

PUBLIC NOTICE

Issue Date: May 20, 2020

Comment Deadline: June 18, 2020

Corps Action ID Number: SAW-2015-01645

The Wilmington District, Corps of Engineers (Corps) received an application from the City of Statesville seeking Department of the Army authorization to impact 663 linear feet of stream channel and 1.93 acres of wetlands for improvements to the runway safety area and the removal of tree obstructions to comply with Federal Aviation Administration requirements.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/

Applicant: City of Statesville

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AGENT: Pilot Environmental, Inc.

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Kernersville, NC 27285

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Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

Section 404 of the Clean Water Act (33 U.S.C. 1344)
Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (3 U.S.C. 1413)

Location

Location Description: The project site is located within the existing Statesville Regional Airport's property which is located at 238 Airport Drive in town of Statesville (Iredell County), North Carolina.

Project Area (acres): ~25 Nearest Town: Statesville Nearest Waterway: Back Creek River Basin: Upper Pee Dee

Latitude and Longitude: 35.76604 N, -80.967692 W

Existing Site Conditions

The proposed project area is located within the western portion of Statesville Regional Airport's property (i.e., west of Runway 10). The Statesville Regional Airport is a non-towered, public-use facility on approximately 467 acres and is owned by the City of Statesville. Statesville Regional Airport serves a variety of general aviation users (i.e., business and recreational aircraft, air taxi and charter flights, and flight training activities). The airfield at Statesville Regional Airport includes Runway 10-28 which is 7,003 feet long, 100 feet wide and generally oriented east to west with Runway 10's end located to the west and the Runway 28's end located to the east. The proposed project area consists of the following: 1) An instrument landing system localizer (LOC) positioned in the western portion of the project area; 2) A small antenna; 3) Compacted soil/gravel access road in the south/southwest portion of the project area; 4) Maintained grassed area; 5) unmaintained scrub-shrub vegetation; and 6) Mature forested land.

The USDA Web Soil Survey of Iredell County identifies the following soil mapping units within the project area:

Table 1. Project Area Soils

Soil Type	Soil Description
Cecil sandy clay loam	The Cecil series consists of well drained, moderately
(CeC2)	permeable soils that occur on ridges and side slopes.
Chewacla loam (ChA)	The Chewacla series consists of somewhat poorly drained,
	moderately permeable soils that occur on floodplains of the
	Piedmont and Coastal Plain river valleys.
Dorian fine sandy loam	The Dorian series consists of moderately well drained,
(DrB)	slowly permeable soils that occur on stream terraces.
Masada fine sandy loam	The Masada series consists of well drained, moderately
(MdB)	permeable soils that occur on high stream terraces in the
	Piedmont Plateau and the Atlantic Coastal Plain.
Lloyd clay loam (LcB2)	The Lloyd series consists of well drained, moderately
	permeable soils that occur on gently sloping to steep
	uplands
Pacolet sandy clay loam	The Pacolet series consists of well drained, moderately
(PcC2 and PcD2)	permeable soils that occur on gently sloping to very steep
	uplands.

Soil Type	Soil Description
Udorthents-Urban land complex (UmF)	Udorthents occur on nearly level to gently sloping areas where original soils have been cut away or covered with a loamy fill material. Urban land consists of soils that have been graded, capped with impervious surfaces, compacted or otherwise altered to the extent that designation of a series is not feasible.

The Chewacla (ChA) and Dorian (DrB) soil mapping units are identified on the Iredell County Hydric Soils List. The remainder of the soils located within the project area are not identified on the Iredell County Hydric Soils List.

The FEMA FIRMs mapping identify the project area as Zone X, an area outside the 100-year and 500-year floodplains.

The Geologic Map of North Carolina indicates that the site is located in the Inner Piedmont Belt of the Piedmont Physiographic Province. In general, the soils encountered in this area are the residual product of in-place chemical weathering of rock underlying the site. Typically, shallow unconfined groundwater movement within soils is controlled largely by topographic gradients. Recharge occurs primarily by infiltration along higher elevations and typically discharges into streams or other surface water bodies. The elevation of the shallow water table is transient and can vary greatly with seasonal fluctuations in precipitation. Movement in this water table is generally from higher to lower elevations.

