



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 11, 2015  
Comment Deadline: March 13, 2015  
Corps Action ID Number: SAW-2011-00556

The Wilmington District, Corps of Engineers (Corps) received an application from Metrolina Greenhouse, Inc seeking Department of the Army authorization to discharge fill material into 3.651 acres of wetlands (of which 1.25 acres of wetland impact has already occurred) for the Metrolina Greenhouse Facility Expansion Project. The project site is located at 16400 Huntersville-Concord Highway in Huntersville, Mecklenburg 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**     Metrolina Greenhouse, Inc  
                      Attn: Mr. Michael Colitti  
                      16400 Huntersville-Concord Road,  
                      Huntersville, North Carolina 28078

**AGENT:**        Environmental Services, Inc  
                      Attn: Mr. Paul Petitgout  
                      9401-C Southern Pine Boulevard  
                      Charlotte, North Carolina 28273

## 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 project site is located at 16400 Huntersville-Concord Highway in Huntersville, Mecklenburg County, North Carolina.

Project Area (acres): 100  
River Basin: 03040105  
Nearest Waterway: North Prong Clarke Creek and Clarke Creek

Nearest Town: Huntersville  
Latitude: 35.42032N and Longitude: -80.76327W

### **Existing Site Conditions**

The proposed project includes cleared vacant land located adjacent to the existing Metrolina Greenhouse facility property. The existing facilities are sited on approximately 444 acres and the proposed expansion of the facilities for which this permit request is being submitted, is a part of a ±112-acre property that was purchased for the expansion. The site was graded as a part of the development of the proposed expansion facility and the grading activity and construction of a sediment pond resulted in an authorized fill of 1.25 acres of wetland.

Wetlands are mostly herbaceous with sparse canopy and shrub/sapling layer made up of red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), and American sycamore (*Platanus occidentalis*) making up a sparse canopy layer and shrub/sapling layer and herbaceous species that include softrush (*Juncus effusus*), cattail (*Typha* spp.), and Wool rush (*Scirpus cyperinus*). There are two jurisdictional streams located within the project area and soils are made up of Cecil sandy clay loams (CeB2 and CeD2) and Monocan loam (MO).

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

The overall purpose and need for this project is for Metrolina Greenhouses to expand its greenhouse operation in a responsible manner to meet the growing demand for greenhouse plant stock in the service area of the greenhouse facility.

### **Project Description**

This project involves the expansion of the existing commercial greenhouse facilities and involves site grading, building of greenhouse structures and the construction of a sediment pond. Some grading and the construction of the sediment pond have already occurred and have resulted in impact to 1.25 acres of wetland. The applicant is requesting after-the-fact authorization for impacts that have already occurred. Additional proposed impacts include impact to 2.4 acres of wetlands resulting from additional site grading for the greenhouse structures.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

Several possible site plans were drafted and reviewed throughout the planning stages of the proposed expansion of the greenhouse facilities. The original plans called for a much larger greenhouse facility, but a larger facility would have required additional impacts to both floodplain areas and jurisdictional wetlands. The impacts actually would have been significantly larger due to the fact that the current site plan only impacts the tip ends of several wetland "fingers" that protrude toward the center of the property. The current site plan requires the least

amount of wetland impacts and has been designed to utilize the available upland areas in the most efficient way possible. Wetland impacts have been avoided and/or minimized and are limited to the areas along the edge of the proposed expansion facility. Several wetland “fingers” and one freshwater marsh area are proposed for impact. By limiting the impacts to these areas, the larger, less impacted wetland areas can be avoided. When feasible, the current site design also integrates the use of retaining walls, and other engineering techniques to prevent or reduce further impacts. Additionally, the proposed site plan establishes a “green-space” corridor that runs along the property lines located to the east and south of the proposed expansion site. These green space areas have the ability to provide both water quality benefits as they buffer both Clarke and Ramah Creek and provide a wildlife corridor along the edges of the developed area.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The proposed project will result in unavoidable impacts to 3.651-acres of jurisdictional wetlands (1.641 of low value bottomland hardwoods and 2.01-acres of high value freshwater marsh). To compensate for this loss, the applicant proposes to purchase mitigation from the North Carolina Ecosystem Enhancement Program’s (EEP) 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:

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps’ permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- 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).

- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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 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 Resources (NCDWR):** The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by March 13, 2015 to:

NCDWR Central Office  
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit  
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

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 will request, upon receipt, concurrence or objection from the NCDCM.
- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

