



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: December 3, 2024
Comment Deadline: January 3, 2025
Corps Action ID Number: SAW-2024-01540

The Wilmington District, Corps of Engineers (Corps) received an application on November 22, 2024 from the North Carolina State Ports Authority (Authority) seeking Department of the Army authorization to upgrade the existing rail line on Authority-owned property in the Port of Wilmington by adding four dedicated rail sidings, each 1,250 feet in length, for switching activities and storage, associated with Port activities 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:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: NC State Ports Authority
2202 Burnett Boulevard
Wilmington, NC 28401

AGENT (if applicable): Vickie Miller
HDR Engineering Inc. of the Carolinas
555 Fayetteville Street
Raleigh, NC 27601-3030

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 project location is west of S. Front Street and Burnett Boulevard, east of the Cape Fear River, north of the existing Port of Wilmington main facilities, and south of the Colonial Terminals. The project is located within the Port of Wilmington and the corporate limits of the City of Wilmington in New Hanover County. The New Hanover County parcel numbers are: R05320-001-001-000 (no associated address); R05320-001-002-000 (no associated address) and R05417-015-001-000 (1630 S. Front Street). The three parcels are identified as having the zoning classification Industrial-Heavy Industrial District. In total the three parcels consist of approximately 94.75 acres.

Project Area (acres): 16

Nearest Town: City of Wilmington

Nearest Waterway: Greenfield Creek

River Basin: Cape Fear

Latitude and Longitude: 34.212694N, -77.947415W

Existing Site Conditions

The Port of Wilmington is located on the Cape Fear River approximately two miles south of the Wilmington's downtown area and approximately 26 miles from the open sea. It has nine berths with approximately 6,800 linear feet of wharf. The Port's container operations encompass approximately 94 acres (83 acres of backlands and 11 acres of wharf) and 2,650 linear feet of berth along the Cape Fear River. CSX Transportation provides daily service for container, boxcar, tanker, and general cargo services via a short line, Wilmington Terminal Railroad (WTRY). The Authority owns the 18-mile-long WTRY which operates the service within the Port as well as direct connections west and south to industries and sites in the immediate area. The activity will occur within the existing Authority-owned property and adjacent to the west side of the existing WTRY railroad corridor.

The current property is an old brown field site that has been previously impacted from former industrial use with portions having extensive soil manipulation. The wetland areas remaining with trees are best characterized by cypress and other hardwood species. Where tree coverage has been removed and soils disturbed the site possesses a fair amount of phragmites. As proposed, a portion of the new rail line will be within a previously cleared section with the majority in the forested section. The soils listed on site are described as Urban or Dorovan muck. The wetland map is below and the NC Wetland Assessment Methodology calculations showed that wetland WC is considered Medium quality whereas wetland WF is High. The wetlands appear to be a mix of riparian and non-riparian wetlands.

