



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: February 24, 2022  
Comment Deadline: March 26, 2022  
Corps Action ID Number: SAW-2019-00233

The Wilmington District, Corps of Engineers (Corps) received an application from Martin Marietta Materials, Inc. (MMM) seeking Department of the Army authorization to discharge fill material in 8.96 acres of wetlands and 899 linear feet of stream, associated with the expansion of the existing Belgrade Quarry in Jones 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:** Martin Marietta Materials, Inc.  
Mr. Ron Kopplin  
2235 Gateway Access Point  
Raleigh, North Carolina, 27607

**AGENT (if applicable):** Martin Marietta Materials, Inc.  
Mr. Thomas Brown  
2235 Gateway Access Point  
Raleigh, North Carolina, 27607

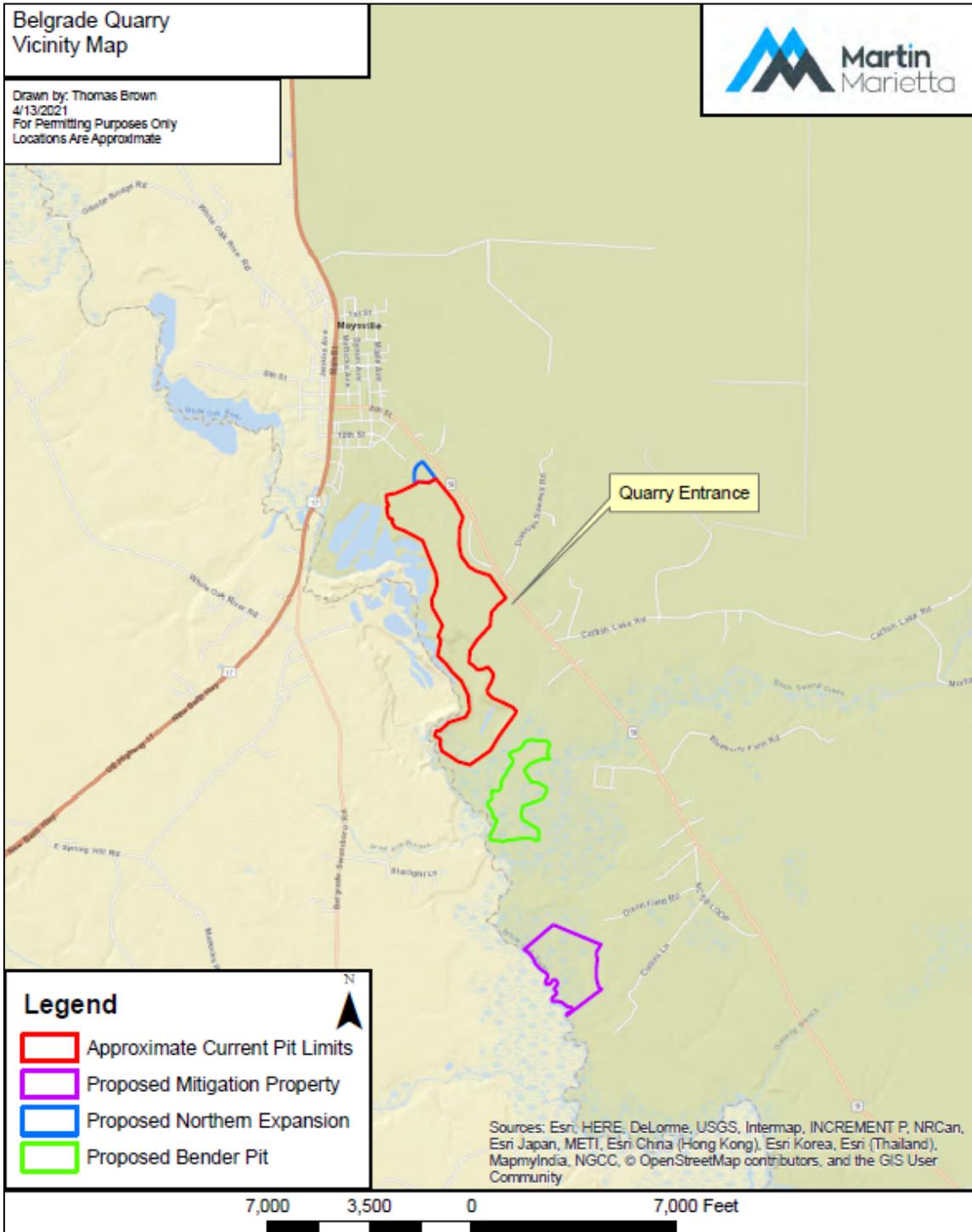
## Authority

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:



Project Area (acres): 100

Nearest Town: Maysville

Nearest Waterway: White Oak River

River Basin: White Oak River

Latitude and Longitude: 34.8674N, -77.2095W

## **Existing Site Conditions**

The 1,605-acre site, known as the Belgrade Quarry (Quarry), is located at 5678 Highway 58 South in Maysville, North Carolina. The Quarry is located within the White Oak River Basin (03020301) and includes: the old mine pit, the current mine pit, the facility infrastructure, and the proposed project area. The Quarry first opened in 1938 under the name of Superior Stone, a predecessor to Martin Marietta, and the mine pits during that time are inactive and appear in aerial photographs as small lakes or large ponds west of the current pit. The original plant site and quarry entrance were on the west side of the White Oak River, near the intersection of US Hwy 17 and Belgrade-Swansboro Road. The Quarry operation has been active in its current pit configuration since 1988 after a bridge was constructed over the White Oak River. The plant operation, scale house, office, and entrance moved to its current location in 2013. The main infrastructure for the existing pit operations would be used to continue mining in the proposed new pit areas. The area of proposed mine expansion is comprised of an approximately 8-acre site north of the existing mine pit (“Project Area – North Pit”) and an approximately 92-acre area south of the existing mine pit (“Project Area – Bender Pit”).

