



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: February 5, 2020
Comment Deadline: February 20, 2020
Corps Action ID Number: SAW-2015-00263

The Wilmington District, Corps of Engineers (Corps or USACE) received a request from Mr. Joe Walker of Western Carolina University (WCU) seeking a modification to the Department of the Army issued permit of January 9, 2019 (SAW-2015-00263), associated with WCU 2014 Master Plan Improvement projects in Cullowhee, Jackson County, North Carolina. The permit modification request authorization for 0.35 acres (ac) of permanent impacts to wetlands associated with further improvements to the Norton athletic/intramural fields facilities.

Specific plans and location information are described below and shown on the attached maps, figures, and 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: Mr. Joe Walker
Western Carolina University
3476 Old Cullowhee Road
Cullowhee, North Carolina 28723

Agent: Mr. Clement Riddle
ClearWater Environmental Consultants, Inc.
32 Clayton Street
Asheville, North Carolina 28801

Authority

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

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

Location

Directions to Site: The project site is within the WCU main campus. The Norton intramural field site is an approximately 10-acre tract between The Village student housing area and the Schrader Soccer Field located in the northwestern part of the campus.

To get to the site from the intersection of NC Highway 107 and Centennial Drive in Cullowhee, turn east onto Centennial Drive. At the traffic round-about, go north onto Memorial Drive, turn left at the first road next to the track-soccer-tennis athletic complex. The site is north of the Schrader Soccer Field.

Project Area (acres):	10
Nearest Town:	Cullowhee
Nearest Waterway:	Cullowhee Creek
River Basin:	Tuckasegee (06010203)
Latitude and Longitude:	35.31466 N, 83.18671 W

Existing Site Conditions

Cullowhee is a small urban developed university town surrounded mostly by sparsely rural developed property. The WCU main campus is developed university property containing classroom, residential, administrative, dining, recreation, athletic, industrial, and performing arts facilities and building. Within the campus there are established support features, such as, water and sewer systems, electrical distribution, roads, parking, storm water conveyance systems, etc.

As noted above, the project site is within the WCU main campus and is a 10-acre tract located between The Village student housing area and the Schrader Soccer Field in the northwestern part of the campus. This project is part of the WCU 2014 Campus Master Plan. The project would improve the usability of the existing intramural sport fields by construction of multi-propose intermural fields and athletic fields for soccer, football, and hammer throw, and construction of 50 parking spaces.

The intramural field project site is an open mowed recreational field complex having portions used for parking and walking paths with sparse trees at the perimeter. This site is a relatively flat topographic flood bench of Cullowhee Creek with an elevation of approximately 2060 feet (ft) above mean sea level (msl). In January 2019 the Department of the Army (DA) issued a permit authorizing 0.09 acres of permanent impacts to wetlands for constructing a more evenly graded and better drained surface at this site (SAW-2015-00263). The grading and fill previously authorized is being conducted as planned.

The project areas are situated in the Blue Ridge physiographic province and in the Southern Crystalline Ridges and Mountains Ecoregion of North Carolina. The Blue Ridge province is a mountainous zone that extends northeast-southwest from southern Pennsylvania to central Alabama. The physiography of the Jackson County consists of high, intermediate, and low mountains; floodplains; and low stream terraces.

Waters at the project site are Cullowhee Creek, which adjoins the project area to the west, and is a tributary of the Tuckasegee River. These waters are part of the Tennessee River system and lay within the Tuckasegee River watershed (HUC 06010203), which is a sub-basin of the Little Tennessee River. This sub-basin contains some of the most pristine, high-quality waters in the state and supports numerous trout streams. As designated by the North Carolina Department of Environmental Quality (NCDEQ) – Division of Water Resources (DWR), streams at the sites are classified as class C secondary recreation and trout waters.

There are wetlands which are abutting to Cullowhee Creek and are features on the creek floodplain. Jurisdictional waters of the United States (WoUS) exist within the proposed project boundary:

Summary of Jurisdictional Waters

Aquatic Resource	Amount
Stream	0 lf
Wetland	0.43 ac
Open Water	0.0 ac

There is a man-made impoundment located in the southeast corner of the site. This feature is isolated open waters and is not WoUS. The impoundment has no nexus with WoUS and based on review of historic aerial photos and maps appears to have been dug in uplands and may have been associated with a former waste water treatment facility. The Corps issued a jurisdictional determination (JD) for the intermural field project area in December 2013 (SAW-2013-02323). Previous USACE permitted regulatory projects for WCU are summarized in the following table:

Action ID Number	NWP / GP Number	Wetland (ac)		Stream (lf)	
		Temporary	Permanent	Temporary	Permanent
2003-30382	14				60
2009-00395	14				55
2015-00263	N/A		0.38		500
Impact Totals		0	0.38	0	615
Total Loss of Waters of the U.S. (ac)		0.38		Total Loss of Waters of the U.S. (lf)	
				615	
Required Wetland Mitigation (ac)		0.38		Required Stream Mitigation (lf)	
				500	

Soil series present at the site include, Braddock-Urban Land complex, Cowee-Evard-Urban Land complex, and Udorthents-Urban Lands complex.

