



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: July 25, 2013
Comment Deadline: August 23, 2013
Corps Action ID #: 2013-00433

The Wilmington District, Corps of Engineers (Corps) has received an application from Norfolk Southern Railway Company seeking Department of the Army authorization to impact 1,807 linear feet of stream channel associated with construction of an Intermodal Facility at the Charlotte International Airport, in Charlotte, Mecklenburg 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 <http://www.saw.usace.army.mil/missions/RegulatoryPermitProgram.aspx>

Applicant: Mr. Jack Mclain
Norfolk Southern Railway Company
1200 Peachtree Street NE
Atlanta, Georgia 30309

AGENT (if applicable): Mr. Clement Riddle
ClearWater Environmental Consultants, Inc.
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 site for the proposed facility is located at the Charlotte International Airport, specifically on the north and south side of the airport's new parallel runway, in Charlotte, Mecklenburg County, North Carolina. General latitude and longitude coordinates for the facility are: 35.19806°N and -80.96528°W.

Existing Site Conditions

The facility is located in an area that has been previously disturbed due to on-going construction activities at the Charlotte International Airport. The project site is located within the Piedmont

physiographic region of North Carolina and more specifically the Southern Outer Piedmont Ecoregion. Soils are characterized by deep saprolite and mostly red, clayey subsoils. Soil series present on the site include Cecil, Cecil-Urban Land complex, Helena, Mecklenburg, Pacolet, and Vance.

The impacted streams are first order headwater tributaries of Beaverdam, Coffey and Ticer Creeks, which are in the Catawba River basin (HUC Codes 03050101 and 03050103) and flow ultimately into the Catawba River or Lake Wylie. Like all other North Carolina waters, Beaverdam, Coffey and Ticer Creeks, are on the North Carolina list of impaired streams (303(d) List) for mercury, but are not listed for other impairments.

The stream channels proposed for impact were previously identified during the review of the permit application associated with the expansion of the Charlotte International Airport. During this review, a majority of the proposed stream channels to be impacted by this current project were identified as intermittent with little to no aquatic functions and were classified as Poor to Fair Quality (Wilmington District Stream Mitigation Guidelines, April 2003). However, there was a portion of Impact #4 (approximately 418 linear feet) that was identified as intermittent and displaying important aquatic functions and would be considered Good Quality.

Applicant's Stated Purpose

The purpose of the project is to construct an intermodal facility and associated infrastructure that will meet interstate rail transportation demand, including demand for rail/truck intermodal transportation in the Charlotte region.

Project Description

The applicant proposes to construct, own, and operate a new intermodal facility (IMF) known as the Charlotte Douglas Airport Intermodal Facility (Charlotte IMF) to increase freight transportation capacity in the Charlotte, North Carolina region and to meet current and future demands for freight transportation to and from locations served by the Norfolk Southern railroad network. An IMF is a facility where freight is transferred from one transportation mode to another and in the case of this proposal, between trains and trucks, which can efficiently deliver freight over long distances. Intermodal transportation provides for domestic and worldwide freight to be transported in sealed containers or trailers directly from shippers to warehouses, retail stores, plants, and other businesses. Intermodal trains provide the "long-haul" while trucks provide the local delivery and pick-up ("short-haul").

To meet operational requirements, the primary components needed for the IMF are:

- Double lead to connect the facility to the Norfolk Southern main track.
- A 13,977' running track parallel to the main track.
- A 9,426' switching track parallel to the main track.
- A 4,806 set-off track for through-trains to set-off and pick up rail cars destined for the facility.

- Three pad tracks totaling 13,225’ for transferring trailers and containers from rail cars to trucks.
- Seven storage tracks providing 21,065’ of storage.
- Engine track for storage of rail cars.
- Paved areas for approximately 1,353 trailer parking spaces.
- Several small administration, maintenance, and operations buildings located on the support yard pad necessary for transportation operations, security, and maintenance; and
- Equipment maintenance pad with spill control, stormwater management features and related facilities.

