

**FINDING OF NO SIGNIFICANT IMPACT
MILITARY OCEAN TERMINAL, SUNNY POINT
RAILROAD RECONFIGURATION**

JULY 2009

Prepared for:

**Public Works Division
596th Transportation Terminal Group
Military Ocean Terminal, Sunny Point
Southport, North Carolina**

and

**US Army Corps of Engineers
Wilmington District**

Prepared by:

**Dial Cordy and Associates Inc.
201 North Front Street, Suite 601
Wilmington, North Carolina 28401**

Table of Contents

	<u>Page</u>
1.0 INTRODUCTION.....	1
2.0 PROPOSED ACTION – RAILROAD RECONFIGURATION	1
3.0 ALTERNATIVES CONSIDERED	1
4.0 PUBLIC AND AGENCY COORDINATION	2
5.0 EFFECTS OF THE PROPOSED ACTION.....	2
6.0 STATUS OF ENVIRONMENTAL COMPLIANCE	6
6.1 Water Quality (including Section 401 Certification)	6
6.2 Endangered and Threatened Species.....	6
6.3 Cultural Resources	6
6.4 Executive Order 11988 (Floodplain Management)	7
6.5 Executive Order 11990 (Protection of Wetlands)	7
6.6 Executive Order 13186 (Protection of Migratory Birds)	7
6.7 Executive Order 12898 (Environmental Justice)	7
6.8 Coastal Zone Management Act.....	7
7.0 ENVIRONMENTAL COMMITMENTS.....	7
8.0 FINDING OF NO SIGNIFICANT IMPACT.....	8

List of Tables

Table 1. Effects on Resources	3
-------------------------------------	---

Appendix A Public and Agency Comments on the EA
Appendix B Agency Coordination

LIST OF ACRONYMS AND ABBREVIATIONS

AEC	Area of Environmental Concern
BA	Basal Area
CFR	Code of Federal Regulations
DBH	Diameter Breast Height
EA	Environmental Assessment
FONSI	Finding of No Significant Impact
ICRMP	Integrated Cultural Resource Management Plan
MOTSU	Military Ocean Terminal, Sunny Point
NC	North Carolina
NCDCM	North Carolina Division of Coastal Management
NCDENR	North Carolina Department of Environment and Natural Resources
NCDWQ	North Carolina Division of Water Quality
NCEEP	North Carolina Ecosystem Enhancement Program
NCSHPO	North Carolina State Historic Preservation Office
NEPA	National Environmental Policy Act
PL	Public Law
RCW	Red-cockaded Woodpecker
RLL	Rough-leaved Loosestrife
SEPA	State Environmental Policy Act
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

The National Environmental Policy Act of 1969, as amended (NEPA), requires consideration of the environmental effects for major federal actions. The Proposed Action and the environmental effects of the Proposed Action were addressed in the Environmental Assessment, Railroad Reconfiguration Military Ocean Terminal, Sunny Point (EA), dated May 2009. The EA was coordinated with various regulatory agencies, and the public and comment letters were received. This Finding of No Significant Impact (FONSI) documents the environmental considerations, the decision that no significant effects would occur if the proposal is implemented, and explains the rationale used in selecting the alternative proposed for implementation.

This EA and FONSI have been prepared pursuant to the Council on Environmental Quality regulations [40 Code of Federal Regulations (CFR) § 1500-1508] implementing the procedural provisions of the NEPA and the United States Army Corps of Engineers (USACE), Department of the Army procedures for implementing NEPA (33 CFR parts 230 and 325).

2.0 PROPOSED ACTION – RAILROAD RECONFIGURATION

The Department of the Army and the Surface Deployment and Distribution Command propose to reconfigure and upgrade the rail infrastructure at the Military Ocean Terminal, Sunny Point (MOTSU) Main Terminal munitions' depot. MOTSU's rail infrastructure was designed and built by 1950s standards; and at that time, 40-foot to 60-foot railcars were the rail standards for moving and handling breakbulk munitions' cargo. Today, railcars are 90-foot to 110-foot in length and designed to service containerized cargo with specialized handling equipment. Rail reconfigurations and upgrades in the North and South Rail Holding Yards and on the South and Center Wharves include rail strength upgrades from 100 pounds/foot to +150 pounds/foot, refurbished frogs (intersecting rail configurations), improved turnout geometries, and associated rail infrastructure appurtenances. The rail improvements would primarily take place within the current rail alignments. However, rail turnout geometric improvements would require the re-establishment of the 50-foot rail right of way easements and associated drainage ditches.

3.0 ALTERNATIVES CONSIDERED

The alternatives investigated in the EA were:

- Proposed – Railroad Reconfiguration
- No Action – Continued Use of Current Rail Configuration
- Alternatives Considered and Dismissed

The EA only considered in detail the Proposed and No Action Alternatives. Two additional alternatives were dismissed due to operational inefficiencies and potential capital outlay. Those alternatives were:

1. Holding Yard Segregation by Railcar Lengths
2. Construction of New Ammunition Hardstands, Disposal Area No. 2

4.0 PUBLIC AND AGENCY COORDINATION

On 4 June 2009, the Public Notification and the EA were mailed to federal and state agencies and the interested public for a 30-day review and comment period. Letters, memoranda, and/or emails on the EA (Appendix B) were received from the following:

Federal Agencies

- US Fish and Wildlife Service
- US Environmental Protection Agency
- National Marine Fisheries Service
- National Resource Conservation Service

State Agencies

- North Carolina (NC) Department of Administration, State Clearinghouse (Note: This agency is responsible for coordinating North Carolina's review of federal environmental documents and responding to appropriate federal officials on behalf of North Carolina)
- NC Department of Environment and Natural Resources (NCDENR), Division of Coastal Management (NCDCM)
- NCDENR, Division of Environmental Health
- NCDENR, Basinwide Planning Unit and State Environmental Policy Act (SEPA) Program
- NCDENR, Division of Water Quality
- NCDENR, State Historic Preservation Office

Local Communities

- No Comments Received

Elected Officials

- No Comments Received

Conservation Groups

- No Comments Received

Interested Businesses, Groups, and Individuals

- No Comments Received

None of the comments received identified any reasonable alternatives or major substantive issues that are not already addressed in the EA. Comments received did not require substantive project changes or change the EA effect determinations.

5.0 EFFECTS OF THE PROPOSED ACTION

Table 1 summarizes the potential effects to resources due to the Proposed Action (Railroad Reconfiguration) and the No Action Alternative (Current Rail Configuration).

Table 1. Effects on Resources

Resource	Alternative	
	Railroad Reconfiguration	No Action – Current Rail Configuration
Topography and Soil Resources	<ul style="list-style-type: none"> • Minor potential effects from grading the re-established 50-foot rail easements. 	<ul style="list-style-type: none"> • No adverse effects on the site's soils and topography
Water Quality	<ul style="list-style-type: none"> • Minor potential stormwater effects within rail areas of geometric improvement. • No adverse effects on potable water resources. 	<ul style="list-style-type: none"> • No adverse effects on the water quality.
Air Quality	<ul style="list-style-type: none"> • No adverse effect on the area's air quality attainment status. 	<ul style="list-style-type: none"> • No adverse effect on the area's air quality attainment status.
Estuarine Resources	<ul style="list-style-type: none"> • No adverse effects on estuarine resources. 	<ul style="list-style-type: none"> • No adverse effects on estuarine resources.
Essential Fish Habitat	<ul style="list-style-type: none"> • No adverse effects on essential fish habitats. 	<ul style="list-style-type: none"> • No adverse effects on essential fish habitats.
Wetland Resources	<ul style="list-style-type: none"> • A direct loss of 0.502 acres of jurisdictional and isolated, non-jurisdictional wetlands. 	<ul style="list-style-type: none"> • No adverse effects on wetland resources.
Timber Resources	<ul style="list-style-type: none"> • A direct loss of 35 acres of timber production/foraging areas (approximately 0.4% of the Main Terminal acreage). 	<ul style="list-style-type: none"> • No adverse effects on terrestrial resources.
Endangered and Threatened Species	<ul style="list-style-type: none"> • No likely adverse effects on endangered and threatened resources. 	<ul style="list-style-type: none"> • No adverse effects on endangered and threatened resources.
Cultural Resources	<ul style="list-style-type: none"> • No adverse effects on cultural resources. 	<ul style="list-style-type: none"> • No adverse effects on cultural resources.
Esthetic and Visual Resources	<ul style="list-style-type: none"> • No adverse effects on esthetic or visual resources. 	<ul style="list-style-type: none"> • No adverse effects on esthetic or visual resources.
Socio-Economic Resources	<ul style="list-style-type: none"> • No adverse effects on socio-economic resources. 	<ul style="list-style-type: none"> • The no action would result in the continued use of undersized rail geometries. • Operational inefficiencies would continue through increased labor costs, equipment costs, vessel loading time losses, and the increased potential for handling mishaps.
Other Resources	<ul style="list-style-type: none"> • No adverse effects. 	<ul style="list-style-type: none"> • No adverse effects.