During site visits in October 2017, ClearWater Environmental Consultants, Inc., (CEC) identified several habitat types at the project site. The following is a summary of each of the habitat types identified on-site.

Maintained lawn/field habitat includes predominantly herbaceous vegetation and land that is mowed at regular intervals. The flat intramural fields are maintained turfgrass with small patches of sedges, soft rush, and creeping jenny (*Lysimachia nummularia*) in wet areas.

Early successional bottomland mixed hardwood habitat occupy a narrow strip next to Cullowhee Creek at the site. This habitat contains bottomland mixed hardwoods and conifers including sparse, mature black walnut (*Juglans nigra*), white oak (*Quercus alba*), and Eastern white pine (*Pinus strobus*), with an understory of Chinese privet, and with a moderately dense vine layer with English ivy (*Hedera helix*), Virginia creeper (*Parthenocissus quinquefolia*), and poison ivy. Freshwater stream habitat include the streambeds and banks of Cullowhee Creek. Stream bed substrate is sand, gravel and cobble.

Terrestrial communities at the project site is comprised of developed urban areas, with small areas of vegetate tracts, and open habitats that may support a diverse number of wildlife species. Representative mammal, bird, reptile, and amphibian species commonly occurring in the habitats noted above is listed in the flowing paragraph. Information on these species that typically use the habitats at the project site was obtained from relevant literature, mainly the Biodiversity of the Southeastern United States, Upland Terrestrial Communities. Mammal species that commonly occur in these habitats include eastern cottontail (*Sylvilagus floridanus*); gray squirrel (*Sciurus carolinensis*); eastern chipmunk (*Tamias striatus*), southern flying squirrel (*Glaucomys volans*), various vole, rat, and mice species; raccoon (*Procyon lotor*); Virginia opossum (*Didelphis virginiana*); white-tailed deer (*Odocoileus virginiana*), and black bear (*Ursus americanus*). Bird species that commonly use these habitats include indigo bunting (*Passerina cyanea*), prairie warbler (*Dendroica discolor*), northern cardinal (*Cardinalis cardinalis*), field sparrow (*Spizella pusilla*), rufous-sided towhee (*Pipilo erythrophthalmus*), red-eyed vireo (*Vireo olivaceus*), scarlet tanager (*Piranga olivacea*), blue jay (*Cyanocitta cristata*), and Carolina chickadee (*Poecile carolinensis*). Predatory birds may include several hawk and owl species and turkey vulture (*Cathartes aura*). Reptile and amphibian species that may use the terrestrial community include copperhead (*Agkistrodon contortrix*), eastern corn snake (*Pantherophis guttatus*), eastern box turtle (*Terrapene carolina carolina*), eastern fence lizard (*Sceloporus undulatus*), five-lined skink (*Plestiodon fasciatus*), spring peeper (*Pseudacris crucifer*), timber rattlesnake (*Crotalus horridus*), and American bull frog (*Rana catesbeiana*). The dominant species of salamander in these habitats are dusky salamanders (*Desmognathus* spp.).

CEC conducted a file review of records maintained by the US Fish and Wildlife Service (FWS) and the North Carolina Natural Heritage Program (NHP). The desktop literature review involved a review of the FWS list of protected species in Jackson County and the NHP Element Occurrence Data on which NHP identifies current and historic occurrences of listed species for a specific locale. The FWS lists 11 species as occurring in Jackson County that are subject to Endangered Species Act (ESA) Section 7 consultation (see table below). The NHP database identifies 19 element occurrences (EO) within a 1-mile radius of the project site; none of which hold Federal status and are subject to Section 7 consultation.

Common Name	Scientific Name	Federal Status
Bog turtle	<i>Glyptemys muhlenbergii</i>	T (S/A)
Carolina Northern Flying Squirrel	<i>Glaucomys sabrinus coloratus</i>	E
Gray bat	<i>Myotis grisescens</i>	E
Indiana Bat	<i>Myotis sodalis</i>	E
Northern Long-Eared Bat (NLEB)	<i>Myotis septentrionalis</i>	T
Appalachian elktoe	<i>Alasmidonta raveneliana</i>	E
Rusty-patched bumble bee	<i>Bombus affinis</i>	E
Spruce-Fir Moss Spider	<i>Microhexura montivaga</i>	E
Small Whorled Pogonia	<i>Isotria medeoloides</i>	T
Swamp Pink	<i>Helonias bullata</i>	T
Rock Gnome Lichen	<i>Gymnoderma lineare</i>	E

E - Endangered. A taxon “in danger of extinction throughout all or a significant portion of its range.”