The North Pit is the proposed expansion north of the existing pit currently being mined (Figure 6). The North Pit area is cleared. The proposed project area was previously used for agriculture and contains a modified stream. No wetlands are present in this area. Soils in this area consist of Craven sandy loam, Lenoir loam, and Lynchburg sandy loam.

The proposed Bender Pit is located south of the existing pit on the east side of the White Oak River (Figure 2). The proposed pit is separated from the current pit and plant area by a wetland system, which encircles the proposed pit. The Bender Pit area is comprised of active farm fields and mixed pine forestland with some hardwoods such as sweetgum and red maple. While the entire proposed Bender Pit area is located within the floodplain of the White Oak River, preliminary hydraulic analysis conducted by the applicant indicates the proposed project would not increase base flood levels. Soils on the site consist of fine sands, such as Pactolus, Johns, and Autryville in the upland marine terraces and soils such as Muckalee loam in the wetland and floodplain areas.

## **Applicant’s Stated Purpose**

The basic purpose of this project is to cost-effectively mine construction grade aggregate reserves at the existing Belgrade Quarry facility.

The overall project purpose is to cost-effectively continue operation of the limestone aggregate quarry facility at Belgrade by expanding the existing quarry area to mine suitable stone reserves in a systematic and economically viable fashion for supply to the market during the short and medium term.

## Project Description

MMM is currently mining the northern portion of the existing North Pit, and they propose to expand it approximately 8 acres (Figure 6). MMM is proposing to move a previously modified stream north, around the proposed mining area containing limestone reserves. Impacts associated with moving this segment of stream would be 793 linear feet.

