



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: September 26, 2005
Comment Deadline: October 25, 2005
Corps Action ID #: 200531167

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. 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 www.saw.usace.army.mil/wetlands

Applicant: Charlotte-Douglas International Airport
C/O Jerry Orr
Mr. Brian Hennessey
Post Office Box 19066
Aviation Department
Charlotte, North Carolina 28219

AGENT (if applicable): ClearWater Environmental Consultants
Mr. R. Clement Riddle, P.W.S.
224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The proposed project is located within the Charlotte Douglas International Airport (CLT) Expansion Area of approximately 2,500 acres of land in the City of Charlotte, North Carolina (35.2147389°N, 80.942716°W). The proposed project footprint comprises approximately 60 acres within the project expansion area. The airport is bounded to the north by US 74 (Wilkinson Boulevard). To the east the project is bounded by existing Runway 18R/36L. The southern project boundary is located just south of Byrum Drive. To the west, Interstate 485 Outer Beltway is under construction and creates a definitive boundary for the airport.

The study area contains a variety of both permanent (Coffey Creek and Ticer Creek), the upper reaches of named intermittent streams (Little Paw Creek and Beaverdam Creek), and numerous headwaters of small unnamed intermittent streams. All of these channels are part a tributary system to the Catawba River, which is navigable below the Mountain Island Dam.

Existing Site Conditions

The 2,500-acre site consists mostly of upland areas. There are 21.76 acres of jurisdictional Waters of the U.S. including wetlands. Upland areas included the following habitat types:

- Oak-Pine-Hickory Forest. The study area was predominately secondary forest situated on a soil moisture gradient ranging from sub-mesic to well drained. Typical species in the forests were white oak (*Quercus alba*), blackjack oak (*Q. marilandica*), willow oak (*Q. phellos*), red oak (*Q. rubra*), southern red oak (*Q. falcate*), red maple (*Acer rubrum*), mockernut hickory (*Carya tomentosa*), pignut hickory (*C. glabra*), sweet pignut (*C. ovalis*), Virginia pine (*Pinus virginiana*), shortleaf pine (*P. echinata*), and red cedar (*Juniperus virginiana*). Subdominant species were hackberry (*Celtis occidentalis*), basswood (*Tilia heterophylla*), beech (*Fagus americana*), black locust (*Robinia pseudoacacia*), white ash (*Fraxinus americana*), and black walnut (*Juglans nigra*). Understory species were comprised of slippery elm (*Ulmus rubra*), blueberry (*Vaccinium atrococcum*), silverberry (*Eleagnus umbellate*), red cedar, strawberry bush (*Euonymus americanus*), black haw (*Viburnum prunifolium*), flowering dogwood (*Cornus florida*), black cherry (*Prunus serotina*), winged sumac (*Rhus copallina*), American hornbeam (*Carpinus caroliniana*), red bud (*Cercis canadensis*), and American holly (*Ilex opaca*). Woody vines included Japanese honeysuckle (*Lonicera japonica*), moonseed (*Menispermum canadense*), kudzu-vine (*Pueraria lobata*), Carolina rose (*Rosa carolina*), muscadine grape (*Vitis rotundifolia*), poison ivy (*Toxicodendron radicans*), blackberry (*Rubus allegheniensis*), greenbrier (*Smilax rotundifolia*), and Virginia creeper (*Parthenocissus quinquefolia*). The herb layer was generally composed of bluegrass (*Poa* spp.), fescue (*Festuca* spp.), ryegrass (*Lolium perenne*) and sedges (*Carex* spp.). Common forbs included five-finger (*Potentilla canadensis*), bedstraw (*Galium aparine*), wild licorice (*G. circaezans*), cranesbill (*Geranium carolinianum*), mayapple (*Podophyllum peltatum*), violets (*Viola sororia*), wild ginger (*Asarum canadensis*), snakeroot (*Sanicula gregaria*, *S. canadense*), wild strawberry (*Fragaria virginica*), spotted wintergreen (*Chimaphila maculata*), puttyroot (*Aplectrum hyemale*), sweet cicely (*Osmorhiza claytonii*), liver-leaf (*Hepatica americana*), and bloodroot (*Sanguinaria canadensis*). Woodland ferns common in the survey area included Christmas fern (*Polystichum acrostichoides*), wood fern (*Dryopteris marginalis*), grape fern (*Botrychium dissectum*), rattlesnake fern (*B. virginianum*), and ebony spleenwort (*Asplenium platyneuron*).
- Bottomland Forests. Shafale and Weakley (1990) reserve the term bottomland forest for floodplain ridges and terraces. Thus, the moist woodlands found adjacent to intermittent streams, drainageways, and ponds were identified as Alluvial/Upland Depression Swamp Forests (Report on Biotic Communities). Dominant tree species included tulip poplar (*Liriodendron tulipifera*), red maple, green ash (*Fraxinus pennsylvanica*), sweet gum, sycamore (*Platanus occidentalis*), box elder (*Acer negundo*), cottonwood (*Populus*

deltoids), and black willow (*Salix nigra*). The understory community was composed of river birch (*Betula nigra*), America hornbeam (*Carpinus caroliniana*), and smooth alder (*Alnus serrulata*), in addition to the trees listed above. The herb layer contained sedges (*Carex vulpinoidea*, *C. frankii*, *C. crinata*, *C. spp.*), bedstraw (*Galium aparine*), spotted touch-me-not (*Impatiens capensis*), snakeroot, golden ragwort (*Senecio aureus*), white avens (*Geum canadense*), jack-in-the-pulpit (*Arisaema triphyllum*), sensitive fern (*Onoclea sensibilis*), stonecrop (*Sedum ternatum*), and the exotic, invasive grass (*Eulalia viminea*).

- Old Field and Scrub/Shrub. Old-field growth was identified in scattered areas throughout the survey area, but predominantly within the existing airport property. Widely dispersed empress-trees (*Paulownia tomentosa*), though not dominant, were observed colonizing old-field and scrub/shrub areas at CLT. Grasses such as Canada bluegrass (*Poa compressa*), Kentucky bluegrass (*P. pratensis*), timothy (*Phleum pratense*), red fescue (*Festuca rubra*), barnyard grass (*Echinochloa crus-galli*), green foxtail grass (*Setaria viridis*), and orchard grass (*Dactylis glomerata*) were common. Broadleaf herbaceous species included goldenrod (*Solidago spp.*), common milkweed (*Asclepias syriaca*), curly dock (*Rumex crispus*), ox-eye daisy (*Chrysanthium leucanthemum*), wild carrot (*Daucus carota*), poke (*Phytolacca americana*) bush clover (*Lespedeza spp.*), tick-trefoil (*Desmodium spp.*), mugwort (*Artemisia vulgaris*), small white aster (*Aster vimineus*), blackberry (*Rubus spp.*) and ragweed (*Ambrosia spp.*)
- Urban-Industrial-Turf. Turf grass or maintained lawns were identified in the vicinity of the existing airport facility and at commercial and residential properties in the study area. These areas undergo regular mowing. Vegetation in these areas was dominated by a variety of introduced grasses including perennial ryegrass (*Lolium perenne*), redtop (*Agrostis gigantea*), red fescue, Kentucky bluegrass (*Poa pratensis*), and annual bluegrass (*P. annua*). Other common herbaceous species included dandelion (*Taraxacum officinale*), lyre-leaf sage (*Salvia lyrata*), yellow wood sorrel (*Oxalis stricta*, *O. europea*), common plantain (*Plantago major*), lance leaf plantain (*Plantago lanceolata*), and white clover (*Trifolium repens*). A large percentage of the project areas is covered with roads and other hard surfaces or impervious coatings.
- Disturbed – Unvegetated. Examples of this land use were observed in the soil harvesting operations or borrow areas conducted by outside contractors on behalf of CLT, which covered approximately 153 acres in the project area. This land use fluctuates with Old Field vegetation. A demolition debris disposal area covers approximately 18 acres of the airport property north of Old Dowd Road. Another 37 acres of disturbed land is located south of Byrum Road.

Vegetated wetlands were delineated throughout of the study area. Total acreage of wetlands in the study areas is 3.78 acres. Wetlands were subdivided into three types based on the plant communities: 1.) Palustrine Scrub/Shrub and Emergent Wetlands describes areas with an open canopy of small broad-leaf deciduous trees and/or broad-leaf deciduous shrubs and an extensive persistent herb layer; 2.) Palustrine Emergent and Scrub/Shrub Wetland is a mixed-vegetation wetlands type described a single area dominated by herbaceous ground cover but was surrounded by small broad-leaf deciduous trees and/or broad-leaf deciduous shrubs and 3.) Palustrine Forest and Scrub/Shrub Wetlands are wetland forests in the project area, which were characterized by

widely-spaced mature broad-leaf deciduous trees and densely-packed broad-leaf deciduous shrubs.

Ticer Creek and Coffee Creek are the only U.S.G.S perennial streams found on-site. These streams have water flow throughout the year. Because of the year around flow and swiftness of the water current there is no rooted vegetation in these streams. Biological indicators observed in these streams included fish, crayfish, and small invertebrates. Vegetation along the banks of these streams varied but generally has a large canopy that is dominated by American sycamore, yellow poplar, eastern white pine (*Pinus strobus*), and red maple. Saplings of the above species dominated the scrub/shrub layer along the streambed and banks. The herbaceous layer was dominated by Christmas fern (*Polystichum acrostichoides*), ebony spleenwort (*Asplenium platyneuron*), and blackberry.

The intermittent streams located within the project boundary have moderate flow most of the year. In other parts of the year, these streams have little or no flow and are filled with leaf litter. The moderate flow does not allow rooted vegetation to thrive. These streams were observed to have stable stream banks, scattered persistent pools, channel substrate and biological indicators such as crayfish and amphibians were observed in and around persistent pools. Vegetation in the riparian areas included American sycamore, yellow poplar, eastern white pine, and southern red oak (*Quercus falcata*). The scrub/shrub layer was dominated by saplings of all of the above species and included sweet gum. The herbaceous layer is dominated by Christmas fern, ebony spleenwort, blackberry, and greenbrier.

“Unimportant” intermittent streams within the project boundary have little or no flow most of the year. There is little vegetation in the beds of these streams because they are mostly filled with silt that occurs during heavy amounts of rainfall. Along with silt there is a high content of leaf litter on the streambed. These streams lack a persistent flow, stable stream banks, crawfish, minnows, in-stream habitat structure, adjacent wetlands, and rifle pool structures typically observed in higher quality intermittent streams. The classification of these streams was verified in the field by Mr. Dave Penrose (DWQ) and Ms. Amada Jones (USACE) In August 2003.

