



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 9, 2014
Comment Deadline: May 8, 2014
Corps Action ID #: SAW-2010-01235

The Wilmington District, Corps of Engineers (Corps) has received an application from American Towers, LLC, seeking Department of the Army authorization to discharge fill material into 0.70 acre of jurisdictional wetlands and 30 linear feet of waters of the United States adjacent to an unnamed tributary to Hull Swamp to facilitate the proposed unmanned wireless telecommunications facility. The 33.64-acre project site is located at 5899 US Highway 70 in Newport, Carteret 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: American Towers, LLC.
Attn: Corey Lamarche
10 Presidential Way
Woburn, Massachusetts 01801

Agent (if applicable): Environmental Corp. of America
Attn: Ben Salter
1340 Patton Avenue, Suite K
Asheville, North Carolina 28806

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 (33 U.S.C. 1344).

Location

The 33.64-acre project site, with site coordinates at 34.7557°N, -76.8605°W, is located at 5899 US Highway 70 in Newport, Carteret County, North Carolina. The site is bordered to the east by the Croatan National Forest, to the south by an unzoned, undeveloped, wooded parcel of land, to the west by U.S. Highway 70, and to the north by Atlantic Auto Parts & Salvage.

Existing Site Conditions

Surrounding land use consists of the Croatan National Forest, wooded parcels and commercial development. There is currently no zoning established for the project area and the adjacent lands. All infrastructures, such as the main road network and utility lines, within the project area are currently not installed.

Site conditions consist of sparsely forested, recently timbered, and maintained areas containing various types of groundcover. Of the 33.64-acre project site, approximately 2 acres are jurisdictional wetlands, which all classified as non-riparian, and include approximately 5,000 linear feet of an intermittent tributary. All jurisdictional waters are adjacent to an unnamed tributary to Hull Swamp, which drains into the navigable waters of the Newport River

According to the United States Department of Agriculture Soil Survey of Carteret County website, the site consists of the following soils: Leon sand which is poorly drained; Murville mucky sand which is very poorly drained; Rains fine sandy loam which is poorly drained; and Torhunra mucky fine sandy loam is very poorly drained. Vegetation within the wetlands mainly consists of Loblolly pine (*Pinus taeda*), Pond pine (*Pinus serotina*), red maple (*Acer rubrum*), Blackgum (*Nyssa sylvatica*), titi (*Cyrilla racemiflora*), Inkberry (*Ilex glabra*), Giant cane (*Arundinaria gigantea*), cinnamon fern (*Osmunda cinnamomea*), and Netted chain fern (*Woodwardia areolata*). Vegetation within the uplands mainly consists of Loblolly pine, Longleaf pine (*Pinus palustris*), Sweetgum (*Liquidambar styraciflua*), Blackgum, Southern bayberry (*Myrica cerifera*), Horse sugar (*Symplocos tinctoria*), and Bracken fern (*Pteridium aquilinum*).

Applicant's Stated Purpose

The purpose of the project is to provide infrastructure for the support and placement of wireless telecommunications antennas and equipment for an unmanned wireless telecommunications facility.

Project Description

The applicant proposes to lease a 100-foot by 100-foot area and obtain a 4,446-foot by 20-foot access/utility easement on the parent tract. The project, as proposed, would result in impacts to 0.70 acre of jurisdictional forested wetlands. The impacts would result from the construction of the access road by the placement of gravel fill material within the access/utility easement in an area approximately 1,510 feet long by 12-foot wide. Mechanized land clearing within the easement would extend to the entire boundaries of the 20-foot wide easement to accommodate buried utilities and to minimize future vegetation maintenance along the access. The entire easement width was considered when calculating the area of impact, however, the placement 0.41 acre of fill material for

the road would be permanent impacts and the mechanized land clearing of 0.29 acre for the road easement would be temporary impacts. The proposed access would also cross a jurisdictional tributary and would include the placement of an 18-inch culvert. Project plans have been included with this Public Notice.

Avoidance and Minimization

In an effort to minimize wetland impacts, the applicant has aligned the proposed compound and tower facility on high ground to avoid wetlands located on the north, east, and west areas within the lease site. Impacts associated with the current tract have been limited to the proposed 20-foot access/utility easement. Only 12 feet of this easement will be permanently impacted with fill material for the proposed access road. The remaining 8 feet will only be cleared of vegetation to allow for passage of construction and maintenance equipment and vehicles and for the placement of utility lines, which will be buried. In addition, the proposed access/utility easement has been shifted slightly to the south in the area of a former small pond/emergent wetland on the tract. Wetland impacts in this area have been reduced by approximately 0.05 acres by shifting the easement to the north.

A permit application was previously submitted in December of 2001 for the same project location. The application was subsequently withdrawn due to project funding issues. The previous application proposed fill and mechanized land clearing within a 30-foot wide easement. Since that time, the easement width has been reduced to 20 feet to minimize wetland impacts associated with the project. This reduction in easement width would result in a 0.34 acre decrease in the amount of proposed wetland impacts from the previous application.

Additional minimization will occur through the use of culverts at wetland crossings in order to maintain surface hydrology. Also, American Towers LLC would implement sediment and erosion control measure including installation of silt fencing along project boundaries and stabilization of disturbed soils prior to silt fencing removal.

Compensatory Mitigation

The applicant proposes to provide compensatory mitigation for the proposed wetland impacts at a 2:1 ratio through the purchase of 1.4 non-riparian, forest wetland credits from the Hofmann Forest Wetland Mitigation Bank. According to an email from the Hofmann Forest Wetland Mitigation Bank Sponsor dated November 22, 2013, the bank has the amount of credits available for purchase.

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.

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. 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 payment of the appropriate application fee 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 May 8, 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. Also, the applicant has submitted a letter from the NC Department of Cultural Resources dated July 6, 2010 stating during the course of the survey, no sites were located within the project area and that no further archeological investigation need be conducted in connection with this project.

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. Also, the applicant has submitted a letter from the U.S. Fish and Wildlife Service dated August 11, 2010 stating the project is not likely to adversely affect any federally protected species under their purview. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project is not likely to adversely affect federally any 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 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 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, May 8, 2014. Comments should be submitted to Christy Wicker, 69 Darlington Avenue, Wilmington, North Carolina, 28403-1398, telephone (910) 251-4637.