



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: October 31, 2024
Comment Deadline: November 30, 2024
Corps Action ID Number: SAW-2024-00299

The Wilmington District, Corps of Engineers (Corps) received an application on October 8, 2024, from Hendrick Automotive Group, LLC, seeking Department of the Army authorization to permanently discharge fill into 0.56 acre of wetland and 455 linear feet (0.066-acre) of stream channel, associated with the expansion and operation of the existing Toyota of Concord and Honda of Concord automobile dealership facilities (Project) in 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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Gene Cocchi
Hendrick Automotive Group, LLC
6000 Monroe Road
Charlotte, North Carolina 28212

AGENT (if applicable): Jennifer Robertson
Atlas Environmental, Inc.
338 S. Sharon Amity Road, #411
Charlotte, North Carolina 28211

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

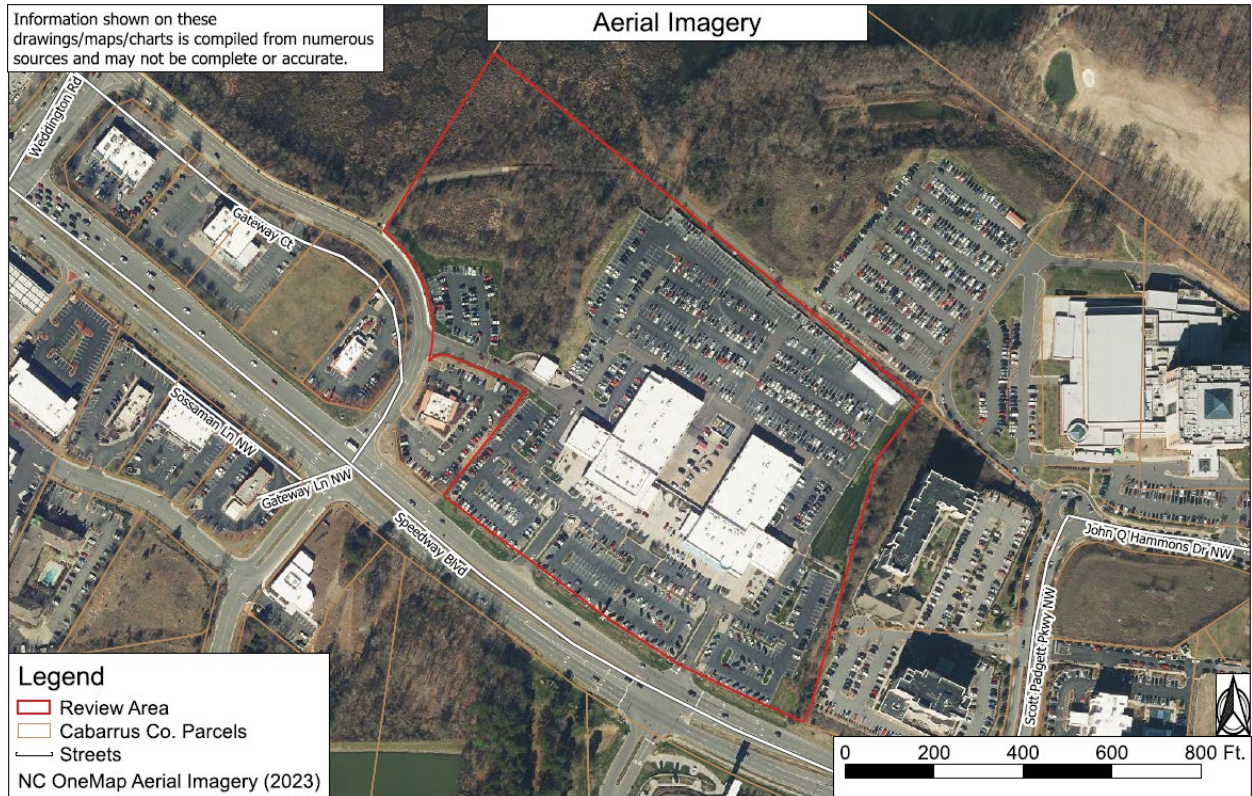


Figure 1. Location of proposed Project

Location Description: The proposed project is located at 7670 Bruton Smith Boulevard, in Concord, Cabarrus County, North Carolina (Parcel Identification Number: 45991179960000).