The following paragraphs provide an explanation of why the selected action will have no significant adverse effects on the quality of natural and cultural resources.

Topographic and Soil Resources – Implementation of the Proposed Action would take place in currently disturbed areas and relatively undisturbed areas immediately adjacent to the current rail infrastructure. The reconfigurations are not anticipated to affect any known karst topographic areas or areas with current ground subsiding traits. The soil structures and ground contours would be manipulated facilitating the maintenance of the 50-foot rail easement, the re-establishment of the existing man-made ditches, and the replacement turnouts' geometry. The re-established 50-foot easements would be maintained as natural pervious areas resulting in minimal if any additional stormwater runoff.

Water Quality and Wetlands - Implementation of the Proposed Action would not directly affect surface water features through reconfiguring rail turnouts over or through surface water bodies located on MOTSU's Main Terminal grounds. The South and Center Wharves are currently developed areas; and the wharves' rail turnout improvements would not result in additional or new impervious areas or surface water effects on the adjacent Cape Fear River. The North Carolina Division of Water Quality (NCDWQ) issued a 401 Water Quality Certificate (NCDWQ Project Number 09-0164) on 24 February 2009 (Appendix B Agency Coordination). MOTSU has in place a stormwater pollution prevention plan with implemented best management practices and employee training to prevent contaminated stormwater discharges. The rail reconfiguration areas would continue to be covered by the current National Pollutant Discharge Elimination System permit's required stormwater pollution prevention plan. The Proposed Action would not result in any new sources or increased uses of current potable water sources, either from the county supplied water (Cape Fear River, Kings Bluff Intake) or onsite groundwater resources (Castle Hayne Aquifer). Implementation of the Proposed Action would affect ditched and disturbed jurisdictional wetland areas (0.352 acres) and isolated, non-jurisdictional wetland areas (0.15 acres). The project footprint's total effected wetlands are 0.502 acres. Compensatory mitigation has been implemented through coordination with the NC Ecosystem Enhancement Program. MOTSU has provided 0.5 acres in an in-lieu fee for the unavoidable impacts to 0.352 acres of jurisdictional wetlands.

Air Quality - Implementation of the Proposed Action would not result in new sources or increases in current sources of air pollution. There would be no anticipated adverse environmental effects on MOTSU's or the surrounding region's ambient air quality attainment status.

Estuarine Resources - Implementation of the Proposed Action would take place in previously disturbed upland areas and outside the NCDWM 75-foot estuarine area of environmental concern. There would be no anticipated adverse environmental effects on estuarine resources expected from implementation of the Proposed Action.

Essential Fish Habitat - Implementation of the Proposed Action would not have adverse effects on essential fish habitat components. MOTSU's Governors and Walden Creeks both provide habitat for initial post-larval fish development; however, the Proposed Action would take place in previously disturbed upland areas. There would be no anticipated adverse environmental effects on essential fish habitats.

Endangered & Threatened Resources - Implementation of the Proposed Action would affect approximately 35 acres of potential timber production/foraging areas. The acreage lost is primarily associated with the rail required 50-foot easement within turnout reconfiguration locations. The 35 acres represent approximately 0.4 percent of MOTSU's Main Terminal acreage; and does not contain critical habitat (cavity trees) or ecotones deemed necessary to support and maintain the federal and state listed red-cockaded woodpecker (RCW) and rough-leaved loosestrife (RLL). The remaining pine basal area (BA) calculated from pine trees with ≥8" dbh (diameter breast height) within each RCW cluster's foraging habitat would retain sufficient BA as stipulated by the United States Fish and Wildlife Service's (USFWS) RCW Recovery Plan. The USFWS coordination letter is found in Appendix B. The Proposed Action would not likely have adverse environmental effects on MOTSU's endangered and threatened resources.

Cultural Resources – The Proposed Action would not result in land clearing, grading, or soil disturbances within areas previously delineated for MOTSU's cultural resources. Based on the Integrated Cultural Resource Management Plan [ICRMP (2002)], there are no nationally registered or eligible sites within the project footprint. The Proposed Action would not have any adverse environmental effects on MOTSU's cultural resources (Appendix B Agency Coordination).

Esthetic and Visual Resources – Implementation of the Proposed Action would not adversely affect MOTSU's view shed. The overall visual quality of the Main Terminal's surrounding landscape would remain rural while retaining a distinctively developed appearance. MOTSU's Main Terminal rail infrastructure, including the Proposed Action, would remain well within the facility grounds and visually buffered by maintained forest resources, facility infrastructure, and the Cape Fear River. The Proposed Action would not have any anticipated adverse environmental effects on the Main Terminal's view shed or esthetic perspective.

Socio-Economic Resources – Implementation of the Proposed Action would improve MOTSU's potential to realize the intermodal handling efficiencies directed by the Department of Defense for trans-shipping 10,000 containers in a 14-day period (approximately 30 moves per hour). The Proposed Action would eliminate supplemental container transfers or touches from railcars to staging areas. With each supplemental touch, MOTSU's operational inefficiencies are exacerbated through increased labor costs, equipment costs, vessel loading time losses, and the increased potential for handling mishaps. The Proposed Action would result in positive operational, security, and safety effects within the Main Terminal's compound.

Other Resources – Noise in the project area may slightly increase with the additional rail reconfiguration equipment and supply vehicles; however, the potential audible increases would be short in duration and buffered by the Main Terminal's natural surrounding features and facility infrastructure. The Proposed Action would not have significant adverse environmental effects on MOTSU's ambient noise levels.

MOTSU would retain all rights to request complete copies of waste characterizations, transportation manifests, disposal facility authorizations, or final disposal documentation for all wastes generated from the rail reconfiguration project. Contract language would hold the contractor responsible for the proper handling and disposal of all waste streams resulting from the rail reconfiguration construction project. The Proposed Action would not have any anticipated adverse environmental effects on MOTSU's waste generation volumes or disposal techniques.

Cumulative Effects - MOTSU's Real Property Master Plan involves numerous short and long range projects over the plan's 20-year horizon. All future projects would occur within the Main Terminal's footprint. As a munitions import/export operation, the Main Terminal has unique development characteristics as well as customary administration, operations, and maintenance areas. Much of the operational grounds have been disturbed by ditching, clearing, and general development since its initial construction in the 1950s. Therefore, the Proposed Action's environmental effects, when considered with historical and potential future effects, would be minimal. Future projects enhancing MOTSU's military mission would incrementally reduce potential timber production areas and potentially increase impervious munitions' staging areas. Such future project effects, within the 8,637-acre terminal grounds, could potentially have minimal cumulative adverse effects from losses of habitat, forest resources, localized soil matrix conversion, and minor potential increases of stormwater runoff.

6.0 STATUS OF ENVIRONMENTAL COMPLIANCE

6.1 Water Quality (including Section 401 Certification)

Specific aspects of the Proposed Action require a Section 404(b)(1) evaluation and a Section 401 Water Quality Certificate under the Clean Water Act of 1977 [Public Law (PL) 95-217], as amended. The proposed project actions are covered by the NCDWQ Certificate #3704 dated 24 February 2009 and USACE Nationwide Permit 14 dated 15 June 2009 (Appendix B). All conditions and requirements of this water quality certification will be adhered to in the implementation of the proposed rail reconfiguration

6.2 Endangered and Threatened Species

The Proposed Action would remove approximately 35 acres of potential tree production/foraging areas or 0.4 percent of MOTSU's total acreage. The acreage lost is not considered critical habitat for the listed species, and there would be no losses of RCW cavity trees or RLL habitat with the Proposed Action. There would be an effect on the RCW's potential foraging habitat; however, the remaining pine BA calculated from pine trees with 28" dbh within each cluster's foraging habitat would retain sufficient BA as stipulated by the USFWS's RCW Recovery Plan. The Proposed Action would only minimally affect RCW foraging partitions within the North Rail Holding Yard's RCW recruitment clusters.

The following is an excerpt from the USFWS coordination letter dated 21 November 2008. "The proposed rail realignment would not involve federally listed plant species known to occur in Brunswick County. Based on a review of the information provided, the Service concurs with your determination that the project is not likely to adversely affect the RCW or any other federally-listed species on Military Ocean Terminal, Sunny Point. We believe that the requirements of section 7(a)(2) of the Act have been satisfied."

6.3 Cultural Resources

This Proposed Action is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended through 2000. Coordination with the North Carolina State Historic Preservation Office (NCSHPO) has been completed and the coordination letter is found in Appendix B.

6.4 Executive Order 11988 (Floodplain Management)

The Proposed Action would take place outside the 100-year floodplain. The Proposed Action would not have any anticipated adverse environmental effects on the Main Terminal's floodplain or current Federal Emergency Management Agency mapping designations.

6.5 Executive Order 11990 (Protection of Wetlands)

Compensatory mitigation has been implemented through coordination with the NC Ecosystem Enhancement Program (NCEEP). MOTSU has provided 0.5 acres in an in-lieu fee for the unavoidable impacts to 0.352 acres of jurisdictional wetlands. The NCEEP acceptance letter is found in Appendix B.

