



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: January 2, 2024  
Comment Deadline: February 1, 2024  
Corps Action ID Number: SAW-2022-01559

The Wilmington District, Corps of Engineers (Corps) received an application on December 19, 2023 from Raleigh-Durham Airport Authority 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 Runway 5L/23R Replacement Project in Wake 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:** Raleigh-Durham Airport Authority  
Mr. Michael Landguth  
1000 Trade Drive, Post Office Box 80001  
Raleigh, North Carolina 27623

**AGENT (if applicable):** Not Applicable (N/A)

## 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 Raleigh-Durham International Airport (RDU) 5L/23R Runway Replacement project (Project) is situated between Raleigh and Durham, in Wake County, North Carolina. Specifically, the proposed project area (Site) is immediately northwest of the existing 5L/23R Runway and east of Interstate Highway 540. The Site also includes the relocation of a section of the existing Lumley Road to the north and two borrow sites to the southwest, across Brier Creek Reservoir and along Pleasant Grove Church Road.

Project Area (acres): ~1,218 acre

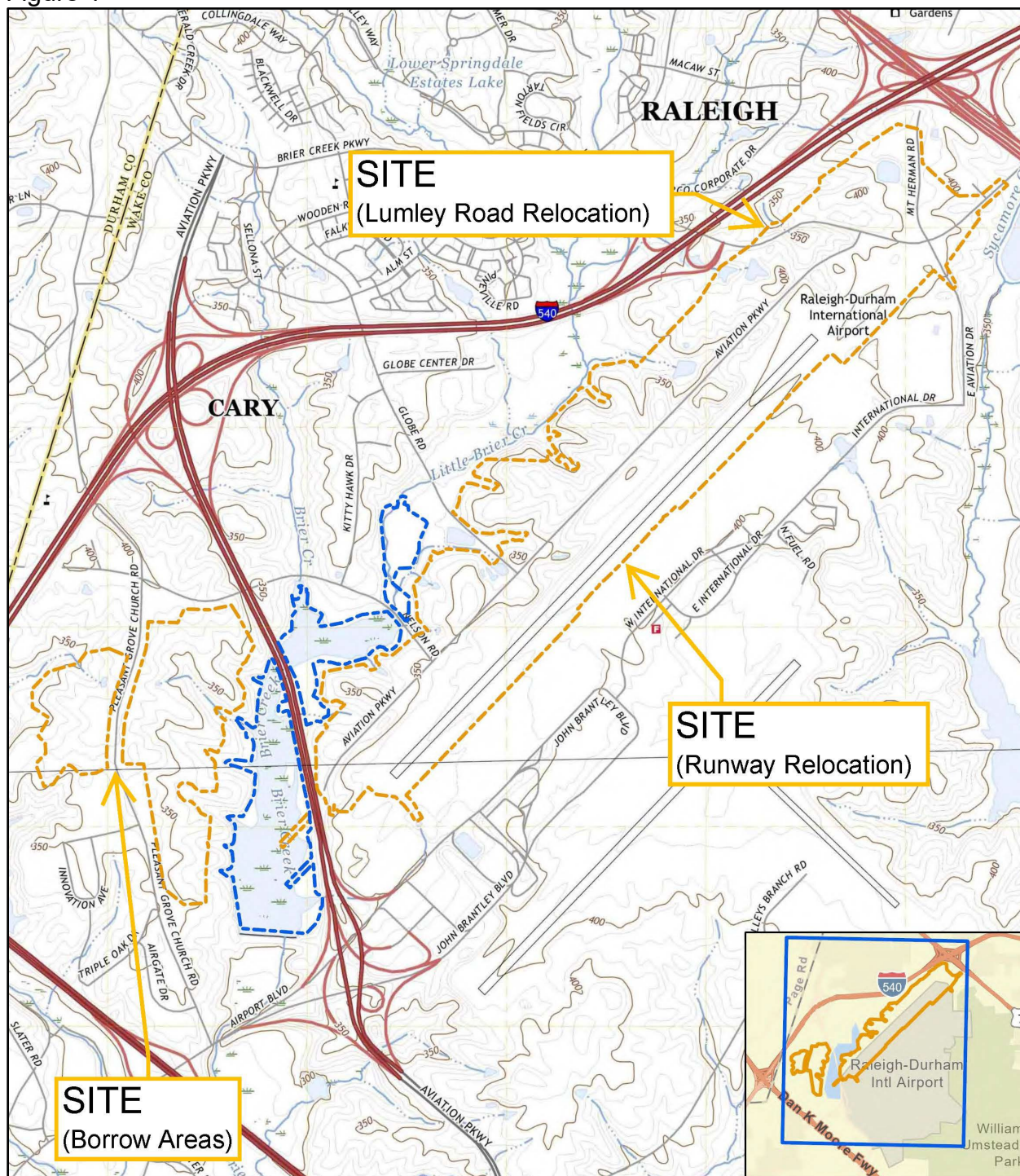
Nearest Town: Raleigh

Nearest Waterway: Little Brier Creek

River Basin: Neuse

Latitude and Longitude: 35.887973 N, -78.789154 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 Brier Creek (Stream Index: 27-33-4), 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 primarily consists of maintained/mowed vegetation within existing fenced areas of the airport, previously disturbed from past grading and construction activities. Approximately 480 acres (ac) of the Site is forested and comprised of mixed/pine hardwood forest, pine-dominated forest, and hardwood forest (altered).

The mixed pine/hardwood forest community is comprised of a mixed canopy of loblolly pine (*Pinus taeda*), white oak (*Quercus alba*) and tulip poplar (*Liriodendron tulipifera*). This community has a moderate to open sub-canopy and relatively open shrub and herbaceous (i.e., plants with little to no persistent above-ground woody stem) layers.

The pine-dominated forest community is primarily comprised of loblolly pine. Some hardwoods such as sweetgum (*Liquidambar styraciflua*) and sourwood (*Oxydendrum arboretum*) do exist in the canopy, but to a much lesser degree than the mixed/pine hardwood forest community. Depending on the location, shrub/sub-canopy density varies in thickness. The herbaceous layer is typically sparse.

