



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: February 6, 2015
Comment Deadline: March 9, 2015
Corps Action ID Number: SAW-2010-00036

The Wilmington District, Corps of Engineers (Corps) received an application from Mr. Lew Bleiweis of the Greater Asheville Regional Airport Authority seeking Department of the Army authorization to impact 0.15 acre of wetland, associated with the long-term development of the Asheville Regional Airport (AVL) in the Fletcher community of 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: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

Applicant: Greater Asheville Regional Airport Authority
Mr. Lew Bleiweis
61 Terminal Drive, Suite 1
Fletcher, North Carolina 28732

AGENT: ClearWater Environmental, Inc.
Mr. Clement Riddle
224 South Grove Street, Suite F
Hendersonville, North Carolina 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

The East Side Improvements would be located immediately east and north of the existing runway at AVL. To access the site from Asheville, take I-26 East to Exit 40 (Airport Road/NC Highway 280). Turn right (south) onto Airport Road and continue approximately 0.25 miles to the airport.

The project site is north and east of the existing runway. In general, the site is bordered to the south and west by the existing airport, to the east by the airport perimeter road (within the airport perimeter fence), and to the north by the French Broad River.

Project Area (acres): Approximately 51
Nearest Waterway: French Broad River
River Basin: Upper French Broad / 06010105

Nearest Town: Fletcher
Latitude: 35.446640 °N
Longitude: - 82.544789 °W

Existing Site Conditions

The project boundary consists of existing AVL infrastructure (i.e. access roads) and grassed areas maintained by the airport. The site is relatively flat with an average elevation of approximately 2,080 feet above mean sea level (MSL). Streams are not located within the project boundary. Wetland habitats within the project boundary are primarily herbaceous with small shrubs.

Applicant's Stated Purpose

Based on information provided by the applicant the purpose of the proposed project is to provide for the continued development of AVL in accordance with the Asheville Regional Airport – Master Plan. Additionally, the project purpose includes disposal of coal ash from Duke Energy's Asheville Plant located in Skyland, NC for "Beneficial Use" in accordance with the North Carolina Session Law 2014-122 also known as the Coal Ash Management Act of 2014 (CAMA14) (N.C.G.S. 130A.200).

Project Description

The proposed project includes future activities, based on facility needs (projected approximately 20 years), which are outlined in the Master Plan. These activities include: a future 1,300-foot runway extension, Taxiway A safety area and object free area (OFA) improvements for ADG-IV aircraft (aircraft with a wingspan of 118-170feet), and continued General Aviation development. In accordance with CAMA14 passed by the North Carolina General Assembly, AVL proposes to continue the use of coal ash as structural fill.

Avoidance and Minimization

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

AVL can complete three major airport projects and Duke can meet regulations set forth in CAMA14 with this project which impacts only 0.15 acre of wetland. Runway and taxiway improvement must occur in the location of the runway and taxiway; these improvements cannot take place in another location. Duke will relocate approximately 1.8 million tons of coal ash from the Asheville Plant to the airport. Because of the location of the wetland, at the toe of the runway slope, the wetland cannot be avoided while still meeting the project purpose and need. The wetland is regularly mowed and maintained by airport staff and is of poor-fair quality.

Compensatory Mitigation

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

AVL proposes to mitigate for unavoidable impacts (0.15 acre of wetland) at a 1:1 ratio through payment into the North Carolina Ecosystem Enhancement Program's (NCEEP) in-lieu fee program. By letter dated December 30, 2014, NCEEP indicated they are willing to accept payment for impacts associated with development at AVL.

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 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. 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 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. A waiver will be deemed to occur if the NCDWR fails to act on this request for certification within sixty days of receipt of a complete application. 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 March 9, 2015 to:

NCDWR Central Office
Attention: Ms. Karen Higgins, 401 and Buffer Permitting Unit
(USPS mailing address): 1650 Mail Service Center, Raleigh, NC 27699-1650

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.