In April 2012, Norfolk Southern began construction of the Charlotte IMF on property leased from Charlotte Douglas International Airport (“CLT”) under Department of the Army Section 404 Permit Number 2006-32521-360, issued to CLT originally on March 27, 2007 and modified and reissued on June 15, 2009, for the expansion of the airport (the “Airport Permit”). The permit authorizes the placement of fill into 22,559 linear feet of streams, 1.148 acres of wetlands, and 7.522 acres of ponds. When construction of the Charlotte IMF commenced, Norfolk Southern believed that all waters of the United States that would be impacted by the project were included in the impact area of the Airport Permit. In March 2013, Norfolk Southern discovered that approximately 1,807 linear feet of tributaries within the project boundaries were not included in the impact area of the Airport Permit. Norfolk Southern reported this discrepancy immediately to the North Carolina Division of Water Quality of the North Carolina Department of Environment and Natural Resources and to the Ashville Field Office of the Wilmington District of the U.S. Army Corps of Engineers, and met in person with representatives of these agencies very soon thereafter. This permit application is being submitted for the areas within the project boundaries of the Charlotte IMF that include approximately 1,807 feet of tributaries, including: 1) approximately 1,561 linear feet of tributaries of Beaverdam Creek at the southern end of the Charlotte IMF; 2) an area at the northwestern end of the Charlotte IMF that contains 207 feet of culvert extensions on unnamed tributaries of Ticer Creek; and 3) an area at the northeastern end of the Charlotte IMF that contains a 39 foot culvert extension on an unnamed tributary of Coffey Creek. The impacts are further outlined in the table below. The areas that contain the newly discovered impacts are referred to herein collectively as the Permitted Area. The Permitted Area is an integral and inseparable part of the Charlotte IMF. The southern part of the Permitted Area will contain the south end of the craneway used to transfer containers from trucks to trains and vice versa. It will also contain the southern part of the loading and unloading tracks. In the northern parts of the Permitted Area, the culvert extensions were installed for the purpose of building side tracks to provide an interface between the Norfolk Southern mainline and the Charlotte IMF and to provide critical rail-based structures for operation of the IMF, including storage tracks, switching tracks, and a parallel running track.

Table 1: Impact Table for Charlotte IMF

Stream Channel Impact #	Linear Feet
Impact #1	57
Impact #2	150

Impact #3	39
Impact #4	1,561
Total	1,807

Norfolk Southern proposes to compensate for impacts by payment into the in-lieu fee program known as the North Carolina Ecosystem Enhancement Program (EEP). The applicant is proposing mitigation at a 1:1 ratio. By letter dated May 14, 2013, the EEP notified the applicant that they can provide mitigation for impacts to 1,807 feet of stream channel.

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 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.

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, 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 Quality (NCDWQ): The Corps will generally not make a final permit decision until the 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 combined with appropriate application fee at the North Carolina Division of Water Quality Central Office in Raleigh constitutes initial receipt of an application for a 401 Water Quality 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, Wetlands, Buffers, Stormwater Compliance and Permitting Unit, 512 North Salisbury Street, 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, by August 23, 2013 to:

NCDWQ Central Office
Attention: Ms. Karen Higgins
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

