

Revised 2-9-05

PROJECT SPECIAL PROVISIONS
PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

PERMIT**AUTHORITY GRANTING THE PERMIT**

Dredge and Fill and/or
Work in Navigable Waters (404)

U. S. Army Corps of Engineers

Water Quality (401)

Division of Environmental Management, DENR,
State of North Carolina

TVA

Tennessee Valley Authority

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the Standard Specifications and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.



REPLY TO
ATTENTION OF:

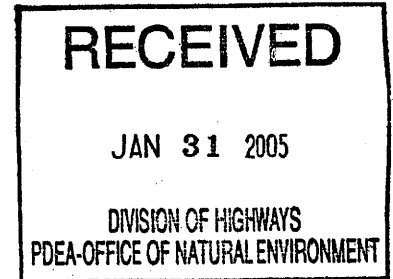
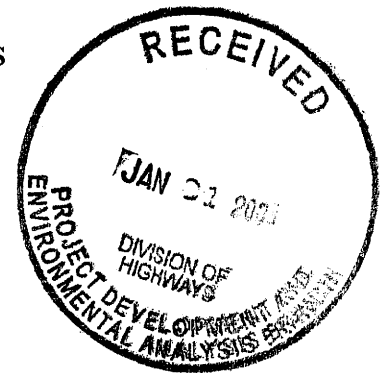
DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

January 25, 2005

Regulatory Division

Action ID No. 200430567

Dr. Gregory J. Thorpe, Ph.D., Director
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548



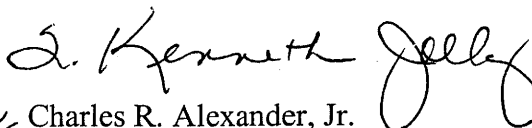
Dear Dr. Thorpe:

Reference the Department of the Army permit issued on July 26, 2004 and your written request of August 13, 2004, for permit modification to discharge dredged or fill material into 0.20 acre of wetland and 0.75 acre of open water adjacent to Lake Julian, an impoundment on a tributary to the French Broad River, to facilitate the widening of 1.8 miles NC 146 (Long Shoals Road) between Interstate 26 and US 25 (Hendersonville Road), south of Asheville, Buncombe County, North Carolina. The modification requested includes the construction of temporary impervious dikes and the temporary dewatering of 1.324 acres of Lake Julian for the repair and installation of culverts.

The permit is hereby modified to include the work as shown on the enclosed plan. It is understood that all conditions of the original permit remain applicable and that the expiration date is unchanged. In addition, the Department of Transportation has agreed to work with the North Carolina Wildlife Resources Commission to phase the construction and dewatering activities to allow for biologists to spend a day relocating as many fish as is practicable to the main waterbody of Lake Julian.

If you have questions, please do not hesitate to contact Ms. Angie Pennock, Asheville Field Office, Regulatory Division, telephone (828) 271-7980, extension 226.