The project area contains two streams and three wetlands. Open waters are not located on the site. Stream ISA was classified as intermittent. Stream SA was classified as perennial. Wetland WA is a head-water wetland that is located up-gradient of Stream ISA. Wetland WB is a basin wetland that is centrally located on the site. Wetland WC is located on the western portion of the site and is the head of a drainage swale that continues to the west of the site.

Table 2. Project Area Streams

Stream Name	Stream Classification	Approximate Length of Intermittent Stream (linear feet)	Approximate Length of Perennial Stream (linear feet)
ISA	Intermittent	375	0
SA	Perennial	0	469
	TOTAL	375	469

Stream ISA is located on the central portion of the site and is intermittent throughout its entirety. Stream ISA will be impacted by the proposed project. Stream ISA originates at an approximate 4-foot head cut immediately down-gradient of Wetland WA. A portion of stream ISA has been culverted for the previous construction of the LOC (SAW-2003-31085, dated April 27, 2004). Stream ISA discharges to Stream SA. ISA has well-defined bed and banks, meanders and contains hydric soils. ISA has limited substrate sorting, a weakly defined riffle-pool complex and

is absent of sediment bars, benches and snags. Based on observations, Stream ISA has low overall aquatic function and diversity. Stream ISA scored Low utilizing North Carolina Stream Assessment Methodology (NCSAM).

Stream SA is located on the northwestern and western portions of the site. Stream SA originates on the northwestern portion of the site at an approximate 2-foot head cut. The upper reach of Stream SA will be impacted by the proposed project. The lower reach of Stream SA will not be impacted by the proposed project. Stream SA is perennial throughout its entirety. Stream SA has well-defined bed and banks, meanders and generally contains low to moderate base flow. Stream SA has a moderate riffle-pool complex, grade control and substrate sorting. Depositional benches/bars are present within Stream SA. Based on observations, Stream SA has a moderate to high overall aquatic function and diversity. Stream SA scored Medium utilizing NCSAM.

Table 3. Project Area Wetlands

Wetland Name	Approximate Acreage
WA	0.797
WB	0.156
WC	0.059
TOTAL	1.012

Wetland WA is on the northern portion of the site. The majority of Wetland WA will be impacted by the proposed project. Wetland WA terminates into Stream ISA. Wetland WA contains both mature bottomland hardwood vegetation and scrub-shrub vegetation (in previously cleared areas). A very limited area of Wetland WA is maintained herbaceous vegetation. USACE Wetland Data Forms were completed within and outside of the primary vegetative communities of Wetland WA. The northern portion of Wetland WA contains mature forest and functions at a higher quality for hydrologic storage, treatment, etc. than the southern portion of Wetland WA, in which vegetative communities have been disturbed and/or are maintained. Wetland WA scored Low utilizing North Carolina Wetland Assessment Methodology (NCWAM).

Wetland WB is centrally located on the site. Wetland WB will be impacted by the proposed project. Wetland WB is a basin wetland. Vegetation within Wetland WB has been routinely maintained as herbaceous vegetation with sporadic hardwood saplings. Wetland WB has an overall low quality and function. Wetland WB scored Low utilizing NCWAM.

Wetland WC is located on the western portion of the site. Wetland WC will not be impacted by the proposed project. Wetland WC is located within a drainage swale that continues to the west of the site. Wetland WC is forested with mature hardwoods and contains similar vegetative, hydrologic and soil profile characteristics of the northern, maturely wooded, portion of Wetland WA. Wetland WC scored High utilizing NCWAM.

The wetlands are separated from surrounding uplands by distinct breaks in topography, vegetation and/or soil. Upland areas have bright soils that are well drained to depths of at least twelve inches below the ground surface.

The site is located within the Yadkin River basin. The waters located on the site drain to an unnamed tributary to Back Creek, located approximately 900 feet southwest of the site. The NCDEQ-DWR classified Back Creek, the site's receiving waters, as Class C.