A total of eight ponds were identified within the study area. The total acreage of open water in the study area was estimated to be 8.60 acres (Table 2). These water bodies are itemized in Table 2. Six of these are impoundments are jurisdictional waters of the U.S. and are located on intermittent streams. Two of the ponds are isolated and non-jurisdictional. Common shoreline vegetation of the water bodies consisted of smooth alder, cottonwood, sycamore, and willow. Scrub/shrub growth along pond borders included alder, slippery elm, buttonbush (*Cephalanthus occidentalis*), swamp rose, multiflora rose, and blackberry. Floating aquatic vegetation was present in the larger bodies of open water and included pondweed (*Potamogeton crispus*), duckweed (*Lemna minor*), and coontail (*Ceratophyllum demersum*).

Applicant's Stated Purpose

The specific purposes of this project is to provide sufficient runway length to accommodate potential air transportation demand; provide sufficient ancillary facilities to support the potential

increase in air and ground transportation demand; and minimize potential impacts on human health and environment by reducing noise impacts on the surrounding communities.

Project Description

The specific proposed project in this phase includes the extension of runway 18R/36L, relocation of West Boulevard, and relocation a portion of Old Dowd Road. These three proposed activities are essential and independent of future expansion considerations. They are necessary whether the third proposed runway is located on the eastern side of I-485 as currently approved in the Record Of Decision or located on the west side of I-485 as being proposed under the Supplemental Environmental Impact Statement (SEIS) under preparation.

The proposed Wetland Master Plan (PLAN) includes impacts to U.S. Army Corps of Engineers (USACE) jurisdictional waters of the U.S. including wetlands for construction of a runway extension (18R/36L, taxiways F and Echo), road relocations (West Boulevard and a portion of Old Dowd Road). The following is a description of activities for the preferred alternative:

- Extension of Runway 18R/36L to a length of 12,000 feet by constructing a 2,000 foot southerly extension with parallel and connecting taxiways and associated lighting. Additionally, the southerly extension was selected because it provides the necessary length for long haul capacity and provides the most efficient use of the airport for departures with the least environmental impact.
- Relocation of West Boulevard around the south end of the airport from the eastern end of Runway 36R and closure of Byrum Road; Relocation of the northern portion of Old Dowd Road, just east of I-485 Outer Beltway (the final alignment of Wallace Neal Road will either be parallel to I-485 on the east or west side). The Wallace Neal Road and third runway alternatives are under discussion in the forthcoming Supplemental Environmental Impact Statement.
- To accomplish these activities the applicant proposes to impact 5,450 linear feet of perennial and intermittent, important streams; 528 linear feet of unimportant, intermittent channels; 0.176 acres of open waters/ponds; and 0.652 acres of wetlands. Jurisdictional Waters of the U.S./wetlands were delineated throughout the study area and verified by the U.S. Army Corps of Engineers on January 8, 2001.

Due to the extensive project proposal and the necessary time to construct these projects, the Project applicant is requesting that this Individual Permit be valid for a period of 7 years from the date of issuance.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and

this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by October 25, 2005.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the proposed work. A Memorandum of Agreement between the North Carolina Department of Cultural Resources and the CLT was implemented on August 11, 1999 (attached) to resolve issues related to these resources.

Endangered Species

The Corps has 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 has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Surveys were performed for federally protected species as part of the Environmental Impact Statement. The US Fish and Wildlife Service (USFWS) concurred in their December 4, 1998 letter that the project will not affect endangered or threatened species or their habitats. In order to update this study, CLT plans to conduct surveys within the proposed project areas during the flowering season (September) for listed species known to occur in Mecklenburg County (*Helianthus schweinitzii*). A copy of this report will be forwarded to the USACE and USFWS.

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.

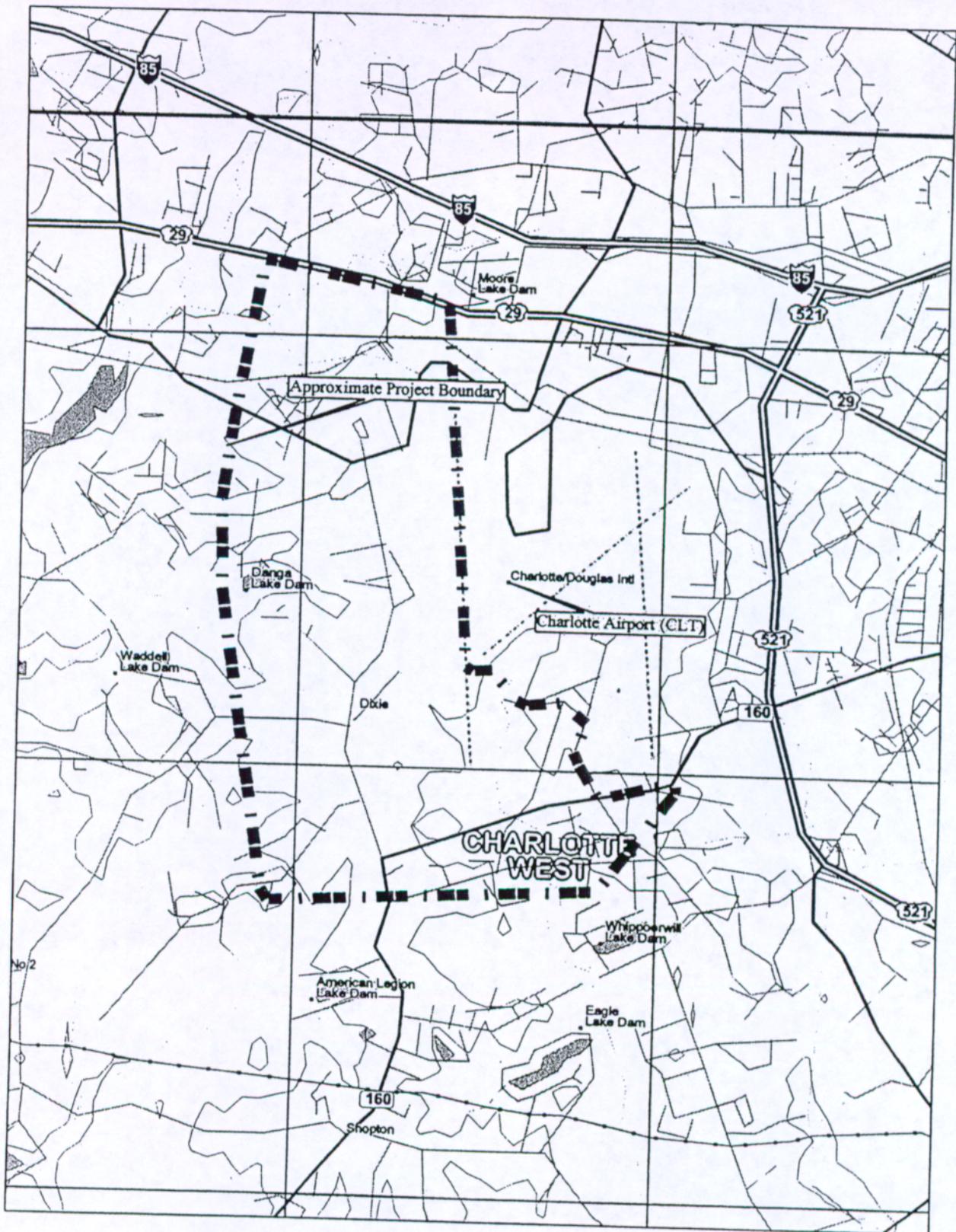
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; 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 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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, October 25, 2005. Comments should be submitted to

Ms. Angie Pennock
US Army Corps of Engineers
Asheville Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006



BASE MAP BY DeLORME 3-D TOPO QUADS 1999



WEST EXPANSION MASTER PLAN

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PROJECT NO.: 73100108

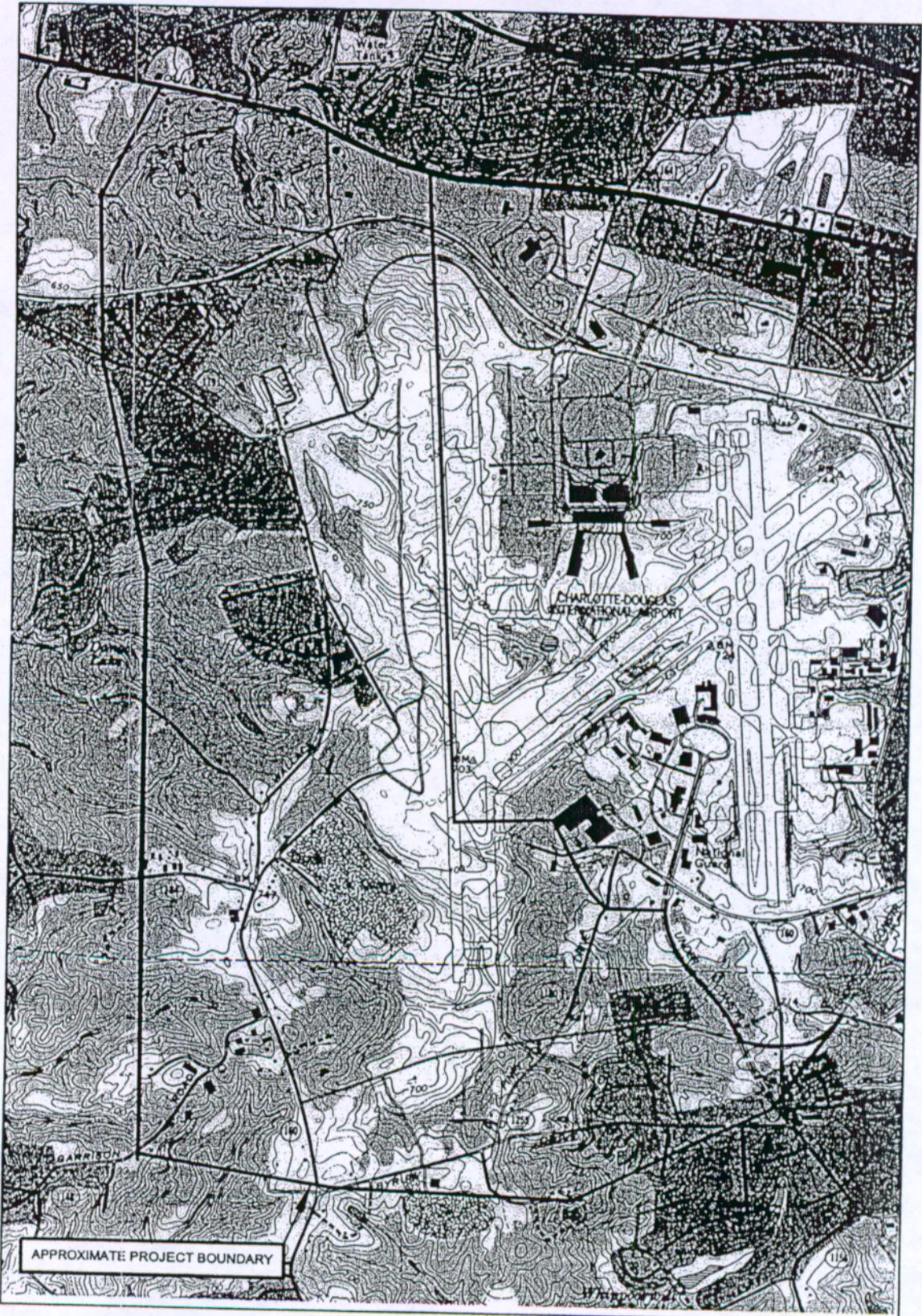
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BASE MAP FROM USGS TOPOGRAPHIC MAPS "CHARLOTTE WEST" 1993