Or,

(physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

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

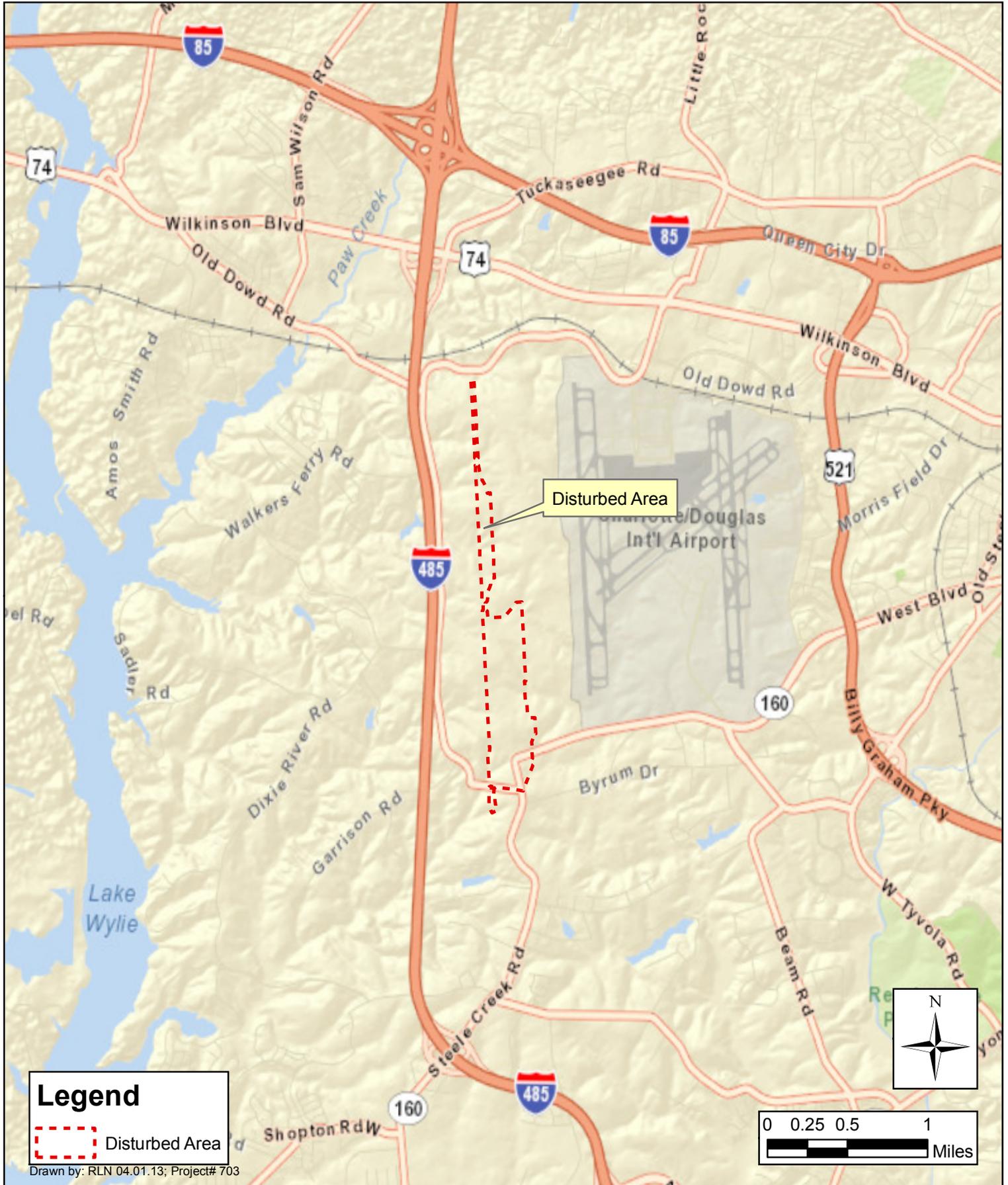
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this

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.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, August 23, 2013. Comments should be submitted to Ms. Amanda Fuemmeler, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.