The hardwood forest (altered) community, specifically the area west of Pleasant Grove Church Road, is comprised of tulip poplar, white oak, and red maple (*Acer rubrum*). This area was altered/cleared. Pines are absent, which separates it from the adjacent community. Older hardwoods are present, with a thick herbaceous/grass layer.

Based on information obtained from the United State Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey for Wake County, the Soils within the Site are comprised of 8 soil series summarized in Table 1 below.

Table 1

Map Unit Symbol	Map Unit Name	Percent of Site
Cha	Chewacla and Wehadkee soils, 0 to 2 percent slopes, frequently flooded	2
CrB	Creedmoor-Green Level complex, 2 to 6 percent slopes	17.8
CrC	Creedmoor-Green Level complex, 6 to 10 percent slopes	15.9
CrD	Creedmoor-Green Level complex, 10 to 15 percent slopes	27.1
PkF	Pinoka gravelly fine sandy loam, 15 to 30 percent slopes	4.3
UdE	Udorthents loamy, 0 to 25 percent slopes	0.2
Ur	Urban land	30.7
W	Water	2.1

An Approved Jurisdictional Determination and Preliminary Jurisdictional Determination were issued on November 22, 2022. The Site contains 36 potential non-wetland waters (streams), 38 potential wetland waters (wetlands), 4 potential non-wetland waters (open waters) and 5 non-jurisdictional (ponds constructed within uplands) waters.



Wetland hydrology indicators such as saturated soil, water-stained leaves, and oxidized rhizospheres on living roots were observed within wetlands. The dominant trees/sapling/shrubs observed at wetland determination data form locations included loblolly pine, red maple, tulip poplar. Dominant ground cover species observed within the wetlands consisted of Japanese stiltgrass (*Microstegium vimineum*), common green briar (*Smilax rotundifolia*), and common rush (*Juncus effusus*). Soils within wetlands at the data form locations consisted of matrices of chroma 1 and 2 loamy/clayey soils 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 a runway for the landing and takeoff of commercial aircraft.

The overall project purpose as stated by the applicant is to address existing runway 5L/23R's deterioration and structural failure while providing a structurally sound primary runway at RDU that maintains its current runway capabilities. The purpose is also to fulfill FAA's statutory mission to ensure the safe operation of the airport and airway system per 49 U.S. Code § 47101 (a)(1).