Project Area (acres): 22

Nearest Town: Concord

Nearest Waterway: Rocky River

River Basin: Yadkin Pee-Dee River, Hydrologic Unit Code (HUC) 03040105

Latitude and Longitude: 35.365551 N, -80.706552 W

Existing Site Conditions

The proposed Project area is approximately 7.5 miles southwest of Concord, Cabarrus County, North Carolina, in the United States Geologic Survey (USGS) 7.5-minute quadrangle of Harrisburg, North Carolina (Figure 2) and within the Yadkin Pee-Dee watershed, USGS 8-digit HUC 03040105. The proposed Project area consists of the existing Toyota of Conrod and Honda of Concord automobile dealership facilities, owned and operated by Hendrick Automotive Group.

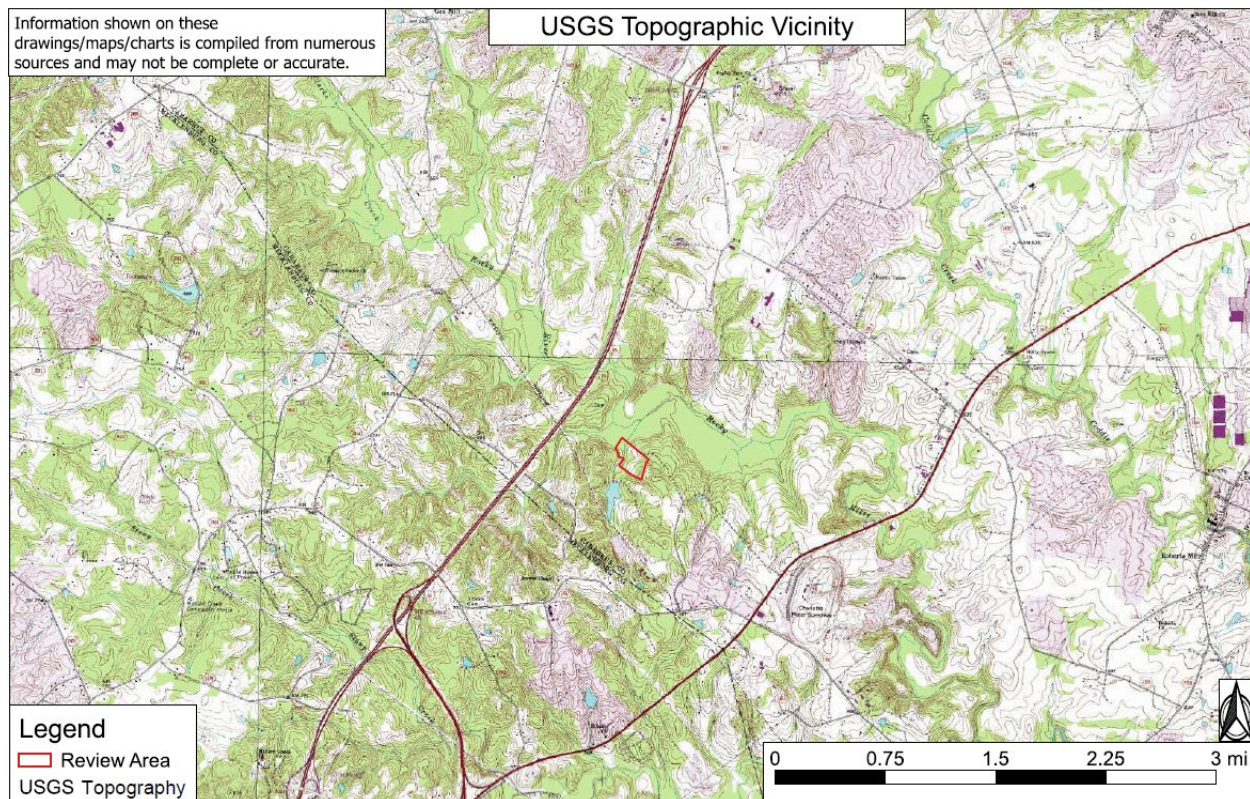


Figure 1. USGS Topographic Map

The FEMA FIRMs mapping identifies the majority of the impact area as Zone AE, an area within the 1% annual chance flood hazard (100-year floodplain). The northernmost corner of the site/impact area is within the Regulatory Floodway.

The EcoRegion Map of North Carolina indicates that the site is in the Southern Outer Piedmont (45b) of the Piedmont Physiographic Province. The landform class consists of mostly irregular plains rather than the plains with hills as seen in the Southern Inner Piedmont and the Carolina Slate Belt. Gneiss, schist, and granite are typical rock types, covered with deep saprolite and mostly red, clayey subsoils. The majority of the soils for this site are Chewacla sandy loam, 0-2 percent slopes, frequently flooded, Cullen clay loams, 2 to 8 and 8 to 15 percent slopes, both moderately eroded, and Pacolet sandy loam, 15 to 35 percent slopes.

On February 5, 2024, the Corps issued a Preliminary Jurisdictional Determination (PJD) which identified 541 linear feet of perennial stream (of which 43.5 linear feet is culverted), 75 linear feet of intermittent stream, and 2.02 acres of wetlands. For permitting purposes, the Project boundary was expanded to include an additional 66.5 linear feet of the existing culverted perennial stream which brings the total extent of perennial stream onsite to 608 linear feet. The perennial stream is a UT to Rocky River.

