



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 16, 2021
Comment Deadline: September 15, 2021
Corps Action ID Number: SAW-2021-00067

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. George Radford at the United States Marine Corps Air Station (MCAS) Cherry Point seeking Department of the Army authorization to fill 6.13 acres of wetlands, 0.12 acres of jurisdictional tributaries (ditches), and 242 linear feet of stream, associated with relocating and widening Slocum Road from two lanes to four lanes and construct an additional concrete two-lane bridge with a pedestrian lane over Slocum Creek, in Craven 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: United States Marine Corps Air Station Cherry Point
Attn: Mr. George Radford
Environmental Affairs Department, MCAS
PSC Box 8006
Cherry Point, North Carolina 28533

AGENT (if applicable): Mr. Jason Hartshorn
Kimley-Horn
421 Fayetteville Street, Suite 600
Raleigh, North Carolina 27616

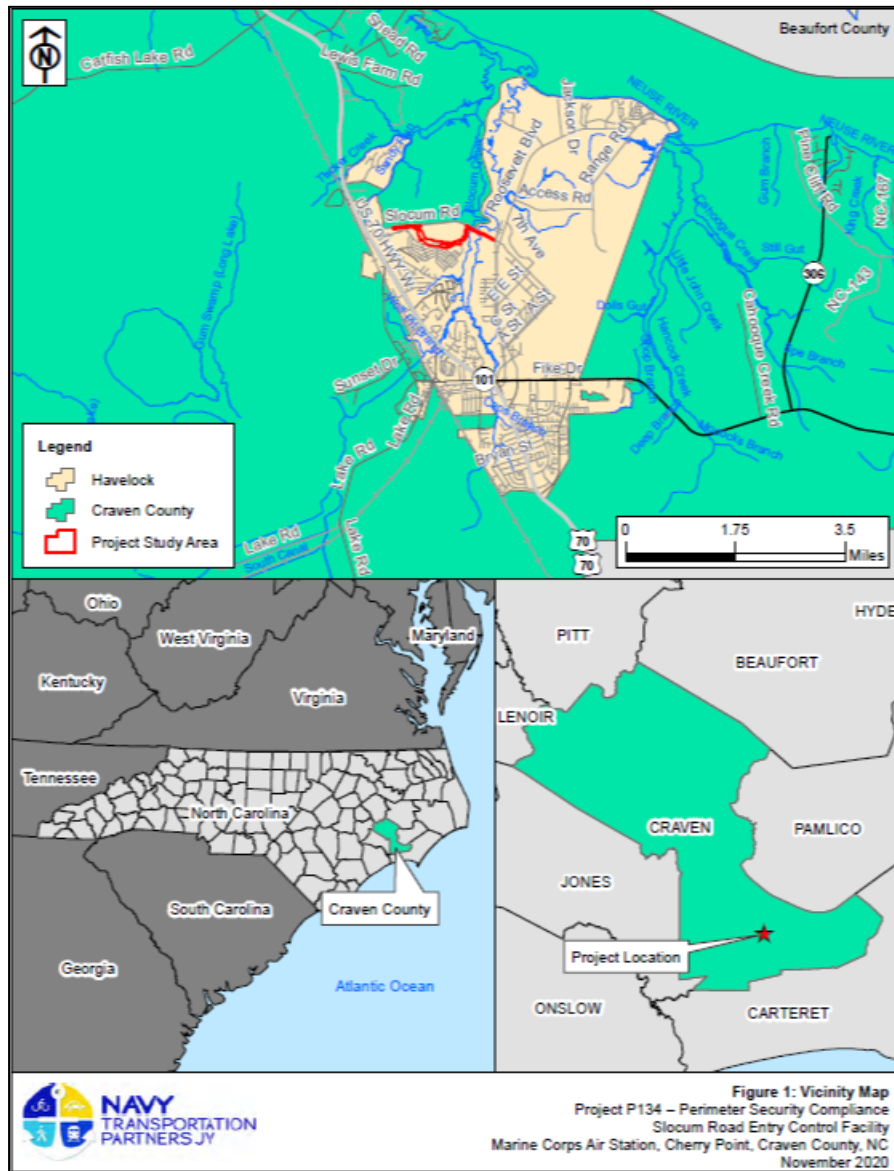
Authority

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): 64 Nearest Town: City of Havelock
Nearest Waterway: Slocum Creek River Basin: Neuse
Latitude and Longitude: 34.916031 N, -76.923011 W

Existing Site Conditions

The approximately 64-acre project area of Project P134 Perimeter Security Compliance, Slocum Road Entry Control Facility (Project P134) is primarily composed of undeveloped forested areas and riparian corridors associated with Slocum Creek and an Unnamed Tributary (UT) to Slocum Creek. In addition, the project area includes

existing roadway right-of-way along Alexander Road and Slocum Road on the eastern and western sides of Slocum Creek. Residential housing within a suburban landscape is located south of the Project. The proposed project is located entirely within the MCAS Cherry Point installation and zoned as Military Reserve (MR).

