



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: February 20, 2024  
Comment Deadline: March 21, 2024  
Corps Action ID Number: SAW-2001-20723

The Wilmington District, Corps of Engineers (Corps) received an application on February 9, 2024, from Johnston Regional Airport (JNX) seeking Department of the Army authorization to discharge dredged or fill material into potential waters of the United States, including potential wetlands, associated with the Midfield Apron Development in Johnston 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:** Johnston Regional Airport  
Mr. Phil Lanier  
3149 Swift Creek Road  
Smithfield, North Carolina 27577

**AGENT (if applicable):** AECOM  
Mr. Kevin Lapp  
5438 Wade Park Blvd, Suite 200  
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: As depicted in Figure 1, the proposed Johnston Regional Airport Midfield Apron Development (Project) is situated in Smithfield, in Johnston County, North Carolina. Specifically, the Project area (Site) is located east of Swift Creek Road, approximately 0.6 mile southwest of the intersection of Swift Creek Road and U.S. Highway 70 Business, northwest of Smithfield, North Carolina.

Project Area (acres): ~88

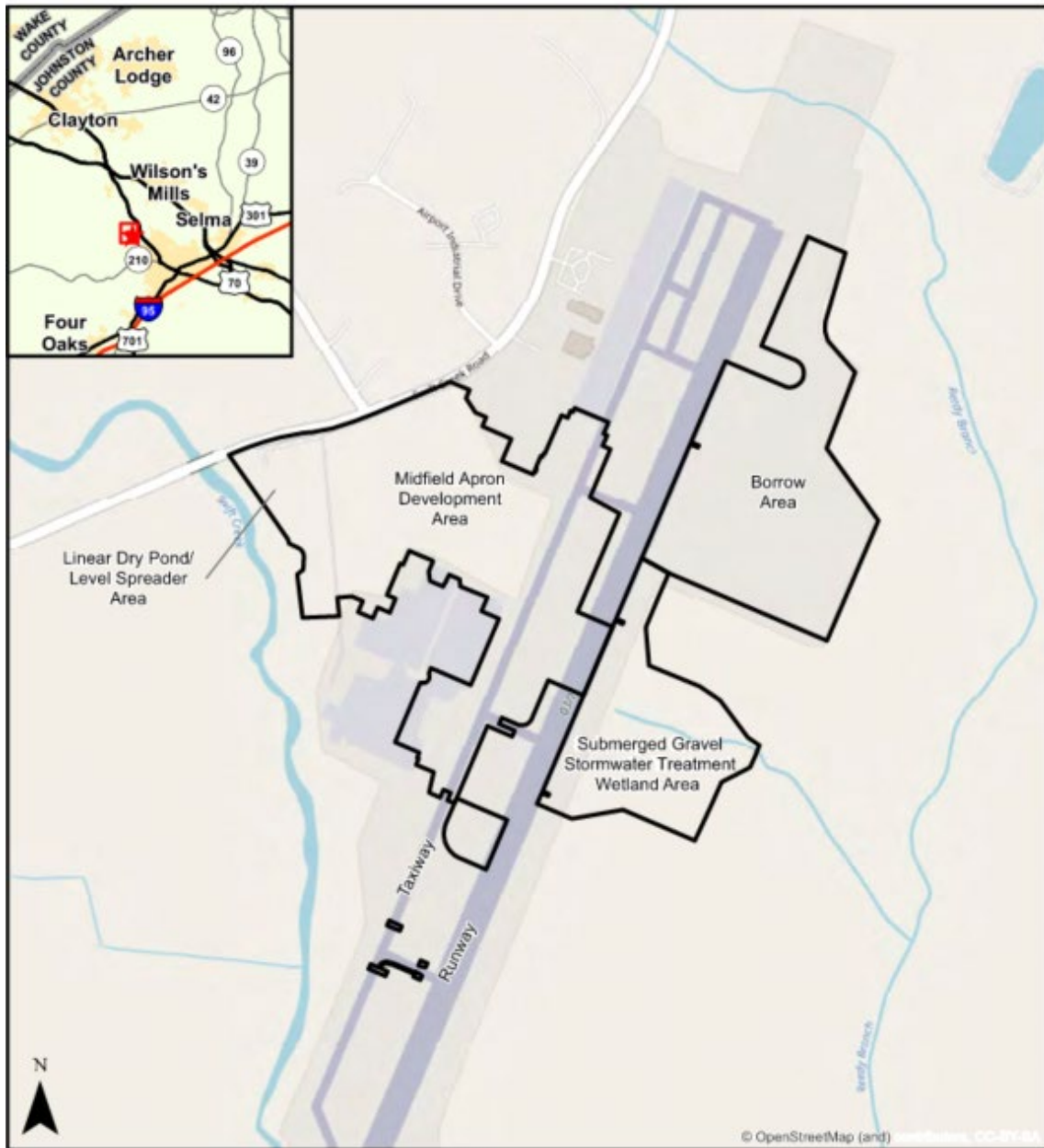
Nearest Town: Smithfield

Nearest Waterway: Swift Creek

River Basin: Neuse

Latitude and Longitude: 35.542668 N, -78.390407 W

Figure 1



### Existing Site Conditions

The Site is located within the Upper Neuse sub-watershed in the Neuse River Basin (Hydrologic Unit Code [HUC] 03020201). The Site drains to Swift Creek (Stream Index: 27-43-(8)), which is designated as a Class C water (Aquatic Life, Secondary Contact Recreation, Fresh Water) by the North Carolina Department of Environmental Quality (NCDEQ). The Site is bound by industrial and commercial land use to the north and west, and undeveloped woodlands and agricultural land use to the east and south.

The Site is comprised of existing airport infrastructure, mowed/maintained areas, and