6.6 Executive Order 13186 (Protection of Migratory Birds)

Bird species protected by the Migratory Bird Treaty Act of 1918, as amended, would not be affected by the Proposed Action.

6.7 Executive Order 12898 (Environmental Justice)

No impacts to either minority/low-income populations or low-income communities are anticipated as a result of the Proposed Action.

6.8 Coastal Zone Management Act

The Proposed Action is consistent with the enforceable policies of the NCDCEM program. The NCDCEM's consistency certification dated 24 June 2009 is attached in Appendix B.

7.0 ENVIRONMENTAL COMMITMENTS

MOTSU will adhere to the conditions of the Nationwide 14 Permit and the NC Coastal Consistency Determination found in Appendix B. MOTSU has also agreed to the following environmental commitments relating to the proposed rail reconfiguration.

- a. MOTSU will implement erosion and sedimentation best management practices and any NCDENR authorized stipulations along soil disturbed areas for the duration of the project.
- b. MOTSU will continue stormwater pollution prevention measures and best management practices and any NCDENR authorized stipulations for the duration of the project.
- c. MOTSU will continue forest resource management efforts supporting the federal and state listed RCW and RLL.
- d. Compensatory mitigation has been implemented through coordination with the NCEEP. MOTSU has provided 0.5 acres in an in-lieu fee for the unavoidable impacts to 0.352 acres of jurisdictional wetlands.

8.0 FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Environmental Assessment, Railroad Reconfiguration Military Ocean Terminal, Sunny Point, information provided by interested parties, and the information contained in this Finding of No Significant Impact; and I find that the proposed rail reconfiguration plan will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, is not required.

Date: 03 Aug 09



Mark J. Hagan
Colonel, US Army
Commander,
Military Ocean Terminal, Sunny Point

APPENDIX A

**PUBLIC AND AGENCY COMMENTS
RECEIVED DURING THE EA COMMENT PERIOD**

APPENDIX A

Comments Received on Environmental Assessment Railroad Reconfiguration Military Ocean Terminal, Sunny Point May 2009

A.1 NC Division of Coastal Management

Comment: The EA does not clearly delineate the estuarine shoreline area of environmental concern (AEC).

Response: A project site visit was provided and two additional figures were prepared delineating the estuarine shoreline AEC. Following the site visit and draft review of Figures 10 and 11, DCM responded by email with: "Steve & I do not have any concerns regarding the proposed improvements to the rail system in regards to 15A NCAC 07H of the NC general statutes, but ask that you please submit a revised site plan showing the approximate AEC boundaries for our files." Figures 10 and 11, and the DCM response email are attached in Appendix B.

A.2 NC Basinwide Planning Unit and SEPA Program

Comment: Minimize timber clearing and wetlands fill; and implement sediment and erosion control measures during clearing and construction activities (Appendix A).

Response: Timber clearing and wetland effects have been minimized to the most practicable extent while meeting the 50-foot line of sight rail easement safety/security requirement. The Proposed Action will adhere to all authorized erosion control stipulations.

A.3 NC Division of Environmental Health

Comment: All water system improvements must be approved by the Division prior to the award or initiation of construction (Appendix A).

Response: There are no water system improvements associated with the rail reconfiguration.

A.4 NC Division of Environmental Health

Comment: Existing water line relocation plans must be submitted to the Division (Appendix A).

Response: There are no water system line relocations associated with the rail reconfiguration.

A.5 US Fish and Wildlife Service

Comment: The USFWS deems the proposed rail realignment's Proposed Action as effective in meeting MOTSU's mission while facilitating the Main Terminal's conservation, protection, and enhancement of fish, wildlife, and plant resources their and associated habitats (Appendix A).

Response: MOTSU concurs with the USFWS comment.

A.6 US Environmental Protection Agency

Comment: If EPA provided criteria are maintained, EPA concurs that the Proposed Action (Rail Reconfiguration) will not constitute a major federal action resulting in significant impacts on the human or natural environment (Appendix A).

Response: The EPA provided criteria mirrored the Proposed Action as described within the EA; therefore, said criteria will be maintained as put forward in the EA.

A.7 NC Division of Coastal Management

Comment: The Division of Coastal Management concurs that the proposed federal activity is consistent to the maximum extent practicable with North Carolina's coastal management objectives and enforceable policies found in Subchapters 7H and 7M of Chapter 7 of Title 15A of North Carolina's Administrative Code.

Response: MOTSU agrees; and will meet all conditions of the Coastal Consistency Certification found in Appendix B.

A.8 NC Division of Water Quality

Comment: The Division of Water Quality determined that the project effects are covered by a General Water Quality Certification and State General Permit.

Response: MOTSU agrees; and will meet all conditions of the General Water Quality Certification and State General Permit found in Appendix B.

A.9 US Fish and Wildlife Service

Comment: The USFWS concurs with the determination that the project is not likely to adversely affect the RCW or any other federally-listed species on Military Ocean Terminal, Sunny Point (Appendix B).

Response: MOTSU concurs with the USFWS comment.

A.10 NC Department of Cultural Resources

Comment: The NC Historic Preservation Office concurs that the activity will have no effect on archeological resources (Appendix B).

Response: MOTSU concurs with the Department of Cultural Resources comment.

A.11 National Marine Fisheries Service

Comment: The National Marine Fisheries Service did not anticipate any adverse effects on essential fish habitat or National Oceanic and Atmospheric Administration trust resources (Appendix A).

Response: MOTSU concurs with the National Marine Fisheries Service comment.

A.12 Natural Resources Conservation Service

Comment: The Natural Resources Conservation Service anticipated no adverse effects (Appendix A).

Response: MOTSU concurs with the Natural Resources Conservation Service comment.

United States Department of Agriculture



Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609

Phone: (919) 873-2134
Fax: (919) 873-2154
Email: mike.hinton@nc.usda.gov

June 8, 2009

Ms. Jenny Owens
U. S. Army COE
Wilmington District
69 Darlington Ave
Wilmington, NC 28403

Dear Ms. Owens:

Thank you for the opportunity to provide comments on the Environmental Assessment for Railroad Reconfiguration and Rail System Improvements Military Ocean Terminal Sunnypoint (MOTSU) Brunswick County, North Carolina.

The Natural Resources Conservation Service does not have any comments at this time.

If you need additional information, please feel free to contact me at (919) 873-2134.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Hinton".

Michael J. Hinton
Planning Specialist

Helping People Help the Land

An Equal Opportunity Provider and Employer



Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5317; FAX (727) 824-5300
<http://sero.nmfs.noaa.gov/>

June 19, 2009

(Sent via Electronic email)

Colonel Jefferson Ryscavage
District Engineer, Wilmington District
Department of the Army, Corps of Engineers
Regulatory Division
P.O. Box 1890
Wilmington, North Carolina 28402-1890

NOAA's National Marine Fisheries Service (NMFS) reviewed the projects described in the public notice(s) listed below.

Based on the information in the public notice(s), the proposed project(s) would **NOT** occur in the vicinity of essential fish habitat (EFH) designated by the South Atlantic Fishery Management Council or NMFS. We also anticipate that any adverse effects that might occur from the project(s) to NOAA trust resources would be minimal. Consequently, NMFS offers no EFH conservation recommendations pursuant to the Magnuson-Stevens Fishery Conservation and Management Act and no recommendations under the Fish and Wildlife Coordination Act.

<u>NOTICE NO.</u>	<u>APPLICANT</u>	<u>NOTICE DATE</u>	<u>DUE DATE</u>
	US Army, Sunny Point (MOTSU)	June 5, 2009	June 20, 2009

Please note these comments do not satisfy your consultation responsibilities under section 7 of the Endangered Species Act of 1973, as amended. If the activity "may effect" listed species or critical habitat that are under the purview of NMFS, consultation should be initiated with our Protected Resources Division at the letterhead address.

Sincerely,

Pace Wilber (for)

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Britt Cobb, Secretary

July 2, 2009

Ms. Jenny Owens
US Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

**Re: SCH File # 09-E-0000-0352; EA; Railroad Reconfiguration Military Ocean Terminal
Sunny Point (MOTSU)**

Dear Ms. Owens:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

Valerie W. McMillan (576)

Valerie W. McMillan, Director
State Environmental Review Clearinghouse

Attachments

cc: Region O

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail valerie.w.mcmillan@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

MEMORANDUM

TO: Valerie McMillan
State Clearinghouse

FROM: Melba McGee *MB*
Environmental Review Coordinator

RE: 09-0352 Environmental Assessment, Railroad Reconfiguration for
MOTSU in Brunswick and New Hanover Counties

DATE: June 24, 2009

The Department of Environment and Natural Resources has reviewed the proposed information. The attached comments should be provided to the applicant for consideration.

Thank you for the opportunity to review.

