



US Army Corps
of Engineers®

PUBLIC NOTICE

Applicant:
Casey Schwager
King Asphalt , Inc

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Expires: May 14, 2025

Wilmington District
Permit Application No. SAW-2024-01774

TO WHOM IT MAY CONCERN: The Wilmington District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Casey Schwager
King Asphalt , Inc
PO Box 179
Liberty , SC 29657

AGENT: Alyssa Ricci
WithersRavenel
115 Mackenan Drive
Cary, NC 27511

WATERWAY AND LOCATION: The project would affect 1.28 acres of headwater wetlands associated with Lumber River Basin. The project/review area is located at 180 Barnhill Rd NW, Supply, NC, at Latitude 33.994289 and Longitude 78.340279; in Supply, Brunswick County, NC.

EXISTING CONDITIONS: The project area consists of +/-16.11 acres of undeveloped land that has a long history of agriculture and clearcutting. This site contains +/-2.56 acres of wetlands, 511 linear feet of streams, ditches along the western property lines, and a dirt access road (Barnhill Road NW) off of Ocean Highway West (US-17).

The review area contained two vegetative communities characterized as early successional and mixed hardwood/pine. The early successional area was previously used for agriculture until between 1999 and 2006. The vegetation was cleared most recently in 2020. This community was densely vegetated with herbs and shrubs with an average height of 48". This vegetative composition consisted of a mixture of dense shrubs including sweetgum (*Liquidambar styraciflua*), loblolly pine (*Pinus taeda*), overcup oak (*Quercus lyrata*), tulip poplar (*Liriodendron tulipifera*), and wax myrtle (*Myrica cerifera*). This community also had an abundance of dog fennel (*Eupatorium capillifolium*), blackberry (*Rubus occidentalis*), goldenrod (*Solidago* spp.), Japanese stiltgrass (*Microstegium vimineum*), soft rush (*Juncus effusus*), and broomsedge (*Andropogon virginicus*).

The hardwood forest community is located throughout the center of the project area. This community is characterized as a temperate deciduous forest, containing diverse hardwood species with occasional loblolly pines throughout. The substory is very dense with muscadine vines (*Vitis rotundifolia*) covering a significant portion of the understory. The vegetative composition consisted mainly of sweetgum, red maple (*Acer rubrum*), tulip poplar, American holly (*Ilex opaca*) and wax myrtle. The understory was comprised of wax myrtle, American holly, Chinese Privet (*Ligustrum sinense*), and giant cane (*Arundinaria gigantea*). The groundcover was sparsely vegetated due to the dense canopy and mid-story.

The project area is comprised of two soil types: GoA-Goldsboro fine sandy loam (47%) and NoB-Norfolk loamy fine sand (53%). Both are moderately/well drained soils.

Areas immediately adjoining the project area include several residences to the north and east, Ocean Highway West (US-17) to the south, several concrete plants, and businesses to the south and west, and undeveloped forested areas to the north.

PROJECT PURPOSE:

Basic and Overall purpose as stated in the application: The purpose of the proposed project is the construction of a new asphalt plant to meet existing and forecasted demand for asphalt products in the area.

PROPOSED WORK: The applicant requests authorization to fill 1.280 acres of wetlands for the construction of aggregate storage yard for the proposed asphalt plant. The facility includes the construction of offices, mixing plant structure, access roads, storage area, and stormwater features.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The Applicant stated due to the size of the asphalt plant and required aggregate storage yard to meet current and anticipated demand for asphalt in the area, minimization of wetland impacts were not feasible.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to mitigate for the 1.280 acres of permanent wetland impacts at a 2:1 mitigation ratio, resulting in the provision of 2.560 acres of wetland mitigation. The Letter of Acceptance from Stone Farm Mitigation Bank has been provided.

CULTURAL RESOURCES:

The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and

procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. 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 resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

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: The Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Tricolored Bat	Perimyotis subflavus	Proposed Endangered

Pursuant to Section 7 ESA, any required consultation with the Service(s) will be conducted in accordance with 50 CFR part 402.

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the **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 120 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):

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 the public notice, concurrence or objection from the NCDCM.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic

resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; 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 to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to 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 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.

The Wilmington District will receive written comments on the proposed work, as outlined above, until May 14, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to David Moose at David.E.Moose@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Wilmington District, Attention: David Moose, 69 Darlington Ave. Wilmington, NC 28403. Please refer to the permit application number in your comments.

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.