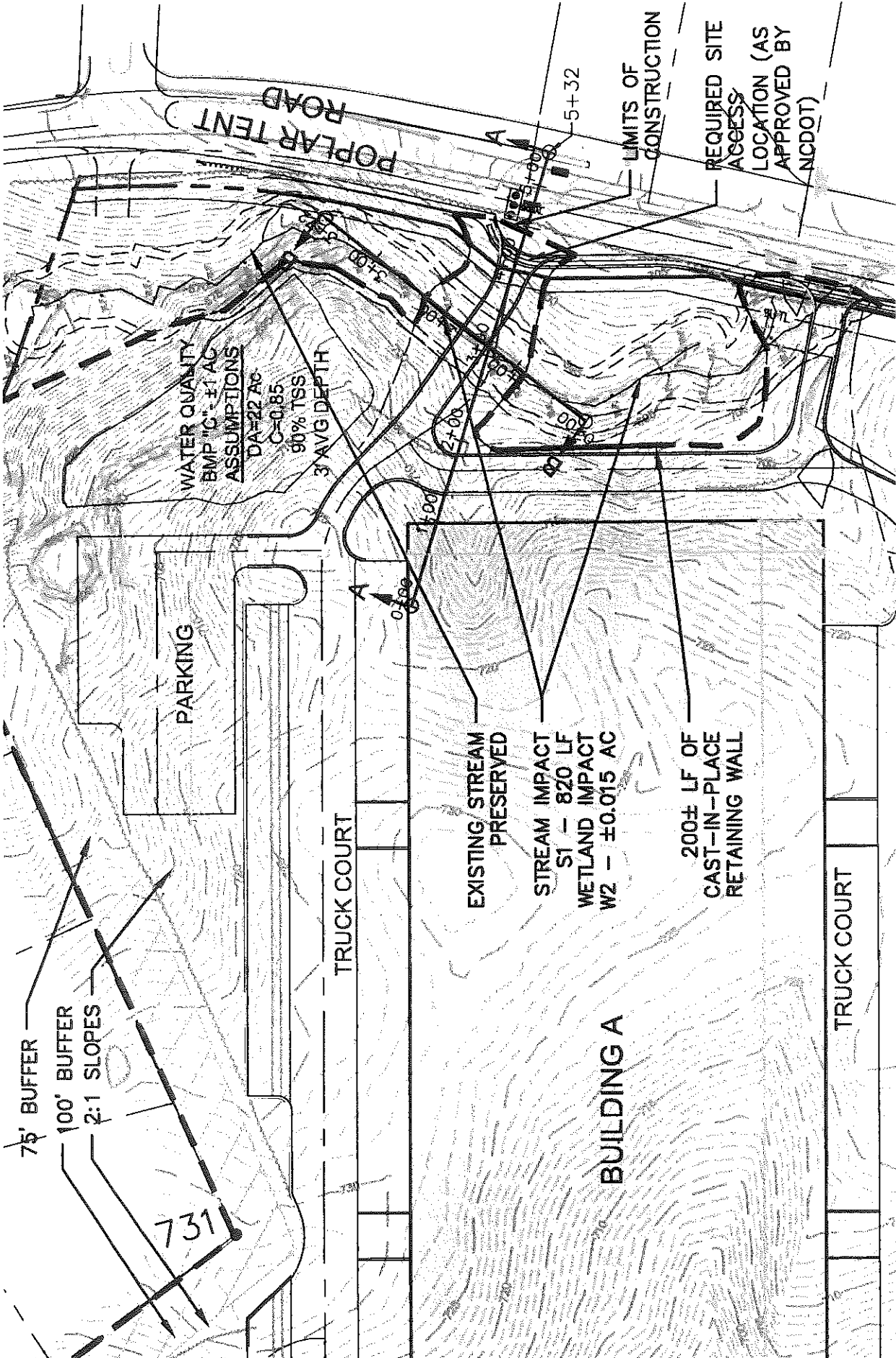
Project No. 4086 Issued 6.28.13 SCALE: 1" = 300'

0 150 300 600

RIVEROAKS CORPORATE CENTER
BEACON PARTNERS



* BMPs ARE DESIGNED IN ACCORDANCE WITH NORTH CAROLINA DIVISION OF WATER QUALITY USACE CRITERIA AND CITY OF CONCORD UNIFIED DEVELOPMENT ORDINANCE.