WEST EXPANSION MASTER PLAN

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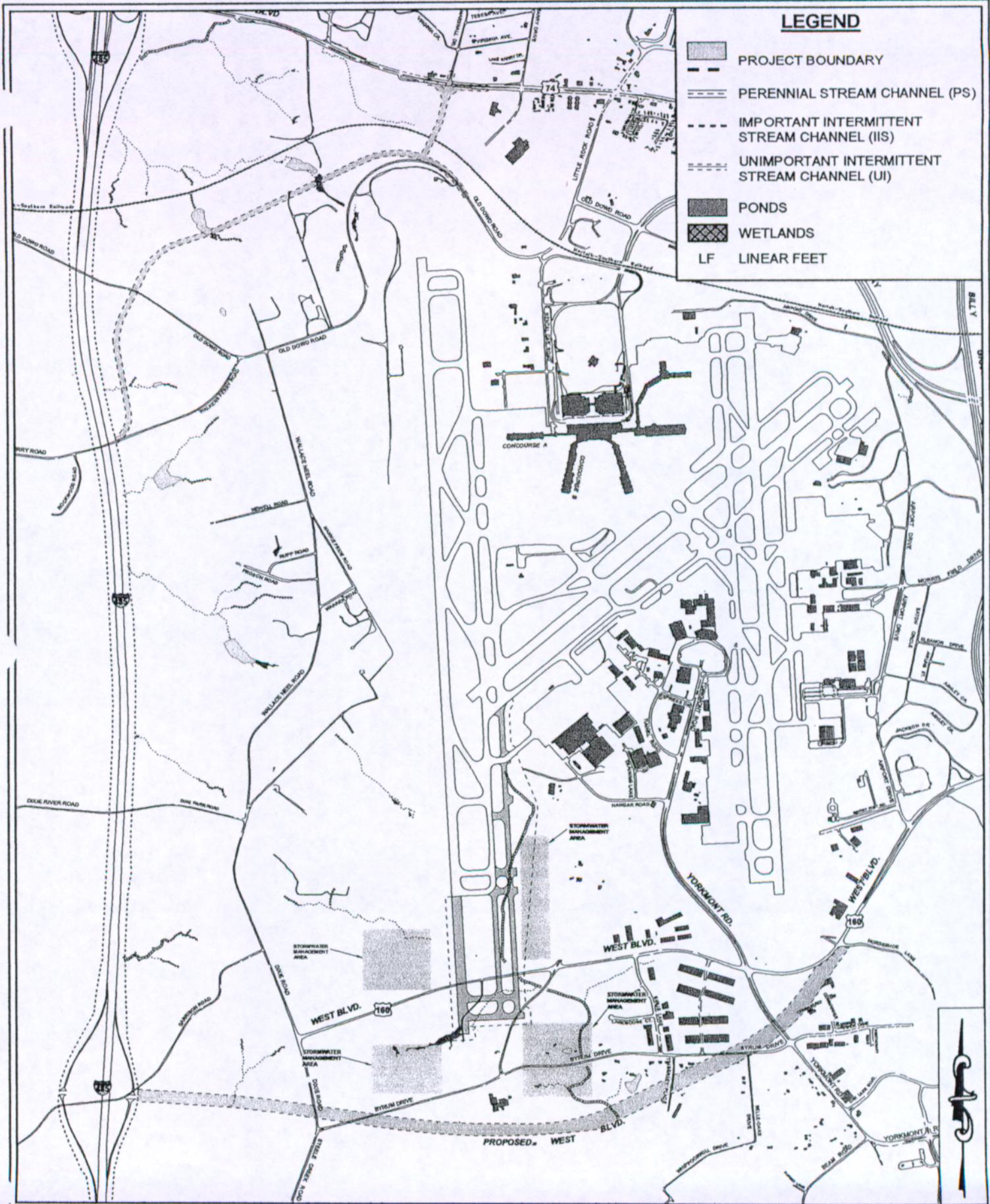
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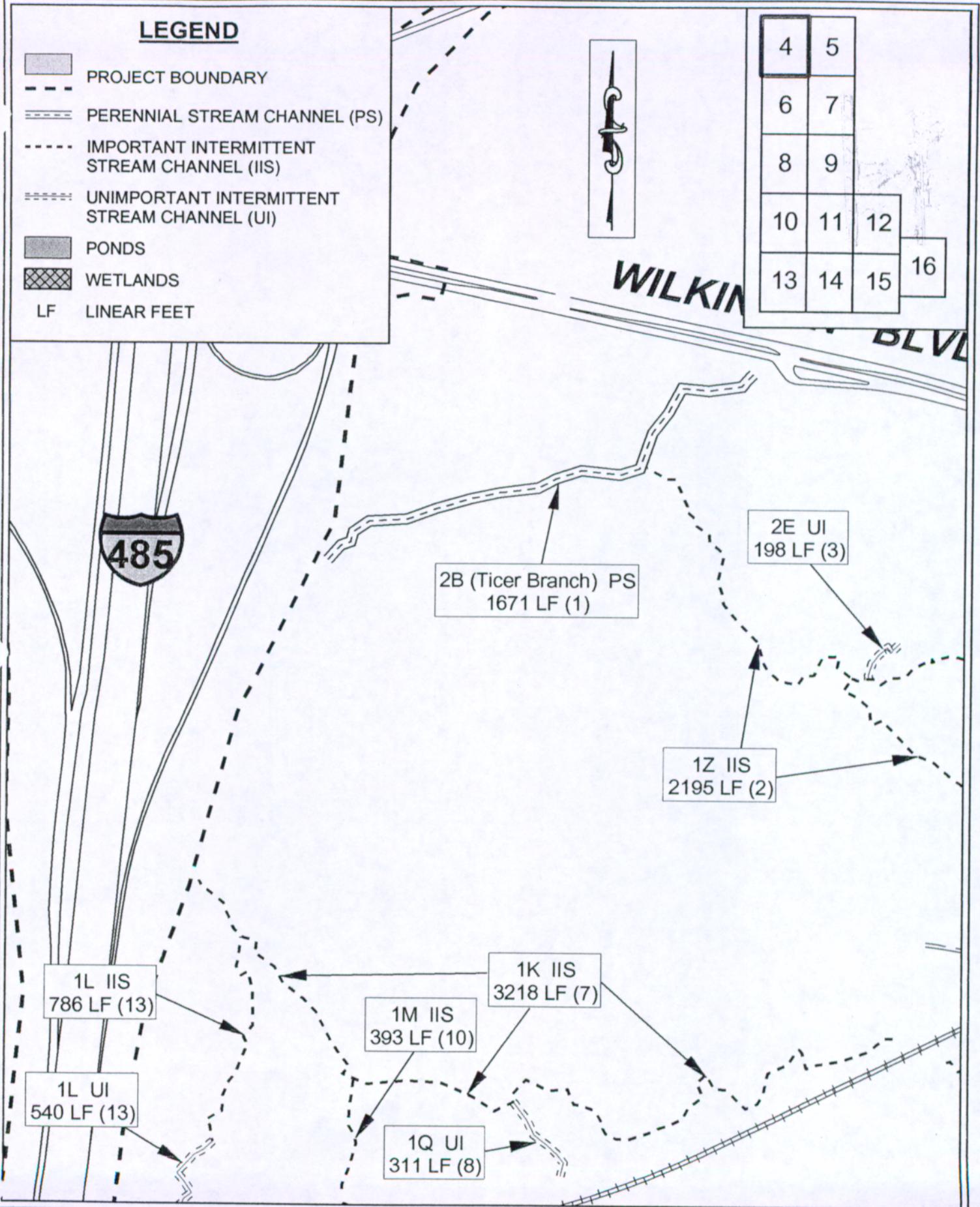
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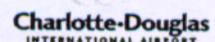
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-  PERENNIAL STREAM CHANNEL (PS)
-  IMPORTANT INTERMITTENT STREAM CHANNEL (IIS)
-  UNIMPORTANT INTERMITTENT STREAM CHANNEL (UI)
-  PONDS
-  WETLANDS
- LF LINEAR FEET