Attachments





North Carolina Department of Environment and Natural Resources
Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

June 16, 2009

MEMORANDUM

TO: Melba McGee
Department of Environment and Natural Resources

THRU: Dianne Reid, Supervisor *DR*
Basinwide Planning Unit and SEPA Program

FROM: Hannah Stallings, SEPA Coordinator *HS*
Basinwide Planning Unit and SEPA Program

SUBJECT: Brunswick and New Hanover Counties
Railroad Reconfiguration for MOTSU
DWQ#14152; DENR#09-0352

The Division of Water Quality (DWQ) has reviewed the subject project and does not object to this proposal that will allow for greater operational efficiency at MOTSU. We are pleased that the project should not traverse any area of known karst topography. We encourage MOTSU to minimize the amount of timber cleared and wetland acreage impacted to allow for the reconfiguration. Also, DWQ supports the use of sediment and erosion control measures during clearing and construction activities to lessen the project's impact on the Cape Fear River.

Please contact me at 807-6434 if I can be of any additional help.
Thank you.

Cc: Rick Shiver – WiRO

JUN 16 2009

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

Project Number
09-0352
County
**New Hanover
& Brunswick**

Inter-Agency Project Review Response

Project Name US Army Corps of Engineers/Wilmington District Type of Project EA - Railroad Reconfiguration Military Ocean Terminal Sunny Point (MOTSU).

Comments provided by:

- Regional Program Person
- Regional Supervisor for Public Water Supply Section
- Central Office program person

JUN 12 2009
DSW

Name Debra Benoy-Wilmington RO Date 06/10/2009

Telephone number: 910-796-7215

Program within Division of Environmental Health:

- Public Water Supply
- Other, Name of Program: _____

Response (check all applicable):

- No objection to project as proposed
- No comment
- Insufficient information to complete review
- Comments attached
- See comments below

Return to:
Public Water Supply Section
Environmental Review Coordinator for the
Division of Environmental Health

DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

Project Number 09-0352
County New Hanover & Brunswick

Inter-Agency Project Review Response

JUN 12 2009

Project Name US Army Corps of Engineers/Wilmington District Type of Project EA - Railroad Reconfiguration Military Ocean Terminal Sunny Point (MOTSU).

- The applicant should be advised that plans and specifications for all water system improvements must be approved by the Division of Environmental Health prior to the award of a contract or the initiation of construction (as required by 15A NCAC 18C .0300et. seq.). For information, contact the Public Water Supply Section, (919) 733-2321.
- This project will be classified as a non-community public water supply and must comply with state and federal drinking water monitoring requirements. For more information the applicant should contact the Public Water Supply Section, (919) 733-2321.
- If this project is constructed as proposed, we will recommend closure of _____ feet of adjacent waters to the harvest of shellfish. For information regarding the shellfish sanitation program, the applicant should contact the Shellfish Sanitation Section at (252) 726-6827.
- The soil disposal area(s) proposed for this project may produce a mosquito breeding problem. For information concerning appropriate mosquito control measures, the applicant should contact the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised that prior to the removal or demolition of dilapidated structures, an extensive rodent control program may be necessary in order to prevent the migration of the rodents to adjacent areas. For information concerning rodent control, contact the local health department or the Public Health Pest Management Section at (919) 733-6407.
- The applicant should be advised to contact the local health department regarding their requirements for septic tank installations (as required under 15A NCAC 18A. 1900 et. sep.). For information concerning septic tank and other on-site waste disposal methods, contact the On-Site Wastewater Section at (919) 733-2895.
- The applicant should be advised to contact the local health department regarding the sanitary facilities required for this project.
- If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Environmental Health, Public Water Supply Section, Technical Services Branch, 1634 Mail Service Center, Raleigh, North Carolina 27699-1634, (919) 733-2321.
- For Regional and Central Office comments, see the reverse side of this form.

Jim McRight

Reviewer

PWSS

Section/Branch

06/10/2009

Date

Department of Environment and Natural Resources

Project Review Form

Project Number: 09-0352

County: Brunswick and New Hanover

Date Received: 06/05/2009

Due Date: 6/26/2009

[Faint stamp: JUN 10 2009]

Project Description: Environmental Assessment - Railroad Reconfiguration Military Ocean Terminal Sunny Point (MOTSU)

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review	
<input type="checkbox"/> Asheville	<input checked="" type="checkbox"/> Air	<input type="checkbox"/> Soil & Water	<input checked="" type="checkbox"/> Marine Fisheries
<input type="checkbox"/> Fayetteville	<input checked="" type="checkbox"/> Water	<input checked="" type="checkbox"/> Coastal Management	<input type="checkbox"/> Water Resources
<input type="checkbox"/> Mooresville	<input type="checkbox"/> Aquifer Protection	<input checked="" type="checkbox"/> Wildlife	<input checked="" type="checkbox"/> Environmental Health
<input type="checkbox"/> Raleigh	<input checked="" type="checkbox"/> Land Quality Engineer	<input type="checkbox"/> Wildlife - DOT	<input type="checkbox"/> Solid Waste Mgmt
<input type="checkbox"/> Washington		<input type="checkbox"/> Forest Resources	<input type="checkbox"/> Radiation Protection
<input checked="" type="checkbox"/> Wilmington		<input type="checkbox"/> Land Resources	<input type="checkbox"/> Other
<input type="checkbox"/> Winston-Salem		<input checked="" type="checkbox"/> Parks & Recreation	
		<input checked="" type="checkbox"/> Water Quality	
		<input type="checkbox"/> Water Quality - DOT	
		<input type="checkbox"/> Air Quality	

Manager Sign-Off/Region: 	Date: 6/17/09	In-House Reviewer/Agency: Coastal Management
------------------------------	-------------------------	--

Response (check all applicable)

<input type="checkbox"/> No objection to project as proposed.	<input checked="" type="checkbox"/> No Comment	<i>Project being reviewed under consistency.</i>
<input type="checkbox"/> Insufficient information to complete review	<input type="checkbox"/> Other (specify or attach comments)	

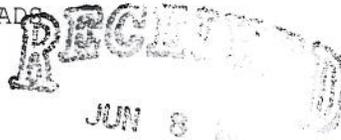
If you have any questions, please contact:
Melba McGee, Environmental Coordinator at melba.mcgee@ncmail.net

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

COUNTY: BRUNSWICK
NEW HANOVER

F05: RAILROADS

STATE NUMBER: 09-E-0000-0352
DATE RECEIVED: 06/05/2009
AGENCY RESPONSE: 06/26/2009
REVIEW CLOSED: 07/01/2009



HISTORIC PRESERVATION OFFICE

MS RENEE GLEDHILL-EARLEY
CLEARINGHOUSE COORDINATOR
DEPT OF CULTURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
MSC 4617 - ARCHIVES BUILDING
RALEIGH NC

EX 08-3070

REVIEW DISTRIBUTION

CAPE FEAR COG
CC&PS - DIV OF EMERGENCY MANAGEMENT
DENR - COASTAL MGT
DENR LEGISLATIVE AFFAIRS
DEPT OF AGRICULTURE
DEPT OF CULTURAL RESOURCES
DEPT OF TRANSPORTATION

PREVIOUSLY CLEARED
CES

PROJECT INFORMATION

APPLICANT: US Army Corps of Engineers
TYPE: National Environmental Policy Act
Environmental Assessment



DESC: Railroad Reconfiguration Military Ocean Terminal Suny Point (MOTSU) - repair and refurbishment of MOTSU's Main Terminal infrastructure within the North and South Rail Holding Yards and the rail ingress and egress on the South and Center Wharves, Southport

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301.

If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED: NO COMMENT COMMENTS ATTACHED

SIGNED BY:

Renee Gledhill-Earley

DATE:

6-9-09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

July 8, 2009

U.S. Army Corps of Engineers
Wilmington District
ATTN: Ms. Jenny Owens
69 Darlington Avenue
Wilmington, NC 28403

**Subject: Military Ocean Terminal Sunny Point's Environmental Assessment (EA)
Environmental Assessment for the Proposed Railroad Reconfiguration
Sunny Point, Southport, North Carolina**

Dear Ms. Owens:

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, EPA Region 4 has reviewed the above-referenced Environmental Assessment (EA) for the proposed repair and refurbishment of the Main Terminal rail infrastructure within the North and South Rail Holding Yards, as well as the rail ingress and egress on the South and Center Wharves at the Military Ocean Terminal, Sunny Point (MOTSU). We understand that MOTSU's operational function is the receipt, handling, processing, and loading/unloading of military munitions. This EA appropriately evaluates the potential environmental and socioeconomic effects of MOTSU's proposal to reconfigure the rail system, to include "replacement of ballast rock, 100 pound per foot (lb/ft) rail with 150 lb/ft rail or greater, switch and frog (rail line intersections) replacements, switch and cross tie replacements, and general rail refurbishment." The reconfiguration includes the upgrade of approximately 100 rail turnout geometries "allowing safer and more efficient handling of today's intermodal designed railcars ranging from 90 to 110 feet in length." We understand that the rail reconfigurations, refurbishments, and upgrades would take place primarily in the North and South Rail Holding Yards and the ingress and egress rail routes of the South and Center Wharves, and all of these are located on MOTSU's Main Terminal.