Sincerely,

for 
Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer

Enclosure

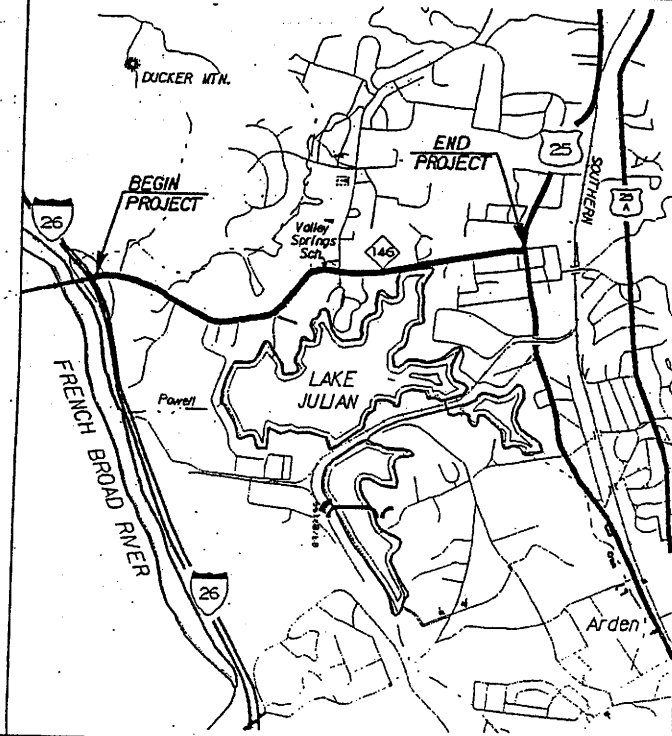
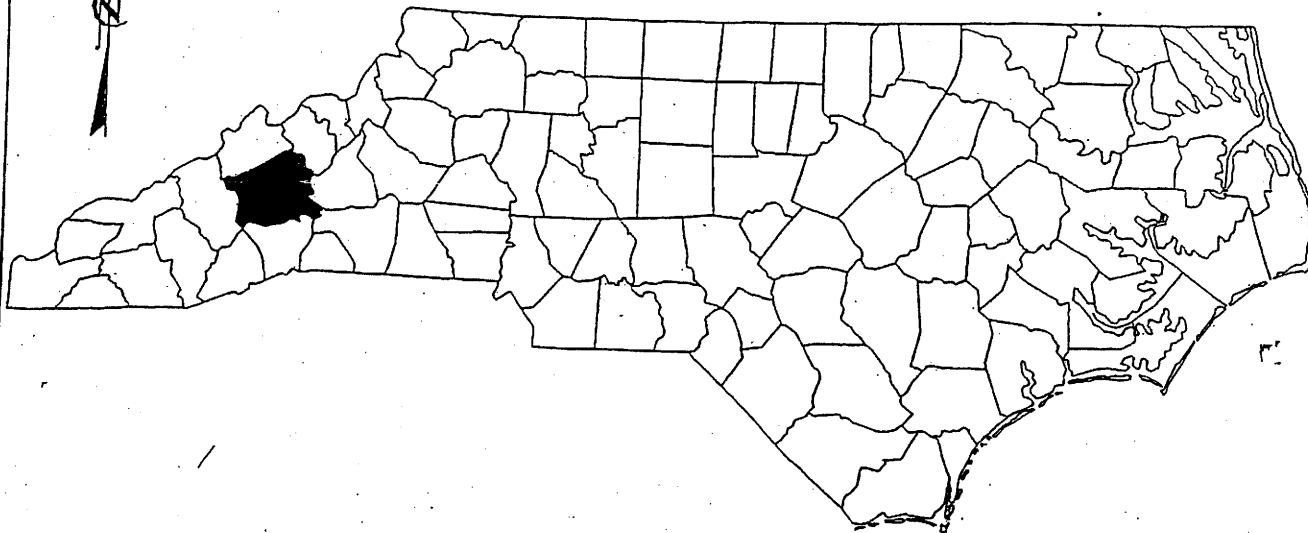
Copies Furnished with enclosure:

Mr. Bill Arrington
Division of Coastal Management
North Carolina Department of Environment and
Natural Resources
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

Mr. John Hennessy
Division of Water Quality
North Carolina Department of Environment and
Natural Resources
1650 Mail Service Center
Raleigh, North Carolina 27699-1650

Ms. Marla Chambers
Division of Inland Fisheries
North Carolina Wildlife Resources Commission
12275 Swift Road
Oakboro, North Carolina 28129