Norfolk Southern Intermodal Facility



Legend
[Red dashed line] Disturbed Area

Drawn by: RLN 04.01.13; Project# 703

0 0.25 0.5 1
Miles

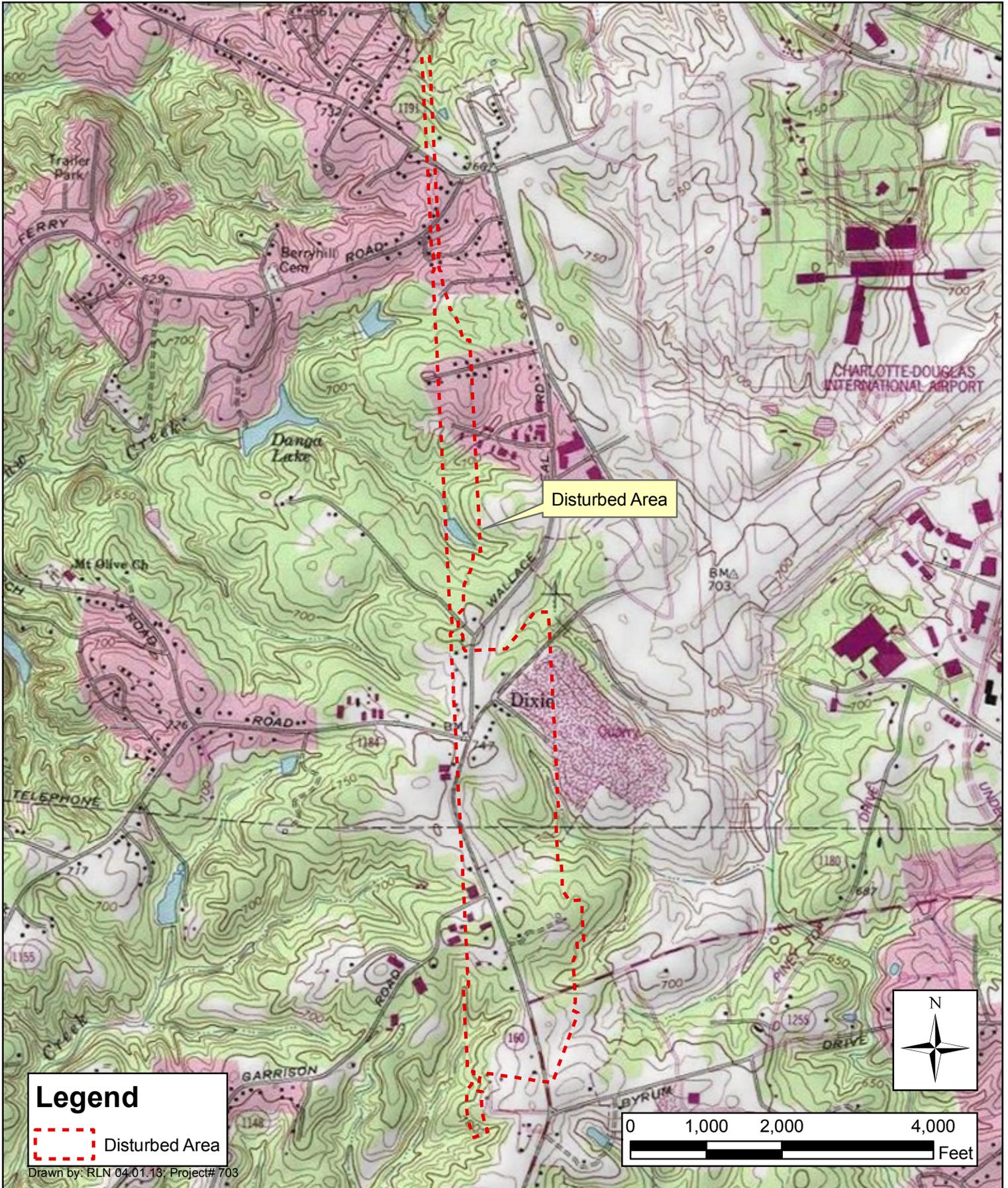


Mecklenburg County,
North Carolina

ClearWater
224 South Grove Street, Suite F
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Site Vicinity
Figure 1