T - Threatened. A taxon “likely to become endangered within the foreseeable future throughout all or a significant portion of its range.”

S/A – Similarity of appearance

Review of the National Park Service National Register of Historic Places (NRHP) GIS Public Dataset and the North Carolina State Historic Preservation Office (SHPO) HPOWEB GIS Web Service indicted one historic property within 2 miles of the project area. This historic property was the Joyner Building (JK0004) on the campus of WCU. The Joyner Building was a historic classroom and administrative building. The building burned in 1981 and has been replaced by the Joyner Plaza. TRC Environmental Corporation (TRC) has conducted several archeological surveys and investigations at WCU. On-going and completed studies have identified significant cultural resources at the project site and areas southeast of the site.

Applicant’s Stated Purpose

The project purpose is to enact a development recommendation provided within the WCU 2014 Campus Master Plan. This recommendation includes meeting a growing demand for recreation use and maximizing the utility of existing open spaces on campus. The project will improve the usability of the existing intramural sport fields.

Project Description

The WCU 2014 Master Plan outlines strategies to manage future student growth and identifies needed facilities. WCU enrollment is expected to grow by 2% annually, reaching a projected population of 11,171 by 2023. The plan addresses issues related to new building needs (classroom, administrative and dorms), utilization of existing space, parking and transportation, technology infrastructure, sustainability, safety and security, preservation of campus heritage, and integration of the campus with the surrounding community.

The Western Carolina Campus Recreation and Wellness program has indicated that the current primary spaces utilized for intramural and club sport program need to be improved for safety, functionality, and expanded to meet demand. The Norton fields are proposed to be the site of five additional athletic fields, including one football field, one soccer field, two multipurpose athletic fields, and a hammer throw field. The proposed improvements will also include expansion of parking facilities with the addition of a parking lot on the north end of the intramural field site, capable of accommodating 50 vehicles. The permit modification proposes to fill a total of 0.35 acres of wetlands.

Summary of Proposed Impacts to Jurisdictional Waters

Impact	Aquatic Resource	Type of Impact	Amount
Intermural Field	Wetland	Permanent (fill and grading)	0.35 ac

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment. Pre-project site planning was conducted to delineate and field verify jurisdictional WoUS within the proposed project area. These features were used to select a viable alternative to avoid and minimize impacts to aquatic resources. In preparing the 2014 Master Plan, WCU considered a variety of constraints, including impacts to streams and wetlands. The applicant has proposed a plan which avoids and minimizes impacts to streams and wetlands to the greatest extent practicable and feasible while still accomplishing the overall project purpose.

Compensatory Mitigation

The proposed project involves permanent impacts to jurisdictional WoUS. Upon completion and implementation of practical avoidance and minimization efforts, a total of 0.35 acres of permanent wetland impacts will result in the a permanent loss of WoUS. These unavoidable permanent losses of WoUS will require compensatory mitigation.

CEC conducted NC Wetland Assessment Method (NCWAM) wetlands to be impacted. The applicable methodology calculated an overall rating of “Low” for the wetlands. The applicant is proposing to mitigate for wetland impacts at a 1:1 ratio through NC Division of Mitigation Services (DMS). By letter dated November 13, 2019, DMS has indicated they are willing to accept payment for wetland impacts that may require compensatory mitigation associated with the project. The credits will be within the Little Tennessee River Basin (Tuckasee 06010203 HUC).

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 no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

SHPO and applicable tribal historic preservation offices (THPO) will be notified via Public Notice about the project and will be given the opportunity to comment on the project and its potential effects on cultural resources.

The District Engineer's final eligibility and effect determination will be based upon submitted comments to this public notices from SHPO and/or THPO; and further coordination with the SHPO and/or THPO, as appropriate and required; and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps' permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
- 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.

The FWS will be notified via Public Notice about the project and will be given the opportunity to comment on the project and its potential effects on threatened and endangered species.

The District Engineer's final effect determination will be based upon submitted comments to this public notices from FWS; and further coordination with the FWS, as appropriate and required; and with full consideration given to the proposed undertaking's potential direct and indirect effects on federally threatened or endangered listed species and/or their formally designated critical habitat within the Corps' permit area.

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 February 20, 2020, to:

NCDWR Central Office
Attention: Mr. Paul Wojoski, 401 and Buffer Permitting Unit
(USPS mailing address): 1617 Mail Service Center, Raleigh, North Carolina 27699-1617
Or,
(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDCM):

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

Evaluation

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

Commenting Information

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

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

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, February 20, 2020. Comments should be submitted to:

Mr. David Brown
USACE Wilmington District
Asheville Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, North Carolina, 28801-5006