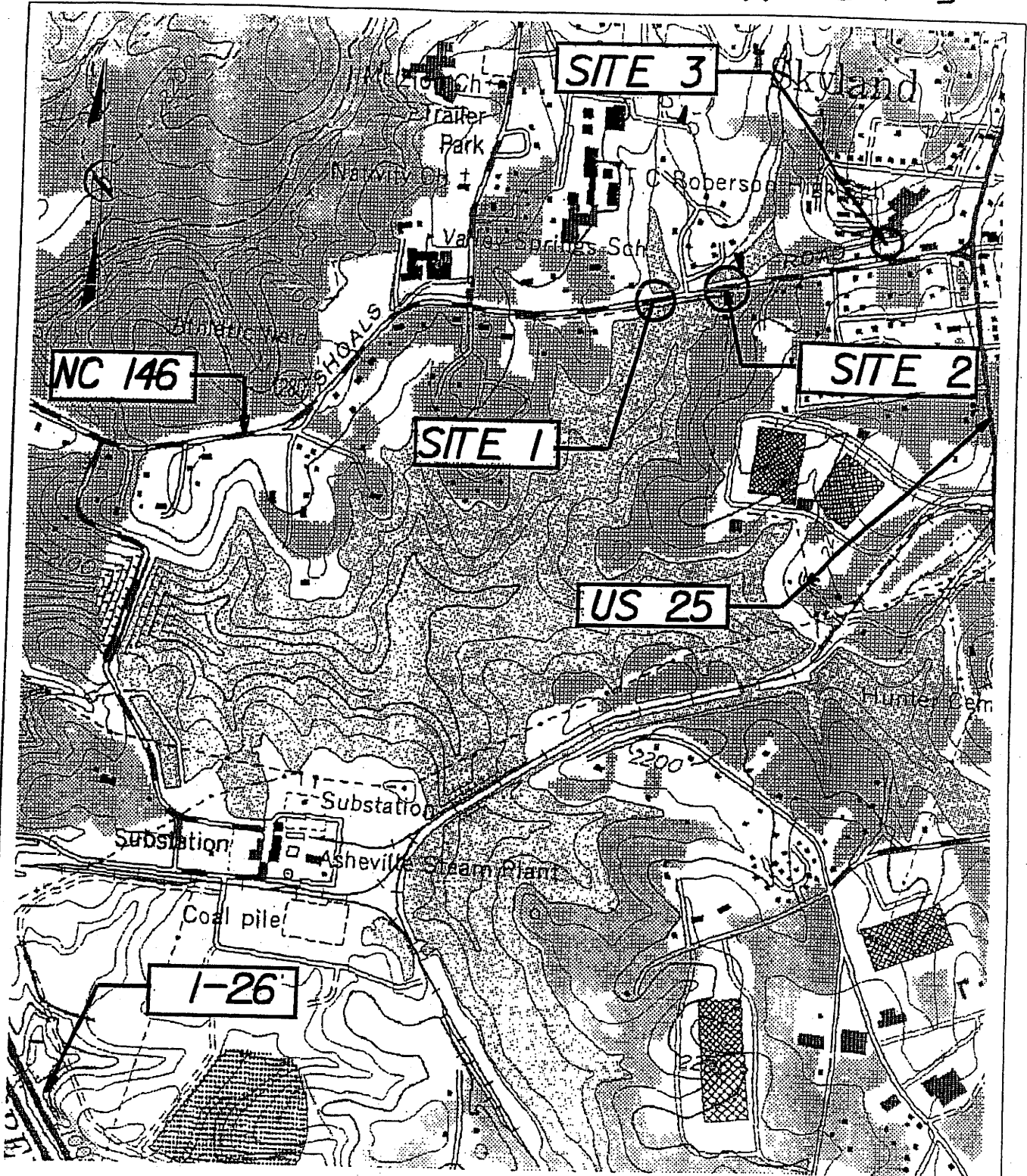
NORTH CAROLINA



VICINITY MAPS

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BUNCOMBE COUNTY

PROJECT: 8.1843601 (R-2813C)
 NC 146 (LONG SHOALS RD) FROM
 EAST OF I-26 TO US 25
 (HENDERSONVILLE ROAD)