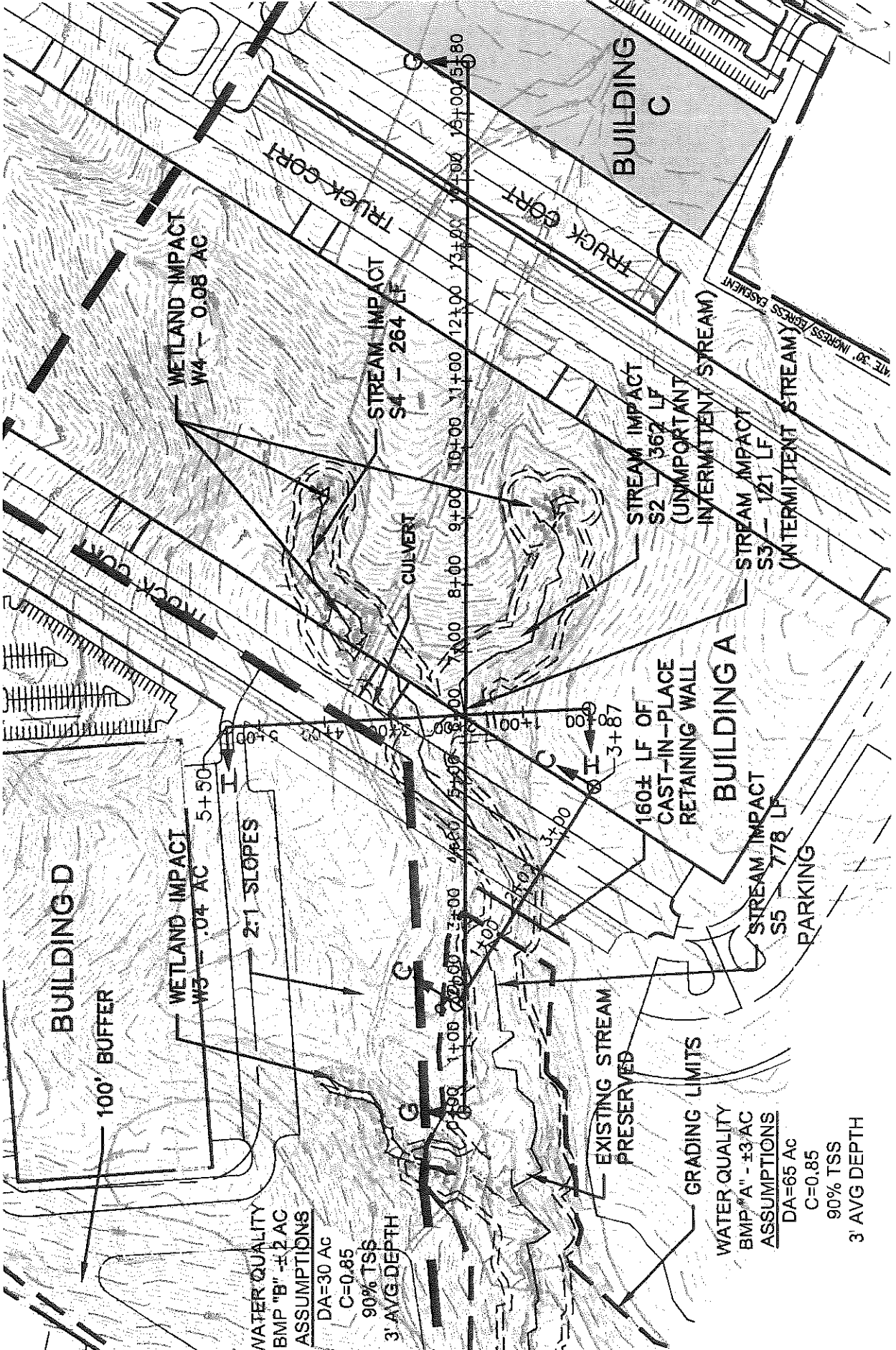


ENLARGEMENT #1

**RIVEROAKS CORPORATE CENTER
BEACON PARTNERS**

Project No. 4086 Issued 06.28.13 SCALE: 1"=150'





WATER QUALITY
 BMP "B" - 1.2 AC
 ASSUMPTIONS
 DA=30 AC
 C=0.85
 90% TSS
 3' AVG DEPTH

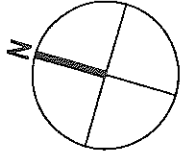
WATER QUALITY
 BMP "A" - 1.3 AC
 ASSUMPTIONS
 DA=65 AC
 C=0.85
 90% TSS
 3' AVG DEPTH