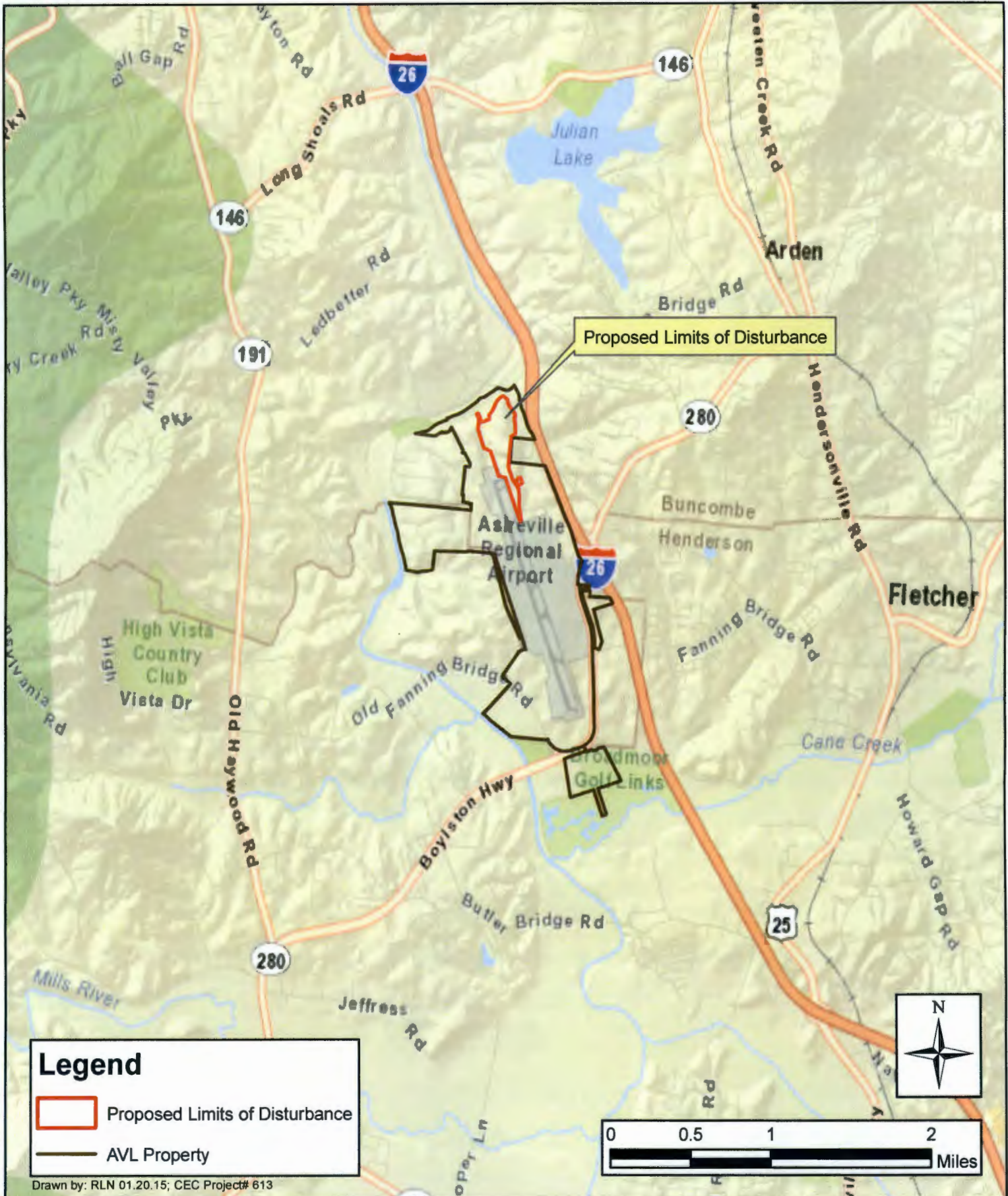
Commenting Information

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 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.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, March 9, 2015. Comments should be submitted to Tasha Alexander, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006, at (828) 271-7980.