hardwood pine forest. The hardwood pine forest community consist of a mixture of mature red maple (*Acer rubrum*), tulip poplar (*Liriodendron tulipifera*), sweetgum (*Liquidambar styraciflua*), and loblolly pines (*Pinus taeda*). The submerged gravel wetland area, depicted on Figure 1, is a former stormwater treatment facility currently inundated with water, containing emergent wetland vegetation such as wool grass (*Scirpus cyperinus*) and soft rush (*Juncus effusus*) along with shrubs such as tag alder (*Alnus serrulata*). The borrow area northeast of the proposed submerged gravel wetland area is a field, mowed and maintained for airport safety and operations.

Based on information obtained from the United State Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Johnston County, the Soils within the Site are comprised of 11 soil series summarized in Table 1 below.

Table 1

Map Unit Symbol	Map Unit Name	Acres in Site	Percent of Site
AaA	Altavista fine sandy loam, 0 to 2 percent slopes, occasionally flooded	1	1.2%
Bb	Bibb sandy loam, 0 to 2 percent slopes, frequently flooded	5	5.8%
GeB	Gilead sandy loam, 2 to 8 percent slopes	5.5	6.3%
Le	Leaf silt loam, 0 to 2 percent slopes	15.4	17.7%
NnB	Nason silt loam, 2 to 8 percent slopes	0	N/A
NnD	Nason silt loam, 8 to 15 percent slopes	1.1	1.3%
NnE	Nason silt loam, 15 to 25 percent slopes	2.6	3.0%
NoB	Norfolk loamy sand, 2 to 6 percent slopes	16.2	18.7%
UcC	Uchee loamy coarse sand, 6 to 12 percent slopes	2.7	3.1%
Ud	Udorthents, loamy	34.4	39.6%
Ww	Wehadkee-Chastain association, 0 to 2 percent slopes, frequently flooded	2.9	3.4%

The Corps issued a Preliminary Jurisdictional Determination (PJD) for the Site on June 15, 2020. An updated PJD Request was received by the Corps on June 2, 2023. A site visit to review the lateral limits of potential waters of the US (WOUS) was performed by the Corps on September 8, 2023. Based on the most recent delineation the Site contains three potential non-wetland waters (streams) and five potential wetland waters (wetlands).