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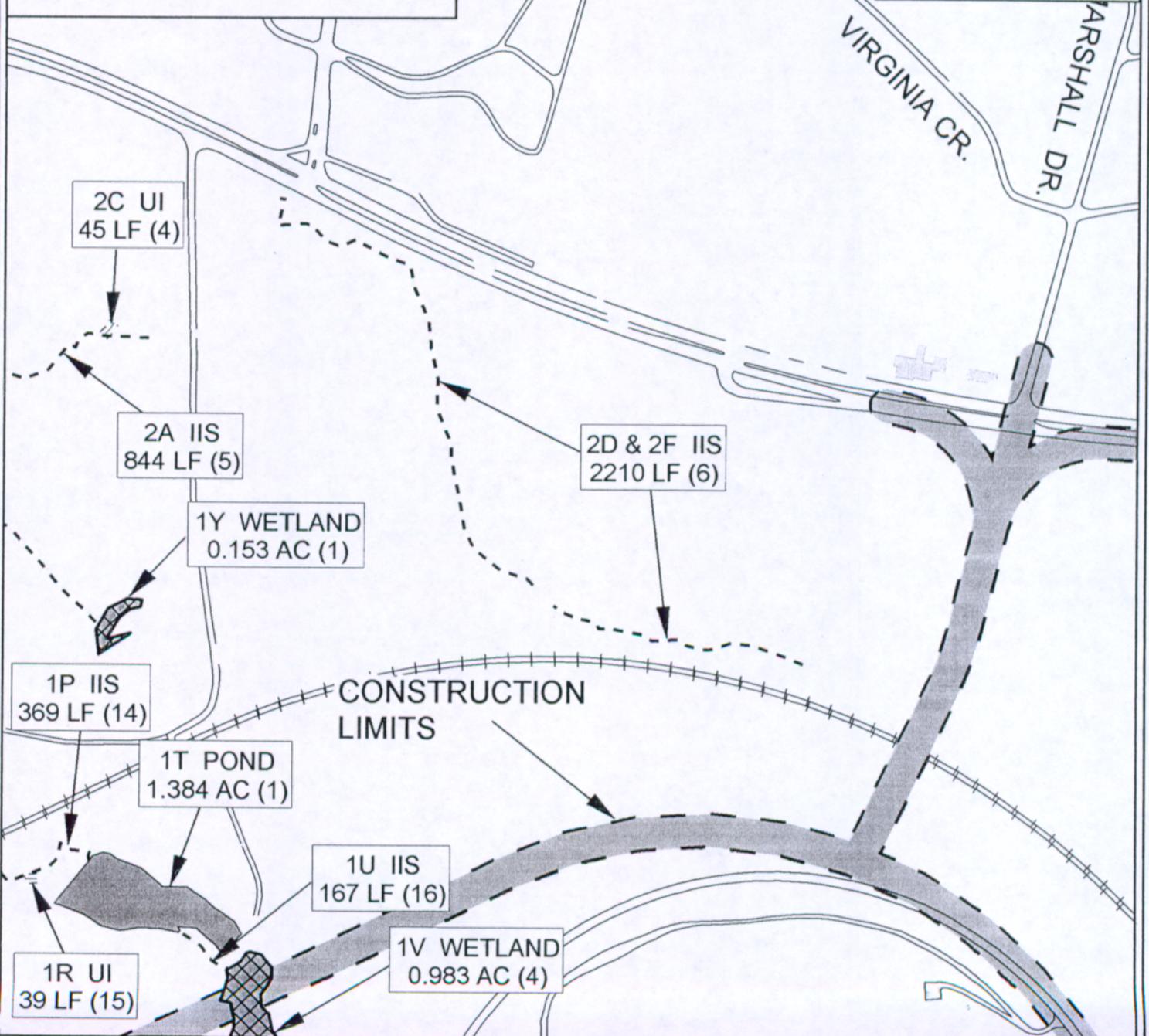
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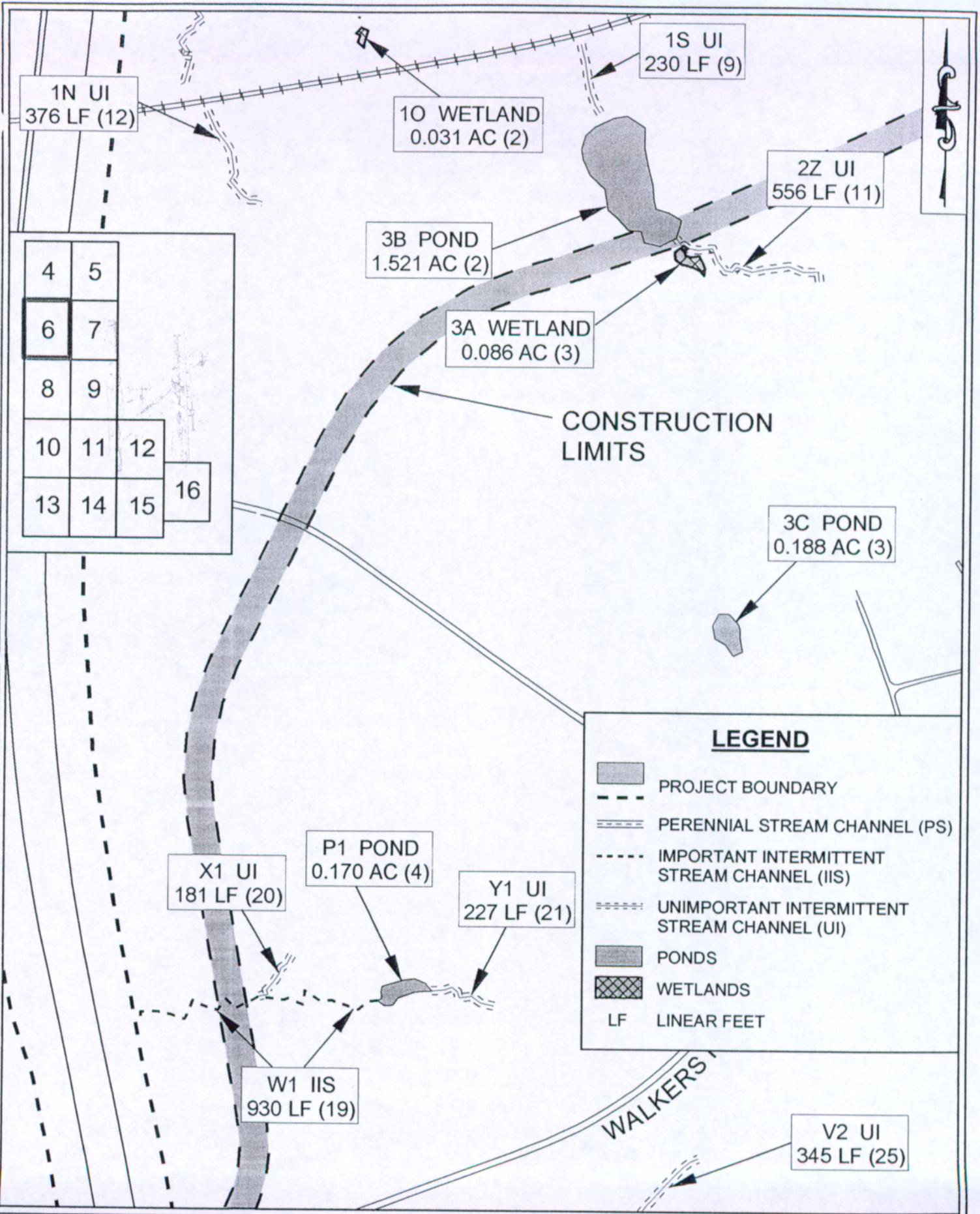
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-  PROJECT BOUNDARY
-  PERENNIAL STREAM CHANNEL (PS)
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1N UI
376 LF (12)

10 WETLAND
0.031 AC (2)

1S UI
230 LF (9)

2Z UI
556 LF (11)

3B POND
1.521 AC (2)

3A WETLAND
0.086 AC (3)

CONSTRUCTION
LIMITS

3C POND
0.188 AC (3)

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X1 UI
181 LF (20)

P1 POND
0.170 AC (4)

Y1 UI
227 LF (21)

W1 IIS
930 LF (19)

V2 UI
345 LF (25)

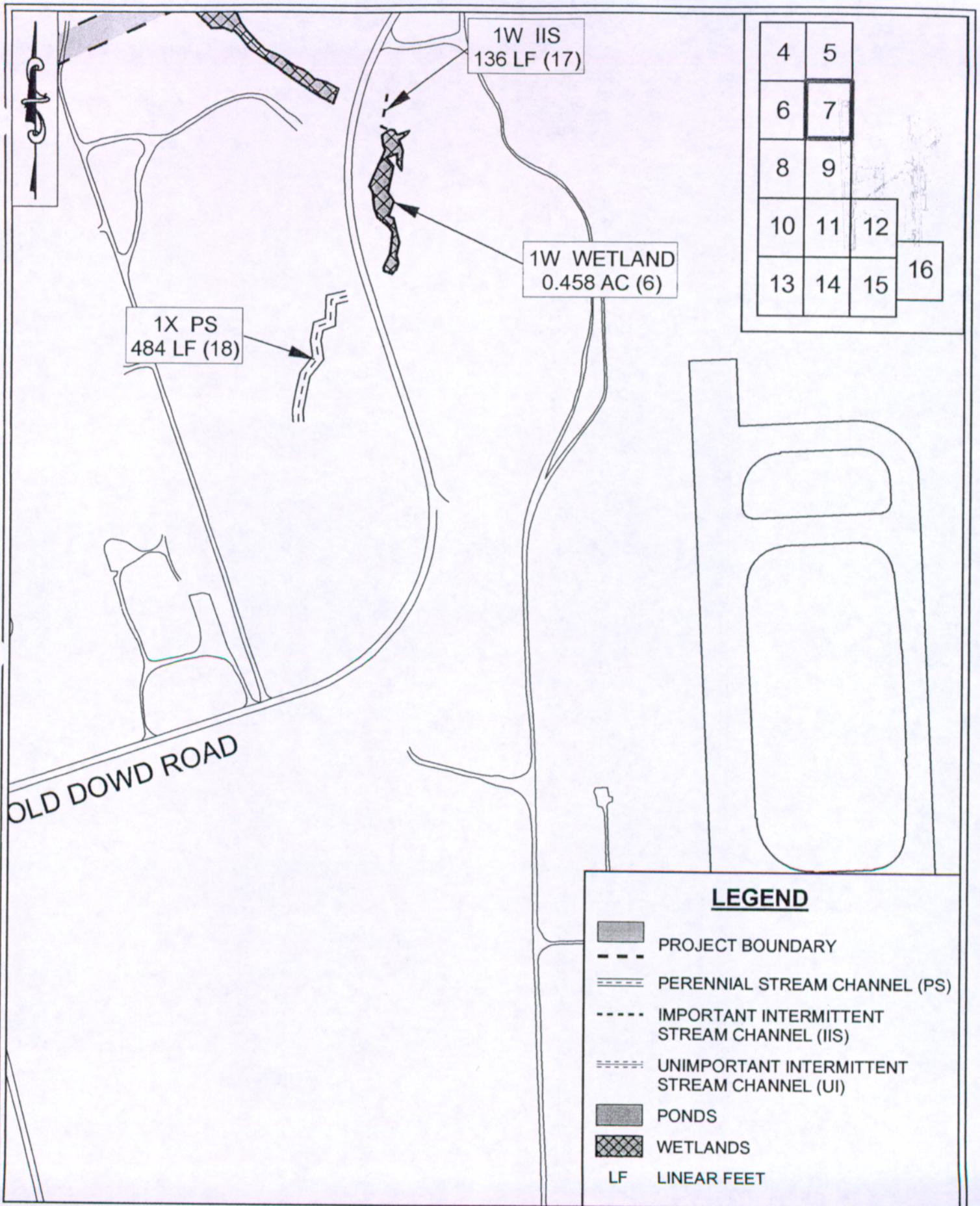
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- PROJECT BOUNDARY
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- UNIMPORTANT INTERMITTENT STREAM CHANNEL (UI)
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WALKERS ST