Asheville Regional Airport - East Side Improvements (+/- 51 AC)



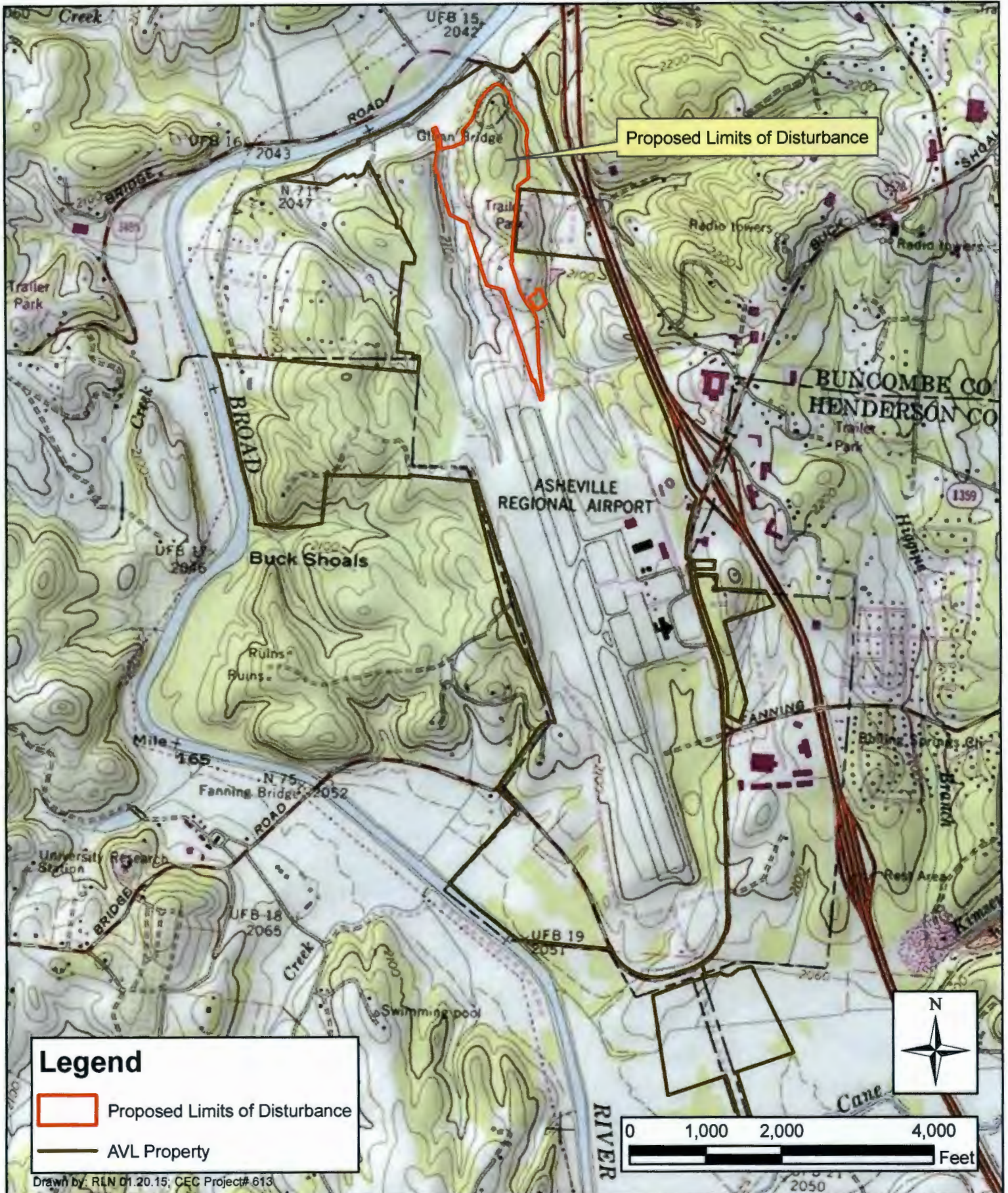
Buncombe County,
North Carolina

ClearWater



224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

Site Vicinity
Figure 1

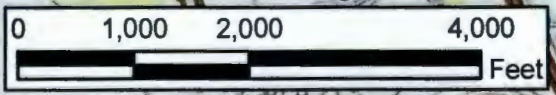
Asheville Regional Airport - East Side Improvements (+/- 51 AC)



