



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: January 21, 2025
Comment Deadline: February 20, 2025
Corps Action ID Number: SAW-2022-01177

The Wilmington District, Corps of Engineers (Corps) received an application on January 7, 2025, from WJD Holdings LLC seeking Department of the Army authorization to discharge fill material into 0.65 acre of wetlands and 0.017 acre (617 linear feet) of stream channel, associated with the expansion of the existing inert debris (LCID) landfill, associated with the Wall Recycling Franklinton Facility located at 2095 US Highway 1 in Franklinton, Franklin 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: Dustin Hill
WJD Holdings LLC
2310 Garner Road
Raleigh, North Carolina 27610

AGENT (if applicable): Samuel Adam Carter
Wetland Solutions LLC
Post Office Box 244
Bunnlevel, North Carolina 28323

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

Location Description: The proposed project site is located at 2095 US Highway 1 in Franklinton, Franklin County, North Carolina. The 13.8-acre review area is within the applicant-owned property accessible using the current access road off of US Highway 1, and is within Parcel ID Number 1854-13-3715, totaling 39.6 acres. The general project location is on the west side of US Highway 1, approximately 2.8 miles south of Franklinton as depicted in Figure 1.

Project Area (acres): 13.8

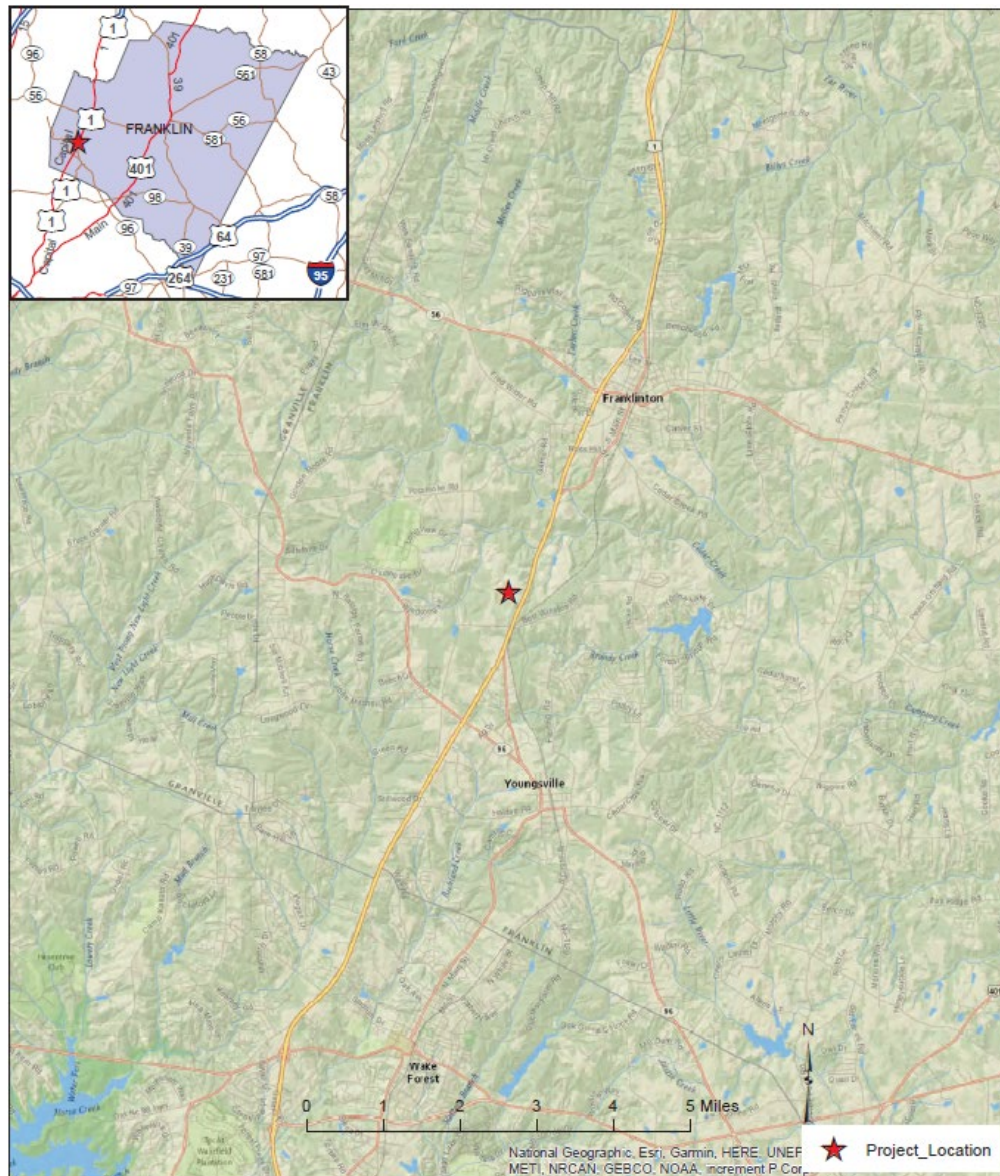
Nearest Town: Franklinton

Nearest Waterway: Cedar Creek

River Basin: Tar-Pamlico; Hydrologic Unit Code (HUC) 030201010401

Latitude and Longitude: 36.067788 N, -78.488689 W

Figure 1.



Existing Site Conditions

The Wall Recycling Franklinton Facility was granted a special use permit from the Franklin County Board of Commissioners in October 1990. The special use permit indicated the landfill was for demolition materials including stumps, limbs, concrete, wood, and uncontaminated earth. The landfill was later