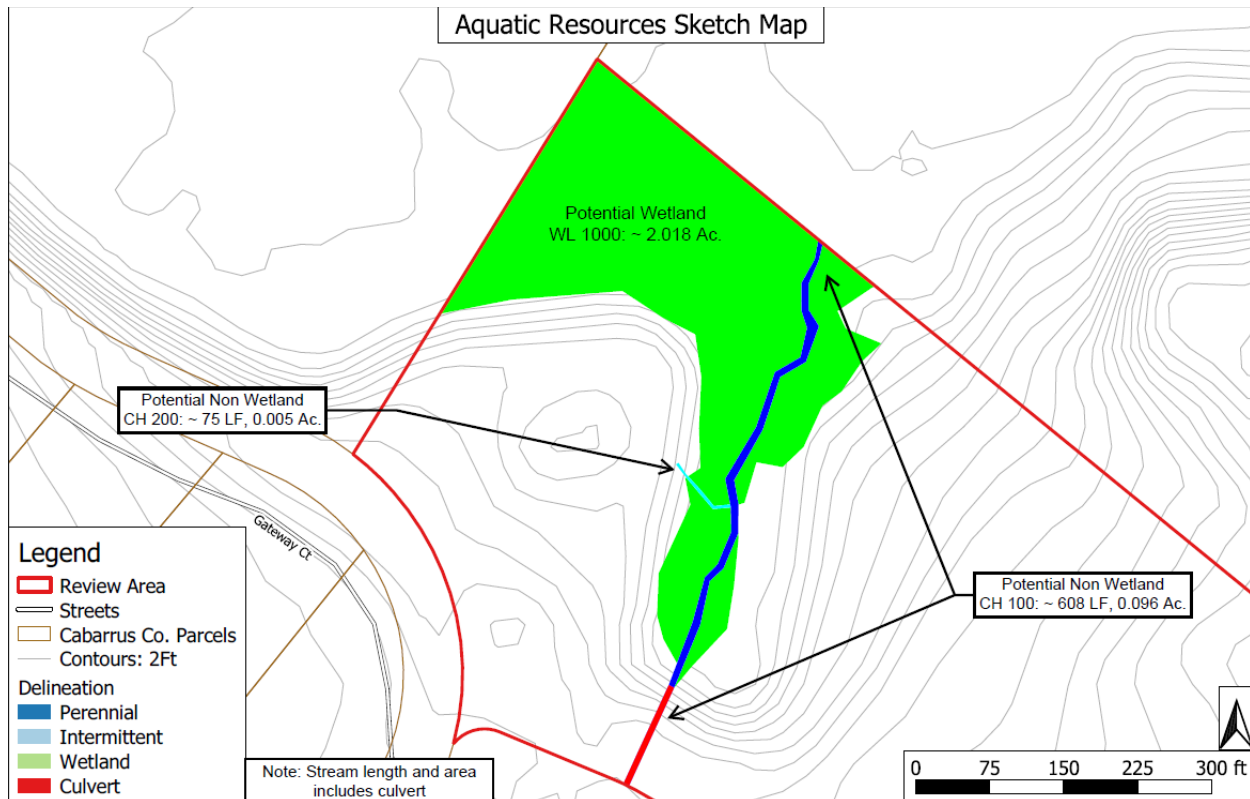


Figure 2. Toyota of Concord Delineation Map

Applicant's Stated Purpose

The project purpose is to expand dealership facilities to meet the current and future demand for new and used automobile sales, maintenance and repair services, and customer experiences in the outskirts of Concord, Cabarrus County, North Carolina.

Project Description

The applicant is proposing to expand their existing combined facilities to more than 140,000 square feet (SF) of sales and service buildings and more than 1,300 parking spaces, to include expanding the service intake areas by +15,000 SF and the service bays by +40,000 SF, reconfiguring the car wash ingress/egress to improve logistical flow of vehicles, and increasing or at least maintaining a "no net loss" in the number of parking lot spaces above the current number of spaces. Implementation of the proposed Project would permanently impact 455 linear feet (0.067 acre) of stream channel and 0.560 acre of wetlands.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The Preferred Plan was designed to avoid higher quality streams and wetlands to the greatest extent practicable, while still accomplishing the Project purpose and need.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: To offset the unavoidable loss of 455 lf of stream channel and 0.56 acre of wetland, the applicant has chosen to purchase 664 stream credits and 1.12 wetland credits from the North Carolina Division of Mitigation Services, In-Lieu Fee Program.

Essential Fish Habitat (EFH)

The Corps' 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 (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected.

Through letter dated January 17, 2024 (ER 23-2813), the North Carolina Department of Natural and Cultural Resources State Historic Preservation Office (SHPO) stated they were aware of no historic resources which would be affected by the Project.

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.

☒ For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat:

May Affect, Not Likely To Adversely Affect the following species: Proposed endangered Tricolored Bat (*Perimyotis subflavus*). Through email dated February 6, 2024, the United States Fish and Wildlife Service (USFWS) stated suitable habitat was present for the Tricolored bat and further indicated any necessary tree clearing should be conducted outside of the active season, should it become listed. The USFWS also indicated the active season is generally April 1 – September 30 but may extend in areas adjacent to hibernacula. The applicant would be required to comply with a tree-clearing moratorium should the Tricolored bat be uplisted prior to construction activities.

No effect: Michaux's sumac (*Rhus michauxii*) and Schweinitz's sunflower (*Helianthus schweinitzii*). The Corps also determined the proposed Project would have no effect on due to a lack of suitable habitat within the proposed Project area.

☒ By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

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 at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 180 days of the date of this public notice. 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 should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(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):

- ☒ 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 will 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, November 30, 2024. Comments should be submitted to Amber Lipsky, Charlotte Regulatory Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, or via email at Amber.L.Lipsky@usace.army.mil. The Corps Project Manager can be contacted at (704) 510-1141. Comments may also be submitted to CharlotteNCREG1@usace.army.mil