## **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.

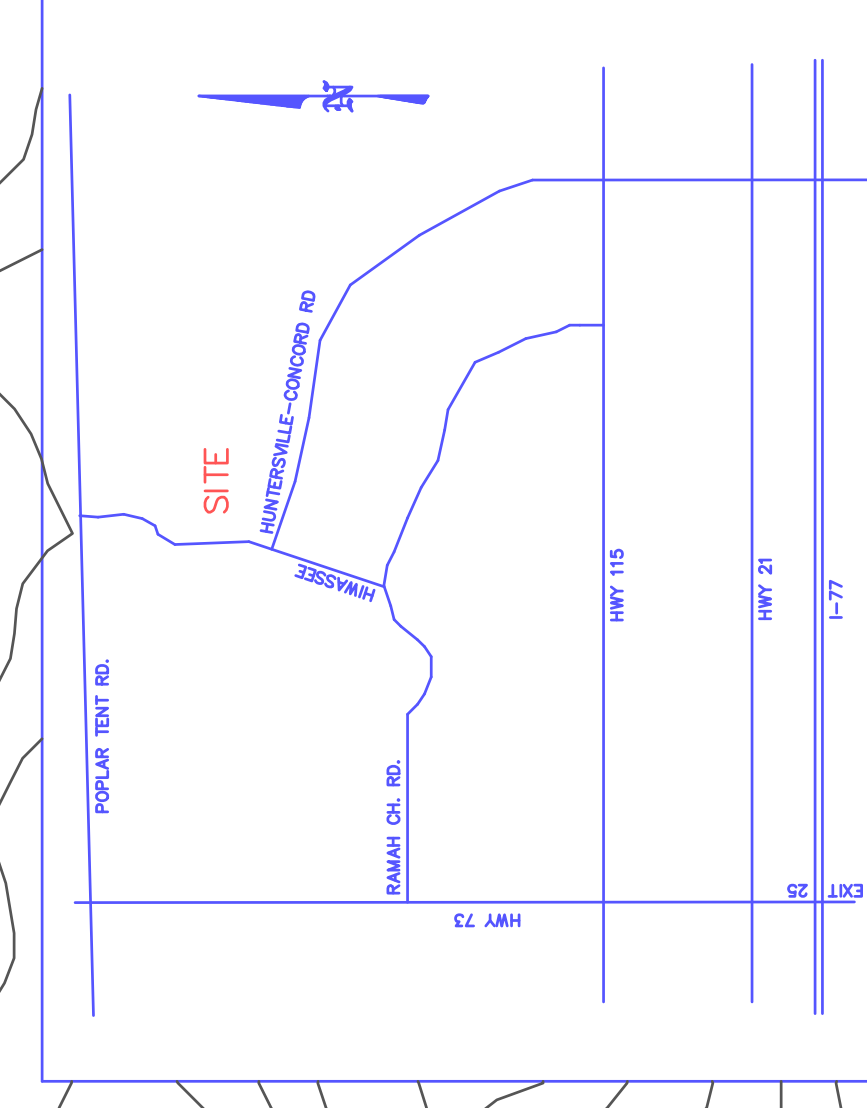
### **Commenting Information**

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.

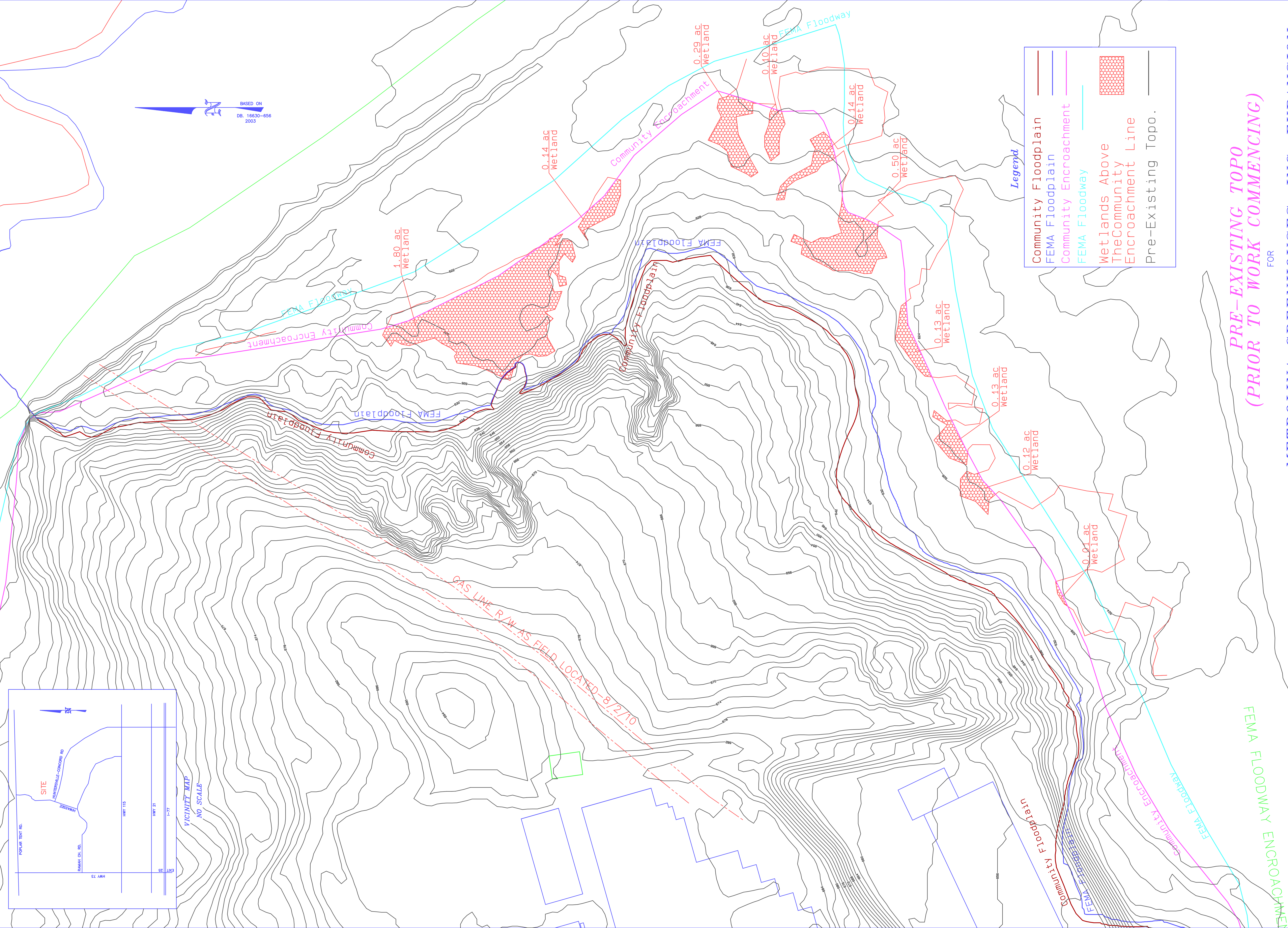
The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, March 13, 2015. Comments should be submitted to Crystal Amschler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980, ext 231.





