



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: May 22, 2023
Comment Deadline: June 22, 2023
Corps Action ID Number: SAW-2023-00994

The Wilmington District, Corps of Engineers (Corps) received an application on May 10, 2023 from the Greater Asheville Regional Airport Authority to construct a parking lot immediately south of Terminal Drive and adjacent to Rental Car Drive, in Asheville, Buncombe 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: Greater Asheville Regional Airport Authority
Mr. Michael Reisman
61 Terminal Drive, Suite 1
Fletcher, NC 28732

AGENT (if applicable): ClearWater, an EnviroScience Company
Mr. Eric Romaniszyn
145 7th Avenue West, Suite B
Hendersonville, NC 28792

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 Parking Expansion project will be located south of Asheville in Buncombe County, North Carolina. Specifically, the project area will be immediately south of the commercial property (gas station and restaurant) at the intersection of

Terminal Drive with Airport Road/Highway 280. The project site is to the right (east) of Rental Car Drive. The site is bordered to the north by the commercial property, east by Airport Road/Highway 280, and to the south and west by the airport runway.

Project Area (acres): 13

Nearest Town: Asheville

Nearest Waterway: French Broad River River Basin: French Broad

Latitude and Longitude: 35.428723 N, -82.535504 W

Existing Site Conditions

The project site was forested until recently in which the trees were removed along a majority of the site. The site is sloping with an average elevation of approximately 2,100 feet above mean sea level. The site contains stream channels and wetlands that drain to the French Broad River. There are three unnamed stream channels on the site which total 2,640 linear feet and two wetland areas which total 0.064 acres. Stream 1 (S1) is a perennial stream channel which totals 2,020 linear feet; Stream 2 (S2) is an intermittent stream channel which totals 145 linear feet; and Stream 3 (S3) is a perennial stream channel which totals 485 linear feet. The two wetlands on-site, W1 (0.004 acre) and W2 (0.06 acre) are considered headwater forested wetlands.

Applicant's Stated Purpose

The purpose of the project as stated by the Applicant is to construct a new shuttle/parking lot to expand the number of parking spaces available to airport users. This new area will add 652 parking spots.

Project Description

In order to construct this new shuttle/parking area, the Applicant is proposing to permanently impact 745 linear feet of stream channel and 0.062 acre of wetlands. Approximately 125 linear feet of S1 and 620 linear feet of S2 will be filled/culverted. There will be approximately 5.45 acres of impervious surfaces installed including parking areas, access roads, driveways, sidewalks, and Rental Car Drive widening. Stormwater will be collected in a curb and gutter collection system and transported via a 36" RCP to a detention and treatment basin adjacent to the south end of the parking lot.

Avoidance and Minimization

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

The proposed Asheville Airport Parking Expansion will provide the necessary improvements to accommodate the growing visitor parking demand at AVL. The Asheville Airport is the only FAA air traffic control towered airport in WNC, the only FAA part 139 certificated airport, and the only 10 airport equipped to adequately serve this market. The airport is an essential part of the economic development of the area and air

transportation is a growing component for the region. The Asheville Airport has a need to expand in order to meet the needs of the regional aviation industry. Airport property is linear in nature and limited by the existing boundaries of the French Broad River, Interstate 26, and NC Highway 280. Due to the limited real estate available for aviation use with access to taxiways, runway systems, and public roadways, the proposed development area is the airport's best alternative and most feasible development parcel to accommodate the proposed parking expansion. It is the purpose of this project to meet the economic development needs of Asheville, Buncombe County and Western North Carolina by providing additional visitor parking with approximately 5.45 acres of parking lot and access roads.

Impacts to upland areas, wetlands and stream impacts have been reduced to the minimum amount necessary to complete the project:

- The site covers approximately 13.01 acres but the new construction will only cover an area of approximately 5.45 acres;
- There are approximately 2,626 linear feet of streams on the property, this project will avoid impacts to 1,881 linear feet of streams;
- The original plans included a 96" culvert for the western bridge crossing; this was replaced with a bridge spanning the stream to avoid stream impacts; and
- The impacted area includes a stormwater detention basin to capture and treat runoff before it flows into the stream.

Compensatory Mitigation

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

To mitigate for stream channel and wetland impacts through payment into the N.C. Division of Mitigation Services (DMS) in lieu fee program at a 1.5:1 ratio.

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.

- This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact (CHOOSE ALL THAT APPLY- marine substrate, estuarine substrate, water columns, emergent wetlands, submerged aquatic vegetation, artificial reefs, hardbottoms) (see project description) utilized by various life stages of the following species: (CHOOSE ALL THAT APPLY – coastal migratory pelagics, corals, golden crab, shrimp, snapper grouper, spiny lobster, Atlantic highly migratory species). Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by Fishery

Management Councils and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

- The Corps will consult under the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.
- The Corps has initiated consultation the Magnuson-Stevens Act and will not make a permit decision until the consultation process is complete.

Cultural Resources

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

- Should historic properties, or properties eligible for inclusion in the National Register, be present within the Corps' permit area; the proposed activity requiring the DA permit (the undertaking) is a type of activity that will have no potential to cause an effect to an historic properties.
- No historic properties, nor properties eligible for inclusion in the National Register, are present within the Corps' permit area; therefore, there will be no historic properties affected. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Properties ineligible for inclusion in the National Register are present within the Corps' permit area; there will be no historic properties affected by the proposed work. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; however, the undertaking will have no adverse effect on these historic properties. The Corps subsequently requests concurrence from the SHPO (or THPO).
- Historic properties, or properties eligible for inclusion in the National Register, are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps subsequently initiates consultation with the SHPO (or THPO).
- The proposed work takes place in an area known to have the potential for the presence of prehistoric and historic cultural resources; however, the area has not been formally surveyed for the presence of cultural resources. No sites eligible for inclusion in the National Register of Historic Places are known to be present

in the vicinity of the proposed work. Additional work may be necessary to identify and assess any historic or prehistoric resources that may be present.

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

Endangered Species

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

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.
- The Corps determines that the proposed project may affect federally listed endangered or threatened species or their formally designated critical habitat.
- 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 applicant did not provide or satisfy all the elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. 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 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 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 June 22, 2023 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 (NCDCM):

- The application did not include a certification that the proposed work complies with and would be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2 (b)(2) the Corps cannot issue a Department of Army (DA) permit for the proposed work until the applicant submits such a certification to the Corps and the NCDCM, and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification. As the application did not include the consistency

certification, the Corps will request, upon receipt,, concurrence or objection from the NCDCM.

- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

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

Commenting Information

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

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

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, June 22, 2023. Comments should be submitted to Ms. Amanda Jones Fuemmeler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980 extension 4225. Comments may also be submitted to AshevilleNCREG@usace.army.mil