2005 PERMIT 1

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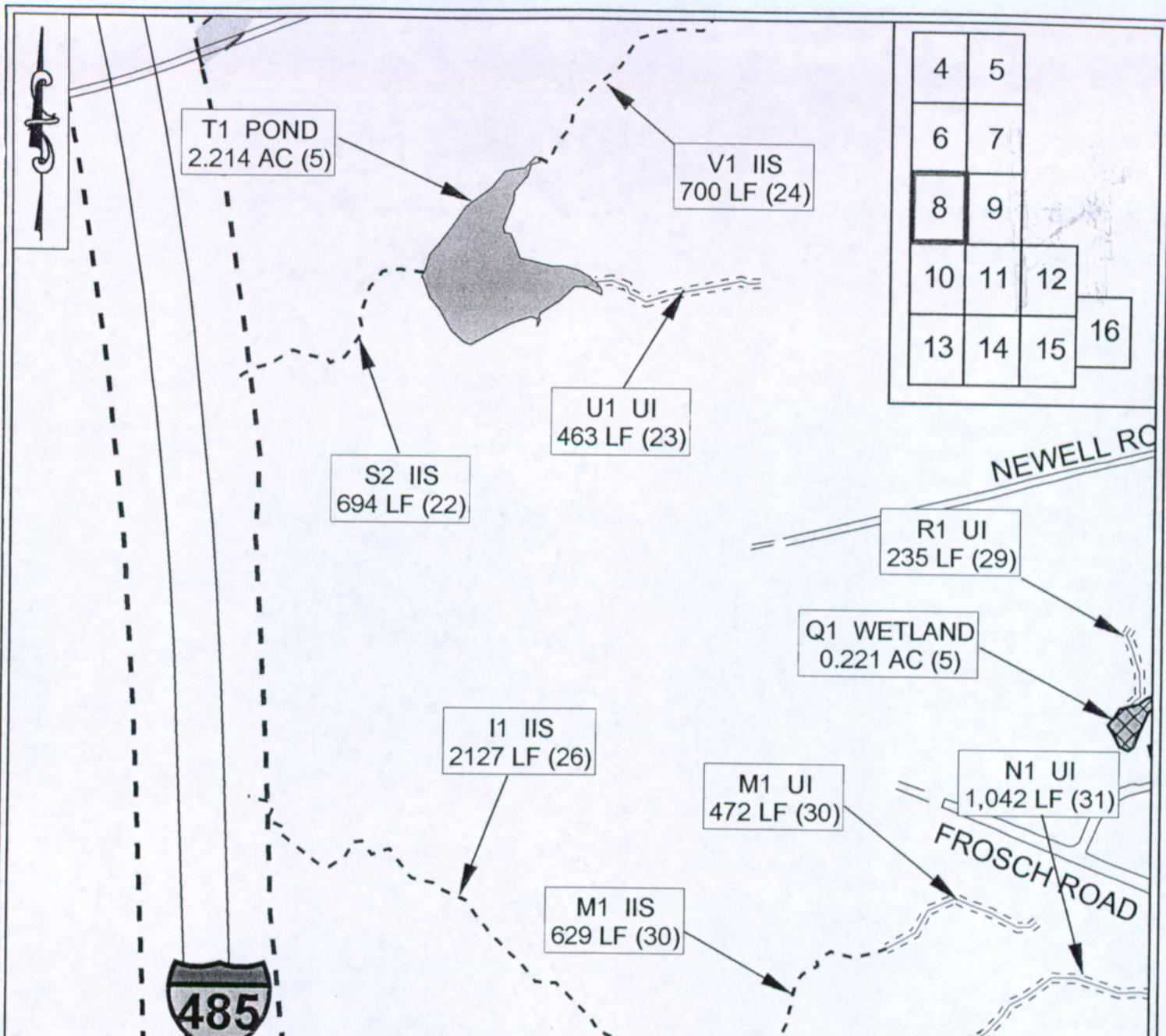


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T1 POND
2.214 AC (5)

V1 IIS
700 LF (24)

U1 UI
463 LF (23)

S2 IIS
694 LF (22)

R1 UI
235 LF (29)

Q1 WETLAND
0.221 AC (5)

I1 IIS
2127 LF (26)

M1 UI
472 LF (30)

N1 UI
1,042 LF (31)

M1 IIS
629 LF (30)

FROSCH ROAD



L1 IIS
260 LF (28)

O1 UI
5 LF (32)

N1 IIS
254 LF (31)

K1 IIS
20 LF (27)

J1 WETLAND
0.409 AC (12)

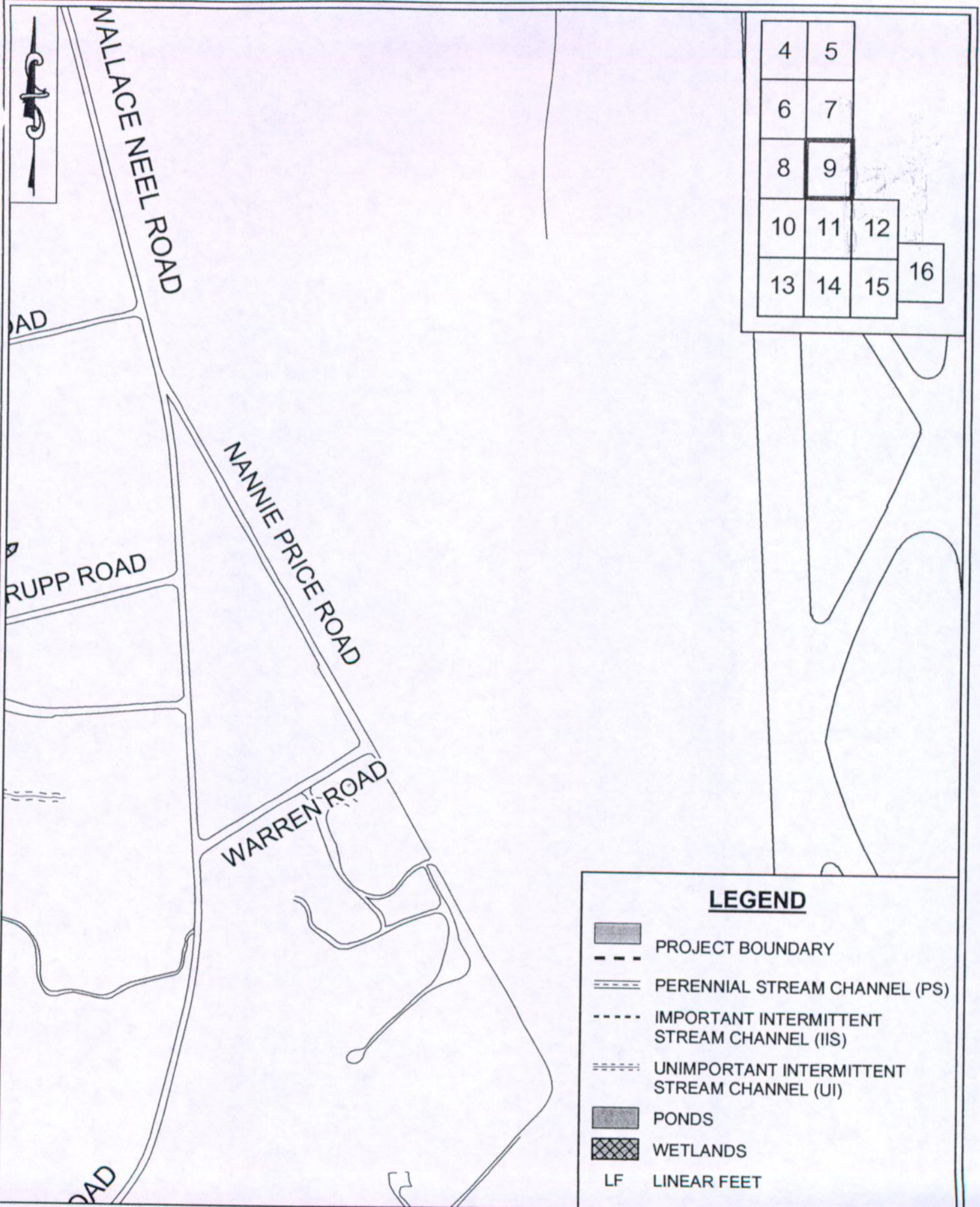
J1 POND
2.045 AC (6)

LEGEND

- PROJECT BOUNDARY
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2005 PERMIT 1

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LEGEND

- PROJECT BOUNDARY
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- WETLANDS
- LF LINEAR FEET

2005 PERMIT 1

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H1 UI
40 LF (33)

F1 IIS
1277 LF (34)

F1 UI
552 LF (34)

G WETLAND
0.012 AC (7)

DIXIE RIVER ROAD

LEGEND

-  PROJECT BOUNDARY
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-  IMPORTANT INTERMITTENT STREAM CHANNEL (IIS)
-  UNIMPORTANT INTERMITTENT STREAM CHANNEL (UI)
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2U UI
236 LF (37)

2U IIS
1541 LF (37)

2V WETLAND
0.140 AC (8)

2S1 IIS
68 LF (35)

2R1 IIS
231 LF (36)

2T WETLAND
0.057 AC (9)

2X UI
300 LF (44)

2Y UI
273 LF (45)

2Y IIS
57 LF (45)

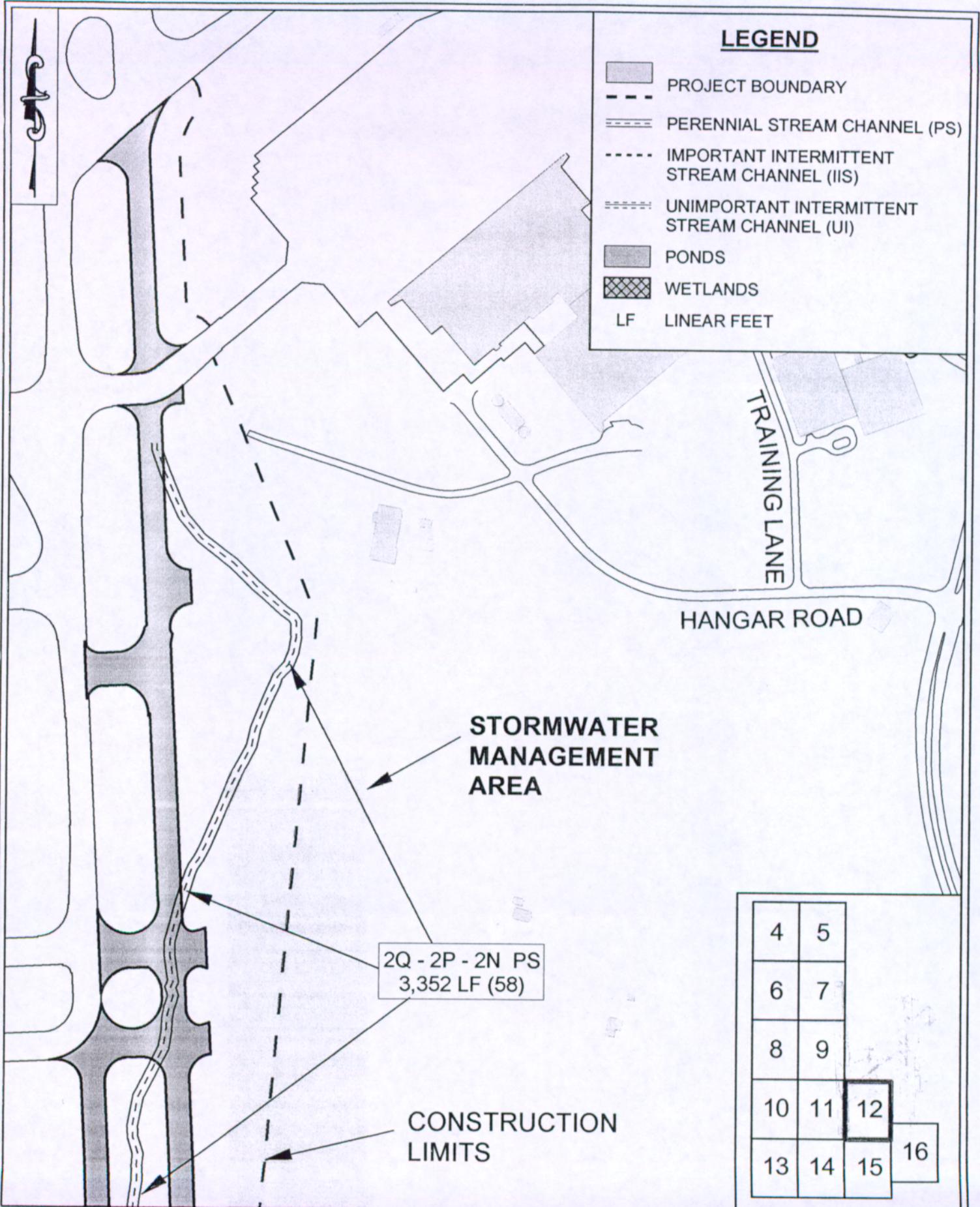
2X IIS
1,564 LF (44)

