



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 3, 2018
Comment Deadline: October 17, 2018
Corps Action ID Number: SAW-2009-01114

The Wilmington District, Corps of Engineers (Corps) received an application from The Raleigh Executive Jetport seeking Department of the Army authorization to permanently impact 138 linear feet of intermittent stream channel and 0.48 acre of headwater forested wetlands, associated with construction of hangars, aircraft parking apron, vehicle parking areas, taxiway connector, and associated stormwater improvements, at the existing facility in Sanford, Lee 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

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Raleigh Executive Jetport
Mr. Robert Heuts
700 Rod Sullivan Road
Sanford, North Carolina 27330

Agent: Michael Baker International
Mr. Edward Smail
4425 Belle Oaks Drive
North Charleston, South Carolina 29405

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 site is located on existing Raleigh Executive Jetport property, at the Rod Sullivan Road terminus, in the north portion of Lee County, North Carolina.

Project Area (acres): 48 (approximately)

Nearest Town: Sanford

Nearest Waterway: Wombles Creek
Fear (03030004)

River Basin: Upper Cape

Latitude and Longitude: 35.58323N, -79.10403W

Existing Site Conditions

The proposed project area occurs within the Raleigh Executive Jetport property boundary. The southern and eastern portions of the airport property is mostly developed with aprons, taxiways, parking, hangars, buildings, other airfield structures, and maintained in-field grassed lawns. The western portion of the site includes mostly evergreen and deciduous forests. The site is located entirely within the Upper Cape Fear Watershed (03030004) and within the Triassic Basin, which has unusual Piedmont geology of unmetamorphosed shales, sandstones, mudstones, siltstones, and conglomerates. Local relief and elevations are often less than in surrounding regions, and, with rocks that are easier to erode, stream valleys that cross the region tend to widen. Soils tend to be clayey with low permeability, and streams have low base flows. The clay has a high shrink-swell potential that can hinder construction. Elevations onsite range from approximately 192 above mean sea level (MSL) to 252 feet above MSL.

Applicant's Stated Purpose

As stated by the applicant, the overall project purpose is to expand the corporate hangar facility at the Raleigh Executive Jetport.

Project Description

The proposed project consists of the development of an area to the north of the existing hangar area, including the construction of hangars, aircraft parking apron, vehicle parking areas, taxiway connector, and associated stormwater improvements. The approximate project study area is shown on Figure 1.

The Terminal Development Area (as shown on Sheet 3 of the attached Permit Drawings) would consist of the following elements:

1. Addition of two 100-foot by 100-foot corporate hangars;
2. Addition of two 200-foot by 275-foot industrial hangars;
3. Completion of the corporate area apron by adding an additional 330-foot by 180-foot section of apron;
4. Addition of two 310-foot by 275-foot aprons to serve the two industrial hangars;

5. Extension of the corporate/industrial hangar area vehicle parking area by adding a 360-foot by 50-foot section (approximately 10 parking spaces);
6. Extension of access road to industrial parking area by adding a 400-foot by 24-foot section of roadway (utilizing a retaining wall at wetland crossing);
7. Addition of a 140-foot by 45-foot vehicle parking area for industrial hangars (approximately 10 parking spaces); and,
8. Completion of a 1,600-foot by 35-foot taxilane and 270-foot by 35-foot taxiway connector.

No new aircraft parking (tie-downs) are included, all apron space would be utilized by hangars. This would allow for aircraft to pull out of front of hangars and taxi directly to runway. Aprons have been designed for Group III Aircraft (the Airport is currently designated as Group II) per criteria defined by the Federal Aviation Administration (FAA) in Advisory Circular (AC) 150/5300-13A - *Airport Design* (Federal Aviation Administration. AC 150/5300-13A - *Airport Design*.

https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentNumber/150_5300-13 (August 23, 2018). The aircraft utilizing the new hangar areas would be a mix of based and new aircraft. The proposed hangar layout would support approximately eight aircraft. The existing stormwater pond has been designed to handle the impervious surface for this project.

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Due to the linear nature of the proposed project and the location of the wetlands/streams, total avoidance was not feasible. Impacts are confined to the minimum extent required to construct the project as proposed.

To minimize temporary impacts to water quality, the contractor would be required to comply with erosion and sediment control measures as specified in FAA AC 150/5370-10 entitled *Standards for Specifying Construction of Airports*, and specifically Item P-156 *Temporary Air and Water Pollution, Soil Erosion, and Siltation Control*. All temporary stormwater management techniques would be designed to ensure they are not in conflict with AC 5200-33B, *Hazardous Wildlife Attractants on or Near Airports*.

A variety of measures would be employed to control sediment runoff and prevent erosion during construction of this project. Drop inlets and culvert inlet protection would be used to prevent sediment from entering the pipe system and a sequence of riprap check dams would be used to control sediment in the grassed drainage ditches on the site. Additional sediment would be contained using a temporary sediment trap and the stormwater wet detention basin for sediment control during construction. Silt fence would be used to contain sediment runoff from slopes and to protect adjacent wetlands during construction. A combination of Type 1 and Type 3 erosion control matting would be used on side slopes and in ditches to prevent erosion and enable growth of permanent vegetation.

During project design, fill slopes were steepened, and a retaining wall was designed to reduce overall wetland impacts from 0.62-acre to 0.48-acre..

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has stated compensatory mitigation for wetland impacts would occur in the form of payment to the North Carolina Division of Mitigation Services, In-Lieu Fee Program, at a 2:1 ratio. The applicant has not proposed any compensatory mitigation for the intermittent stream impacts, based on determinations made by the North Carolina Division of Water Resources (April 2, 2018) and by the US Army Corps of Engineers (June 2009).

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial 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:

- 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 an 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 federally listed endangered or threatened species or their formally designated critical habitat. Pursuant to the Endangered Species Act (ESA) of 1973, our office has examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. The proposed project would involve clear cutting of hardwood forest within the Corps action area; potential habitat for the Northern Long-eared Bat. This notice is being sent to the Service in accordance with the surrogate consultation procedure/SLOPES that was established between the Service's Asheville and Raleigh Ecological Offices and the USACE, Wilmington District, for the NLEB. This project does not require prohibited intentional take of the NLEB and meets the criteria for the 4(d) rule, codified at 50 C.F.R. § 17.40(o) and effective February 16, 2016.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
 - 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 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 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. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. 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 October 17, 2018 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer 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 (NCDCM):

- 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 will request, upon receipt, 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, October 17, 2018. Comments should be submitted to Andrew Williams, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105 , Wake Forest, North Carolina 27587, at (919) 554-4884 extension 26 or andrew.e.williams2@usace.army.mil.