



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: 18 Sep 2024
Comment Deadline: 18 Oct 2024
Corps Action ID Number: SAW-2018-00263

The Wilmington District, Corps of Engineers (Corps) received an application from the U.S. Department of the Navy, United States Fleet Force Command, seeking Department of the Army authorization to discharge fill material within approximately 3.8 acres of jurisdictional waters and freshwater wetlands, associated with site and range improvements and repairs at the Dare County Bombing and Electronic Combat Range (Dare Range) in Dare 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: U.S. Department of the Navy – Naval Facilities Engineering Command
C/O Jorge R. Cuadros, Commander
NAVFAC Atlantic, USFFC N46
1562 Mitscher Avenue Ste 250
Norfolk, Virginia 23551

AGENT: U.S. Department of the Navy – Naval Facilities Engineering Command
C/O Jeffrey W. DeBerry, PWS
NAVFAC Atlantic, Natural Resources Specialist (EV52)
6506 Hampton Blvd.
Norfolk, Virginia 23508

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: 1301 Navy Shell Road, Stumpy Point, NC

Project Area (acres): 46,621 acres

Nearest Town: Stumpy Point

Nearest Waterway: Alligator River

River Basin: Pasquotank

Latitude and Longitude: 35.762706 N, -75.853967 W



Existing Site Conditions

The Dare County Bombing and Electronic Combat Range (Dare Range) is an all-weather, U.S. Air Force (USAF) owned weapons range located on the Dare County peninsula in the coastal plain of North Carolina. Dare Range encompasses 46,621 acres and is utilized jointly by the USAF and the U.S. Navy. Through an Inter-Services Support Agreement, the Navy leases and operates the northern half (approximately 23,000 acres; Navy Dare) of the range and the USAF operates the southern half of the Range. Of the 46,621 acres, approximately 5,000 acres is utilized as impact area by the two services which are divided into two separate impact areas of roughly 2,500 acres dominated by herbaceous emergent wetland. The remaining area of the range, approximately 41,621 acres, exists almost entirely of forested wetlands (Non-riverine Swamp Forest) and serves as safety buffer for military operations. These buffer lands are managed to provide numerous functions to the public including wildlife habitat, water quality improvement, flood abatement, carbon sequestration, and threatened and endangered species habitat.

Apart from range facilities (e.g. roads, target pads, range control building, and storage areas), the site consists of waters of the U.S. In general, the Navy Dare impact area is maintained as palustrine emergent wetlands to allow for clear lines of sight necessary for scoring during operations and to reduce wildland fire risk. Water levels in the ditch and canal system are managed to reduce wildfire potential, improve firefighting readiness, and restore a water regime more closely resembling historic (pre-canal) conditions.