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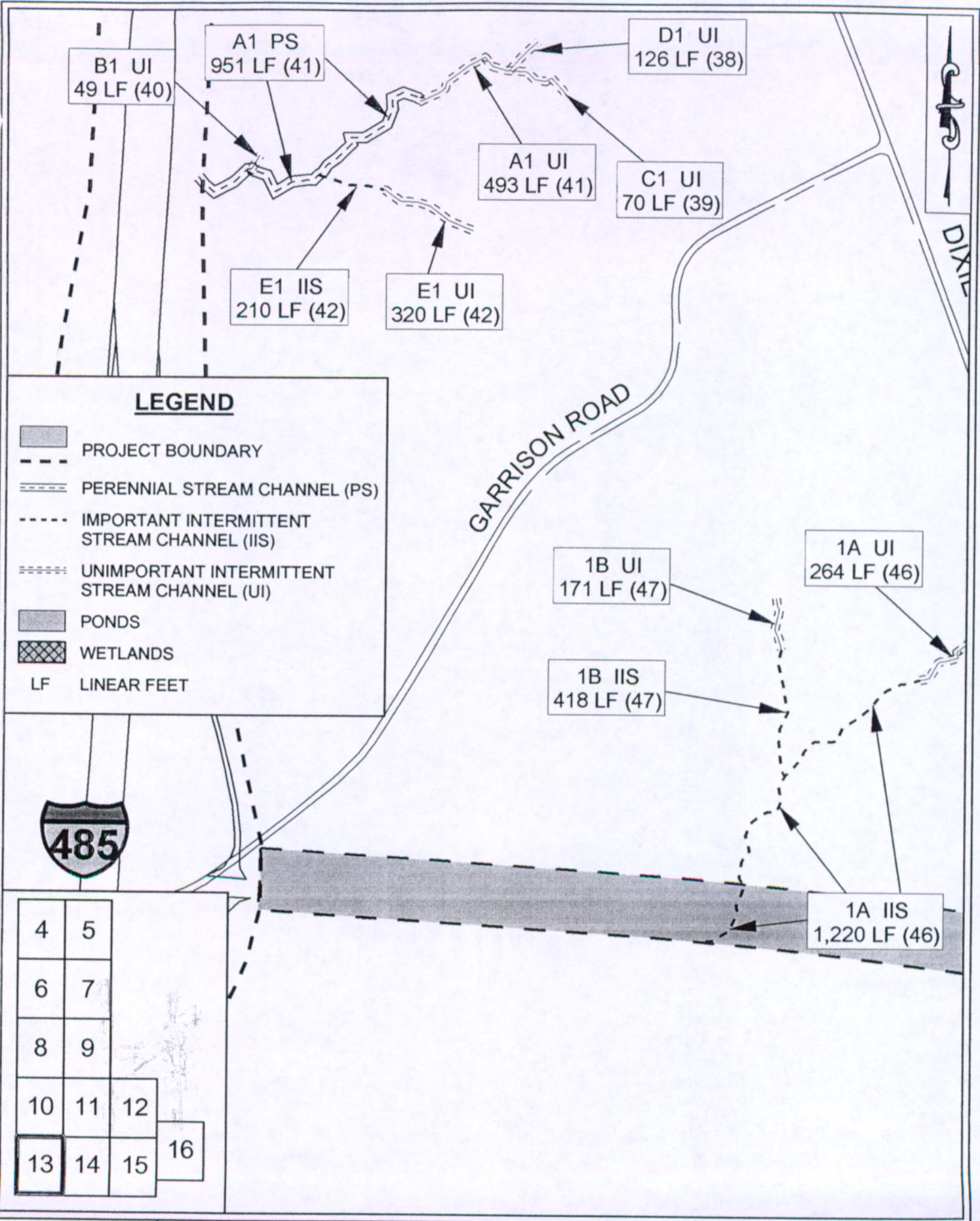
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STORMWATER
MANAGEMENT
AREA

2W IIS
892 LF (43)

CONSTRUCTION
LIMITS

4	5		
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ST BLVD.



3F WETLAND
1.410 AC (11)

3G WETLAND
0.165 AC (10)

3E IIS
94 LF (52)

STORMWATER
MANAGEMENT
AREA

CONSTRUCTION
LIMITS

DIXIE ROAD

BYRUM DRIVE

STEELE

LEGEND

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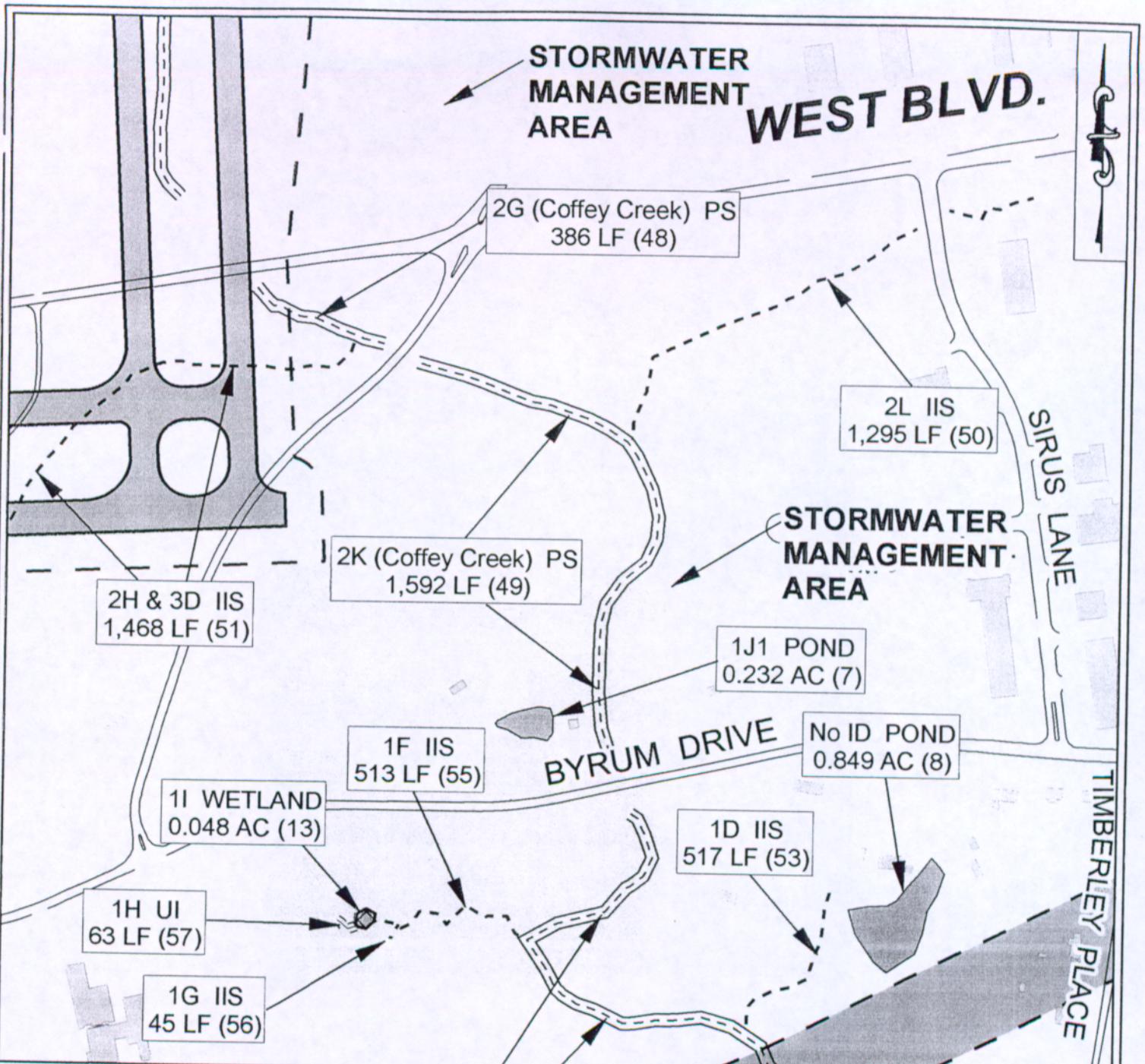
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Charlotte-Douglas
INTERNATIONAL AIRPORT

FILE NAME: WETLANDS\2005 PERMIT 1\2005 FINAL PERMIT 1 EXHIBIT - PAGE 14 ON 8 x 11.MXD PRINTED AUGUST 2005 SCALE: 1" = 400'

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LEGEND

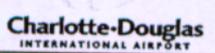
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- PERENNIAL STREAM CHANNEL (PS)
- IMPORTANT INTERMITTENT STREAM CHANNEL (IIS)
- UNIMPORTANT INTERMITTENT STREAM CHANNEL (UI)
- PONDS
- WETLANDS
- LF LINEAR FEET