VICINITY MAP  
NO SCALE

BASED ON  
DB. 16630-656  
2003



**Legend**

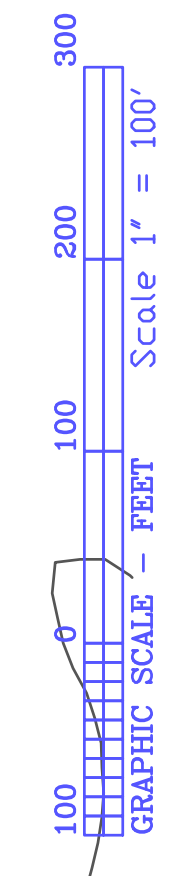
- Community Floodplain
- FEMA Floodplain
- Community Encroachment
- FEMA Floodway
- Wetlands Above The Community Encroachment Line
- Pre-Existing Topo.

PRE-EXISTING TOPO  
(PRIOR TO WORK COMMENCING)

FOR

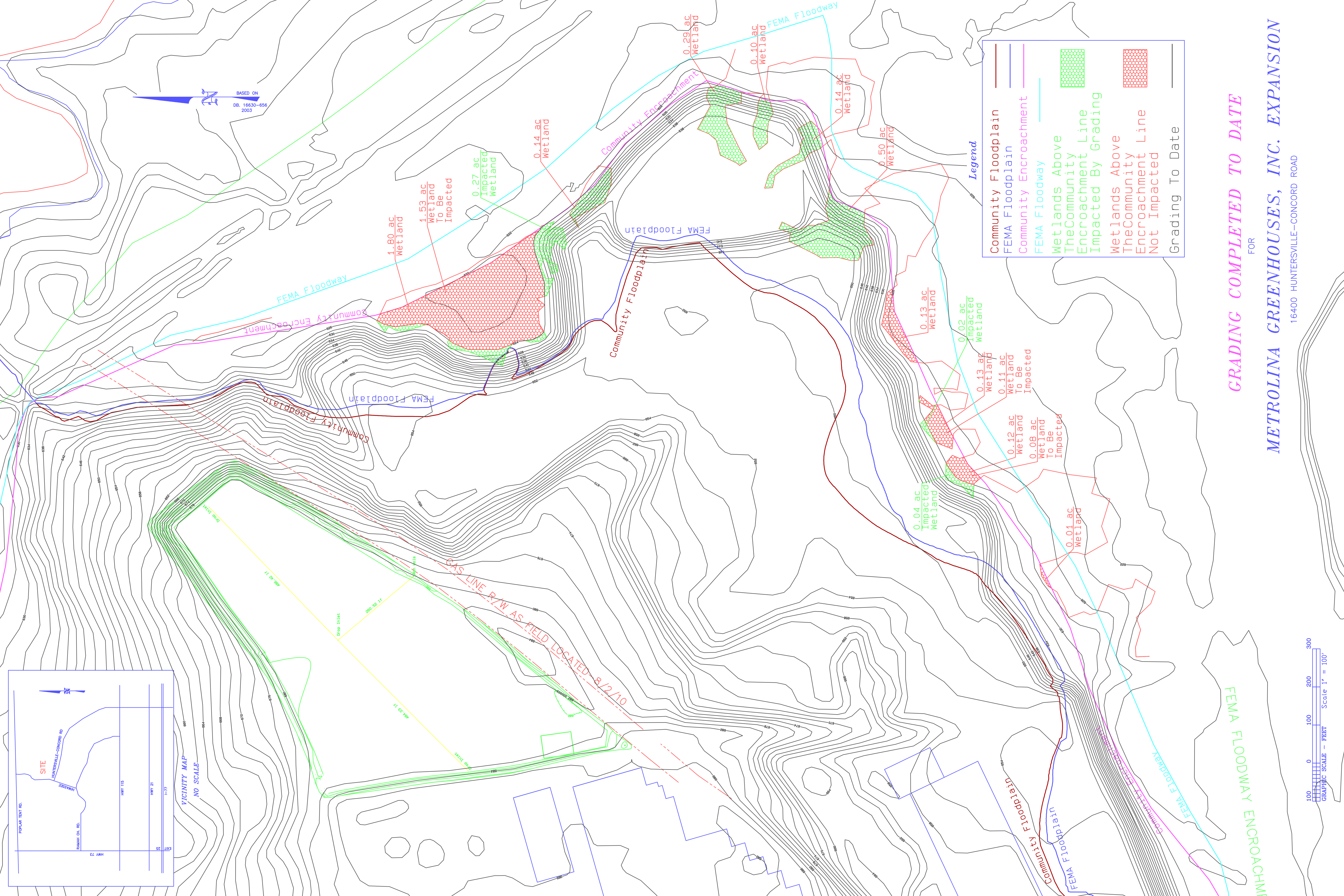
**METROLINA GREENHOUSES, INC. EXPANSION**