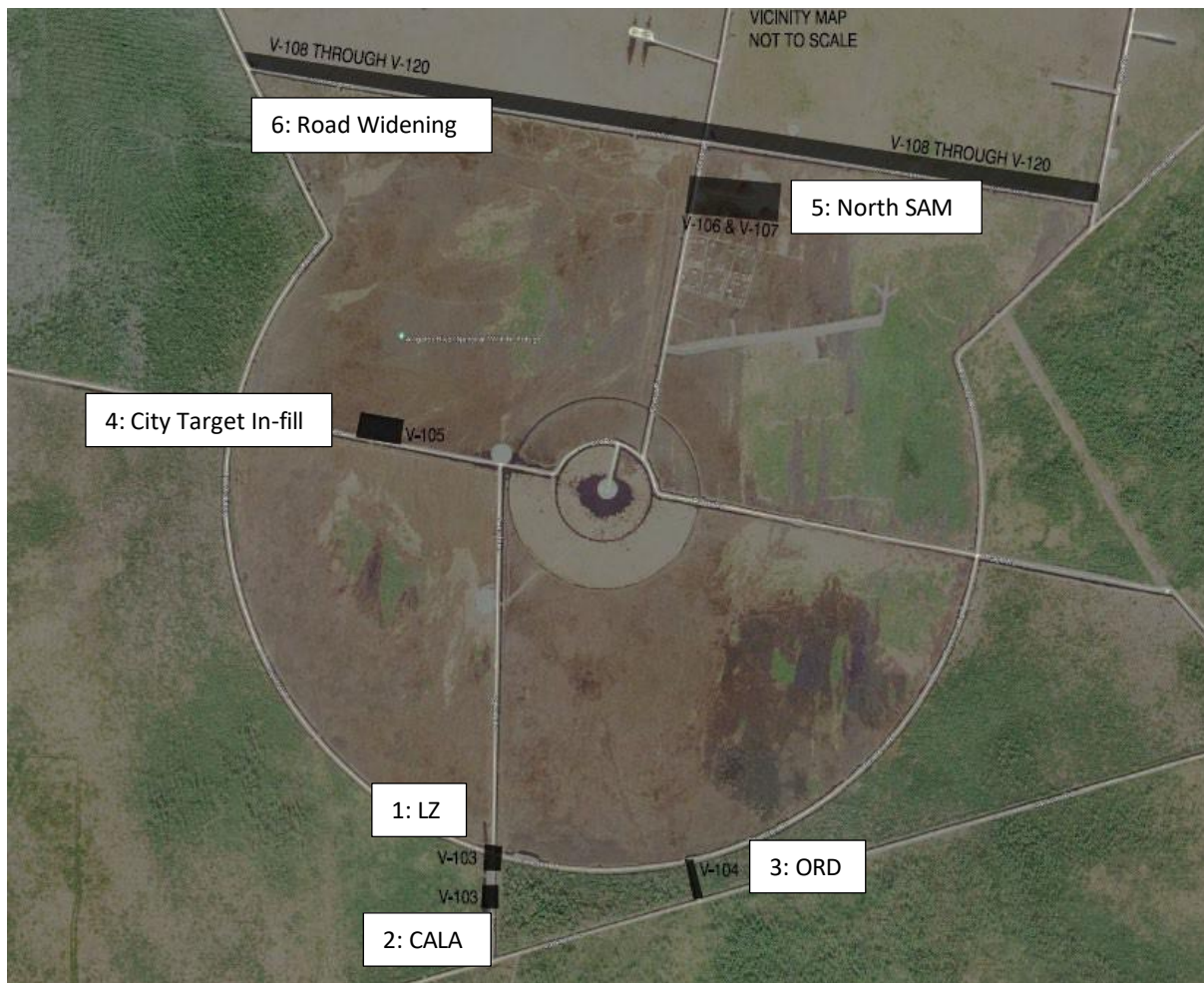
Proposed Project Description

The proposed action includes the following range site improvements and repairs that are consistent with long-range planning for Navy Dare Range.

1. Establish and operate a Landing Zone (LZ) on Jumper Rd. utilizing existing road surface and adjacent filled areas. This will increase training capabilities.
2. Establish and operate a Combat Aircraft Loading Area (CALA) site situated on Jumper Rd. due south of the LZ. This will increase training capabilities.
3. Establish and operate an Ordnance Venting Pad (ORD) by hardening an un-named gravel Rd., which will improve safety.
4. Fill existing gaps in the City Target to allow for safer operation of the Moving Land Targets (MLT).

5. Repair the North Surface-Air Missile (SAM) Target by hardening the target and the access Rd. leading to the target, which will assist with ordnance recovery and increase safety.
6. Widen 3,500-Foot Rd. to allow for safe utilization by the MLTs at higher, more realistic speeds during training exercises.

The proposed work consists of adding clean fill material (e.g. NCDOT ABC stone, select clean fill, etc.) over non-woven geotextile fabric to bring areas up to design elevations and allow sufficient space to safely access and maintain targets and operate MLTs. The work would be conducted utilizing excavators which would be working from existing roads and target pads. Side slopes are proposed at 2:1 to minimize wetland impacts, which is consistent with previous permitted work at Navy Dare. No new buildings or, utilities are proposed. No tree removal is proposed. Based upon the current draft design, a total of +/- 3.806 acres of unavoidable impacts to palustrine emergent (non-riparian) wetlands may be proposed to complete these six projects.



Applicant's Stated Purpose

The purpose of the proposed action is to continue to provide realistic training scenarios and range maintenance operations while enhancing range personnel and safety and increasing operational range clearance capabilities. Navy Dare County Bombing Range is the closest range for pilots based out of Naval Air Station Oceana and Naval Station Norfolk.

Avoidance and Minimization

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

The initial action originally proposed as part of the 2019 *Final Environmental Assessment for Infrastructure Improvements and Maintenance Actions at Navy Dare County Bombing and Electronic Combat Range*, included extensive areas of fill impacts for the currently proposed descriptions of work. These proposed impacts resulted in approximately 28 acres of permanent impacts to jurisdictional waters and wetlands. In the currently proposed descriptions of work, the majority of the fill impacts have been significantly eliminated or reduced.

These reductions have been accomplished utilizing avoidance and minimization and re-prioritization of activities based on current understanding of need, potential for funding, and timeline. For example, four Joint Tactical Air Controller (JTAC) towers were removed from the scope of the activity because the use of mobile towers is being considered. This approach would avoid the need to construct permanent pads for the towers, allow flexibility in positioning, and permit storage of the unit(s) during inclement weather such as hurricanes. The Military Operations on Urban Terrain (MOUT) target estimated at approximately 12.5 acres was removed from the scope of this activity because the magnitude of cost and the timeline for additional planning is not practical for this effort.

Compensatory Mitigation

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

The proposed wetland impacts will be to relatively low quality, non-riparian, palustrine emergent marsh wetlands along existing roads and target pads. Impacts to wetlands are proposed to be mitigated by purchasing wetland bank credits from the Hidden Lake Mitigation Bank with the appropriate amount and type of credits needed within the watershed (HUC 03010205). This is

consistent with the compensatory mitigation preference hierarchy outlined in the 2008 Mitigation Rule. The authority for the DoD to participate in mitigation banking is provided in 10 U.S. Code § 2694b - Participation in Wetland Mitigation Banks.

Essential Fish Habitat

The Corps' determination is that the proposed project would not affect any 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, 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).

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, 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 Branch, 512 North Salisbury Street, Raleigh, North Carolina 27699-1617. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by 18 October 2024 to:

NCDWR Central Office
Attention: Ms. 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 (NCDWM):

- 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 NCDWM, and the NCDWM notifies the Corps that it concurs with the applicant's consistency certification. As the application did include the consistency certification, the Corps concurs with the certification from the NCDWM.

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, 18 October 2024. Comments should be submitted to Raleigh Bland, SPWS, Washington Regulatory Field Office, 2407 W. 5th Street, Washington, North Carolina 27889, at (910) 251-4564. Comments may also be submitted to WashingtonNCREG@usace.army.mil.