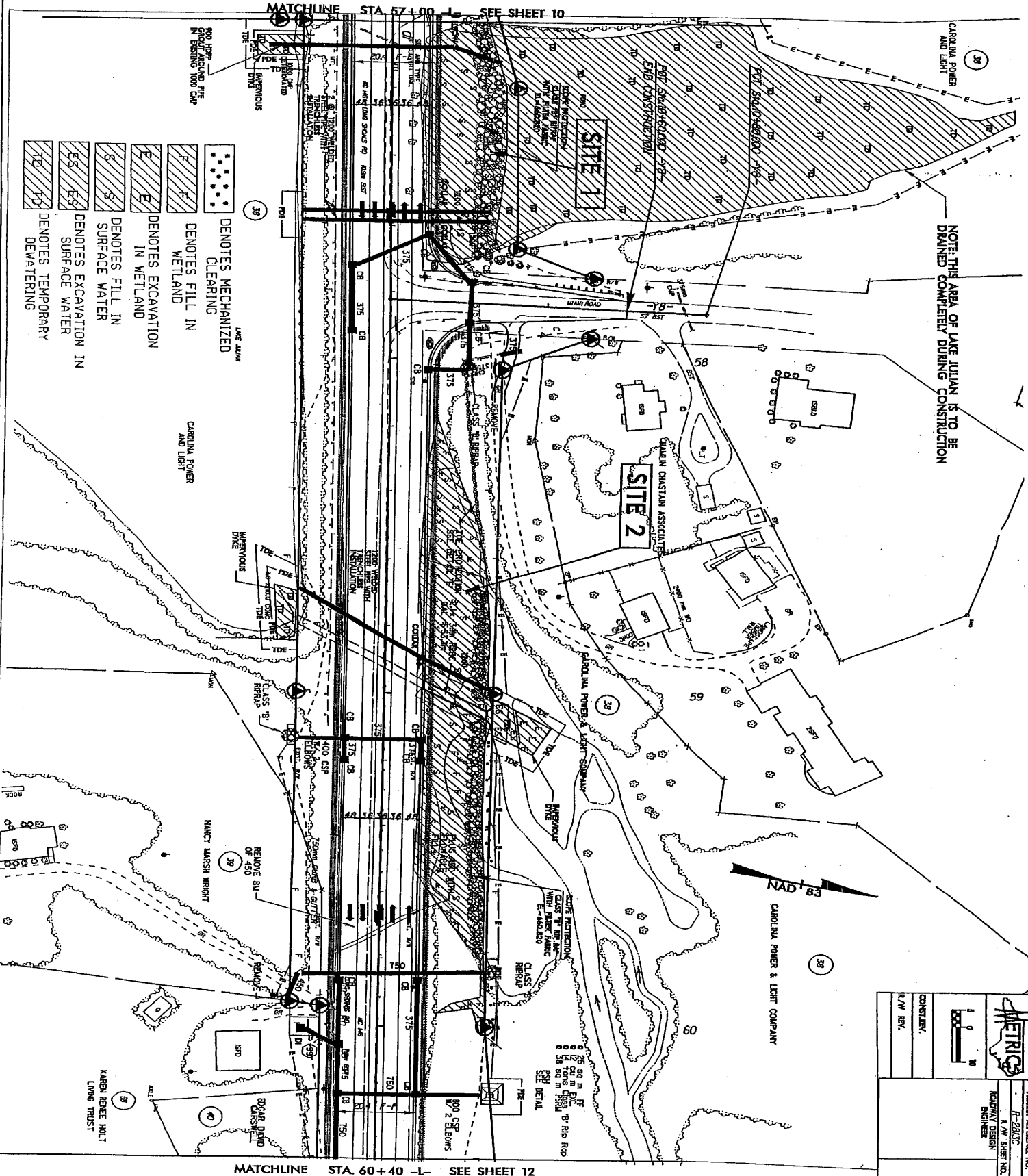
SITE MAPS

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BUNCOMBE COUNTY

PROJECT: 8.1843601 (R-2813C)
 NC 146 (LONG SHOALS RD) FROM
 EAST OF I-26 TO US 25
 (HENDERSONVILLE ROAD)

R/W REVISION ADDED TCE ON PARCEL 38 WTB 6/28/04

REVISIONS



NOTE: THIS AREA OF LAKE JULIAN IS TO BE DRAINED COMPLETELY DURING CONSTRUCTION

- DENOTES MECHANIZED CLEARING
- DENOTES FILL IN WETLAND
- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN SURFACE WATER
- DENOTES EXCAVATION IN SURFACE WATER
- DENOTES TEMPORARY DEWATERING

REGISTERED PROFESSIONAL ENGINEER	HYDRAULICS ENGINEER
PROJECT NO. 195-E	SHEET NO. 38
DATE: 2-9-05	SCALE: AS SHOWN
DESIGNER: MERRICK	CHECKER: MERRICK
APPROVED: MERRICK	DATE: 2-9-05