Norfolk Southern Intermodal Facility



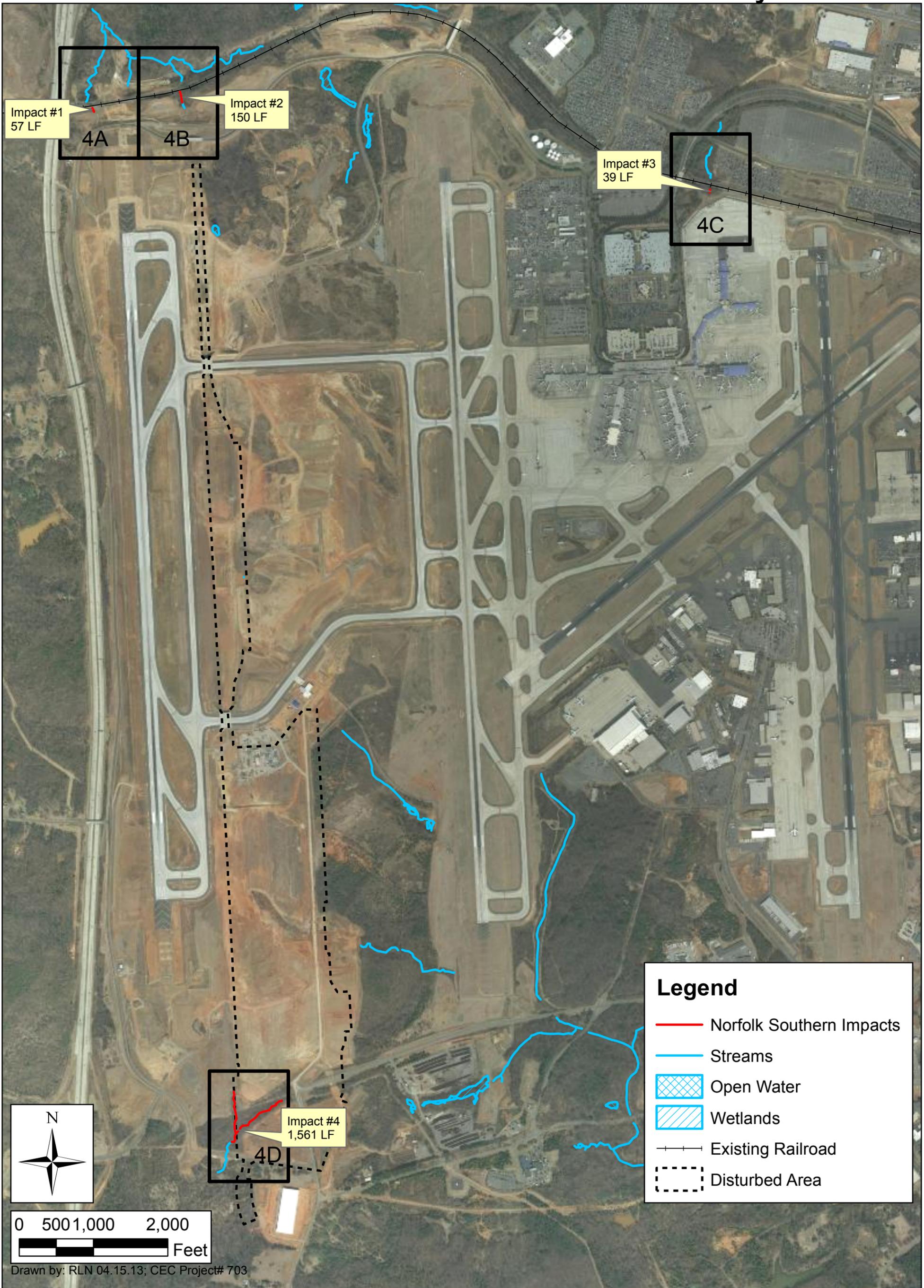
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USGS Topographic Map
Charlotte West Quad
Figure 2

Norfolk Southern Intermodal Facility



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Impact Map Overview
Figure 4 (Key Sheet)