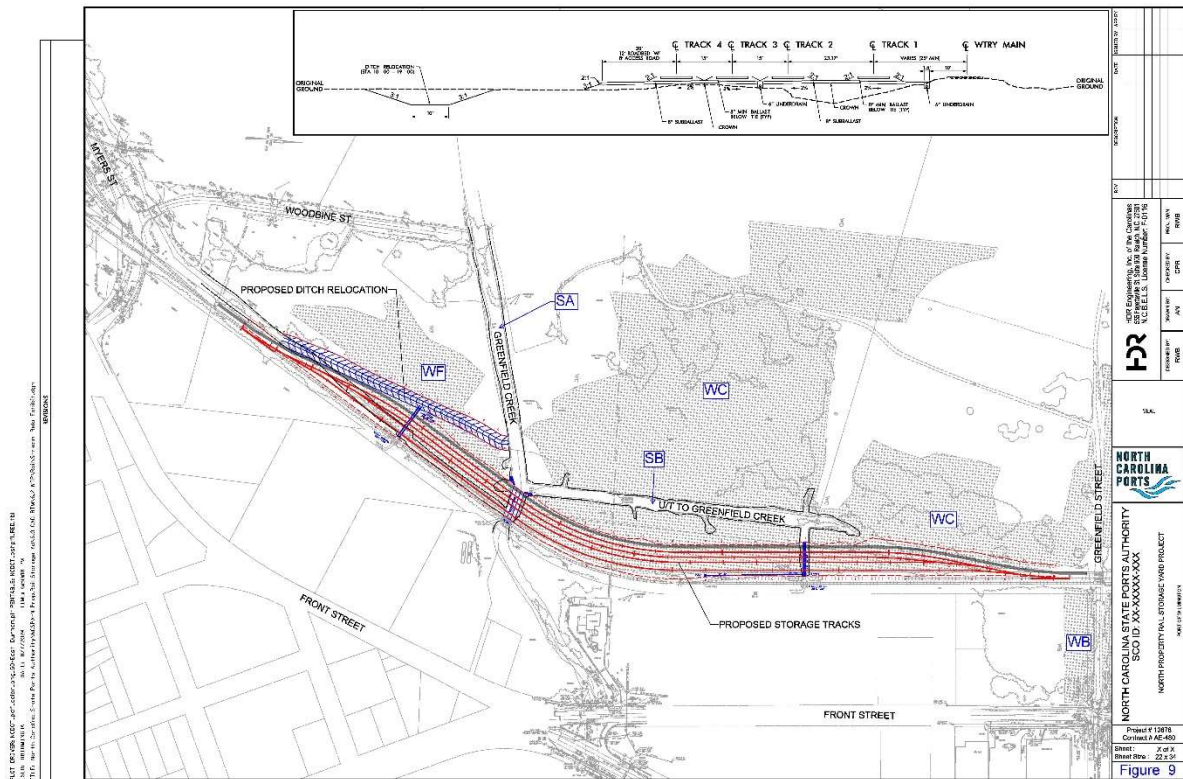


Applicant's Stated Purpose

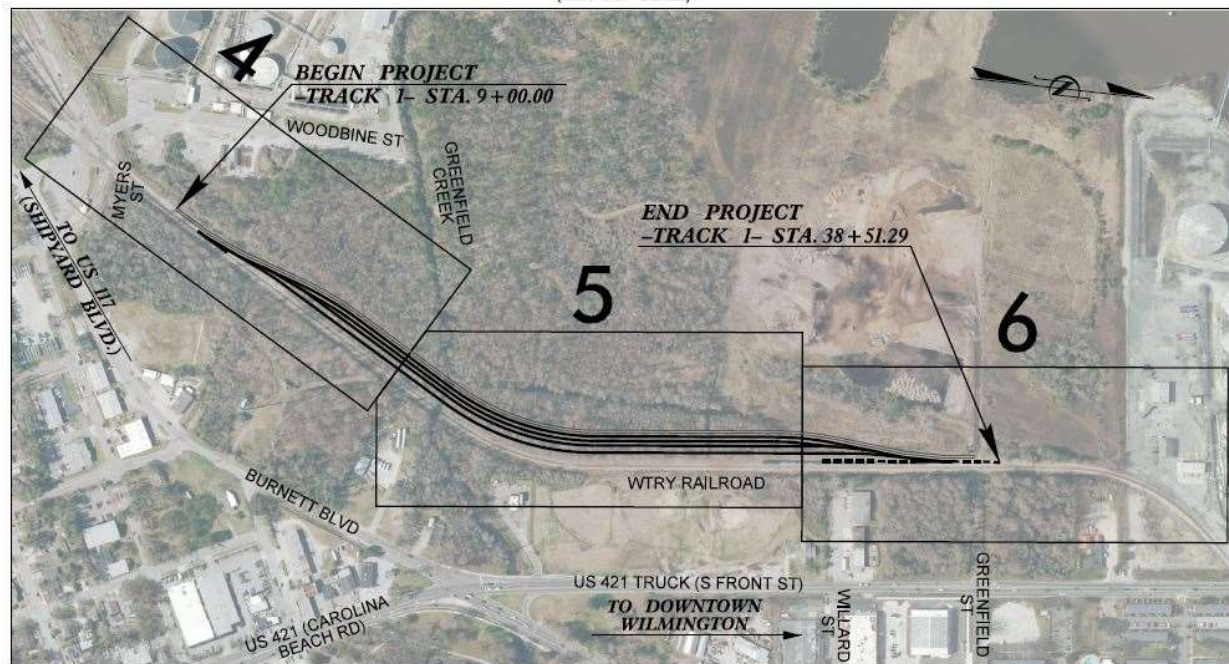
The Applicant's purpose is to construct rail sidings adjacent to the existing line within the WTRY yard located on NC State Ports Authority-owned property. The project is needed to provide railroad efficiency and storage capacity for critical military requirements and economic growth opportunities at the Port of Wilmington.