Legend

-  Proposed Limits of Disturbance
-  AVL Property

Drawn by: RLN 01.20.15; CEC Project# 613

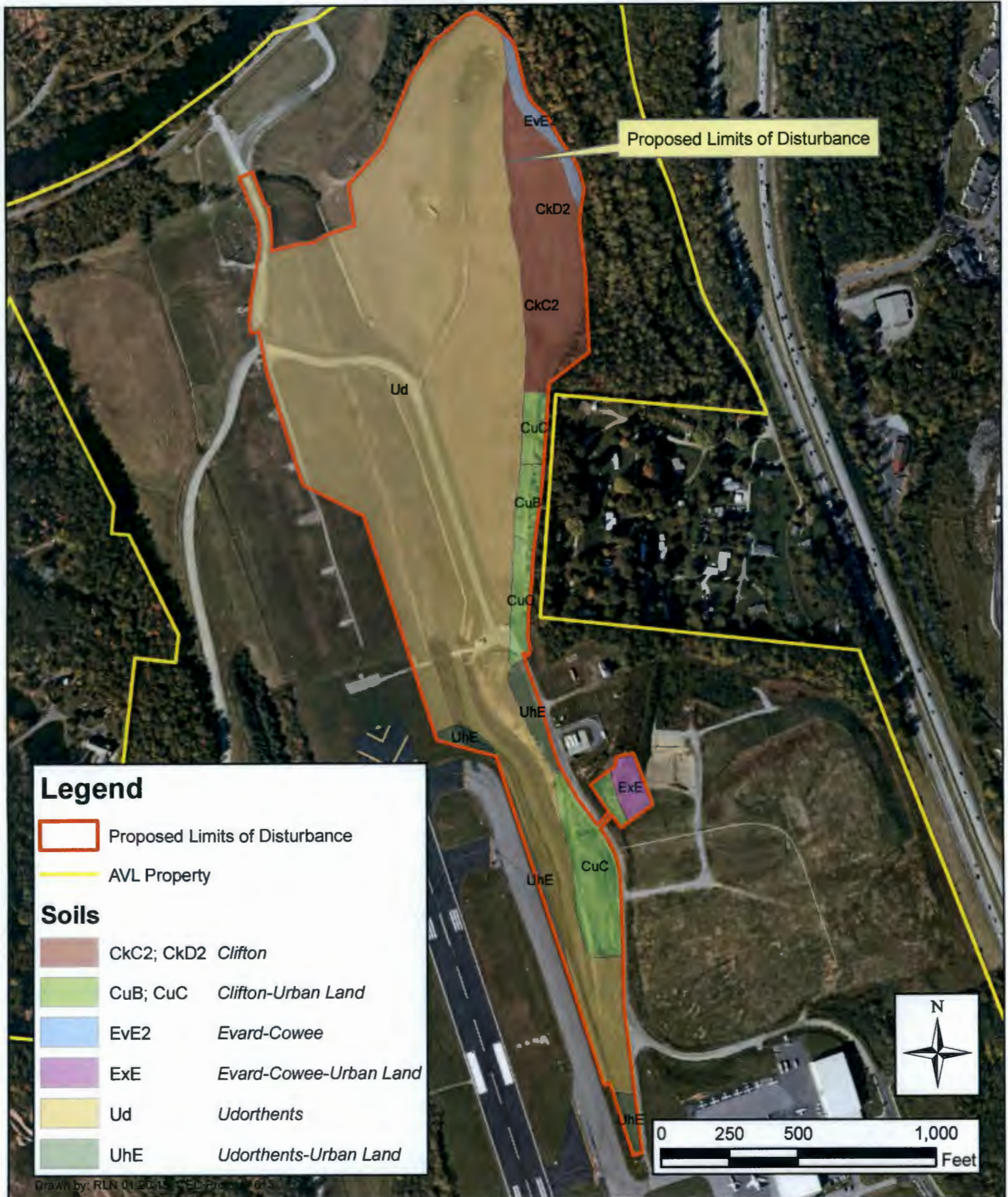


Buncombe County,
North Carolina

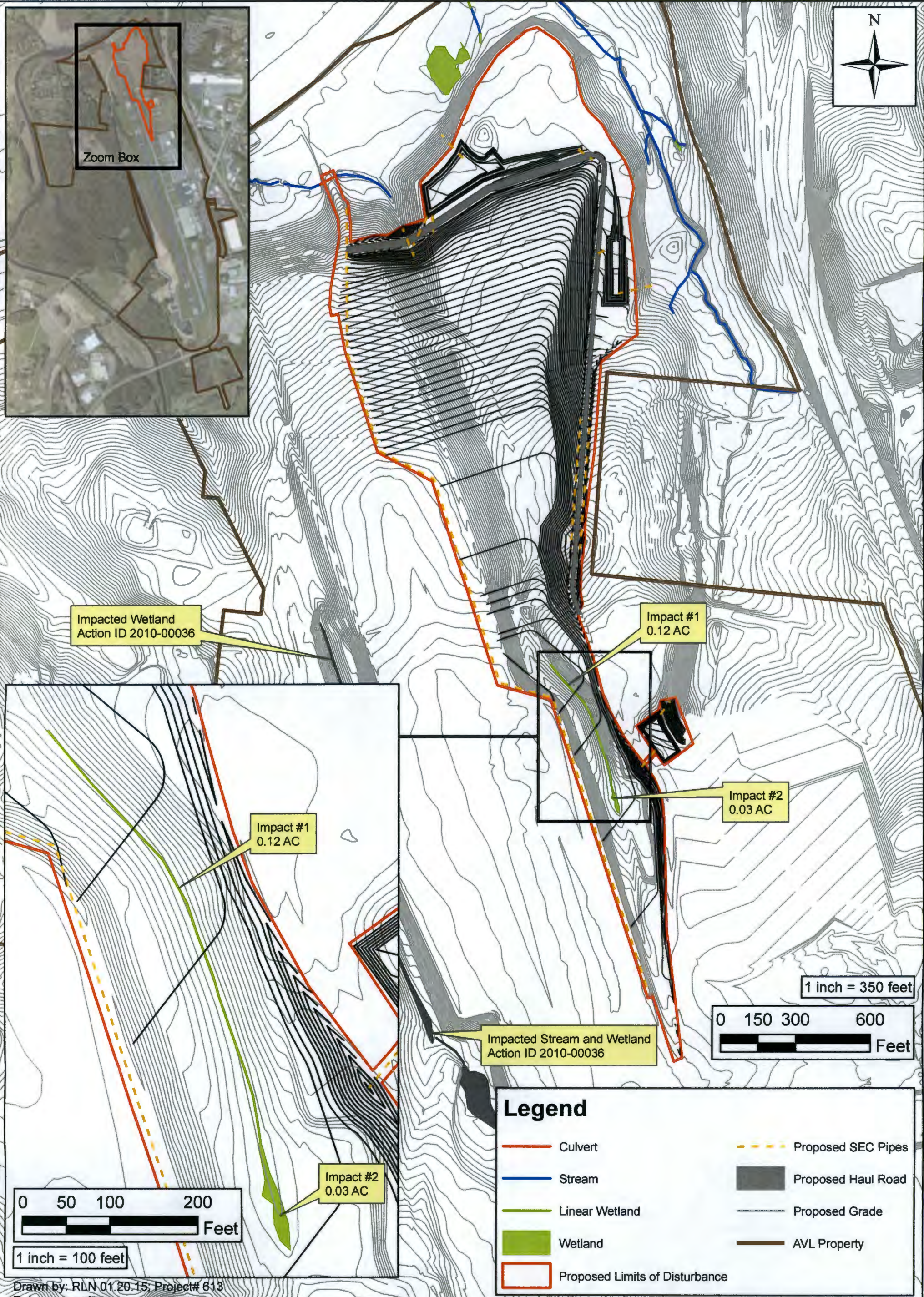
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USGS Topographic Map
Skyland Quad
Figure 2

Asheville Regional Airport - East Side Improvements (+/- 51 AC)



Asheville Regional Airport - East Side Improvements (+/- 51 AC)



Drawn by: RLN 01.20.15; Project# 613
Data source: Avcon

Buncombe County,
North Carolina

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224 South Grove Street, Suite F
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Impact Map with Contours
Data Source: Avcon
Figure 4A

Asheville Regional Airport - East Side Improvements (+/- 51 AC)



Drawn by: RLN 01.20.15; Project# 013
Data source: Avcon

Buncombe County,
North Carolina

ClearWater

224 South Grove Street, Suite F
Hendersonville, North Carolina 28792

Impact Map with Aerial
Data Source: Avcon
Figure 4B