The proposed project will alter undeveloped, wooded land and grass-covered fields. The cleared/graded land, within the proposed project limits, consists of mixed grass and weed species that are regularly maintained by mowing and herbicide applications. The area of proposed impact is dominated by the following mixed grass/weed species: fescue-Kentucky 31 (*Schedonorus arundinaceus*), meadow fescue (*Schedonorus pratensis*), bermudagrass (*cynodon dactylon*), Bahiagrass (*Papsalum notatum*), Crabgrass (*Digitaria sp.*), Common dandelion (*Taraxacum officinale*), broomsedge (*Andropogon virginicus*), white clover (*Trifolium repens*), horsenettle (*Solanum carolinense*), horseweed (*Conyza canadensis*), common ragweed (*Ambrosia artemisiifolia*), wild garlic (*Allium canadense*), common lespedeza (*Lespedeza cuneata*), common pokeweed (*Phytolacca americana*), dogfennel (*Eupatorium capillifolium*), broadleaf plantain (Plantago major), purple deadnettle (*Lamium purpureum*), common chickweed (*Stellaria media*) and Virginia cudweed (*Gamochaeta purpurea*).

The wooded land, located within the project area of disturbance, contains mixed hardwood species that are dominated by various oak (*Quercus sp.*), hickory, (*Cayra sp.*), maple (*Acer sp.*), ash (Fraxinus sp), eastern red cedar (Juniperus virginiana), sweet gum (*Liquidambar styraciflua*), American beech (Fagus grandifolia), flowering dogwood (Cornus florida) and American hornbeam (*Carpinus caroliniana*), Chinese privet (Ligustrum sinsense) and Russian olive (Elaeagnus angustifolia) in the tree/sapling stratum.

Understory vegetation includes Christmas fern (*Polystichum acrostichoides*), sawtooth blackberry (*Rubus argutus*), Japanese honeysuckle (*Lonicera japonica*), green briar species (*Smilax sp.*), muscadine grape (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*) and ebony spleenwort (*Asplenium platyneuron*). Understory diversity is limited due to the density of invasive vines, privet and olive saplings within wooded areas proposed to be impacted by the project.

The vegetation located within the jurisdictional areas is dominated by the following species: Red maple (*Acer rubrum*), Sweet gum (*Liquidambar styraciflua*), Willow oak (Qu*urcus phellos*), Green ash (*Fraxinus pennsylvanica*), Chinese privet (*Ligustrum sinense*), Japanese honeysuckle (*Lonicera japonica*), Muscadine grape (*Vitus rotundifolia*), Common greenbrier (*Smilax rotundifolia*), Sawtooth blackberry (*Rubus argutus*), Common rush (*Juncus effuses*), Fescue grass (*Schedonorus sp.*), and Bluestem broomsedge (*Andropogon virginicus*).

Applicant's Stated Purpose

The project purpose is to improve airport safety and meet the operational needs of existing users at Statesville Regional Airport (FAA identifier SVH).

Project Description

- 1. The proposed project will consist of the following developments/improvements: Improvements to the Runway Safety Area Extend the Runway Safety Area west approximately 1,275 feet, construct retaining walls on the north and west sides of the expanded Runway Safety Area, relocate the localizer further west, and abandon approximately 750 feet of Old Bethlehem Road (resulting in an approximate 3.4 mile permanent detour).
- 2. Existing Tree Obstruction Removal Obstruction clearing within existing wetlands and streams shall be limited to removal of select trees that are existing penetrations to, or within 10 feet of, the 34:1 siting surface and shall include hand cutting (i.e., not mechanized land clearing) just above the ground surface and leave stumps/roots in place.
- 3. After-the-fact Department of Army authorization for previous unauthorized impacts resulting in the loss of approximately 1.2 acres of jurisdictional wetlands (Wetland WB).

Avoidance and Minimization

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

During design of the proposed project, the applicant evaluated three on-site alternatives. Impacts to streams and wetlands of the three on-site alternatives are detailed in Table 7, Section 5.0. On-Site Alterative B results in far less impact to streams or wetlands compared to the other on-site alternatives. However, the economic feasibility of On-Site Alternative B is the lowest of the three evaluated on-site alternatives. Furthermore, On-site Alternative B does not meet the project purpose to satisfy the operational need of existing SVH users.