Norfolk Southern Intermodal Facility



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Impact Map
Figure 4A

Norfolk Southern Intermodal Facility



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Impact Map
Figure 4B

Norfolk Southern Intermodal Facility

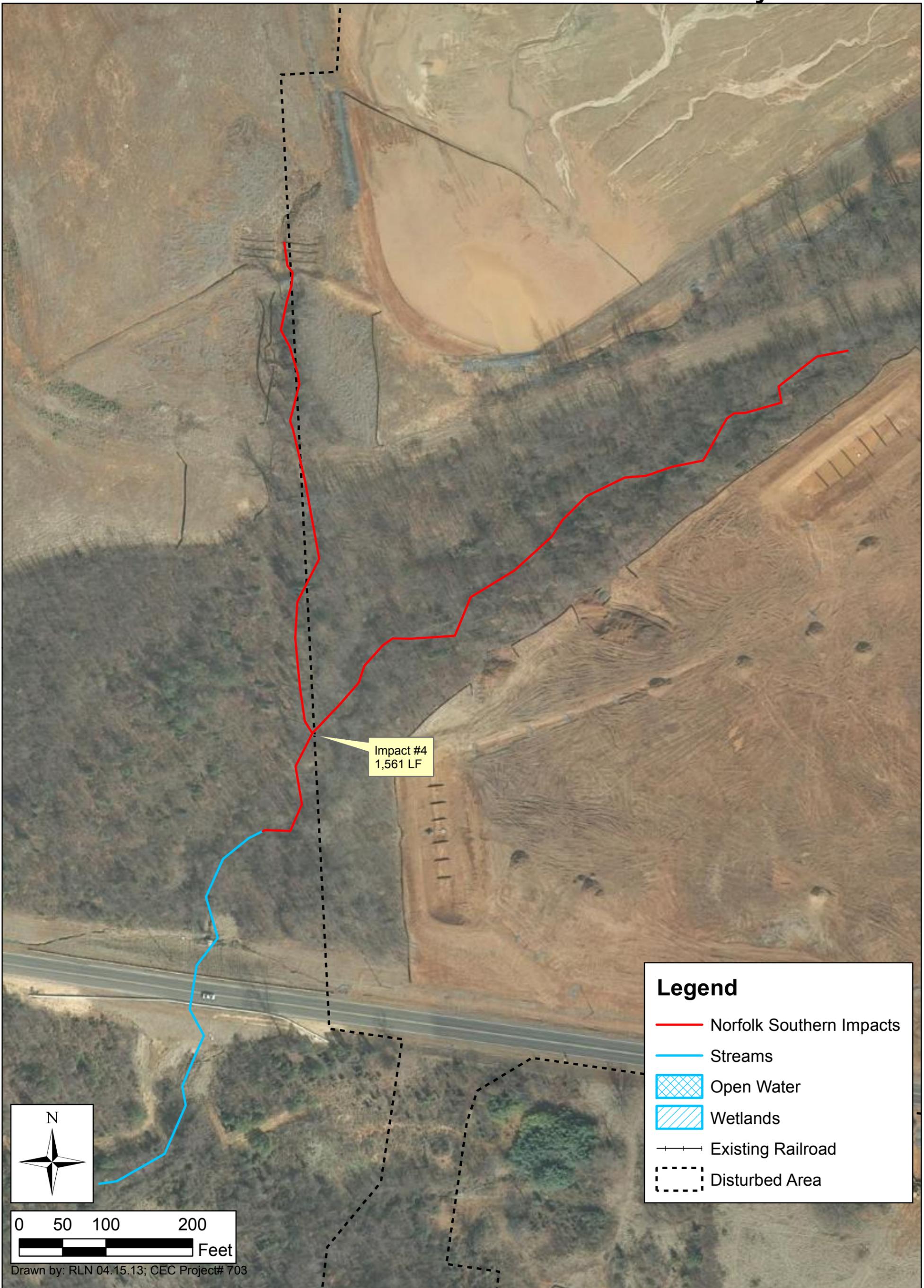


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Impact Map
Figure 4C

Norfolk Southern Intermodal Facility



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Impact Map
Figure 4D