



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: May 27, 2021  
Comment Deadline: June 25, 2021  
Corps Action ID Number: SAW-2017-01033

The Wilmington District, Corps of Engineers (Corps) received an application from the Foothills Regional Airport Authority seeking Department of the Army authorization to discharge fill into 0.24 acre of wetlands and 1,534 linear feet of stream channel, associated with the construction of a parallel taxiway, at 3566 Foothills Airport Road, Burke County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

**Applicant:** Foothills Regional Airport Authority  
Attn: Brent Brinkley  
3566 Foothills Airport Road  
Morganton, North Carolina 28655

**AGENT (if applicable):** S&ME, Inc.  
Attn: Chris Daves  
134 Suber Road  
Columbia, South Carolina 29210

## Authority

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

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

## Location

Location Description: The project site is located at the existing Foothills Regional Airport, at 3566 Foothills Airport Road, in Morganton, Burke County, North Carolina.

Project Area (acres): 105	Nearest Town: Morganton
Nearest Waterway: Jumping Branch	River Basin: Catawba (03050101)
Latitude and Longitude: 35.8175 N, -81.6154 W	

## Existing Site Conditions

The site is an existing airport facility which includes a runway, airplane hangars, and office buildings.

## Applicant's Stated Purpose

As stated by the applicant, the overall project purpose is to develop, construct, and operate a parallel taxiway west of Runway 03-21 at the Foothills Regional Airport. The parallel taxiway is needed to meet FAA standards and enhance operational safety of aircraft using the Airport. The project will also ensure that the Airport continues to provide general aviation service to Burke and Caldwell Counties. The basic project purpose is to construct a partial parallel taxiway.

## Project Description

The project area consists primarily of wooded side slopes and forested land adjacent to the existing runway. The site contains 0.24 acre of scrub/shrub wetlands adjacent to 1,825 linear feet of perennial stream channel which are unnamed tributaries to Jumping Branch. The existing parallel taxiway at the Foothills Regional Airport provides service to and from the Runway 21 threshold to roughly mid-field of the terminal area. The Proposed Project involves constructing an extension of the parallel taxiway from its current ending location at roughly mid-field to the Runway 03 threshold. The extension is approximately 3,700 feet long and 35 feet wide. The extension will provide the Airport with a full-length parallel taxiway that will greatly enhance safety and Airport capacity. Related items in this project will be sediment/erosion control measures, clearing and grubbing of trees, earthwork, storm drainage, paving, lighting/electrical/airfield signage improvements, and pavement markings. Several potential onsite borrow sources, for the required earthwork, have been identified for potential use during the construction of the proposed project and are included as part of the Proposed Action. All, or portions of, three tributaries and one wetland will be impacted as part of the Proposed Project. The tributary impacts include fill, piping, and rip-rap placement. The proposed piping of the major tributary (S-1) includes an 84-inch diameter reinforced concrete pipe at an approximate two percent slope. A rip-rap apron is proposed for the pipe end at the southern end of the Project Area. On the upstream headwall, an estimated 20 LF of impacts are anticipated to route the channel into the proposed primary storm drainage pipe headwall. The estimated volume of earthwork within the tributaries/wetlands (top

elevation of earthwork at the average top of bank elevation) is approximately 3,000 cubic yards (cy). The total estimated volume of earthwork, that includes the 3,000-cy estimated within the tributaries/wetland, is approximately 645,000 cy. The project as described above will impact 0.24 acre of wetland and 1,534 linear feet of stream channel (0.107 acre). Of the total stream channel impacts proposed, 1,461 linear feet (0.101 acre) of S-1 will be filled/piped, 9 linear feet (0.004 acre) of S-2 will be filled/piped, and 64 linear feet (0.0058 acre) of S-3 will be filled/ piped.

### **Avoidance and Minimization**

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Offsite alternatives were not considered as the Airport's infrastructure (runway, partial taxiway, terminal, etc.) is currently in place. Other onsite alternatives considered included construction of the taxiway on the east side of the existing runway. This alternative would not be functionally possible, would not line up with existing infrastructure, and would not meet FAA standards and therefore it is not reasonable. Another on-site alternative that was evaluated was the relocation of the existing stream channel further to the west versus piping the stream system. Project engineers conducted a high-level estimate of project costs comparing impacting the jurisdictional tributaries and wetland, with compensatory mitigation paid for these impacts, versus possible relocation of the jurisdictional tributary west of the existing tributary location and outside of the proposed soil embankment limits of the proposed taxiway extension. The results of this analysis showed the estimated construction costs of these two options to be relatively close; but when the five-year estimated monitoring costs, repair and follow-up estimated construction costs associated with the tributary relocation option were considered, the Applicant selected to continue with the preferred option. In addition, the wetland impact could not be avoided with the tributary relocation option. Current design has 1,534 LF of an overall 1,825 LF of tributaries being impacted. The piping impacts of the preferred alternative were reduced with 291 LF of both S-1 (171 LF) and S-3 (120 LF) remaining, less impactful than piping/filling all the tributaries in the Project Area.

### **Compensatory Mitigation**

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Payment into the North Carolina Division of Mitigation Services (NCDMS) at a ratio of 2:1 for both stream and wetland impacts.

### **Essential Fish Habitat**

The Corps' determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that: No 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).

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

## **Endangered Species**

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information: The Corps 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 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for a 401 Certification should do so, in writing, by July 25, 2021 to:

NCDWR Central Office  
Attention: Mr. Paul Wojowski, 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 (NCDWM):** 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 25, 2021. Comments should be submitted to Amanda Jones Fuemmeler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980, extension 4225.