EPA reviewed both alternatives that were considered in this EA: Alternative I – No Action, and Alternative II – Rail Reconfiguration (Proposed Action). The No Action Alternative would result in MOTSU's continued rail operation on "1950s designed and constructed rail infrastructure," which is not acceptable as "the undersized rail turnouts and undersized rail members do not allow efficient, safe staging and handling of today's intermodal sized railcars." Alternative II would reconfigure and generally refurbish MOTSU's 1950s rail infrastructure by upgrading rail weights, rail switches, and turnouts

to today's rail standards. Two additional options were reportedly considered; however, both were determined impractical and uneconomical, and thus eliminated from further analysis. The eliminated options were: Holding Yard Segregation by Railcar Lengths and constructing a new Ammunition Hardstand, Disposal Area No. 2.

The reconfiguration alignments are proposed to be along and adjacent to the current rail footprint, and there are no indications that the reconfiguration alignments would traverse areas of known karst topography or other unsuitable subsurface conditions. The current rail infrastructure is outside the Federal Emergency Management Agency's (FEMA) 100-year floodplain, and the proposed repairs and refurbishments would also be outside the 100-year floodplain.

If the following criteria below are maintained, EPA concurs that the Proposed Action (Rail Reconfiguration) as will not constitute a major federal action resulting in significant impacts on the human or natural environment, and therefore the Proposed Action does not require the preparation of an Environmental Impact Statement (EIS). These criteria are:

- There will be no additional air emissions, and it is anticipated that supplemental handling equipment emissions will be reduced (by reducing touches per container). There will be no noise effects based upon the reconfigurations' terminal locations and distances to the nearest offsite audible receptors.
- The total potential timber production acreage lost within the North and South Rail Holding Yards will be minimal - - approximately 0.4 percent of the Main Terminal's total acreage (35 of 8,637 acres). There will be no known listed species that are displaced or taken as a result of the rail reconfiguration.
- The loss of 35 acres represents a potential loss of red-cockaded woodpecker (RCW) foraging habitat, but the remaining foraging pine basal area will exceed the recommended *RCW Recovery Plan* minimum. No known populations or habitats of the listed rough-leaved loosestrife (RLL) have been found in the 35-acre reconfiguration areas.
- The jurisdictional wetlands (0.246 acres) within the South Rail Holding Yard, and the South and Center Wharves' project areas are also associated with man-degraded and manipulated drainage areas. The total ditched and disturbed jurisdictional wetland area within the rail reconfiguration project footprint is to be minimal: 0.352 acres, including the 0.15 acres of isolated, non-jurisdictional wetlands, and the total wetlands affected will be no more than 0.502 acres.
- The rail project's reusable, recyclable, and waste materials will be properly managed as part of the rail contractor's responsibilities. The rail reconfiguration will generate reusable ballast rock, cross ties, and miscellaneous rail items; and materials unsuitable for reuse will be managed through the Defense Reutilization and Marketing Office (DRMO) at Fort Bragg, North Carolina. The Proposed Action will not have an adverse effect on the Main Terminal's waste generation or disposal.
- MOTSU's Integrated Cultural Resources Management Plan (ICRMP) denotes site 31Bw393, referred to as the former Robbins Plantation. The ICRMP also denotes

site 31Bw373 as a former tar kiln site considered part of a larger group consisting of several tar kiln locations. The two sites described above are in the general location of the rail reconfigurations, but will not be within the project footprint. The Proposed Action will not have an adverse effect on either of these sites.

- MOTSU maintains approximately 115 miles of railway, including an 18-mile rail access line from the Leland Interchange Yard to the Main Terminal. MOTSU has three wharves (South, Center, and North) that are all accessible by truck and rail. Each wharf is 2,000 feet long, consisting of two berths. No. 10 rail spur turnouts should be installed to replace the existing No. 8 turnouts.
- The North and South Rail Holding Yards, and the South and Center Wharves' ingress/egress rail ramps will be better utilized and made more operationally efficient and safe. Deficiencies will be corrected and undersized turnouts replaced in order that MOTSU realizes maximum intermodal handling efficiency, thereby meeting the Department of Defense (DoD) goal of transshipping 10,000 containers in a 14-day period (approximately 30 moves per hour).

Thank you for the opportunity to comment on the EA. If we can be of further assistance, please do not hesitate to contact me at (404) 562-9611 or mueller.heinz@epa.gov or my staff engineer, Paul Gagliano, P.E. at (404) 562-9373 or gagliano.paul@epa.gov.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

July 8, 2009

U. S. Army Corps of Engineers
Wilmington District
ATTN: Ms. Jenny Owens
69 Darlington Avenue
Wilmington, North Carolina 28403

Dear Ms. Owens,

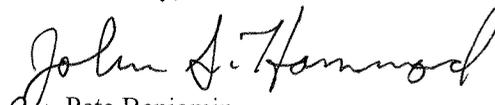
This follows U. S. Fish and Wildlife Service (Service) review of the Draft Environmental Assessment (EA) for the Railroad Reconfiguration, Military Ocean Terminal Sunny Point [MOTSU], Brunswick County, North Carolina, May 2009. The proposed railroad reconfiguration would modernize the handling and processing of munitions transferred through the facilities at MOTSU. The Draft EA was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

Alternative I, the No Action alternative would have insignificant environmental effects. However, continued implementation of the no action alternative would include continued use of outdated, inefficient container handling operations that hinder the installation's ability to adapt safer, more efficient practices. Alternative II, the Proposed Action, would involve some ground disturbance; total potential timber acreage loss would be about 0.4 percent of forested land within the main terminal.

The Service concurred with MOTSU's determination that the proposed rail realignment project is not likely to adversely affect the RCW or any other federally-listed species on Military Ocean Terminal, Sunny Point in our letter dated November 21, 2008. We believe the proposed rail realignment system as described in the Proposed Action will be effective in meeting MOTSU's expressed mission while also enabling the Facility to successfully conserve protect and enhance fish, wildlife and plant resources and their habitats for the continuing benefit of the American people.

If you have any questions, please contact John Hammond at 919-856-4520, extension 28.

Sincerely,


Pete Benjamin
Field Supervisor



North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Britt Cobb, Secretary

August 5, 2009

Ms. Jenny Owens
US Army Corps of Engineers
Wilmington District
69 Darlington Avenue
Wilmington, NC 28403

**Re: SCH File # 09-E-0000-0352; EA; Railroad Reconfiguration Military Ocean Terminal
Sunny Point (MOTSU)**

Dear Ms. Owens:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are **additional** comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

Valerie W. McMillan (576)

Valerie W. McMillan, Director
State Environmental Review Clearinghouse

Attachments

cc: Region O

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail valerie.w.mcmillan@doa.nc.gov

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue, Governor

Dee Freeman, Secretary

MEMORANDUM

TO: Valerie McMillan
State Clearinghouse

FROM: Melba McGee 
Environmental Projects Officer

SUBJECT: #09-0352 MOTSU Railroad Reconfiguration, Brunswick & New Hanover
Counties

DATE: August 4, 2009

The attached comments were received by this office after the response due date. These comments should be forwarded to the applicant and made a part of our previous comment package.

Thank you for the opportunity to respond.

Attachment



INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

After review of this project it has been determined that the ENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
<input type="checkbox"/>	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
<input type="checkbox"/>	Water Use Permit	Pre-application technical conference usually necessary	30 days (N/A)
<input type="checkbox"/>	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
<input type="checkbox"/>	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
<input type="checkbox"/>	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100 thru 2Q.0300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
<input type="checkbox"/>	Permit to construct & operate Transportation Facility as per 15 A NCAC (2D.0800, 2Q.0601)	Application must be submitted at least 90 days prior to construction or modification of the source.	90 days
<input type="checkbox"/>	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
<input type="checkbox"/>	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950.		
<input type="checkbox"/>	Complex Source Permit required under 15 A NCAC 2D.0800		
<input checked="" type="checkbox"/>	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) At least 30 days before beginning activity. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
<input type="checkbox"/>	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		(30 days)
<input type="checkbox"/>	Mining Permit	On-site inspection usual. Surety bond filed with ENR Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
<input type="checkbox"/>	North Carolina Burning permit	On-site inspection by N.C. Division Forest Resources if permit exceeds 4 days	1 day (N/A)
<input type="checkbox"/>	Special Ground Clearance Burning Permit - 22 counties in coastal N.C. with organic soils	On-site inspection by N.C. Division Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual bum is planned."	1 day (N/A)
<input type="checkbox"/>	Oil Refining Facilities	N/A	90-120 days (N/A)
<input type="checkbox"/>	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to ENR approved plans. May also require permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)