Wetland hydrology indicators such as surface water, high water table, soil saturation, water-stained leaves, and saturation visible on aerial imagery were observed within wetlands. The dominant trees/sapling/shrubs observed at wetland determination data form locations included red maple, tulip poplar, sweetgum, and loblolly pines. Dominant ground cover species consisted of smartweed (*Persicaria pensylvanica*), common green briar (*Smilax rotundifolia*), and soft rush. Soils at the data form locations consisted of matrices of chroma 1 and 2 loamy/clayey with prominent redox concentrations, indicating a depleted matrix hydric soil indicator.

## **Applicant's Stated Purpose**

The basic project purpose as stated by the applicant is to provide additional hanger space.

The overall project purpose as stated by the applicant is to provide safe and efficient aviation facilities to meet current and projected demand and meet current Federal Aviation Administration (FAA) design standards. The Airport has 126 based aircraft and is projected to have 171 based aircraft within the 20-year planning horizon. Per the 2022 Master Plan Update, the Airport has the following storage facilities: t-hangars (46 units), box hangars (4 buildings), fixed based operators (FBO) (5 buildings), and corporate hangars (11 buildings). JNX is currently unable to accommodate existing demand for hangar space and the Project will address a portion of the demand.

## **Project Description**

In order to meet the stated purpose the applicant proposes to develop the Project. This development would address a portion of the existing demand for hanger space at the JNX airport, with an estimated 34 hangars of various sizes, the Project could accommodate an estimated 34 to 56 aircraft, depending upon the size of the aircraft. Additionally, the project proposes a stormwater control measure (SCM) identified as a submerged gravel wetland. The applicant states that the SCM facility types selected would provide significant reductions in sediment within stormwater runoff from the watershed prior to discharge into the receiving streams, Reedy Branch and Swift Creek. Additionally, the proposed SCMs were selected to discourage wildlife activity per FAA regulations.

Additional stormwater treatment would be required by the FAA within aircraft storage and maintenance areas in the form of glycol diversion vaults, oil/water diversion vaults, and 5,000-gallon oil/water separators that would be implemented in two locations. The first location would capture drainage from the midfield apron area and the second would capture drainage from the south hangar area. These treatment facilities would provide protection to the proposed SCMs and other downstream areas from the discharge of oil, grease, and other contaminants from aircraft and maintenance activities.

The Project would result in the discharge of fill material into a total of 0.090 ac (1,390 linear feet [lf]) of stream channel and 18.67 acre (ac) of wetlands. More specifically, the grading and construction of the midfield apron development would result in the loss of 10.43 ac of wetlands and 0.018 ac (397 lf) of stream channel. The installation of the submerged gravel stormwater treatment wetland area would result in the loss of 8.24 ac of wetlands and 0.072 ac (993 lf) of stream channel.

## **Avoidance and Minimization**

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

In order to avoid and minimize impacts to the maximum extent practicable field surveys were conducted to identify aquatic resources (potentially jurisdictional streams/wetlands/open waters) within the proposed project area.

Erosion and sediment control measures would be utilized during Project construction to prevent sediment laden runoff from entering downslope stream systems. Protective measures would include prohibition of entry into the protected buffer along Swift Creek. Construction dewatering would be kept internal to the area disturbed and would not drain in the direction of Swift Creek. Soil stockpiles would be placed in a manner or protected so that there would be no drainage towards Swift Creek.

### Compensatory Mitigation

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

The applicant proposes to provide compensatory mitigation at a 2:1 mitigation to impact ratio for the loss of all potentially jurisdictional streams and wetlands except for those that were rated “Low” quality when evaluated using the North Carolina Stream Assessment Method (NCSAM) and North Carolina Wetlands Assessment Method (NCWAM). The applicant proposes to provide compensatory mitigation at a 1:1 ratio for the loss of potentially jurisdictional streams and wetlands rated “Low”.