re-classified as a land clearing and inert debris (LCID) landfill. Current land use within the permitted landfill boundary is commercial and industrial. Facilities and areas within the boundary include an existing recycling process area, landfill waste area, and a mixed-use area containing an employee building, scales, and a maintenance facility. Land use adjacent to the landfill is a mixture of undeveloped lands, industrial, small farms, and residential structures. Major transportation routes include US Highway 1 and various county roads (e.g. Bert Winston Road).

Non-riparian portions of the proposed site were cleared in 2015 and are maintained with a landscape composed of fescue (*Festuca sp.*). Riparian portions of the property have a mixed hardwood/pine forest vegetation comprised primarily of river birch (*Betula nigra*), red maple (*Acer rubrum*), black willow (*Salix nigra*), sweet gum (*Liquidambar styraciflua*), and loblolly pine (*Pinus taeda*). The shrub and herb understory are composed of smooth alder (*Alnus serrulata*), alligator weed (*Alternanthera philoxeroides*), tufted knotweed (*Polygonum cespitosum*), soft rush (*Juncus effusus*), sweet gum, and American holly (*Ilex opaca*). The onsite soils are comprised of Cecil sandy loam and Helena sandy loam soils.

The project site contains two wetlands and two perennial and intermittent streams, the latter of which are unnamed tributaries to Cedar Creek. These streams carry the North Carolina Division of Water Resources (NCDWR) best usage classification of Nutrient Sensitive Waters (NSW), waters needing additional nutrient management due to being subjected to excessive growth of microscopic or macroscopic vegetation. There are no designated Outstanding Resource Waters (ORW), High Quality Waters (HQW), Water Supply I (WS-I), or Water Supply (WS-II) waters within 1.0 mile of the Site. Cedar Creek flows directly into the Tar River, a Traditionally Navigable Water.