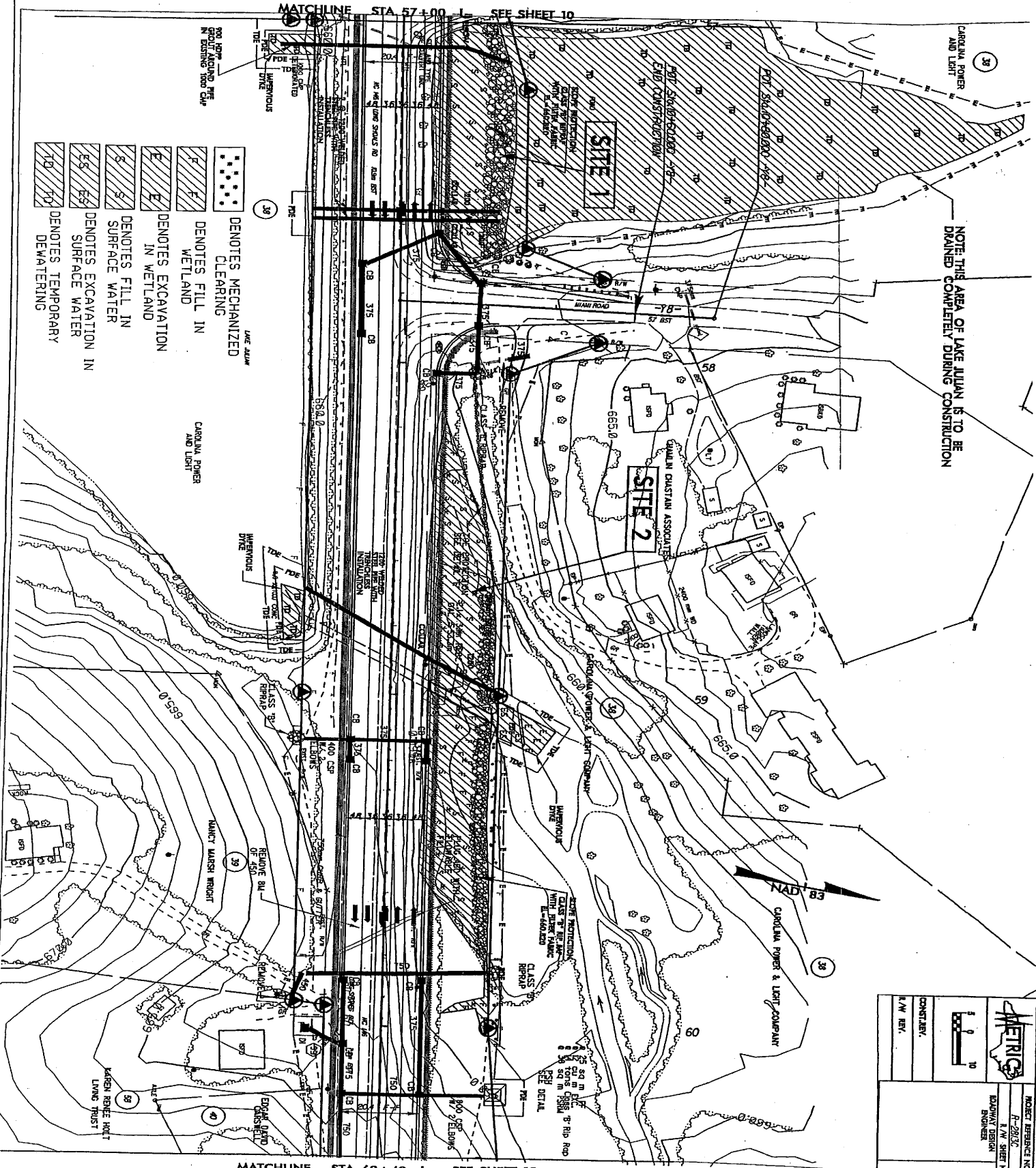
R/W REVISION ADDED TOE ON PARCEL 38 WTB 6/28/04

REVISIONS

MATCHLINE STA 57+00 L SEE SHEET 10

NOTE: THIS AREA OF LAKE JULIAN IS TO BE DRAINED COMPLETELY DURING CONSTRUCTION

- DENOTES MECHANIZED CLEARING
- DENOTES FILL IN WETLAND
- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN SURFACE WATER
- DENOTES EXCAVATION IN SURFACE WATER
- DENOTES TEMPORARY DEMATERING



MATCHLINE STA 60+40 L SEE SHEET 12

PROJECT REFERENCE NO.	F-287C
SHEET NO.	4 OF 4
DESIGNED BY	HYDRAULICS
ENGINEER	ENGINEER
DATE	
CONTRACT NO.	
L/W REV.	