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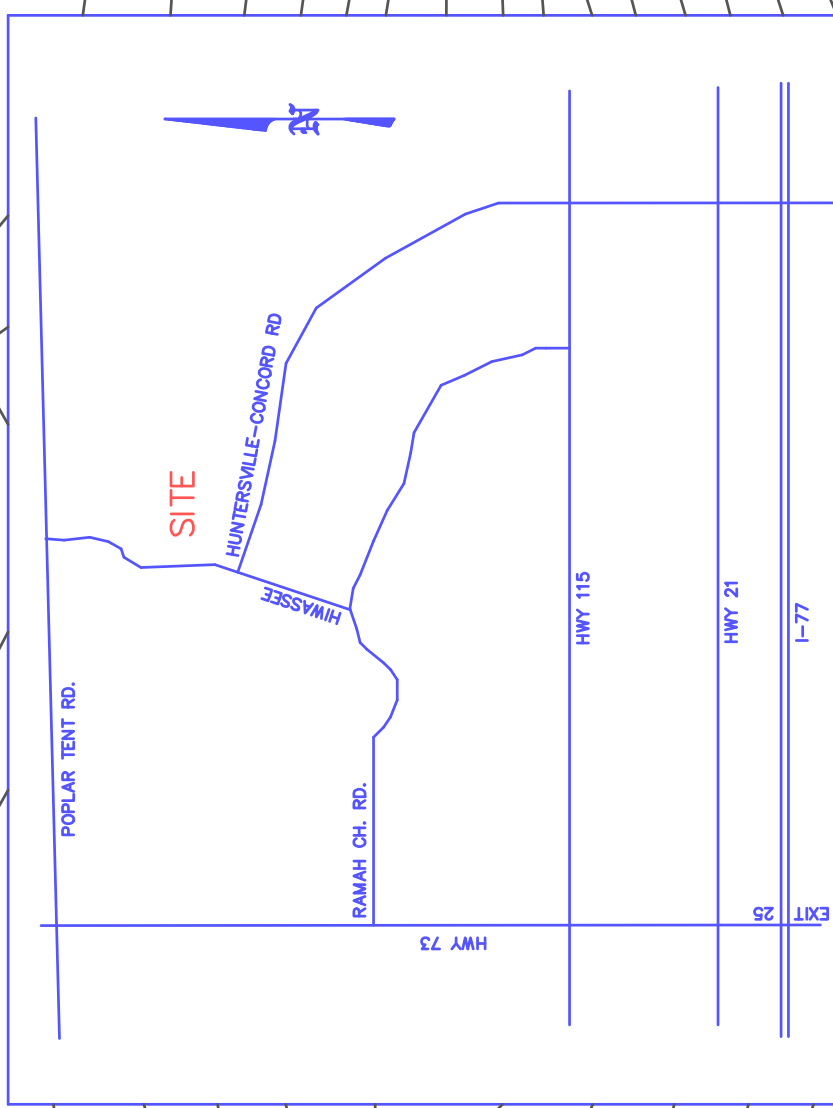