### **Project Description**

To achieve the stated purpose, the applicant is proposing to replace the existing runway 5L/23R with a new 10,693-foot long runway shifted 537 feet to the northwest of the existing runway. The Project would excavate approximately 5 million cubic yards of borrow material to fill and level the area of the relocated runway prior to construction. During construction Brier Creek Reservoir would be used as a water source for hydro-compression of fill material. Approximately 150 million gallons of water would be withdrawn over a period of approximately two years. Additional construction activities would include construction of the FAA-required safety areas, associated drainage improvements, utility relocation, construction of an airport perimeter road, and relocation of navigational aids. Once construction of the new runway is complete the existing runway 5L/23R would be converted to a taxiway. Additionally the new location of the runway protection zone would require the relocation of a portion of Lumley Road.

The Project would result in the discharge of fill material into a total of approximately 2.45 ac (7,293 linear feet [lf]) of potentially jurisdictional stream channel, 1.38 ac of potentially jurisdictional wetlands, and 2.17 ac of potentially jurisdictional open waters.

The applicant stated that the Project is considered "deemed permitted" and exempt from obtaining State stormwater permits; however, the applicant is proposing to construct four (4) new dry ponds designed to meet the minimum design criteria (MDC) for Dry Ponds per the State stormwater design manual to treat stormwater runoff from the project. Other elements of the Project such as the relocation of a section of Lumley Road would comply with all applicable NCDOT stormwater management requirements.

## **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 Site.

The applicant explored a total of eleven (11) runway alternatives, two (2) Lumley Road alternatives, and two (2) borrow site alternatives. Alternatives were evaluated by a screening process that consisted of 1) effectiveness to meet the purpose and need and, 2) technically or economically feasible to implement. The remaining alternatives were then further evaluated for compliance with Section 404(b)(1) Guidelines of the Clean Water Act. Additional onsite minimization efforts were evaluated resulting in the Project depicted on attached Impact Maps.

Proposed impacts to potentially jurisdictional streams, wetlands and open waters have been further reduced from the plans approved in the Federal Aviation Administration's (FAA) Environmental Assessment (EA)/Finding of No Significant Impact (FONSI)/Record of Decision (ROD), dated August 31, 2023. Stream impacts have been reduced from 8,780 lf to 7,293 lf. Wetland impacts have been reduced from 1.56 ac to 1.38 ac. Open water impacts have been reduced from 3.48 ac to 2.17 ac. Minimization efforts include the avoidance of all aquatic resources in the location of the proposed borrow sites.

An Erosion and Sedimentation Control (ESC) Plan would be developed and approved by the North Carolina Department of Environmental Quality (NCDEQ) prior to construction. Best management practices and erosion control measures would be identified to control and contain runoff that could make its way to navigable waterways to minimize the sediment impact. This ESC Plan would include access road locations to the borrow sites, monitoring and maintenance of control measures, and waste management plan.

## **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 ratio for the loss of all potentially jurisdictional streams and wetlands except for those streams and wetlands that were specifically classified using the N.C. Stream Assessment Method (NCSAM) and N.C. Wetlands Assessment Method (NCWAM) in the jurisdictional determination request package as either "MEDIUM" or "LOW" quality. The applicant proposes to provide a 1.5:1 mitigation ratio for the loss of potentially jurisdictional streams and wetlands classified as "MEDIUM", and a 1:1 ratio for those classified as "LOW".

To mitigate for jurisdictional stream channel and wetland impacts the applicant proposes to purchase 11,757 warm-water stream credits and 2.16 riparian non-riverine 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)