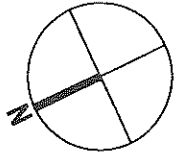
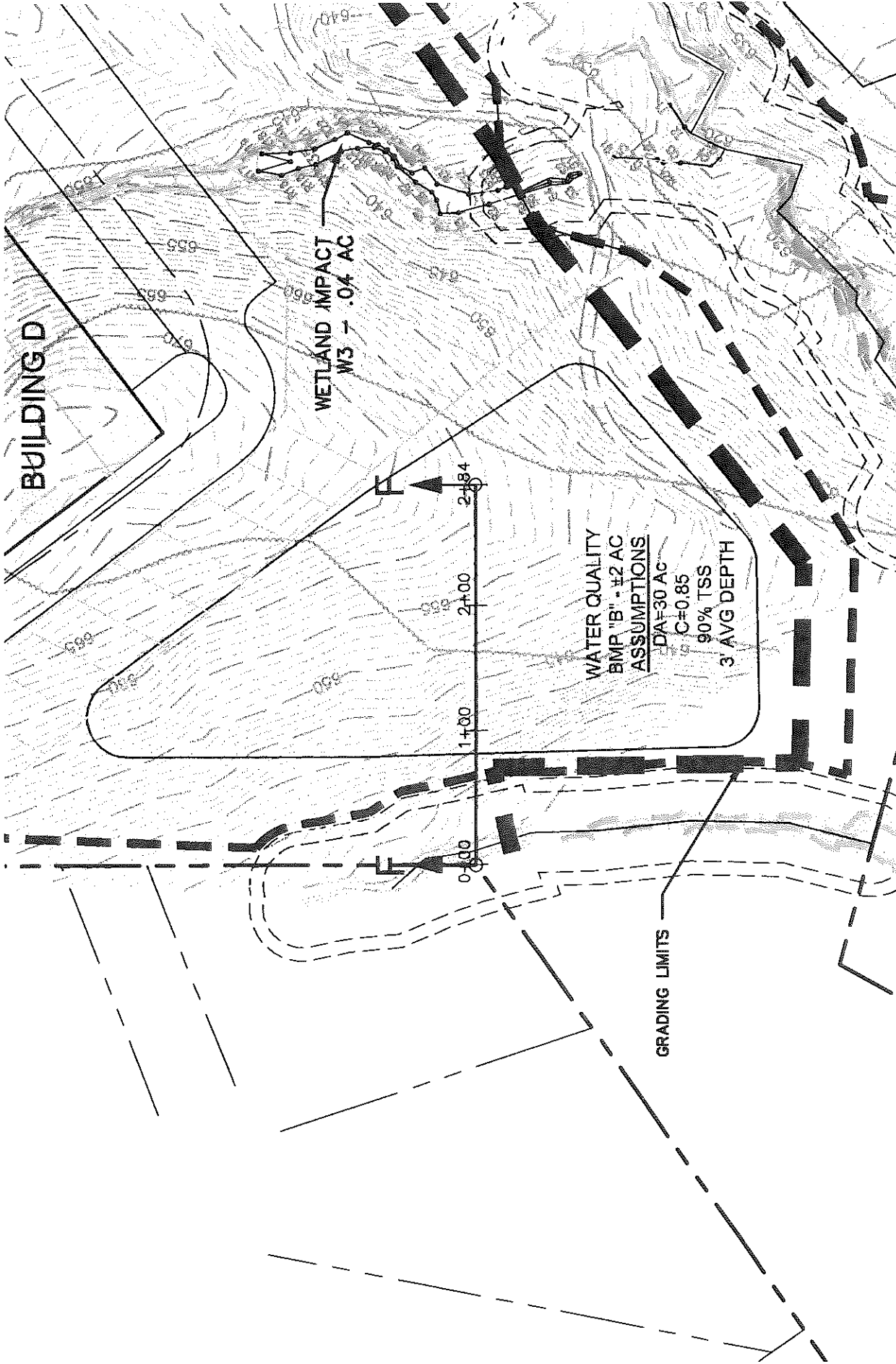


RIVEROAKS CORPORATE CENTER
BEACON PARTNERS

ENLARGEMENT #2

Project No. 4086 Issued 06.28.13 SCALE: 1"=200'