FEMA FLOODWAY ENCROACHMENT





BASED ON  
DB. 16630-656  
2003

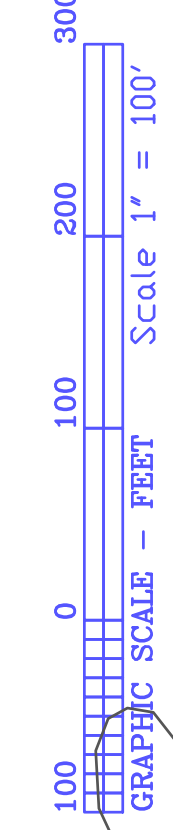


*GRADING COMPLETED TO DATE*

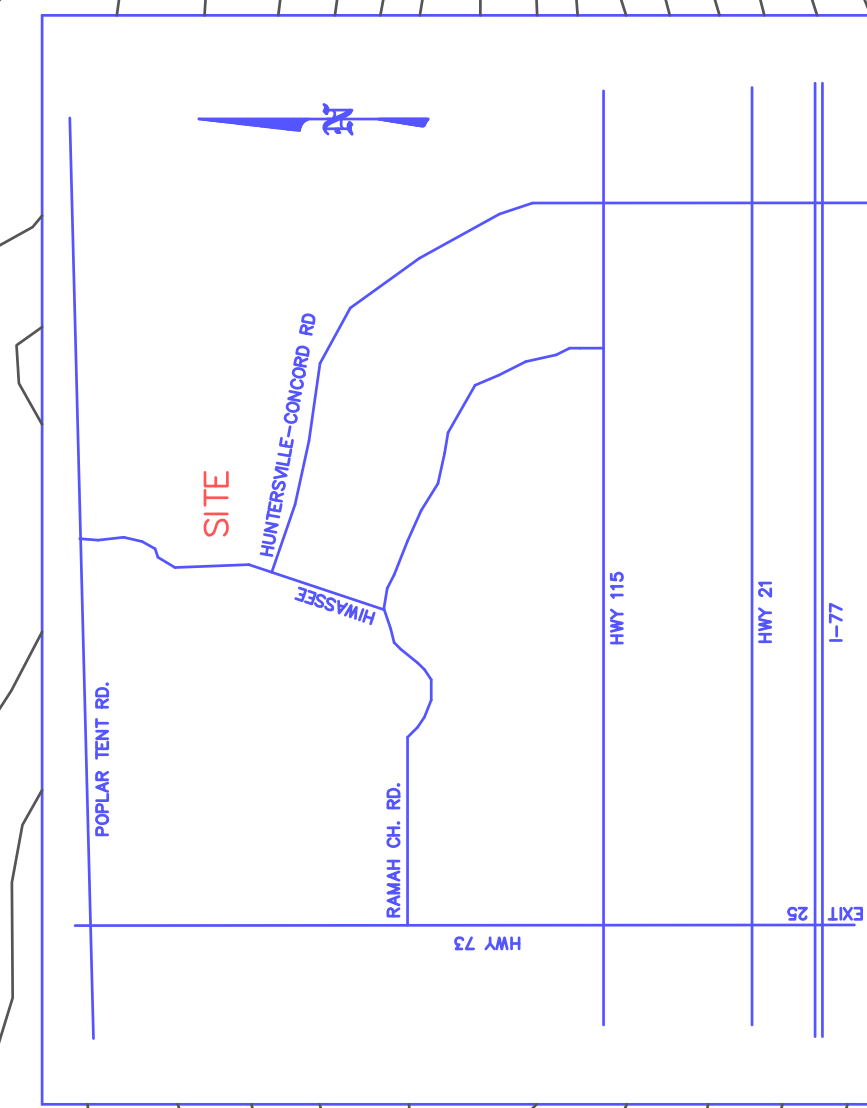
FOR

**METROLINA GREENHOUSES, INC. EXPANSION**

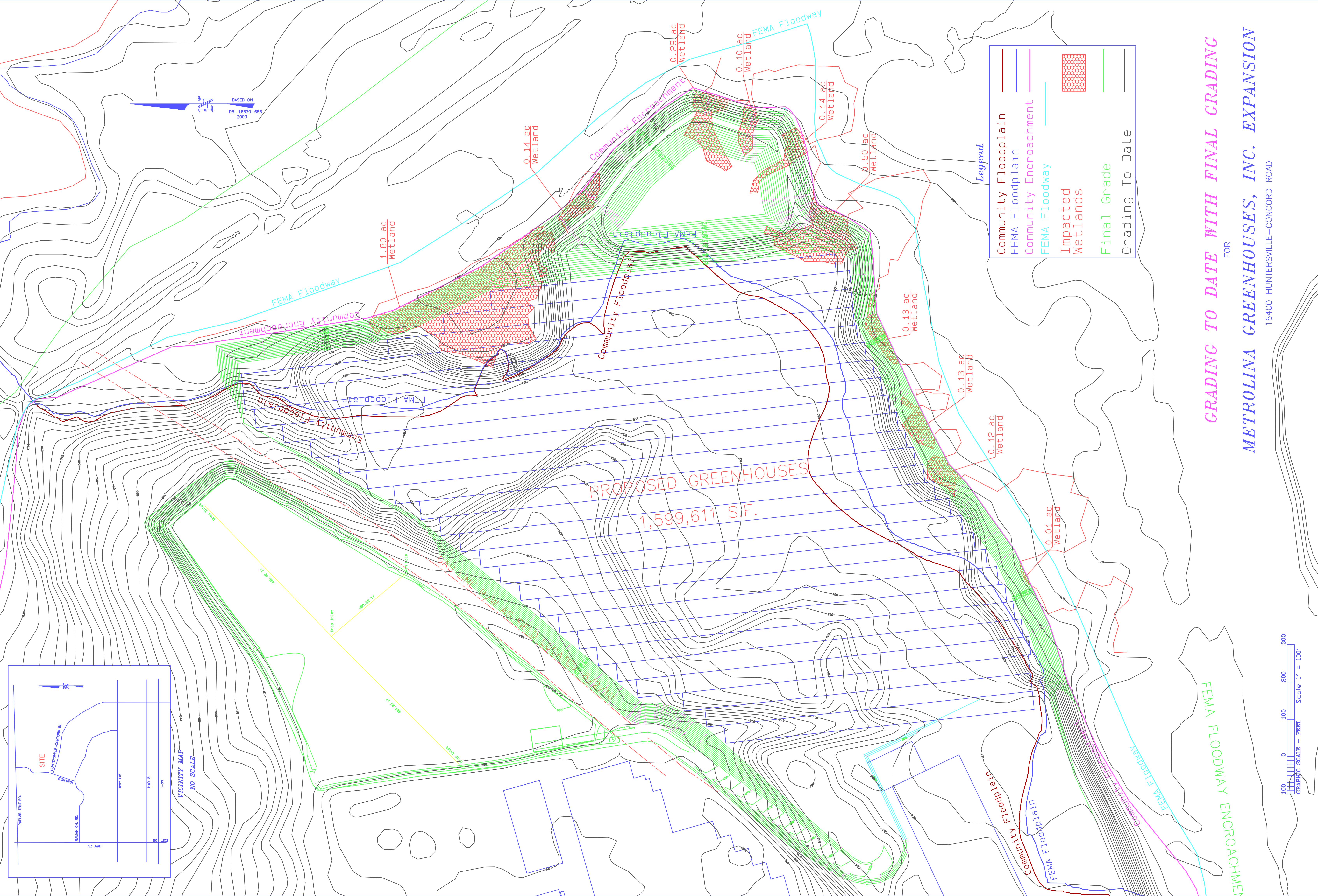
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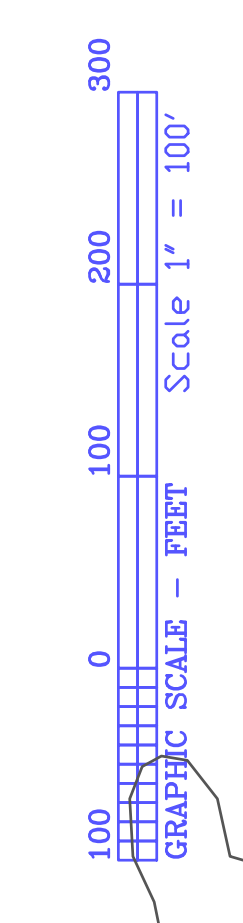
**Legend**

Community Floodplain	Community Encroachment	Final Grade
FEMA Floodplain	FEMA Floodway	Impacted Wetlands
Community Encroachment	Grading To Date	