- Revised 2-9-05 -

195 - G

Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality



October 15, 2004

RECEIVED

OCT 25 2004

DENR - WATER QUALITY
WETLANDS AND STORMWATER BRANCH

Mr. Gregory J. Thorpe, PhD, Manager
NCDOT Project Development & Environmental Analysis Branch
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Thorpe:

Re: MODIFICATION TO Water Quality Certification Pursuant to 401 of the Federal Clean Water Act,
Proposed widening of NC Highway 146 (Long Shoals Road) from east of I-26 to U S 25, Buncombe
County. Federal Aid. Project No. STP-146 (1); State Project No. 8.1843601
TIP No. R-2813C;
DWQ Project No. 040124

Attached hereto is a copy of the Modification to Certification No. 3450 issued to the North Carolina Department of Transportation dated October 15, 2004. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated May 7, 2004 and all other corresponding modifications still apply except where superseded by the certification.

If we can be of further assistance, do not hesitate to contact us.

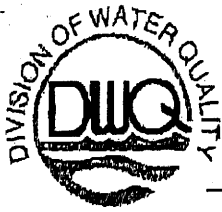
Sincerely,

Alan W. Klimek, P.E.

Attachments

- cc: Wilmington District Corps of Engineers
- Angie Pennick, USACE Asheville Field Office
- Christopher Militscher, USEPA-Region IV
- Jay Swain, P.E. Division Engineer, NCDOT Division 13
- Mike Parker, ARO
- Transportation Permitting Unit

One North Carolina
Naturally



195-H

Revised 2-9-05

Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The attached modification authorizes the temporary dewatering of 1.324 acres of Lake Julian and repair and extension of the existing 42-inch corrugated metal pipe by 40 linear feet and the installation of 154 linear feet of two 48-inch welded HDPE pipes at Site 1 and extension of the existing 8 ft. x 10 ft. culvert by 66 linear feet and the installation of 197 linear feet of a 48-inch welded steel pipe at Site 2. These pipes, under N. C. Highway 146, connect small parcels of Lake Julian to the main lake body. This modification is applicable only to the additional proposed activities. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated May 7, 2004 and all other corresponding modifications still apply except where superseded by this certification.

The application provides adequate assurance that the discharge of fill material into the proposed wetlands in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future exceed one acre, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations.

Condition(s) of Certification:

1. Measures shall be taken to prevent live or fresh concrete from coming into contact with surface waters. Water that inadvertently contacts uncured concrete should not be discharged to surface due to the potential for fish kills.
2. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities;
3. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
4. No additional compensatory mitigation shall be done in accordance with this modification.
5. All other conditions written into previous Water Quality Certifications for this project still apply.

Violations of any condition herein set forth shall result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or coastal Area Management Act Permit. This Certification shall expire upon expiration of the 404 or CAMA permit.

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Revised 2-9-05

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 15th day of October 2004
DIVISION OF WATER QUALITY



 Alan W. Klimek, P.E.
Director

Modification to WQC No. 3450



TENNESSEE VALLEY AUTHORITY

Section 26a Permit Approval / Denial

Applicant Name	NCDOT 1581 Mail Service Center Raleigh, NC 27699-1581	RLR No.	138617
Reservoir	Off (Buncombe)	Subdivision	N/A
Tract No.	N/A	Map No.	Quad 193 NE
River/Stream Mile	Tributary to French Broad River	Lot No(s).	N/A
		Category	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3

This application has been reviewed. The blocks checked below indicate the status of your request.

The facilities and/or activities listed below are **APPROVED** subject to the general and special conditions attached.

1. NCDOT Project No. 8.1843601 (R-2813C):
2. Culvert installation in association with road improvements of NC 146 at the location
3. specified and in accordance with submitted plans.
4. _____
5. _____
6. _____
7. _____
8. _____

The facilities and/or activities listed below are **DENIED**.

1. _____
2. _____

This permit **SUPERSEDES** the following previous TVA approval(s).