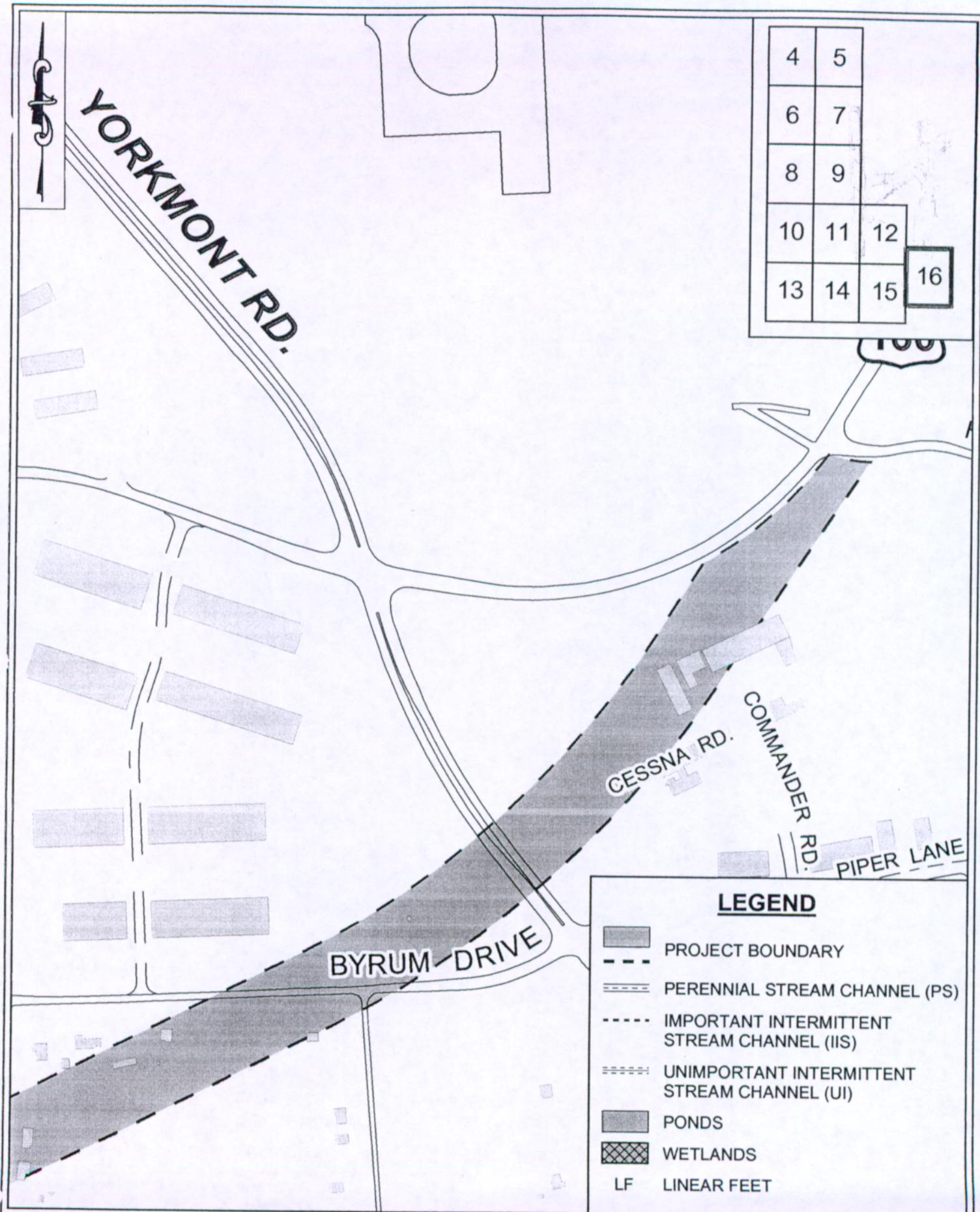
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2005 PERMIT 1

FILE NAME: WETLANDS\2005 PERMIT 1\2005 FINAL PERMIT 1 EXHIBIT - PAGE 15 ON 8 x 11.MXD | PRINTED AUGUST 2005 | SCALE: 1" = 400'

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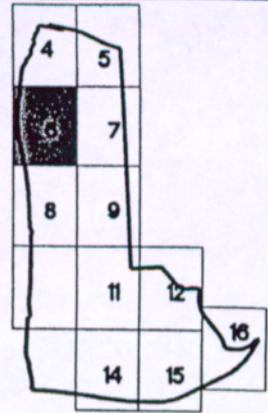
LEGEND

-  PROJECT BOUNDARY
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-  PONDS
-  WETLANDS
- LF LINEAR FEET

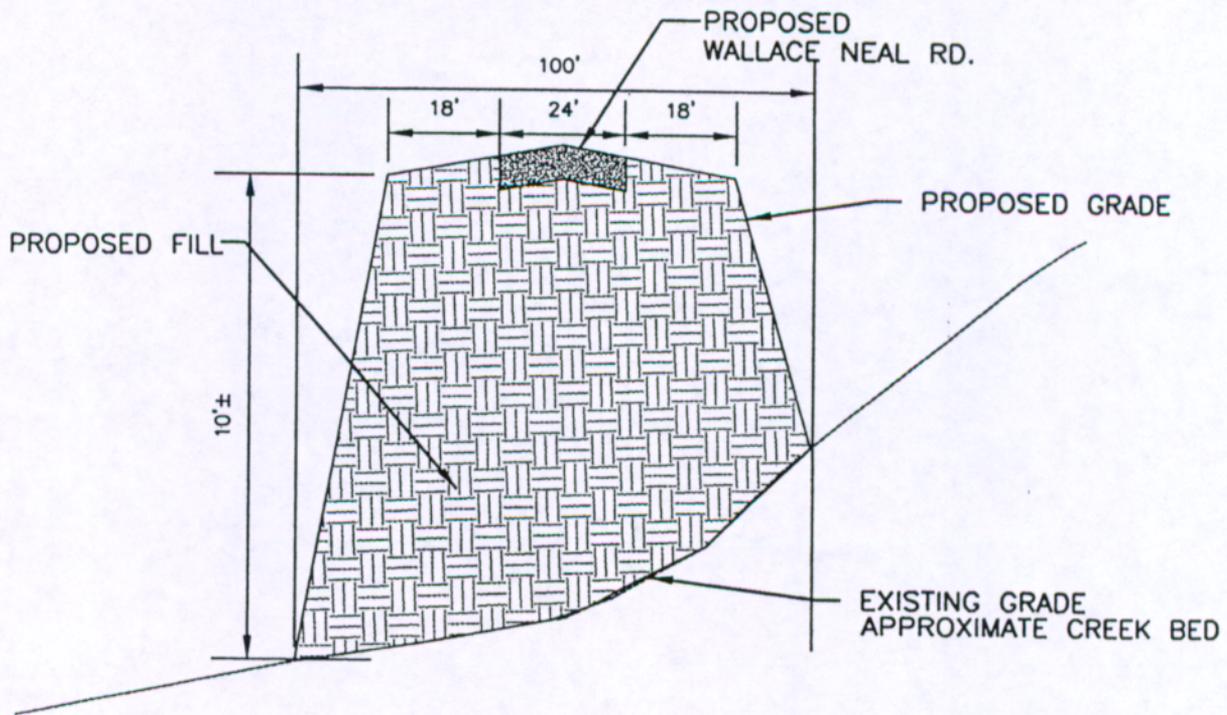
2005 PERMIT 1

FILE NAME: WETLANDS\2005 PERMIT 1\2005 FINAL PERMIT 1 EXHIBIT - PAGE 16 ON 8 x 11.MXD PRINTED AUGUST 2005 SCALE: 1" = 400'

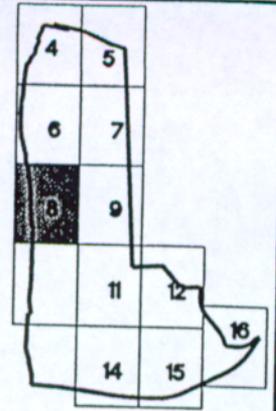
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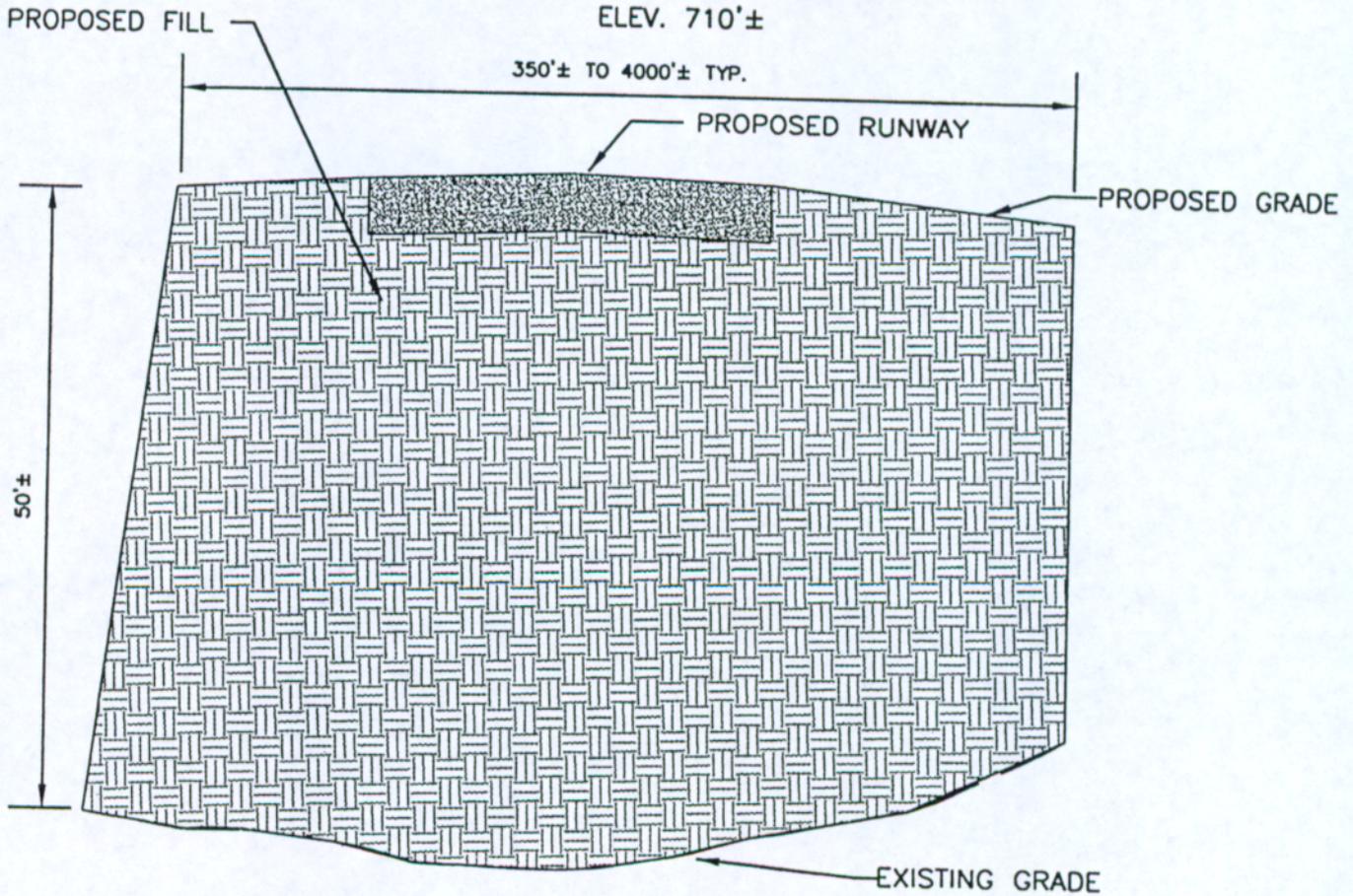
CROSS SECTION A-A
TYPICAL ROAD CROSS SECTION



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CROSS SECTION C-C
 PROPOSED RUNWAY & TAXIWAY
 ELEV. 710'±



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AUG 29 1999

North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

August 11, 1999

Thomas M. Roberts
Program Manager
Federal Aviation Administration
Airports District Office
1701 Columbia Avenue, Suite 2-260
College Park, GA 30337-2747

Re: MOA for Charlotte-Douglas International Airport
Mecklenburg County, ER99-8616

Dear Mr. Roberts:

Enclosed please find the Memorandum of Agreement for the improvements at Charlotte-Douglas International Airport. I have signed the agreement and am returning it to you for signature by the airport's director and submission to the Advisory Council on Historic Preservation.