Compensatory Mitigation

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

The applicant has attempted to avoid and minimize impacts where possible and will compensate to the extent practicable, for the remaining unavoidable losses with mitigation. The applicant proposes the following mitigation for the unavoidable impacts to water of the U.S. (Table 4): In addition, The Corps verified a delineation in 2003/2004 for the same proposed project area. At that time, Wetland WB was approximately 1.2 acres larger than the wetland delineated in 2020. Further analysis determined the applicant conducted unauthorized activities in waters in the United States sometime in 2006. This unauthorized activity resulted in the loss of approximately 1.2 acres of jurisdictional wetlands.

Table 4. Applicant's Mitigation Proposal

Feature Impacted	Type of Impact	Proposed Mitigation Ratio	Impact Amount	Required Credits	
		Stream Impacts			
Stream ISA	Fill	1:1	375 linear feet	662 limaan faat	
Stream SA	Fill	2:1	288 linear feet	663 linear feet	
Wetland Impacts					
Wetland WA	Fill	2:1	0.57 acre	0.72 0.000	
Wetland WB	Fill	2:1	0.16 acre	0.73 acres	
	Ī	Unauthorized Impacts			
Wetland WB	Clearing/Grading	1:1	1.2 acre	1.2 acres	

The Applicant has rated/classified streams and wetlands within the Proposed Project area using the North Carolina methodology for streams and wetlands (i.e., North Carolina Stream Assessment Methodology and North Carolina Wetland Assessment Methodology) and their findings are listed below in Table 5. The applicant proposes to compensate for impacts associated with the Proposed Project by offering payment into the NCDEQ-Division of Mitigation Services (DMS). Private mitigation banks, within the watershed of the Proposed Project, did not have credits available at the time of the Applicant's request.

Table5. Applicant's Stream and Wetland Ratings/Classifications

Feature Impacted	Stream or Wetland Type	Rating/Classification
Stream ISA	Intermittent Stream	Low
Stream SA	Perennial Stream	Medium
Wetland WA	Headwater Forest	Low
Wetland WB	Basin Wetland 2020 / Headwater Forest 2003-2004	Low (2020)

Essential Fish Habitat

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, this Public Notice initiates the Essential Fish Habitat (EFH) consultation requirements. The Corps' initial determination is that the proposed project would not affect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Should historic properties, or properties eligible for inclusion in the National Register, be
present within the Corps' permit area; the proposed activity requiring the DA permit (the
undertaking) is a type of activity that will have no potential to cause an effect to an
historic properties.

	No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be <u>no historic properties</u> <u>affected</u> . The Corps subsequently requests concurrence from the SHPO (or THPO).
	Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be <u>no historic properties affected</u> by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
	Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have <u>no adverse</u> <u>effect</u> on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
	Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking <u>may have an adverse</u> <u>effect</u> on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
	The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.
with the	istrict Engineer's final eligibility and effect determination will be based upon coordination ne SHPO and/or THPO, as appropriate and required, and with full consideration given to posed undertaking's potential direct and indirect effects on historic properties within the indentified permit area.
Endai	ngered Species
all inf	ant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined ormation provided by the applicant and consulted the latest North Carolina Natural ge Database. Based on available information:
\boxtimes	The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
	The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
	By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.

The Corps will consult under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
☐ The Corps has initiated consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete.
The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat. Consultation has been completed for this type of activity and the effects of the proposed activity have been evaluated and/or authorized by the National Marine Fisheries Service (NMFS) in the South Atlantic Regional Biological Opinion or its associated documents, including 7(a)(2) & 7(d) analyses and Critical Habitat assessments. A copy of this public notice will be sent to the NMFS.
The Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. The Corps will make a final determination on the effects of the proposed project upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR): The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice, combined with the appropriate application fee, at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by June 18, 2020 to:

NCDWR Central Office

Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit (USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

☐ The application did not include a certification that the proposed work complies with and
would be conducted in a manner that is consistent with the approved North Carolina Coastal
Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a
Department of Army (DA) permit for the proposed work until the applicant submits such a
certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs
with the applicant's consistency certification. As the application did not include the consistency
certification, the Corps will request, upon receipt,, concurrence or objection from the NCDCM.
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⊠ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 18, 2020. Comments should be submitted to Bryan Roden-Reynolds, Charlotte Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, at (704) 510-1440.