Project Description

The Authority proposes to construct four ~ 0.5-mile-long rail leads for switching activities and storage, wholly on the Authority-owned property located on the west side of the existing rail line operated by WTRY. The proposed project requires relocation of a ditch and crossing of Greenfield Creek along with the extension of three culverts under the new rail leads in Wilmington, New Hanover County, North Carolina. The proposed rail lines are strategically positioned next to the existing rail line for logistical reasons. The expansion is limited to the west of the existing rail line and the alternative designs are based on culvert and bridge crossings of Greenfield Creek. The basic location of all the alternatives is depicted below.



SITE MAP
(NOT TO SCALE)



There were 4 alternatives considered during the development of this project.

Alternative 1 (Applicant's preferred alternative) – Culverts

Alternative 1, and the preferred alternative, consists of a triple barrel reinforced concrete box culvert (RCBC) measuring 12-feet by 5.5 feet across Greenfield Creek. The rail culverts allow flood waters to flow across the track formation without damaging the rail or restricting service. The channel banks will have to be re-graded which will cause a permanent impact similar to that of the short bridge alternative described in Alternative 3 below. Alternative 1 would have impact to waters of the US, in this case 4.49 acres of wetland impact, 207 linear feet of stream impact, and 858 linear feet of open water ditch impact. This Alternative would have the lowest construction cost.

The applicant considered three other alternatives including a 90' bridge over Greenfield Creek, a 60' bridge over Greenfield Creek, and full wetland span. These alternatives were described as either having engineering constraints that could not be overcome, future maintenance concerns, or were too expensive thus eliminated from further consideration.

Avoidance and Minimization

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

WETLANDS – Both temporary and permanent impacts to wetlands and wetland vegetation may occur due to construction. Sediment and erosion control devices would be installed and maintained to avoid and minimize such impacts beyond the slope stake limits. The contractor would adhere to National Pollutant Discharge Elimination System (NPDES) permit conditions. The contractor will also avoid and minimize temporary impacts to waters and wetland vegetation by using various Best Management Practices (BMP) during construction such as maintaining equipment, adhering to soil management plan, etc. Raw or live concrete would not come into contact with wetlands or open water until cured.

FLOOD HAZARDS - To the maximum extent practicable, the Project will be implemented in stages of development so that only areas that are in active construction are exposed. The project is located within Flood Zone AE; however, there were no FEMA models available for the project area, so the Applicant's consultant developed a FEMA Model for the project area. There is no rise and no impacts to the flood zone area with implementation of the project.

WATER QUALITY – Temporary minor impacts to water quality may occur due to construction. Sediment and erosion control devices would be installed and maintained to avoid and minimize such impacts. The contractor would adhere to National Pollutant Discharge Elimination System (NPDES) permit conditions. The construction sequence for building of the culvert at Greenfield Creek has been developed to minimize impacts to aquatic species and allows for the stream to remain flowing throughout project

construction. The contractor will also avoid and minimize temporary impacts to waters and wetland vegetation by using various Best Management Practices (BMP) during construction such as maintaining equipment, adhering to soil management plan, etc. Raw or live concrete would not come into contact with streams or open water until cured.

Compensatory Mitigation

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

Compensatory mitigation for the unavoidable impacts to freshwater wetlands and streams would be provided by the Lower Cape Fear Umbrella Mitigation Bank and the Northeast Cape Fear Umbrella Mitigation Bank.

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:

- ☒ The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

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):

- ☒ The application included 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 Request Method, concurrence or objection from the NCDCM.

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, January 3, 2025. Comments should be submitted to Brad Shaver, Wilmington Regulatory Field Office, 69 Darlington Avenue, Wilmington, North Carolina 28403, or via email at Brad.E.Shaver@usace.army.mil. The Corps Project Manager can be contacted at (910) 251-4611. Comments may also be submitted to WilmingtonNCREG@usace.army.mil.