GRADING TO DATE WITH FINAL GRADING

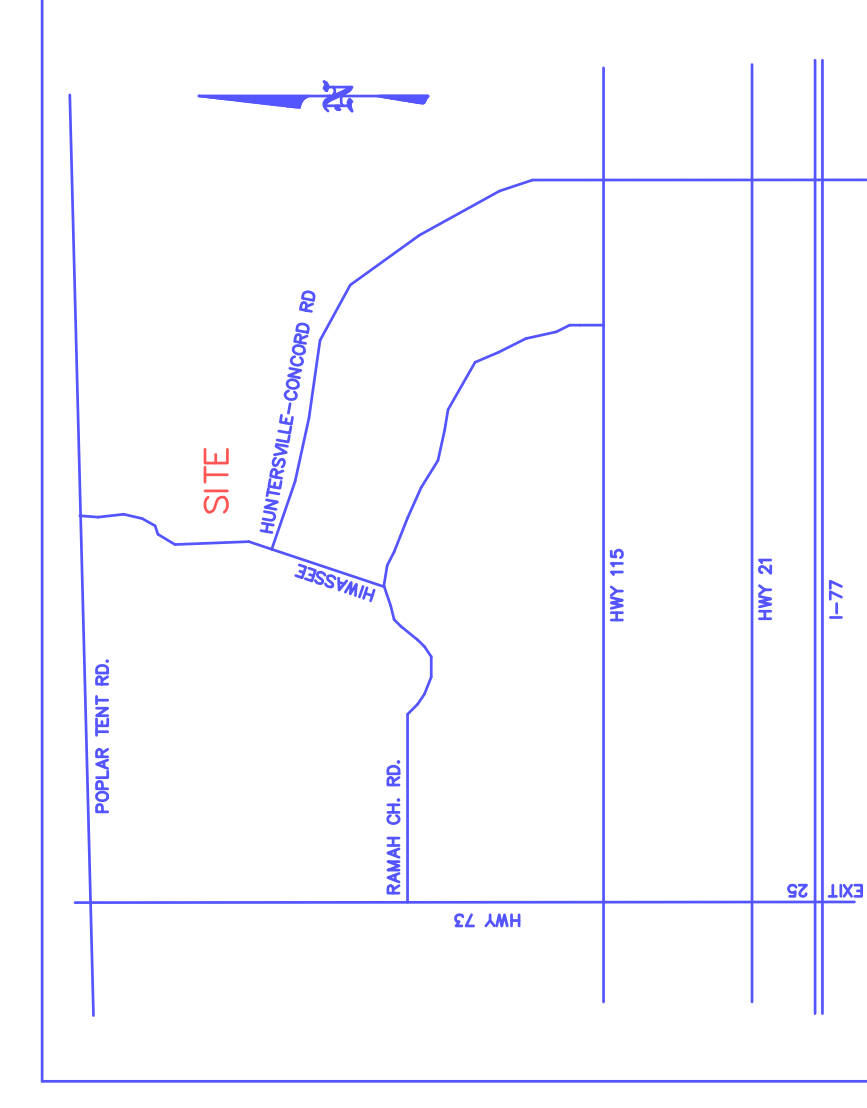
FOR  
METROLINA GREENHOUSES, INC. EXPANSION

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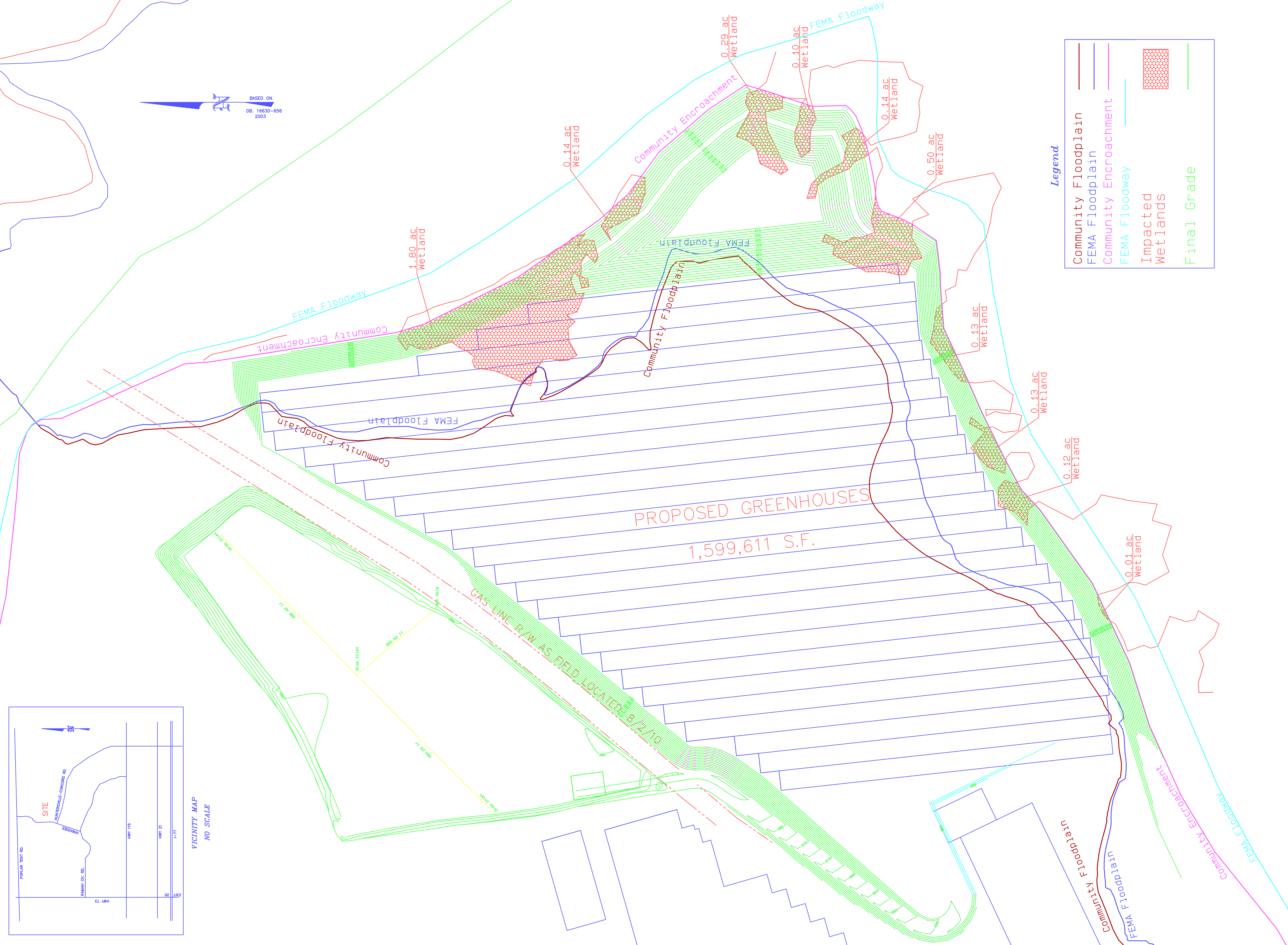
FEMA FLOODWAY ENCROACHMENT





