



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: December 26, 2013
Comment Deadline: January 27, 2014
Corps Action ID #: SAW-2011-00455

The Wilmington District, Corps of Engineers (Corps) has received an application from the Wilmington International Airport, attn: Jon Rosbrough, seeking Department of the Army authorization to permanently impact 1.32 acres of jurisdictional wetland, 2320 linear feet (ft) of stream, 0.3280 acre of jurisdictional Relatively Permanent Waters (RPW) and 0.24 acre of isolated wetland to meet Federal Aviation Administration (FAA) safety standards in wetlands and waters of the U.S. abutting an unnamed tributary to Smith Creek. The Wilmington International Airport is located at 1704 Airport Boulevard with site coordinates at 34.2776°N, -77.8893°W, in Wilmington, New Hanover 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: Wilmington Airport Authority
Attn: Jon Rosborough
1740 Airport Boulevard
Wilmington, North Carolina 28405

Agent (if applicable): Wither and Ravenel
Attn: Troy Beasley
1410 Commonwealth Drive, Suite 101
Wilmington, North Carolina 28403

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The Wilmington International Airport is abutting an unnamed tributary of Smith Creek and is located at 1704 Airport Boulevard with site coordinates at 34.2776°N, -77.8893°W, in Wilmington, New Hanover County, North Carolina. The project area is approximately 104 acres in area, situated in the northeastern corner of the airport, within

the Runway 24 Critical Area. The general land use in the vicinity of the project consists of a mixture of residential, commercial, agricultural uses as well as undeveloped woodlands.

Existing Site Conditions

The Wilmington International Airport (ILM) is an active airfield providing international air travel to residents of New Hanover and surrounding Counties. All infrastructures, such as the runways, main road network and utility lines, within the project site are in place and were previously constructed. The project area site conditions consist of mainly maintained lawn areas containing various types of vegetation and groundcover. The site is abutting an unnamed tributary of Smith Creek, a tributary of the Cape Fear River, a Section 10 navigable water of the U.S.

According to the United States Department of Agriculture Soil Survey of New Hanover County (April 1977), the project area consists of the following soil: Murville fine sand which is a nearly level, very poorly drained soil; Leon sand which is a nearly level, poorly drained soil; Lynn Haven fine sand which is a nearly level, poorly drained soil; and Rains fine sandy loam which is a nearly level, poorly drained soil.

Applicant's Stated Purpose

Basic: To meet FAA safety requirements for the Wilmington International Airport.

Overall: To meet FAA safety standards by reducing bird strikes and improving the performance of navigational aids (NAVAID) of flight operations at the Wilmington International Airport.

Project Description

The proposed project would involve permanent impacts to 1.32 acres of jurisdictional wetland, 2320 linear feet (ft) of stream, 0.3280 acre of relatively permanent waters (RPW) and 0.24 acre of isolated wetland to improve safety and navigational capability. The existing stream would be re-routed to flow through a storm drainage pipe and the existing stream and RPWs would be filled. Filling the existing stream and ditches will create a level surface which will allow for a significant reduction in the amount of time for vegetation maintenance (i.e. mowing), resulting in Runway 6-24 being closed for shorter periods of time. Also, by being able to regularly maintain the vegetation to acceptable height levels within the Runway 24 Critical Area, the NAVAID equipment will also work accurately and efficiently, resulting in safer navigation of approaching/departing aircraft.

The project also proposes to fill all wetlands and jurisdictional RPWs in order to eliminate the existing wildlife habitat within the Runway 24 Critical Area in order to reduce the potential for wildlife strikes, most specifically birds which are currently attracted to the area. Finally, filling the wetlands and grading the entire Runway 24

Critical Area will allow for a smooth reflective surface which will allow the NAVAID equipment to work more accurately and allow for accurate measurements of signal integrity, thereby improving the overall safety of airport operations.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The permanent impacts/removal of the onsite stream, jurisdictional RPWs, jurisdictional wetlands and isolated wetlands within the Runway 24 Critical Area are required to meet FAA requirements to ILM. The proposed project is for the specific purpose to mitigation public safety hazards associated with aircraft travel by removing wildlife habitat to prevent wildlife strikes, as well as to increase accuracy of NAVAID equipment.

Initially, Talbert & Bright (T&B) explored alternative designs for meeting the FAA requirements regarding the maintenance of vegetation. Specifically, T&B explored the possibility of grading the slopes of the stream and jurisdictional RPWs to a 4:1 slope in order to make vegetation maintenance more efficient. However, there were several reasons why this option was not feasible. Specifically, the portions of the RPW were too close to the perimeter road for the slopes to be adequately graded without compromising the integrity of the perimeter road. Also, the grading of the slopes of the stream and jurisdictional RPW ditches would create an open water habitat resulting in an additional wildlife attractant, which would not be allowed by the FAA. Therefore, in order to meet FAA safety requirements, avoidance and minimization of the impacts could not be achieved.

Compensatory Mitigation

The applicant proposes to mitigate for the 2,320 lf of permanent stream impact, resulting in the purchase of 2,320 lf of stream mitigation; the 1.32 acres of permanent jurisdictional wetland impact at a 1:1 ratio, resulting in the purchase of 1.32 acres of riparian wetland mitigation; and the 0.24 acre of isolated wetland at a 1:1 ratio, resulting in the purchase of 0.24 acres of non-riparian wetland mitigation. The applicant is not proposing to mitigate for the 0.328 acre impact to the jurisdictional RPWs. There are no Private Mitigation Banks which service the Cape Fear 03030007 basin. Therefore, the purchase of mitigation from the North Carolina Ecosystem Enhancement Program (NCEEP) will be used to satisfy the U.S. Army Corp of Engineers Final Rule for *Compensatory Mitigation for Losses of Aquatic Function*.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. Water Quality Certification may be required from the North Carolina Division of Water Quality. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL

92-500). The receipt of the application and this public notice combined with appropriate application fee paid to the NCDWQ central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit: 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Mr. John Hennessy (NC Department of Transportation projects) or Ms Cyndi Karoly by **January 27, 2014**.

Coastal Area Management Act

The applicant has certified that the proposed work complies with and will 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 is, by this notice, forwarding this certification to the North Carolina Division of Coastal Management (NCDCM) and requesting its concurrence or objection. Generally, the Corps will not issue a Department of the Army (DA) permit until the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no adverse effect on federally listed endangered or threatened species or their formally designated critical habitat.

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 consolidate 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, **January 27, 2014**. Comments should be submitted to Christy Wicker, 69 Darlington Avenue, Wilmington, North Carolina, 28403, telephone (910) 251-4637.

Distribution:

Hard Copy w/ all application materials

- 1 Ian McMillan, North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650

- 1 Doug Huggett, North Carolina Division of Coastal Management, Hestron Plaza II 151B, Highway 24, Morehead City, North Carolina 28557

Hard Copy w/ any attachments necessary to meet requirements of 325.3 (plans, drawings, wetland/stream information, etc.)

- 15 Doug Huggett, North Carolina Division of Coastal Management, Hestron Plaza II 151B, Highway 24, Morehead City, North Carolina 28557

Additional Distribution:

- 1 Applicant

- 1 Agent

Adjacent Property Owners:

- 15 See attached list of adjacent property owners

Addresses that requested all NC Public Notices and Addresses receiving for CESA-W-RG-L:

- 1 U.S. Representative Mike McIntyre, House of Representatives, 2428 Rayburn House Office Building, Washington, DC 20515

- 1 Postmaster- Wilmington, NC 28401

- 1 Postmaster- Castle Hayne, NC 28529