- | | | | | |
|-------|---------------|-------|-----|-------|
| _____ | permit issued | _____ | for | _____ |
| _____ | permit issued | _____ | for | _____ |
| _____ | permit issued | _____ | for | _____ |
| _____ | permit issued | _____ | for | _____ |

TVA Representative Freddie C. Bennett Approval Date 4 June 2004

Requires review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE. **No construction shall commence until you have written approval or verification that no permit is required.**

ARAP (For Tennessee locations, a copy of the permit has been sent to the Tennessee Department of Environment and Conservation).

GENERAL AND STANDARD CONDITIONS

Section 26a and Land Use

General Conditions

1. You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
2. This permit may be revoked by TVA by written notice if:
 - a) the structure is not completed in accordance with approved plans;
 - b) if in TVA's judgment the structure is not maintained as provided herein;
 - c) the structure is abandoned;
 - d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or;
 - e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
3. If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
4. In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
5. In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
6. This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable electrical building codes, now in effect or hereafter enacted.
7. The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
8. You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name.
9. You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any *required* conditions.
10. You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.
11. The facility will be maintained in a good state of repair and in good, safe, and substantial condition. If the facility is damaged, destroyed, or removed from the reservoir or stream for any reason, or deteriorates beyond safe and serviceable use, it cannot be repaired or replaced without the prior written approval of TVA.
12. You agree that if any historical or prehistoric archaeological material (such as arrowheads, broken pottery, bone or similar items) is encountered during construction of this facility you will immediately contact this office and temporarily suspend work at that location until authorized by this office to proceed.
13. The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises. If LESSEE {or licensee or grantee (for easement) or applicant (for 26a permit on federal land)} discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE {or licensee, grantee, or applicant} shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (phone 423-239-2000). Work may not be resumed in the area of the discovery until approved by TVA.

14. On TVA land, unless otherwise stated on this permit, vegetation removal is prohibited.
15. You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
16. You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located on or fronting property *owned* or *leased* as shown on your application.
17. It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked if TVA receives an objection to your water use facility from any owner or partial owner of the property rights at this location.

Standard Conditions: (Items that pertain to your request have been checked.)

1. Structures and Facilities

- a) TVA number ___ has been assigned to your facility. When construction is complete, this number shall be placed on a readily visible part of the outside of the facility in the numbers not less than three inches high.
- b) The 100-year flood elevation at this site is estimated to be ___-feet mean sea level. As a minimum, your fixed facility should be designed to prevent damage to stored boats by forcing them against roof during a 100-year flood event.
- c) You agree that the float will be temporarily connected (i.e., by slip pin/ropes) and not permanently attached to nonnavigable houseboat.
- d) You agree that this ___ shall have no side enclosures except wire mesh or similar screening.
- e) Buildings or other enclosed structures containing sleeping or living accommodations, including toilets and related facilities, or that have enclosed floor area in excess of 32 square feet, are prohibited.
- f) Ski jumps will not be left unattended for extended periods of time. All facilities will be tied to the shoreline or to a boathouse or pier fronting your property at the completion of each day's activities.
- g) For all electrical services permitted, a disconnect must be located at or above the ___-foot contour that is accessible during flooding.
- h) You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- i) The entire closed-loop coil heating and air conditioning system and its support apparatus must be either placed below elevation ___ (to provide a five-foot clearance for water craft at minimum pool elevations of ___) or located underneath a TVA approved water-use facility or other TVA approved structure. The supply and return lines must be buried as they cross the reservoir drawdown zone in areas of water depth less than five feet (minimum pool). The liquid contents of the closed-loop heating and air conditioning system must be propylene glycol or water, and the applicant or authorized agent must provide TVA with written verification of this fact.
- j) You agree that only those facilities which have been approved by TVA prior to construction will be placed within the harbor limits and that permanent mooring buoys, boat slips, or other harbor facilities will not be placed outside the harbor limits.
- k) You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the "Flammable and Combustible Liquids" section of the National Fire Codes and any additional requirements of federal, state, and local laws and regulations.
- l) You agree that the ___ facility hereby approved will be used for ___ and for no other purpose unless approved in writing from TVA.
- m) You agree that if the construction project covered by this permit is not initiated within (18) months after the date of issuance, this permit will then automatically expire and you must submit a new 26a permit application for TVA approval with the applicable fee.