The applicant proposes to purchase 1,816.7 warm-water stream credits and 37.14 riparian non-riverine and non-riparian wetland credits from a combination of available mitigation banks and the North Carolina Division of Mitigation Services (NCDMS) in lieu fee program. The proposed compensatory mitigation plan is summarized in tables 2 and 3 below.

Table 2 (Stream Compensatory Mitigation)

Impact #	Impact Type	NCSAM Rating	Proposed Mitigation Ratio	Stream Loss (Liner Feet)	Proposed Credits
Stream A- Impact 1	Permanent Culvert Extension	Low	1:1	397	397
Stream S1- Impact 1	Permanent Culvert Extension	Low	1:1	426.3	426.3
Stream S2- Impact 1	Permanent Gravel Fill	Low	1:1	139.4	139.4
Stream S3- Impact 1	Permanent Gravel Fill	High	2:1	427	854

Impact #	Impact Type	NCSAM Rating	Proposed Mitigation Ratio	Stream Loss (Liner Feet)	Proposed Credits
			Total	1,389.7	1,816.7

Table 3 (Wetland Compensatory Mitigation)

Impact #	Impact Type	NCWAM Rating	Proposed Mitigation Ratio	Wetland Loss (Acres)	Proposed Credits
Wetland WA- Impact 1 (Riparian)	Permanent Fill	Low	1:1	0.03	0.03
Wetland WB- Impact 1 (Non-riparian)	Permanent Fill	High	2:1	10.26	20.52
Wetland W1- Impact 1 (Riparian)	Permanent Fill	Low	1:1	0.17	0.17
Wetland W2 (PSS)- Impact 1 (Riparian)	Permanent Fill	Medium	2:1	0.70	1.4
Wetland W2 (PEM)- Impact 1 (Riparian)	Permanent Fill	Medium	2:1	1.4	2.88
Wetland W3 – Impact 1 (Riparian)	Permanent Fill	Medium	2:1	0.02	0.04
Wetland W4 – Impact 1 (Riparian)	Permanent Fill	Medium	2:1	1.59	3.18
Wetland W4- Impact 1 (Non-riparian)	Permanent Fill	Medium	2:1	4.46	8.92
			Total	18.67	37.14

### 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.

In a letter dated October 26, 2023, logged as ER 23-2261, the SHPO stated that they have conducted a review of the project and are aware of no historic resources which would be affected by the project and therefore had no comment on that project as proposed.

### **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:

- For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect

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 applicant included the following effect determinations (presented in Table 4 below) for federally listed species within the Site according to the U.S. Fish & Wildlife Service (Service) Information for Planning and Consultation (IPaC) website.



Table 4

Scientific Name	Common Name	Federal Status	Habitat Present	Preliminary Effects Assessment
<i>Perimyotis subflavus</i>	Tri-colored Bat	Proposed Endangered	Yes	None Required
<i>Picoides borealis</i>	Red-cockaded woodpecker	Endangered	Yes	No Effect
<i>Necturus lewisii</i>	Neuse River waterdog	Threatened	No	No Effect
<i>Noturus furiosus</i>	Carolina madtom	Endangered	No	No Effect
<i>Fusconaia masoni</i>	Atlantic pigtoe	Threatened	No	No Effect
<i>Alasmidonta heterodon</i>	Dwarf wedgemussel	Endangered	No	No Effect
<i>Elliptio lanceolata</i>	Yellow lance	Threatened	No	No Effect
<i>Danaus plexippus</i>	Monarch butterfly	Candidate	Yes	None Required

**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](mailto: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):**

- ☒ 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 21, 2024. Comments should be submitted to Matthew Martin, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at [Matthew.K.Martin@usace.army.mil](mailto:Matthew.K.Martin@usace.army.mil). The Corps Project Manager can be contacted at (984) 800-3741. Comments may also be submitted to [RaleighNCREG@usace.army.mil](mailto:RaleighNCREG@usace.army.mil).