



# PUBLIC NOTICE

**US Army Corps  
Of Engineers**  
Wilmington District

Issue Date: May 23, 2024  
Comment Deadline: June 22, 2024  
Corps Action ID Number: SAW-2024-00897

The Wilmington District, Corps of Engineers (Corps) received an application on April 22, 2024 from Greater Asheville Regional Airport Authority seeking Department of the Army authorization to discharge 0.028 acres of fill, associated with the replacement and extension of a culvert 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:** Mr. Michael Reisman  
Greater Asheville Regional Airport Authority  
61 Terminal Drive, Suite 1  
Fletcher, NC 28732

**AGENT (if applicable):** Mr. Eric Romaniszyn  
ClearWater, an EnviroScience Company  
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 culvert extension project will be located south of Asheville in Buncombe County, North Carolina. Specifically, the project area will be south of the airport runway, north of the intersection of French Broad Ln and Airport Road/Highway 280. The site is bordered to the north by the airport runway, east and south by Airport Road/Highway 280, and to the west by the airport runway and Ferncliff Park Dr.

Project Area (acres): 1.85

Nearest Town: Asheville

Nearest Waterway: French Broad River

River Basin: French Broad

Latitude and Longitude: 35.423337N, -82.536040W

## **Existing Site Conditions**

The project site is vegetated with maintained grass along a majority of the site. The site is sloping with an average elevation of approximately 2,070 feet above mean sea level. The site contains a stream channel and that drains to the French Broad River. The unnamed stream channel Stream 1 (S1) is a perennial stream channel which totals 687 linear feet. The site contains 123 linear feet of existing culverted stream.

## **Applicant's Stated Purpose**

The purpose of the project as stated by the Applicant is to replace and extend an existing culvert to comply with Federal Aviation Administration design standards for the Runway Safety Area by expanding the Runway Object Free Area for greater airport security as well as provide streambank erosion protection.

## **Project Description**

In order to expand the Runway Object Free Area, the Applicant is proposing to permanently impact 242 linear feet of stream channel by filling/culverting as well as replacing 123 linear feet of existing culvert. Approximately 365 linear feet of S1 will be filled/culverted.

## **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 culvert will only be extended the minimum length needed to be located out of the ROFA fenced in area. This will avoid approximately 445 linear feet of stream in the project area (65%). Appropriate erosion and sediment controls will be used during all construction phases, including silt fence and stabilizing with seed and straw when construction activities are complete. The upstream and downstream ends of the new culvert will be protected with pre-cast, 96-inch concrete headwalls that will also be

stabilized with rip-rap. The culvert and headwalls will be installed in-the-dry using a pump around system; installation details are provided in Figure 5. Any fill used for this project will be clean fill dirt..

### **Compensatory Mitigation**

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

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

### **Essential Fish Habitat (EFH)**

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:

- Should historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) be present within the Corps' permit area, the proposed activity requiring the DA permit (the undertaking) is a type of activity that has no potential to cause an effect to an historic property.

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.

### **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 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 180 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 should do so in writing, within 30 days of the issue date of the notice by emailing comments to [publiccomments@deq.nc.gov](mailto:publiccomments@deq.nc.gov) with the subject line of “401 Water Quality Certification” or by mail to:

NCDWR Central Office  
Attention: Stephanie Goss, 401 and Buffer Permitting Branch  
(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 6, 2024. Comments should be submitted to Mr. Mitchell Anderson, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, or via email at Mitchell.I.Anderson@usace.army.mil. The Corps Project Manager can be contacted at (828) 271-7980 extension 4231. Comments may also be submitted to AshevilleNCREG@usace.army.mil.