PERMITS		SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
<input type="checkbox"/>	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with ENR running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to ENR rules and regulations.	10 days N/A
<input type="checkbox"/>	Geophysical Exploration Permit	Application filed with ENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
<input type="checkbox"/>	State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15-20 days N/A
<input checked="" type="checkbox"/>	401 Water Quality Certification	N/A	60 days (130 days)
<input type="checkbox"/>	CAMA Permit for MAJOR development	\$250.00 fee must accompany application	55 days (150 days)
<input type="checkbox"/>	CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
<input type="checkbox"/>	Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, NC 27611		
<input type="checkbox"/>	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
<input type="checkbox"/>	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
<input checked="" type="checkbox"/>	Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
<input type="checkbox"/>	Tar Pamlico or Neuse Riparian Buffer Rules required.		
* Other comments (attach additional pages as necessary, being certain to cite comment authority)			



REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

- | | | |
|--|--|--|
| <input type="checkbox"/> Asheville Regional Office
2090 US Highway 70
Swannanoa, NC 28778
(828) 296-4500 | <input type="checkbox"/> Mooresville Regional Office
610 East Center Avenue, Suite 301
Mooresville, NC 28115
(704) 663-1699 | <input type="checkbox"/> Wilmington Regional Office
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796-7215 |
| <input type="checkbox"/> Fayetteville Regional Office
225 North Green Street, Suite 714
Fayetteville, NC 28301-5043
(910) 433-3300 | <input type="checkbox"/> Raleigh Regional Office
3800 Barrett Drive, Suite 101
Raleigh, NC 27609
(919) 791-4200 | <input type="checkbox"/> Winston-Salem Regional Office
585 Waughtown Street
Winston-Salem, NC 27107
(336) 771-5000 |
| | <input type="checkbox"/> Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
(252) 946-6481 | |

APPENDIX B

AGENCY COORDINATION



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

February 24, 2009

Brunswick County
DWQ Project #: 09-0164

MOTSU Railroad Reconfiguration
Attn: Mr. Richard P. Lockwood
6280 Sunny Point Road
Southport NC 28461

Subject Property: **MOTSU Railroad Reconfiguration**



Approval of 401 Water Quality Certification with Additional Conditions

Dear Mr. Lockwood:

You have our approval, in accordance with the attached conditions to impact 0.352 acres of 404 Wetlands and 0.150 acres of Isolated Wetlands to reconfigure and upgrade the rail infrastructure of the Military Ocean Terminal Sunny Point main terminal munitions depot as described in your application received by the N.C. Division of Water Quality (DWQ) on February 17, 2009. After reviewing your application, it has been determined that the impacts are covered by General Water Quality Certification Number 3704 (GC3704) and the State General Permit For Impacts To Isolated And Other Non-404 Wetlands (IWGP100000). This Certification and General Permit can be found on line at: <http://h2o.enr.state.nc.us/nwetlands>.

In addition, this Certification(s) allows you to use Nationwide Permit 14 when issued by the US Army Corps of Engineers (USACE). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, Non-discharge, and stormwater regulations. Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.

This approval is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.

The Additional Conditions of the Certification are:

1. The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification (or Isolated Wetland Permit) are met. No other impacts are approved including incidental impacts:

	Amount Approved (Units)	Plan Location or Reference
404 Wetlands	0.352 (acres)	Page 4 of 11 in the PCN
Isolated Wetlands	0.150 (acres)	Page 4 of 11 in the PCN

2. No Waste, Spoil, Solids, or Fill of Any Kind

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the CAMA Major application. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

3. No Sediment & Erosion Control Measures w/n Wetlands or Waters

Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within six months of the date that the Division of Land Resources has released the project.

4. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/su/Forms_Documents.htm.

5. Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached Certificate of Completion to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification shall expire upon expiration of the 404 or CAMA Permit.

If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone Ian McMillan in the Central Office in Raleigh at 919-733-1786 or Chad Coburn in the DWQ Wilmington Regional Office at 910-796-7215.

Sincerely,



Coleen H. Sullins, Director
Division of Water Quality

for

Enclosures: GC 3704
IWGP 100000
Certificate of Completion

cc: H. Layton Bedsole, Jr. – Dial Cordy & associates, Inc., 201 North Front Street,
Wilmington, NC 28401
Kim Garvey – USACE Wilmington Field Office
Jeff Richter – USACE Wilmington Field Office
Ian McMillan – DWQ 401 Oversight and Express Unit
WiRO

STATE OF NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

STATE GENERAL PERMIT FOR IMPACTS TO ISOLATED AND
OTHER NON-404 JURISDICTIONAL WETLANDS AND WATERS
PERMIT NUMBER: IWGP100000

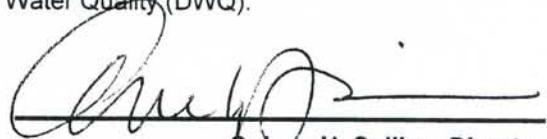
FOR PROJECTS IMPACTING LESS THAN ONE (1) ACRE OF ISOLATED
AND OTHER NON-404 WETLANDS, LESS THAN
TWO HUNDRED, FIFTY FEET (250) OF ISOLATED
STREAMS AND/OR LESS THAN ONE-THIRD ACRE (1/3) OF
ISOLATED SURFACE WATERS

In accordance with the provision of Article 21 of Chapter 143, General Statutes of North Carolina as amended and other lawful standards and regulations, including 15A NCAC 2H .1300 and 15A NCAC 2B .0200, promulgated and adopted by the North Carolina Environmental Management Commission.

Permission is hereby granted to all owners or operators of activities which impact isolated and other non-404 wetlands, isolated streams or other isolated waters in accordance with the conditions set forth in this General Permit.

This General Permit shall become effective on October 31, 2008.

This General Permit shall expire at midnight on October 31, 2013 or unless otherwise rescinded or until deemed appropriate by the Director of the NC Division of Water Quality (DWQ).



**Coleen H. Sullins, Director
Division of Water Quality
By the Authority of the
NC Environmental Management Commission**



North Carolina Department of Cultural Resources
State Historic Preservation Office

Peter B. Sandbeck, Administrator

Beverly Eaves Perdue, Governor
Linda A. Carlisle, Secretary
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History
Division of Historical Resources
David Brook, Director

February 2, 2009

Richard Lockwood, P.E.
Environmental and Land Management Division
Department of the Army
6280 Sunny Point Road SE
Southport, NC 28461-7800

Re: Military Ocean Terminal, Sunny Point Rail Reconfiguration, Brunswick County, ER 08-3070

Dear Mr. Lockwood:

We have received your letter of December 10, 2008, regarding the necessary upgrades for the Military Ocean Terminal, Sunny Point's rail infrastructure. Our staff has reviewed the project and concurs with your findings that, as proposed, the activity will have no effect on archaeological resources.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

Sincerely,

A handwritten signature in black ink that reads "Renee Gledhill-Earley".

A handwritten signature in black ink that reads "Peter Sandbeck".
Peter Sandbeck



April 6, 2009

Richard Lockwood
Military Ocean Terminal Sunny Point
6280 Sunny Point Road
Southport, NC 28561-5000

Expiration of Acceptance: January 6, 2010

Project: Railroad Reconfigurations and Rail System Improvements

County: Brunswick

The purpose of this letter is to notify you that the North Carolina Ecosystem Enhancement Program (NCEEP) is willing to accept payment for impacts associated with the above referenced project. Please note that this decision does not assure that the payment will be approved by the permit issuing agencies as mitigation for project impacts. It is the responsibility of the applicant to contact these agencies to determine if payment to the NCEEP will be approved. You must also comply with all other state, federal or local government permits, regulations or authorizations associated with the proposed activity including SL 2008-152: An Act to Promote Compensatory Mitigation by Private Mitigation Banks.

This acceptance is valid for nine months from the date of this letter and is not transferable. **If we have not received a copy of the issued 404 Permit/401 Certification/CAMA permit within this time frame, this acceptance will expire.** It is the applicant's responsibility to send copies of the permits to NCEEP. Once NCEEP receives a copy of the permit(s) an invoice will be issued based on the required mitigation in that permit and payment must be made prior to conducting the authorized work. The amount of the In Lieu Fee to be paid to NCEEP by an applicant is calculated based upon the Fee Schedule and policies listed at www.nceep.net.

Based on the information supplied by you the impacts that may require compensatory mitigation are summarized in the following table.

	River Basin	CU Location	Stream (feet)			Wetlands (acres)			Buffer I (Sq. Ft.)	Buffer II (Sq. Ft.)
			Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh		
Impact	Cape Fear	03030005	0	0	0	0.252	0	0	0	0
Credits	Cape Fear	03030005	0	0	0	0.504	0	0	0	0

Upon receipt of payment, EEP will take responsibility for providing the compensatory mitigation. If the regulatory agencies require mitigation credits greater than indicated above, and the applicant wants NCEEP to be responsible for the additional mitigation, the applicant will need to submit a mitigation request to NCEEP for approval prior to permit issuance. The mitigation will be performed in accordance with the Memorandum of Understanding between the N.C. Department of Environment and Natural Resources and the U.S. Army Corps of Engineers dated November 4, 1998.

If you have any questions or need additional information, please contact Valerie Mitchener at (919) 715-1973.