Applicant's Stated Purpose

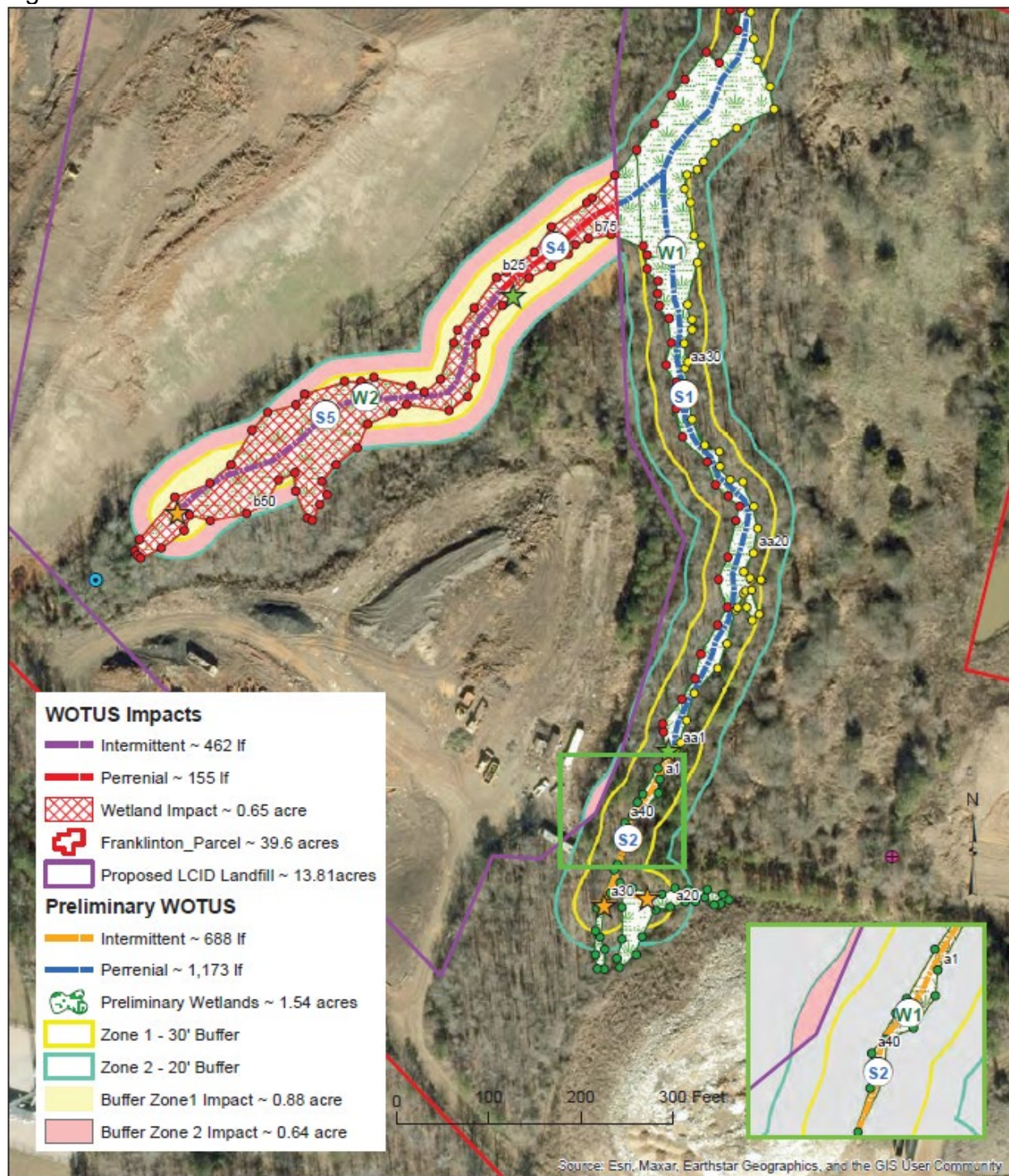
The purpose of the proposed project as stated by the applicant is to expand and increase debris space at the Franklinton landfill, as well as improve landfill optimization, and provide the local community with a location to dispose of permitted land clearing debris materials.

Project Description

According to the applicant, the applicant proposes to maximize their existing landfill at the Wall Recycling Franklinton Facility. The Facility's permitted footprint is not proposed to be increased, rather the proposed project would allow the interior portion of the 35.57-acre parcel to be used or maximized. The applicant is proposing to permanently

impact approximately 0.018 acre (617 linear feet) of perennial stream channel and 0.65 acre of riparian non-riverine wetland (Figure 2).

Figure 2.



Avoidance and Minimization

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

The applicant would employ best management practices to minimize potential impacts to waters of the U.S. (WOUS).

Compensatory Mitigation

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

Mitigation for wetland and stream permanent-loss impacts is proposed as a part of the permit submittal. At a 2:1 mitigation to impact ratio, the required wetland and stream mitigation is 1.3-acres riparian non-riverine wetland credits and 1,234 warm water stream credits, respectively. The applicant proposes to purchase in-kind wetland credits from NC Division of Mitigation Services (NCDMS) and stream credits from a private mitigation bank with available credits within the Tar-Pamlico River Basin, Hydrologic Unit Code [HUC] 03020101. Statements of availability from NCDMS and a private mitigation bank for the cumulative mitigation are included with the application.

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. The Corps subsequently requests concurrence from the SHPO and/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:

- ☒ 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
- ☒ 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, February 20, 2025. Comments should be submitted to Richard Harmon, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at Richard.G.Harmon@usace.army.mil, or electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs>. The Corps Project Manager can be contacted at (919) 724-8773. Comments may also be submitted to RaleighNCREG@usace.army.mil.