Sheet	Impact Number	Stream Name	Impact (LF)	NCSAM Rating	Proposed Mitigation Ratio	Mitigation (Credits)
3	3	S20	279.08	N/A	2:1	558.17
3	6	S45	83.56	N/A	2:1	167.11
3	8	S21	326.22	N/A	2:1	652.43
3	11	S22	95.23	N/A	2:1	190.46
3, 4	13	S23	195.86	N/A	2:1	391.71
4	16C	S25	429.91	LOW	1:1	429.91
4, 5	19B	S26	474.93	N/A	2:1	949.85
4, 5	19C	S26	392.34	LOW	1:1	392.34
5, 6	26C	S34	741.90	N/A	2:1	1,483.79
6	28C	S39	1,352.80	N/A	2:1	2,705.61
6	29	S35	200.94	N/A	2:1	401.87
6	30B	S37	418.37	LOW	1:1	418.37
7	33A	S41	47.13	N/A	2:1	94.26
7	33B	S41	53.30	N/A	2:1	106.60
7	33C	S41	554.09	LOW	1:1	217.51
7	34	S40	168.76	N/A	2:1	337.53
7	36A	S42	378.16	N/A	2:1	756.32
7	36B	S42	452.21	N/A	2:1	904.41
8	38	S43A	287.12	N/A	2:1	574.23
6	39	S46	23.60	LOW	1:1	23.60
<b>Total Impact – 6,955.49</b>				<b>Total Mitigation Credits – 11,756.10</b>		

Table 3 (Wetland Compensatory Mitigation)

Sheet	Impact Number	Wetland Name	Impact (Ac)	NCWAM Rating	Proposed Mitigation Ratio	Mitigation (Credits)
3	2	W37	0.01	N/A	2:1	0.02
3	4	W36	0.21	N/A	2:1	0.42
3	7	W40	0.01	N/A	2:1	0.03
3	10	W39	0.20	N/A	2:1	0.41
3	12	W38	0.03	MEDIUM	1.5:1	0.04
3, 4	14	W41	0.20	N/A	2:1	0.39
4	18	W59	0.10	MEDIUM	1.5:1	0.15
4	20B	W43	0.08	N/A	2:1	0.15
4	21	W42	0.12	MEDIUM	1.5:1	0.18

5, 6	27	W49	0.05	N/A	2:1	0.09
7, 8	37	W57	0.28	LOW	1:1	0.28
<b>Total Impact – 1.28</b>				<b>Total Mitigation Credits – 2.16</b>		

In addition to the proposed mitigation for impacts to potentially jurisdictional streams and wetlands, the applicant would also purchase 2,443,652.43 square feet of Neuse Buffer mitigation credits as required under State Law 2023-137 and in conformance with 15A NCAC 02B .0714, and 2.83 ac of wetland mitigation credits for impacts to non-jurisdictional wetlands regulated under FAA Executive Order 11990.

### **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 resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

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.

The FAA found the proposed undertaking would not affect any historic properties listed or eligible for listing on the National Register of Historic Places (NRHP) under 36 CFR Part 800.4(d)(1) within the direct area of potential effect (APE) and the indirect APE. The FAA initiated consultation under Section 106 with SHPO on November 1, 2022. On December 1, 2022, the SHPO responded with a letter concurring with FAA's determination that there were no historic buildings that were eligible for listing, and as such there would be no adverse impacts to any historical buildings. On January 9, 2023, SHPO responded with a letter concurring with FAA's determination that there are no historic sites eligible for listing in the NRHP.



## 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).

Table 4

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion
<i>Picoides borealis</i>	Red-Cockaded Woodpecker	Endangered	Yes	No Effect
<i>Necturus lewisi</i>	Neuse River Waterdog	Threatened	Yes	No Effect
<i>Noturus furiosus</i>	Carolina Madtom	Endangered	Yes	May Affect, Not Likely to Adversely Affect
<i>Fusconaia masoni</i>	Atlantic Pigtoe	Threatened	Yes	May Affect, Not Likely to Adversely Affect
<i>Alasmodonta heterodon</i>	Dwarf Wedgemussel	Endangered	Yes	May Affect, Not Likely to Adversely Affect
<i>Rhus michauxii</i>	Michaux's Sumac	Endangered	Yes	No Effect
<i>Perimyotis subflavus</i>	Tricolored Bat	Proposed Endangered	Yes	The applicant would enter into conferencing with the Service either before or after the listing of the tricolored bat

## 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 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 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, February 1, 2024. Comments should be submitted to George Lyle Phillips III, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at [George.L.Phillips@usace.army.mil](mailto:George.L.Phillips@usace.army.mil). The Corps Project Manager can be contacted at (919) 588-9200. Comments may also be submitted to [RaleighNCREG@usace.army.mil](mailto:RaleighNCREG@usace.army.mil).