Sincerely,

William D. Gilmore, PE
Director

cc: Cyndi Karoly, NCDWQ Wetlands/401 Unit
Kim Garvey, USACE-Wilmington
Chad Coburn, NCDWQ-Wilmington
Richard Lockwood, agent
File

Restoring... Enhancing... Protecting Our State



208 1087

RECEIVED
JUN 18 2009
BY: MCG

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2008-01874County: BrunswickU.S.G.S. Quad: Carolina Beach**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Permittee: Department of the Army
96th U.S. Army Transportation Terminal Group
c/o Richard P. Lockwood
Address: 6280 Sunny Point Road SE
Military Ocean Terminal, Sunny Point
Southport, NC 28461-5000

Size and location of property (water body, road name/number, town, etc.): The project area is located along proposed impact areas along the North, Center and South Rail Holding Yards, within the Military Ocean Terminal at Sunny Point (MOTSU), near Southport, Brunswick County, North Carolina. Location: 33.9902 °N, -77.9742 °W.

Description of project area and activity: The proposal includes the placement of fill material into Section 404 wetlands to facilitate the construction of the MOTSU Railroad Reconfiguration project as described in the table below and depicted on the attached drawings. The project is authorized for the following:

Track Number	LAT (°N)	LONG (°W)	Acres of Impact
72	34.0142	-77.9578	0.181
101	34.0266	-77.9738	0.029
103	34.0282	-77.9735	0.033
161	33.981	-77.9758	0.043
162	33.981	-77.977	0.022
184	34.0182	-77.976	0.021
192	34.0189	-77.9834	0.021
198	34.0195	-77.9886	0.002
Total			0.352

This project will also impact 0.15 acres of isolated non-jurisdictional wetlands.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number: _____
Nationalwide Permit Number: 14

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies

with all new and/or modified terms and conditions. The District Engineer may, at any time, exercise his discretionary authority to modify, suspend, or revoke a case specific activity's authorization under any NWP.

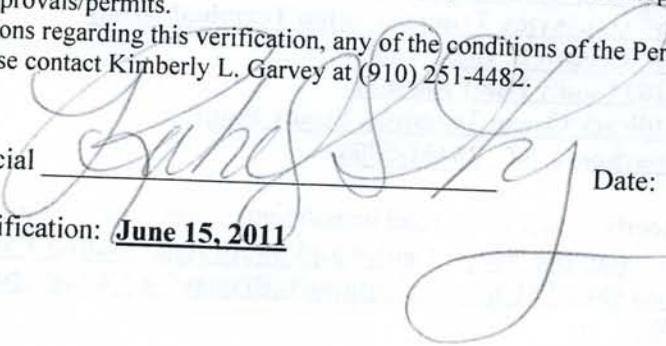
Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Wilmington, NC, at (910) 796-7215.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Kimberly L. Garvey at (910) 251-4482.

Corps Regulatory Official



Date: **June 15, 2009**

Expiration Date of Verification: **June 15, 2011**

Determination of Jurisdiction:

- Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued **April 13, 2009**. Action ID **SAW-2008-01874**

Basis of Jurisdictional Determination: **This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual which flow to Governor's Creek, a Traditional Navigable Water. This determination is based on information provided by the U.S. Army Corps of Engineers, Wilmington District Environmental Group. Emily Jernigan and Crystal Amschler (Regulatory Interns) assisted Hugh Heine and Jeff Richter (Corps Environmental) with the delineation. This parcel also contains isolated wetlands. Please contact the North Division of Water Quality at (919) 733-1786 to discuss the State's regulations and requirements for these waters.**

Corps Regulatory Official: _____

Date: **June 15, 2009**

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the attached customer Satisfaction Survey or visit <http://regulatory.usacesurvey.com/> to complete the survey online.

Copy furnished:

Jeff Richter, CESAW-TS-PE

H. Layton Bedsole Jr., Dial Cordy and Associates, Inc., 201 N. Front Street, Wilmington, NC 28401

Chad Coburn, NCDENR-DWQ, 127 Cardinal Drive, Wilmington, NC 28405

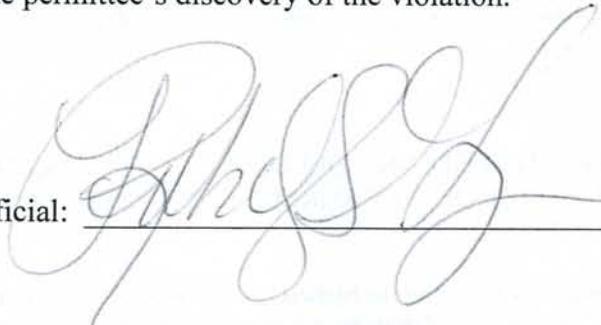
SPECIAL CONDITIONS

1. In order to compensate for impacts to 0.352 acres of riparian wetlands, the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC EEP) in the amount determined by the NC EEP, sufficient to perform the restoration of 0.50 acres of riparian wetlands in the Cape Fear River Basin, Cataloging Unit 03030005.

Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to the NC EEP and provided a copy of the payment documentation to the Corps, and the NC EEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated November 4, 1998

2. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.
3. Violations of these conditions or violations of Section 404 of the Clean Water Act at the project site must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.

Corps Regulatory Official: _____



Date: _____

6/15/09



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

June 24, 2009

Richard P. Lockwood, PE
Chief, Environmental and Land Management Division
Military Surface Distribution Command
6280 Sunny Point Road, SE
Southport, NC 28461-7800

SUBJECT: CD09-036 – Consistency Concurrence for Proposed Upgrades to the MOTSU
Railroad System, Southport, Brunswick County, North Carolina (DCM#20090060)

Dear Mr. Lockwood:

We received your constancy determination on May 11, 2009 for the proposed upgrades to the rail infrastructure system at the main terminal munitions depot at the Military Ocean Terminal at Sunny Point (MOTSU) in Southport, Brunswick County, North Carolina. The purpose of this project is to reconfigure and upgrade the rail infrastructure at the main Terminal munitions depot.

The rail reconfiguration includes replacement of ballast rock, 100 pound per foot (lb/ft) rail with 150 lb/ft rail or greater, switch and frog (rail line intersections) replacements, switch and cross tie replacements, and general rail refurbishment. The reconfiguration includes the upgrade of approximately 100 rail turnout geometries allowing safer and more efficient handling of today's intermodal designed railcars ranging from 90 to 110 feet in length. The rail reconfigurations, refurbishments, and upgrades would take place primarily in the North and South Rail Holding Yards and the ingress and egress rail routes of the South and Center Wharves; all are located on MOTSU's Main Terminal. Wetland impacts are anticipated to total 0.502 acres of which 0.352 acres are Section 404 wetlands and the remaining 0.150 acres are isolated wetlands. The completed project would allow the Department of Defense to improve its ability to ship containers.

North Carolina's coastal zone management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, Chapter 7 of Title 15A of North Carolina's Administrative Code, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of the Division of Coastal Management

(DCM) to manage the State's coastal resources to ensure that proposed Federal activities would be compatible with safeguarding and perpetuating the biological, social, economic, and aesthetic values of the State's coastal waters.

To solicit public comments, DCM circulated a description of the proposed project to State agencies that would have a regulatory interest. No comments asserting that the proposed activity would be inconsistent with the State's coastal management program were received. However, one comment requested clarification concerning whether the proposed project would have an adverse environmental effect on any Areas of Environmental Concern (AEC). MOTSU provided information clarifying that the proposed project would not have an adverse environmental effect on any AEC. A copy of the responses received has been attached for reference.

DCM has reviewed the submitted information pursuant to the management objectives and enforceable policies of Subchapters 7H and 7M of Chapter 7 of Title 15A of North Carolina's Administrative Code which are a part of the State's certified coastal management program and concurs, as conditioned below, that the proposed Federal activity is consistent, to the maximum extent practicable, with the enforceable policies of North Carolina's coastal management program.

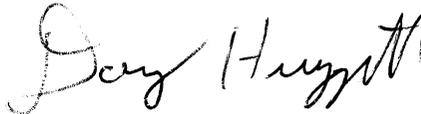
In order to be found consistent with North Carolina's coastal management, the US Marine Corps (Applicant) shall comply with the following conditions of concurrence.

- The Applicant shall comply with the 401 Water Quality Certification (DWQ#09-0164) issued by the NC Division of Water Quality for this project on February 24, 2009.
- The Applicant, prior to initiating any land disturbing activities, shall obtain the approval of the NC Division of Land Resources of an erosion and sediment control plan for that range. The Applicant shall comply with the requirements of the approved sediment and erosion control plan. A copy of the plan approval shall be forwarded to DCM.
- The Applicant, prior to initiating any land disturbing activities shall obtain a stormwater permit from the NC Division of Water Quality for that range. The Applicant shall comply with the requirements of the stormwater permit. A copy of the permit when issued shall be forwarded to DCM.
- The Applicant shall adhere to their mitigation commitment to purchase 0.504 acres of wetland mitigation credits through the North Carolina Ecosystem Enhancement Program (EEP). The EEP has accepted this proposal through a letter dated April 6, 2009.
- Any mitigative measures or environmental commitments specifically made by the Applicant in the proposal for this project and the "*Draft Environmental Assessment for the Railroad Configuration*" (May 2009) are to be implemented to the extent that they do not conflict with any of the conditions of concurrence stated above, regardless of whether or not such commitments are addressed by the individual conditions of this concurrence.