Applicant's Stated Purpose

The purpose of Project P134 is to provide security, safety, and transportation improvements along Slocum Road to sustain mission capability. Project P134 proposes to widen Slocum Road from two lanes to four lanes and relocate the road to better comply with Explosive Safety Quantity Distance (ESQD) criteria regarding Public Transportation Routes (PTR), provide an additional two-lane bridge adjacent to the existing two-lane bridge over Slocum Creek, and provide improved gate and inspection facilities. The purpose of this project is to enhance the flow of mobilizing forces to the Aerial Port of Embarkation (APOE), provide proper inspection facilities for commercial vehicles entering the Air Station, enhance the service of ordnance deliveries to MCAS Cherry Point ordnance areas, and upgrade the entrance and traffic controls to meet current safety and security requirements in order to quickly and efficiently process inbound traffic on Slocum Road and stop unauthorized vehicles from entering MCAS Cherry Point.

Project Description

Project P134 proposes to widen Slocum Road from two lanes to four lanes while also relocating Slocum Road to better comply with ESQD criteria and would construct an additional concrete two lane bridge with a pedestrian lane on a parallel alignment immediately south of the existing two-lane bridge over Slocum Creek. Along the realigned and widening Slocum Road, the improved Entry Control Facility (ECF) would be located to install safer and more secure gates and vehicle inspection facilities. The new ECF would serve as the main entrance and exit point into and out of MCAS Cherry Point in Craven County, North Carolina.

The new ECF would include a visitor control center, gate house, four sentry booths, main gate inspection canopies, overwatch defensive fighting position, a truck/POV inspection office, and a concrete two-lane bridge with a pedestrian lane over Slocum Creek. The roadway section of the improvement adds two lanes to serve Slocum Road traffic, as well as providing access from staff housing from Alexander Road south of the ECF. The new roadway will begin at the eastern terminus of the air station near the NCDOT overpass at US Highway 70 and will terminate at the intersection with Roosevelt Boulevard.

The proposed impacts associated with the Project P134 include 6.13 acres of permanent wetland impacts, 0.12 acres of permanent jurisdictional tributaries (ditches) impacts, and 242 linear feet of permanent stream impacts.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The Preferred Alternative has been shifted as far south as practicable to avoid additional impacts to Stream S1 and utilize existing roadway corridors along Alexander Road to the extent practicable. Stormwater control features have also been located along the south side of the proposed roadway alignment to avoid placing them in wetlands along the Project. Retaining walls have been utilized where practicable to tighten fill slopes and minimize impacts associated with larger fill slopes along the proposed road. To avoid impacts to Slocum Creek and the coastal wetlands along its banks, the proposed bridge abutments have been designed to entirely span these coastal wetlands and avoid impacts. The construction of a new parallel bridge as close to the existing Slocum Road bridge further minimizes impacts by expanding existing abutments and fill areas rather than creating new impact areas in a new location on Slocum Creek. Of the wetland impacts proposed, most of the impacts are associated with pine flat wetlands and are impacting areas that have been historically managed for timber production and recently clear-cut. The coastal wetlands have been entirely avoided by the Project, and the higher quality riverine wetland systems have been minimized to the extent practicable by utilizing as much of the existing roadway crossings of these systems as practicable, reducing new impact areas that would result from a new location crossing.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: MCAS Cherry Point proposes to provide mitigation for all permanent stream and wetland impacts within the Project by payment into the NC Division of Mitigation Services (NCDMS) In-Lieu Fee (ILF) Program.

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 historic properties.
- 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 applicant did not provide or satisfy all 9 elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 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 regarding the application for a 401 Certification should do so, in writing, by December 14, 2021 to:

NCDWR Central Office
Attention: Ms. Amy Chapman, Transportation 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 (NCDWM):

- 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 this Public Notice 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, September 15, 2021. Comments should be submitted to Ms. Emily Thompson, Washington Regulatory Field Office, 2407 West Fifth Street , Washington, North Carolina 27889, at (910) 251-4629.