VICINITY MAP  
NO SCALE

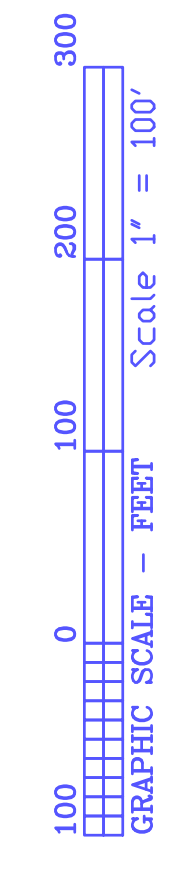
BASED ON  
DB. 16630-656  
2003



**Legend**

- Community Floodplain
- FEMA Floodplain
- Community Encroachment
- FEMA Floodway
- Impacted Wetlands
- Final Grade

FEMA FLOODWAY ENCROACHMENT



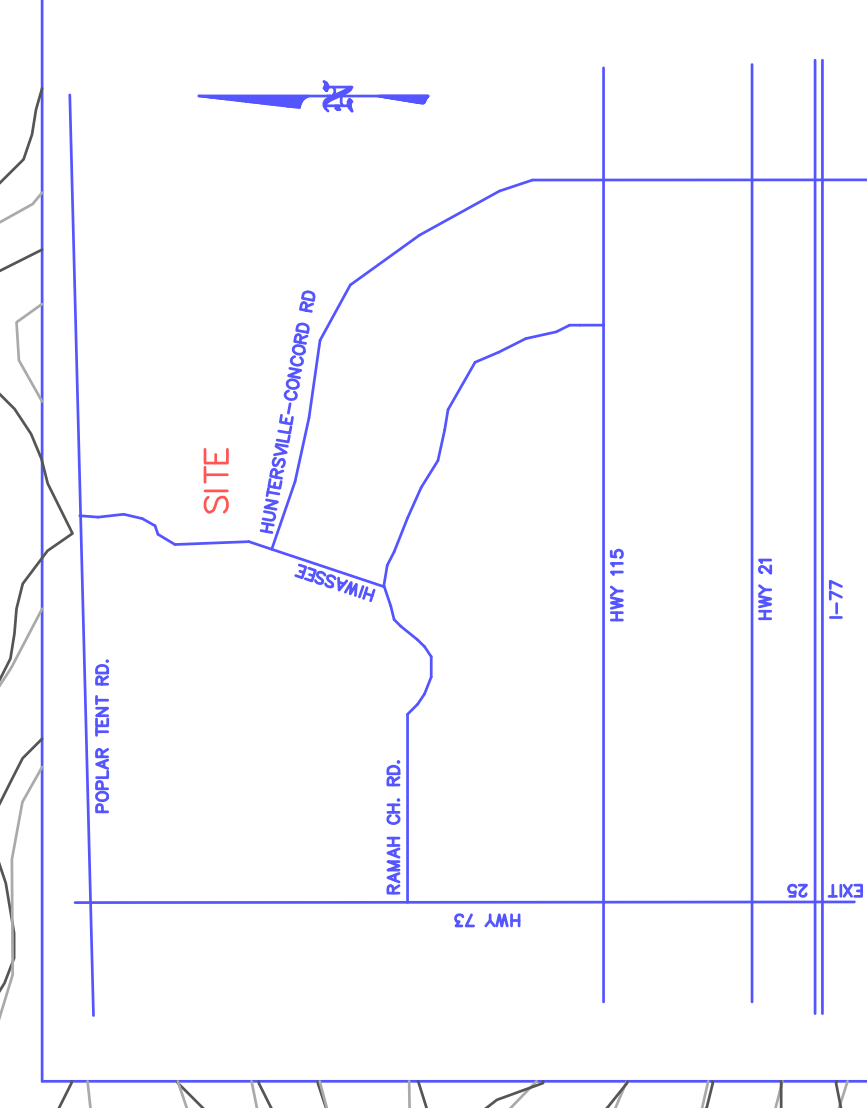
**PROPOSED FINAL GRADE**

FOR

**METROLINA GREENHOUSES, INC. EXPANSION**

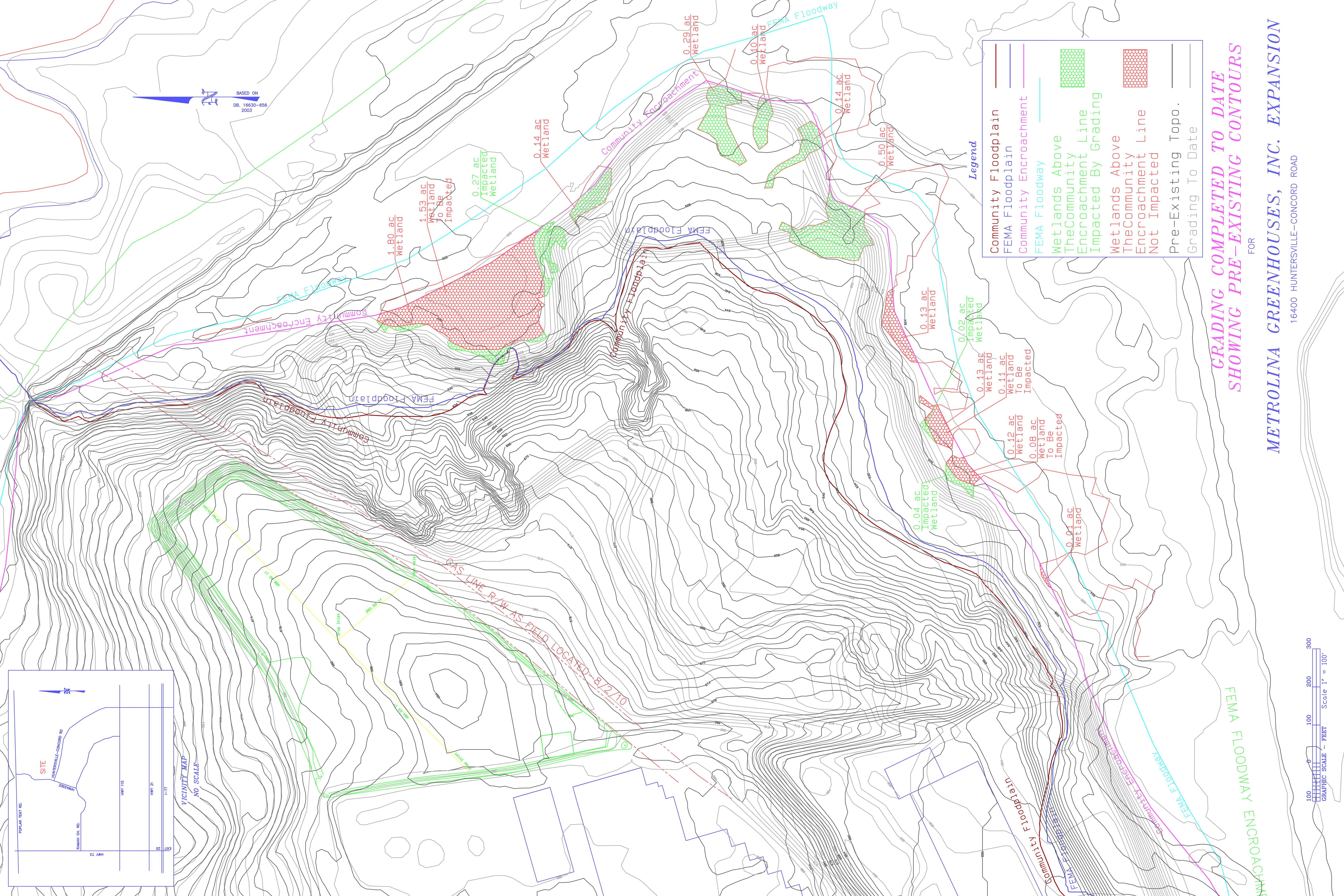
16400 HUNTERSVILLE-CONCORD ROAD





VICINITY MAP  
NO SCALE

BASED ON  
DB. 16630-656  
2003



**Legend**

- Community Floodplain
- FEMA Floodplain
- Community Encroachment