For the proposed Bender Pit, MMM proposes two new road crossings, expanding an existing road crossing, and mining within wetlands (Figure 5). A new haul road is proposed in the southeast corner of the current pit limits and would be in alignment with an existing road that travels to the plant area. This haul road would cross two wetland areas with a total of 0.45 acres of wetland impacts. MMM proposes to expand and upgrade an existing crossing, located at the north-eastern tip of the proposed pit, which would be used as a product haul road. This expansion would result in 0.18 acres of wetland impacts. A second proposed haul road would impact 0.90 acres of wetlands and 106 linear feet of stream. The applicant has stated it is proposed in the narrowest area of the wetland system that divides the two pits and would allow for the safest and most direct travel for hauling overburden material to the existing mined out southern end of the current pit. MMM proposes to mine 7.43 acres of wetlands for the Bender Pit.

Table 1. Impacts proposed for the Belgrade Quarry expansion.

<b>Impact type</b>	<b>Wetlands (acres)</b>	<b>Streams (linear feet)</b>
Road crossings	1.53	106
Mining	7.43	793
Total	8.96	899

In the process of open pit mining of limestone, overburden removal is a continuous process. Unlike a hard rock quarry, which has a smaller footprint and much deeper mine, the entire pit is not stripped of overburden at one time. Instead, as soon as overburden is removed from enough area, mining will begin, and the two processes will commence simultaneously moving across the pit area. The applicant has stated this separation of two different roadways for overburden trucks and product haul trucks is necessary for operation efficiency and safety under the circumstances. Furthermore, having a direct path for overburden trucks would reduce each trip from the proposed pit to the old pit where material is to be deposited by nearly 1 mile. This would result in a substantial savings in efficiency, fuel costs, equipment wear and diesel emissions.

## Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: To avoid wetland impacts, MMM conducted careful investigations of the property. The location of available reserves has been established to the extent practicable. MMM has not proposed mining in certain wetland areas, although mining these areas would be cost effective and economically

viable. The proposed Bender Pit would avoid approximately 18 acres of wetlands (Figure 10).

To minimize impacts to wetlands and other waters, MMM will use stormwater management and erosion control techniques that preserve downstream water quality. MMM will use stripping techniques that will not allow the loss of material downstream or into adjacent wetlands. As the overburden is removed or stripped from the site, all runoff will be directed to the pit or other erosion control structures. A minimum 50-foot wooded buffer will be maintained around all wetlands and waters not directly impacted. Proposed roads have been strategically positioned to cross wetlands in the narrowest place possible to minimize impacts while still allowing safe and direct travel. Impacts have also been minimized by placing one of the crossings in the location of an existing farm road.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: MMM proposes to mitigate for impacts to 8.96 acres of wetland at a 11.6:1 ratio by preserving approximately 94 acres of wetland and 10 acres of non-wetland floodplain, located within a 104-acre property owned by MMM. The 104-acre property is located adjacent to the Croatan National Forest and is comprised of high-quality Riverine Swamp Forest wetland, located in the floodplain of the White Oak River, just downstream of the proposed Bender Pit (Figure 11).

### **Essential Fish Habitat**

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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (CHOOSE ALL THAT APPLY- marine substrate, estuarine substrate, water columns, emergent wetlands, submerged aquatic vegetation, artificial reefs, hardbottoms) (see project description) utilized by various life stages of the following species: (CHOOSE ALL THAT APPLY – coastal migratory pelagics, corals, golden crab, shrimp, snapper grouper, spiny lobster, Atlantic highly migratory species). Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by Fishery Management Councils and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The Corps will consult under the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

The Corps has initiated consultation the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

## 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 property.
- 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, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat.
  - 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.
  - The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
  - The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
- The Corps determines that the proposed project may affect, not likely to adversely affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.
- 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. 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 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 April 25, 2022, to:

NCDWR Central Office  
Attention: Mr. Paul Wojoski, 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 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, March 26, 2022. Comments should be submitted to Ms. Emily Thompson, Washington Regulatory Field Office, 2407 West Fifth Street, Washington, North Carolina 27889, at [Emily.b.thompson@usace.army.mil](mailto:Emily.b.thompson@usace.army.mil).