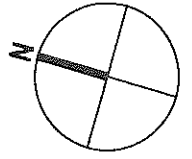
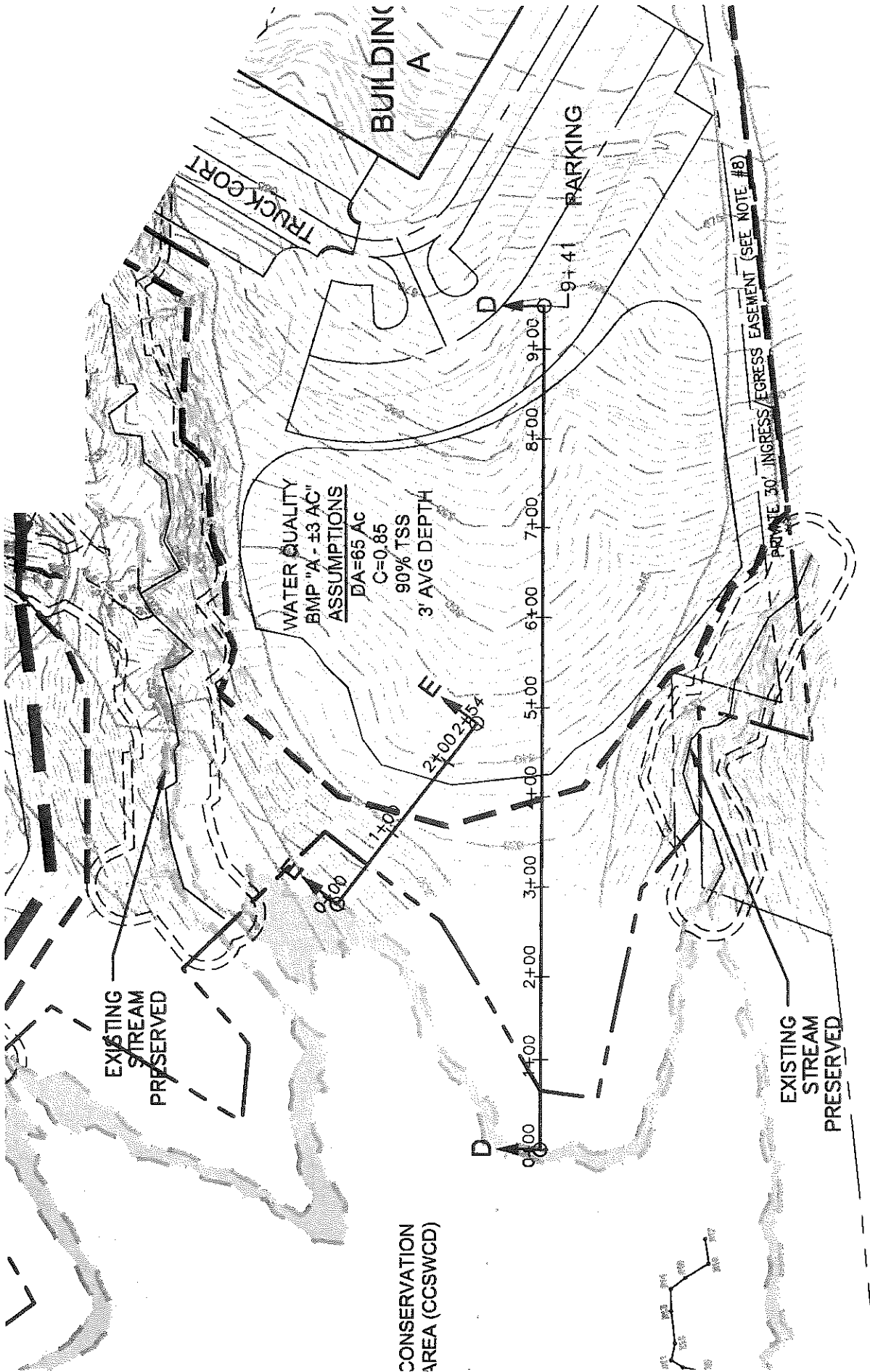




RIVEROAKS CORPORATE CENTER
BEACON PARTNERS Project No. 4086 Issued 06.28.13 SCALE: 1"=100'



ENLARGEMENT #3



ENLARGEMENT #4

**RIVEROAKS CORPORATE CENTER
BEACON PARTNERS**

Project No. 4086 Issued 06.28.13 SCALE: 1"=150'