- FEMA Floodway
- Wetlands Above The Community Encroachment Line Impacted By Grading
- Wetlands Above The Community Encroachment Line Not Impacted
- Pre-Existing Topo.
- Grading To Date

**GRADING COMPLETED TO DATE  
SHOWING PRE-EXISTING CONTOURS**

FEMA FLOODWAY ENCROACHMENT

COMMUNITY ENCROACHMENT

COMMUNITY FLOODPLAIN

FEMA FLOODWAY

COMMUNITY FLOODPLAIN

FEMA FLOODWAY

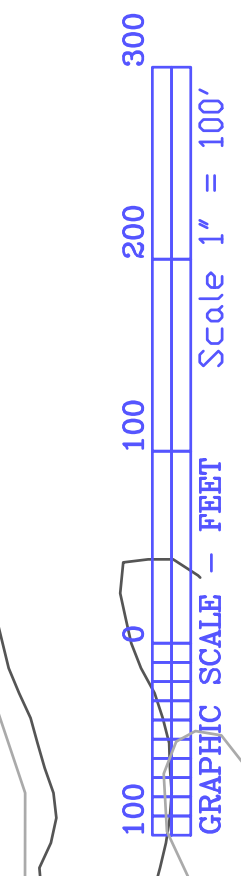
COMMUNITY FLOODPLAIN

FEMA FLOODWAY

COMMUNITY FLOODPLAIN

FEMA FLOODWAY

COMMUNITY FLOODPLAIN



**METROLINA GREENHOUSES, INC. EXPANSION**

16400 HUNTERSVILLE-CONCORD ROAD

FOR