This letter of concurrence is contingent on the Federal agency agreeing with the conditions stated above. In the event that the Federal agency does not agree with the conditions of concurrence, this letter effectively becomes a letter of State "*Objection*". Should the Federal agency not agree with the conditions stated above, a letter of non-agreement should be sent to DCM. The procedures of 15 CFR 930.43 would then need to be followed.

Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency determination pursuant to 15 CFR 930.46, or a new consistency determination pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed development, a supplemental consistency certification may be required. If you have any questions, please contact Stephen Rynas at 252-808-2808. Thank you for your consideration of the North Carolina Coastal Management Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Huggett". The signature is fluid and cursive, with a large initial "D" and a stylized "H".

Doug Huggett
Manager, Major Permits and Consistency Unit

Cc: Jim Gregson, Division of Coastal Management
Steve Everhart, Division of Coastal Management
Jeff Richter, US Army Corps of Engineers

From: [Coats, Heather](#)
To: [Layton Bedsole](#); ["Heine, Hugh SAW"](#); [Richter, Jeffrey H](#); [Everhart, Steve](#); [Rynas, Stephen](#)
Subject: RE: MOTSU site visit
Date: Wednesday, June 10, 2009 12:01:10 PM

Hello Layton,

Thank you once again for arranging our site visit yesterday to MOTSU. As discussed, Steve & I do not have any concerns regarding the proposed improvements to the rail system in regards to 15A NCAC 07H of the NC general statutes, but ask that you please submit a revised site plan showing the approximate AEC boundaries for our files. As we said yesterday, due to the large scale of the project and great distance of the proposed work from the high water/coastal wetland line, we feel an approximate joint Estuarine Shoreline/Coastal Wetland AEC shown on an overview of the workplan drawing is acceptable to sufficiently demonstrate the limits of the project are well outside of CAMA AEC's and is at least in compliance with the rules set forth in 07H, thus satisfying my previously stated comments on the project.

From: Layton Bedsole [mailto:lbedsole@dialcordy.com]
Sent: Monday, June 08, 2009 11:23 AM
To: 'Heine, Hugh SAW'; Coats, Heather
Subject: MOTSU site visit

Okay,

Tomorrow at 9 a.m. at the COE District. Please remember hard hat, reflective vest, and steel toes. Heather, no worries for separate driving to visitor center.

Thanks,
L.

H.Layton Bedsole Jr., REM
Dial Cordy and Associates Inc.
201 North Front Street, Suite 601
Wilmington, N.C. 28401
Ph: (910) 251 9790
Fax: (910) 251 9490
Email: lbedsole@dialcordy.com



Legend	
	MOTSU Boundary
	Coastal Marsh Line
	Estuarine Shoreline AEC (75 feet)



Source: Brunswick County Color Aerial (2004)

APPROXIMATE ESTUARINE SHORELINE AEC - NORTH
MOTSU RAILROAD RECONFIGURATION PROJECT

Scale: 1 inch = 1,000 feet	Drawn By: MR
----------------------------	--------------

Date: June 2009	Approved By: LB
-----------------	-----------------



J08-1087
FIGURE 10



Legend

-  Motts Boundary
-  Coastal Marsh Line
-  Estuarine Shoreline AEC (75 feet)



Source: Brunswick County Color Aerial (2004)

APPROXIMATE ESTUARINE SHORELINE AEC - SOUTH Motts RAILROAD RECONFIGURATION PROJECT

Scale: 1 inch = 1,000 feet | Drawn By: MR

Date: June 2009 | Approved By: LB



J08-1087

FIGURE 11



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726
November 21, 2008

Mr. Richard Lockwood, P.E.
Department of the Army
Chief, Environmental Branch, Public Works Department
Military Surface Deployment and Distribution Command
596th US Army Transportation Terminal Group (Ammunition)(Provisional)
6280 Sunny Point Road SE
Southport, North Carolina 28461-7800

Dear Mr. Lockwood:

The Fish and Wildlife Service has reviewed your September 30 and November 19, 2008, letters regarding the proposed rail realignment project planned for Military Ocean Terminal, Sunny Point (MOTSU) in Brunswick County, North Carolina. The project is planned to enable the facility to accommodate larger rail cars that will be used to deliver materials to the Terminal. Your September 30 and November 19, 2008 letters contain information that address potential effects to federally-listed threatened and endangered species known to occur in Brunswick County. Our comments are provided in accordance with section 7(a)(2) of the Endangered Species Act (Act) of 1973, as amended (16 USC 1531 et seq.).

The realignment project would be implemented throughout the rail system within the main terminal. While construction may take more than a year to complete, most of the tree removal associated with the project would take place in one harvest. The project will require the widening of track rights-of-way and installation of larger turnout radiuses at over 100 sites. The original track turnouts were constructed for 40- to 45-foot long rail cars. New rail cars range in length from 90 to 110 feet in length. The track turnouts require modification to accommodate the larger, heavier multi-wheel carriages.

MOTSU has estimated that the project will require the removal of about 34.63 acres of land from tree production. This estimate is based on the condition that tree removal and land disturbance would be held to a 50-foot easement measured from either side of the center line of the proposed new track placement. Construction at several locations will fall within existing cleared rights of way and will not require any additional timber removal.

Based on a review of the installation's Final Draft Endangered Species Management Plan, and field work performed by Dial Cordy and Associates, Inc., it was determined that suitable habitat may have been present within the scope of the project for the red-cockaded woodpecker (*Picoides borealis*; RCW) and rough-leaved loosestrife. Based on site assessments conducted by Hugh Hines and Jeff Richter, Wilmington District, U.S. Army Corps of Engineers during May, June and July 2008, MOTSU has determined that the project would not affect the rough-leaved loosestrife.

Acreage would be removed from within timber stands MOTSU is managing for red-cockaded woodpecker conservation. A number of rail turnouts to be modified fall within the foraging partitions supporting the territories identified as EASE 2, MOTSU 3A, MOTSU 4, MOTSU 5 and R 2 within the North Rail Holding Area and R 6 and R 7 in the South Rail Holding Area. Although the project extends into the 0.25-mile radius foraging partition of EASE 2, no significant quantities of pine timber would need to be harvested from habitat assigned to this group. The 0.5-mile radius partitions being managed to provide habitat for recruitment clusters R 6 and R 7 overlap with the western limits of the South Rail Holding Area; however, the project would not require pine tree removal from these territories.

To support the evaluation of the project's effects, the installation has performed foraging habitat assessments using recently updated forest inventory data. The summary provided in Table 1 of the November 19, 2008 letter shows that the four territories losing timber would retain between 223 and 359 acres of pine forested habitat. Post project pine stocking ranges between 11,027 and 24,974 square feet of basal area for pines \geq eight inches diameter at breast height within these 0.5-mile radius foraging partitions. For the woodpecker territories located in the North Rail Holding Area, the letter states:

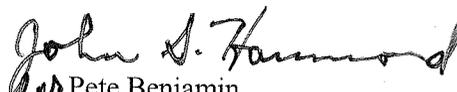
"[a] combined total of 15.69 acres of foraging habitat will be removed from MOTSU 4 (8.82 ac), MOTSU 5 (3.52 ac), MOTSU 3A (0.82 ac), and R 2 (2.53). A BA total of 696 sq. ft. of pines greater than or equal to 8" dbh will be impacted from clearing associated with the project. This corresponds to a 3%, 1%, 0.4%, and 0.7% loss of foraging basal area for MOTSU 4, 5, 3A, and R 2; respectively. Neither the loss of forested habitat area or basal area of pines due to the proposed project is expected to result in any adverse impacts to RCW populations located within HMU [Habitat Management Unit] 1."

Completion of the rail realignment project in the South Rail Holding Area will require the removal of 16.74 pine-forested acres within HMU 2. At least eight woodpecker foraging partitions fall within the unit. The outer edges of two managed 0.5-mile foraging partitions coincide marginally with the project in the South Holding Area. However, tree removal associated with the project would occur east of stands managed for RCW recovery and none of the territories in HMU 2 would be affected.

The proposed rail realignment would not involve federally listed plant species known to occur in Brunswick County. Based on a review of the information provided, the Service concurs with your determination that the project is not likely to adversely affect the RCW or any other federally-listed species on Military Ocean Terminal, Sunny Point. We believe that the requirements of section 7(a)(2) of the Act have been satisfied. We remind you that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

If you have any questions or comments, please contact Mr. John Hammond at 919.856.4520 extension 28, or via email at john_hammond@fws.gov. The Service greatly appreciates the role Military Ocean Terminal, Sunny Point performs in serving the National Defense mission, as well as the service the installation provides in conserving fish, wildlife and plants for the continuing benefit of the American people. Thank you for your continued cooperation with our agency.

Sincerely,


for Pete Benjamin
Field Supervisor

Cc: Will McDearman, USFWS