The Advisory Council's new regulations do not require them to sign the agreement. However, they must file it with the necessary documentation for it to become effective. Please provide us with a copy of the fully executed agreement and notify us when it has been filed.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

Handwritten signature of Jeffrey J. Crow in cursive.

Jeffrey Crow
State Historic Preservation Officer

Enclosure

cc: Advisory Council
Charlotte/ Mecklenburg HPC

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**Memorandum of Agreement
Between the
Federal Aviation Administration and
North Carolina State Historic Preservation Officer
for the
Charlotte/Douglas International Airport
Mecklenburg County, North County
Pursuant to 36 CFR 800.6(b)(1)**

WHEREAS, the Federal Aviation Administration (FAA) has determined that implementation of development and/or air traffic actions (the Undertaking) resulting from its approval of changes to the Airport Layout Plan (ALP) for the Charlotte/Douglas International Airport, which include the construction of a third parallel runway, a 2000-foot runway extension, development of associated ancillary facilities, and implementation of noise abatement measures and are described in the Airport's Master Plan and Final Environmental Impact Statement, may affect historic properties, including both structures and archeological sites, which are eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the FAA has consulted with the North Carolina State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to the regulations at 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)); and

WHEREAS, the City of Charlotte, North Carolina, the operator of Charlotte/Douglas International Airport (Airport), has participated in the process and has been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the FAA, the Airport, and the SHPO agree that the proposed undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties,

STIPULATIONS

FAA will ensure that the following measures are carried out:

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A. Historic Structures

1. The Airport in consultation with the SHPO shall evaluate measures to allow the *Samuel Brown Farm (MK1874)* to remain standing. Such measures shall include options for adaptive reuse, stabilization and preservation, and/or the possibility of moving the structure(s) to a new location. If, after consultation with the SHPO, no feasible and prudent rehabilitation, adaptive reuse, and/or relocation of the property(s) is found, the Airport shall carry out the recordation plan attached as Appendix A. Demolition of affected properties will be conducted in such a way as to minimize disturbance of the back yard(s) of such properties and potential archeological deposits on said property (s).

2. The following structures are located in areas subject to aircraft noise exposure levels greater than 65dB based on the Day-Night Average sound level metric (DNL) and are not a compatible land use in accordance with 14 CFR Part 150, § A150.101, Table 1; or are located in an area that may be subject to an increase of more than 3 dB within 60 DNL resulting from the proposed action and are also considered to be affected by the introduction of new noise.
 - *Dr Richard A. Query House (MK1373);*
 - *John Douglas House (MK1361);*
 - *Asbury House (MK1873);*
 - *Samuel Brown Farm (MK1874); and*
 - *Spratt-Grier Farmhouse and Slave House (MK1875).*

These structures are eligible for sound attenuation under the provisions of the Airport's Noise Compatibility Program approved under the provisions of 14 CFR Part 150 and, when sound attenuation is completed, these structures will be considered compatible land uses. Prior to initiating any project-related modifications to these structures to accommodate the sound attenuation, the Airport will consult with the SHPO and develop plans and specifications for the proposed modification of the structures. Any proposed modification to these structures for sound attenuation, will be conducted in a manner consistent with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1992) and in accordance with the plans and specifications agreed to by the Airport and SHPO.

3. The Airport in consultation with the SHPO shall evaluate and implement measures to minimize potential impacts resulting from the relocation of West Boulevard on the *Dr Richard A. Query House (MK1373)*. Such measures shall include providing a landscaped buffer area between the roadway and the affected property.

B. Archeological Resources

1. The FAA shall ensure that the Airport prepares and implements an archaeological data recovery plan for the *Wynn Site (31MK811)* and the *Ertel Site (31MK814)*. This plan will be consistent with the standards included in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Projects (48 FR 44716-42). Hereinafter "Standards and Guidelines". The plan will identify the research questions that will be addressed by the data recovery effort and the field and laboratory methodologies that will be used to address the identified research questions. The plan must be submitted to the FAA and SHPO for review and comment. Unless the SHPO objects within 15 days after receipt of the plan, the FAA shall ensure the plan is implemented.
2. Prior to any disturbance of lands immediately surrounding the *Freeman House (MK1363)*, the Airport will conduct an archeological survey to enable the FAA and SHPO to determine the presence of archeological features potentially eligible for the NRHP. This investigation will be conducted in consultation with the SHPO and in a manner consistent with the "Standards and Guidelines". If the site is determined eligible, a data recovery plan will be prepared and implemented in the same manner as outlined in Stipulation B.1.
3. The FAA agrees to ensure that all materials and records resulting from excavations at the *Wynn Site (31MK811)*, the *Ertel Site (31MK814)*, and any other sites investigated and determined eligible for the National Register, will be curated in accordance with 36 CFR Part 79. The Airport agrees to provide to the FAA and SHPO all final historic and archaeological reports resulting from actions taken pursuant to Stipulations B.1 and B.2 of this agreement. Such reports are to be prepared in accordance with the SHPO's most current Specifications for Archaeological Field Reports and "Standards and Guidelines".

4. In the event previously unknown archeological resources are discovered during construction:
 - a. The Airport will cease work in the immediate area of the previously unknown archaeological resources and the FAA and SHPO will be notified. The FAA and SHPO will determine the eligibility and significance of any artifacts discovered.
 - b. If it is determined that the site is eligible for the NRHP, the FAA, SHPO, the ACHP, and Airport shall consult to determine appropriate mitigation measures for the site.

C. General Stipulations

1. The FAA shall ensure that the work carried out pursuant to this Agreement is carried out under the direct supervision of a person or persons meeting at a minimum the professional qualifications set forth in the Secretary of the Interior's Standards and Guidelines.
2. If the SHPO or FAA object in writing, within 15 days, to any plans, specifications or recommendations submitted pursuant to the terms of this Agreement, then the FAA, the SHPO, and the Airport shall consult to resolve any objections which have been raised. If the FAA determines that the objections(s) cannot be resolved by such consultation with the SHPO, the FAA shall request further comments of the Council pursuant to 36 CFR Part 800.6(b)(1)(v). The agency official agrees to consider any Council comment provided in response to such a request in accordance with the provisions of 36 CFR Part 800.7(c)(4). This requirement shall be applicable only to the matter which is the subject of the unresolved objection. The FAA agrees that its responsibility to carry out all other actions provided for under this Agreement, not the subject of an unresolved objection, will remain unchanged.
3. If any of the parties to this agreement believe that an amendment or an addendum to the agreement is necessary, that party shall immediately notify the other parties and request consultation to consider an amendment or addendum to this agreement. The process of amending or executing an addendum to the agreement shall be the same as that exercised in creating the original agreement. In the event of an amendment or an addendum, the FAA will comply with 36 CFR Part

H00.6(c)(7).

- 4. Any consulting party to this agreement may terminate it by providing 30 days written notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FAA will comply with 36 CFR Parts 800.7(a).

Execution of this Memorandum of Agreement and implementation of its terms evidence that FAA has afforded the SHPO and the Council an opportunity to comment on the undertaking and its effects on historic properties, and that FAA has taken into account the effects of the undertaking on historic properties.

FEDERAL AVIATION ADMINISTRATION

Scott L. Seritt

8/5/99

Scott Seritt, Manager
Atlanta Airports District Office

(Date)

NORTH CAROLINA HISTORIC PRESERVATION OFFICE

Jeffrey Crow

8/12/99

Jeffrey Crow
State Historic Preservation Officer

(Date)

CONCUR:

T. J. Orr

1.6.00

T. J. Orr, Aviation Director
Charlotte/Douglas International Airport

(Date)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

December 4, 1998

Mr. Robert D Repasky, Ecologist
Environment & Archaeology, LLC
6948 Oakwood Drive, Suites 201 & 202
Florence, Kentucky 41042

Dear Mr. Repasky:

Subject: Proposed expansion of Charlotte-Douglas International Airport, Charlotte,
Mecklenburg County, North Carolina

We received a copy of your letter of November 3, 1998, to Dr. Wille Taylor, Office of Environmental Policy and Compliance, Department of the Interior, Washington, D.C., regarding additional information on the Draft Environmental Impact Statement for the Charlotte-Douglas International Airport, Mecklenburg County, North Carolina. We are providing the following comments in accordance with the provisions of Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

In your letter you provided the results of intensive surveys for rare plants within the project area. The surveys focused on existing rights-of-way and woodland edges as well as other potential habitat for Schweinitz's sunflower (*Helianthus schweinitzii*) and Georgia aster (*Aster georgianus*). Surveys were performed October 15-16, 1998.

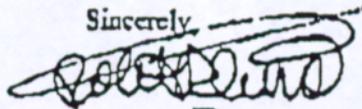
We have records of Schweinitz's sunflower from near the Mecklenburg County project site. In our letter of December 14, 1995, we recommended a field survey to determine the presence or absence of this species or its habitat. In our September 10, 1998, letter, we recommended additional surveys to coincide with the flowering period for *Helianthus schweinitzii*. According to your letter, neither Schweinitz's sunflower nor any of the Federal species of concern were located in the proposed expansion area during the intensive surveys. The photographs included with your letter were helpful in discerning important characters of *Aster patens*. We therefore now concur with your determination that the proposed project will not affect endangered or threatened species or their habitats. We believe the requirements under Section 7 of the Act are fulfilled. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical

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habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

We appreciate the opportunity to provide these comments. If we can be of any assistance or if you have any questions, please do not hesitate to contact Mr. Mark A. Cantrell of our staff at 828/258-3939, Ext. 227. In any future correspondence concerning this project, please reference our Log Number 4-2-96-021.

Sincerely,



for

Brian P. Cole
State Supervisor

cc:

Dr. Willie R. Taylor, Director, Office of Environmental Policy and Compliance,
U.S. Department of the Interior, Interior Building, 1849 C Street, NW.,
Washington, DC 20240

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