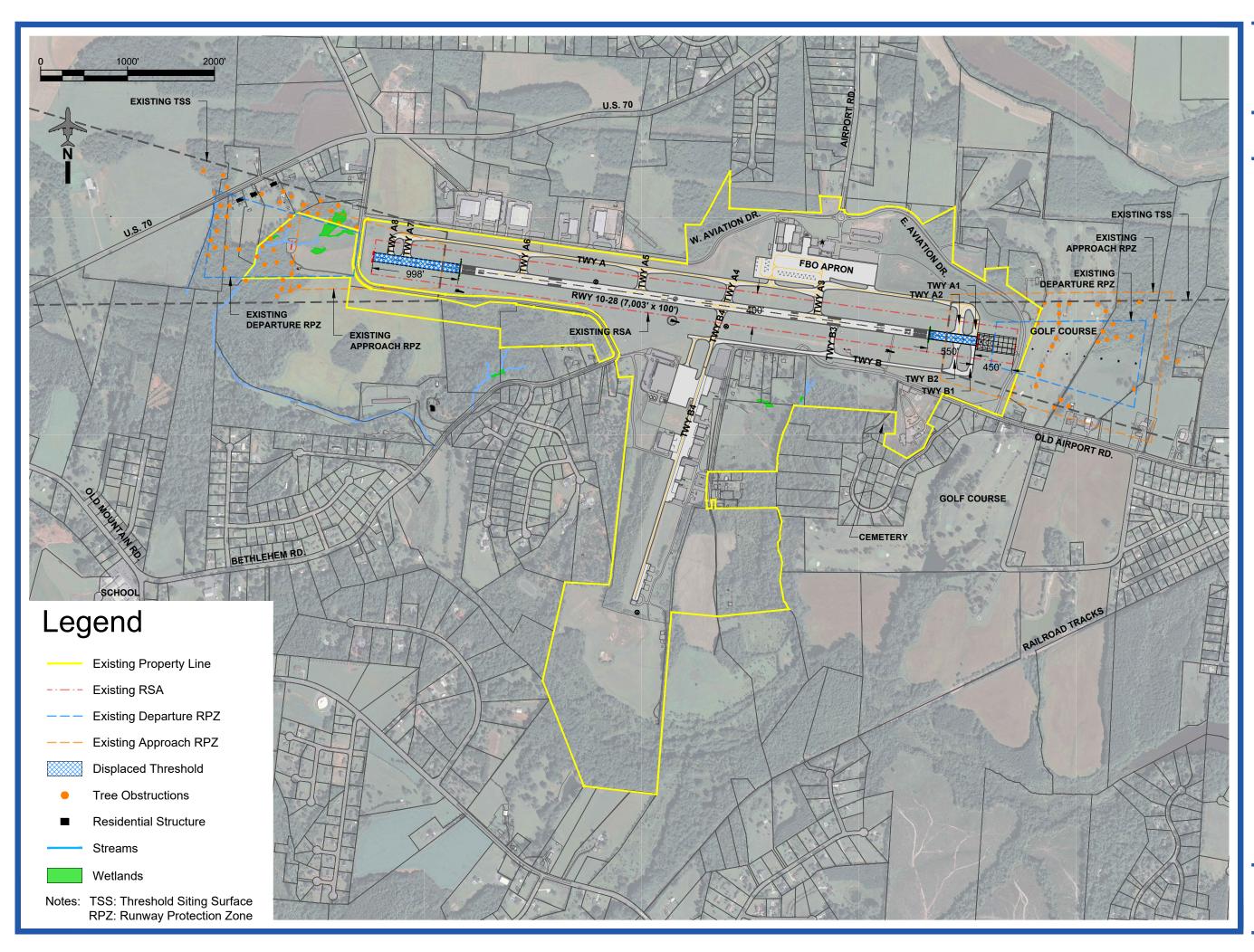






Figure 1: Existing Conditions