2. Ownership Rights

- a) No fill will be placed higher than elevation ___ maximum shoreline contour (msc), and every precaution will be taken not to disturb or alter the existing location of the ___-foot contour elevation through either excavation or placement of fill.
- b) You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- c) You shall notify TVA of any sale or transfer of land, which would affect the landward limits of harbor area, as far in advance of such sale or transfer as possible.
- d) This approval of plans is only a determination that these harbor limits will not have any unacceptable effect on TVA programs or other interests for which TVA has responsibility. Such approval does not profess or intend to give the applicant exclusive control over the use of navigable waters involved.
- e) You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

3. Shoreline Modification and Stabilization

- a) For purposes of shoreline bank stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at normal summer pool elevation.
- b) You agree that spoil material will be disposed of and contained on land lying and being above the ___-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.
- c) Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.
- d) You agree to reimburse TVA \$___, which is the current value of the ___ acre feet of power storage volume displaced by fill into the reservoir.

4. Water Intake

- a) If the reservoir falls below the elevation of the intake, the applicant will be responsible for finding another source of raw water.
- b) You must install and maintain a standard regulatory hazard buoy at the end of the intake to warn boaters of the underwater obstruction. The word "intake" should be added to the buoy and be attached using a five-foot cable.
- c) The screen openings on the intake strainer must be 1/8-inch (maximum), to minimize the entrapment of small fish.
- d) This approval does not constitute approval of the adequacy or safety of applicant's water system. TVA does not warrant that the water withdrawn and used by applicant is safe for drinking or any other purpose, and applicant is solely responsible for ensuring that all water is properly treated before using.

5. Bridges and Culverts

- a) You agree to design/construct any instream piers in such a manner as to discourage river scouring or sediment deposition.
- b) Applicant agrees to construct culvert in phases, employing adequate streambank protection measures, such that the diverted streamflow is handled without creating streambank or streambed erosion/sedimentation and without preventing fish passage.
- c) Concrete box culverts and pipe culverts (and their extensions) must create/maintain velocities and flow patterns which offer refuge for fish and other aquatic life, and allow passage of indigenous fish species, under all flow conditions. Culvert floor slabs and pipe bottoms must be buried below streambed elevation, and filled with naturally occurring streambed materials. If geologic conditions do not allow burying the floor, it must be otherwise designed to allow passage of indigenous fish species under all flow conditions.

- d) All natural stream values (including equivalent energy dissipation, elevations, and velocities; riparian vegetation; riffle/pool sequencing; habitat suitable for fish and other aquatic life) must be provided at all stream modification sites. This must be accomplished using a combination of rock and bioengineering, and is not accomplished using solid, homogeneous riprap from bank to bank.
- e) You agree to remove demolition and construction by-products from the site--for recycling if practicable, or proper disposal--outside of the 100-year floodplain. Appropriate BMPs will be used during the removal of any abandoned roadway or structures.

6. Best Management Practices

- a) You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- b) You agree to installation of cofferdams and/or silt control structures between construction areas and surface waters prior to any soil-disturbing construction activity, and clarification of all water that accumulates behind these devices to meet *state* water quality criteria *at the stream mile where activity occurs* before it is returned to the *unaffected portion of the stream*. Cofferdams must be used wherever construction activity is at or below water elevation.
- c) A floating silt screen extending from the surface to the bottom is to be in place during excavation or dredging to prevent sedimentation in surrounding areas. It is to be left in place until disturbed sediments are visibly settled.
- d) You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").
- e) You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.
- f) You agree to use erosion control structures around any material stockpile areas.
- g) You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.
- h) You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.
- i) You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install or perform additional erosion control structures/techniques deemed necessary by TVA.

Additional Conditions

None

NCDOT Project 8.1843601 (R-2813C)

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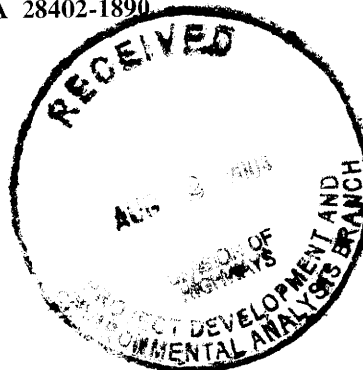
Jul 27



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

July 26, 2004



Regulatory Division

Action ID. 200430567

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

In accordance with the written request of January 16, 2004 and the ensuing administrative record, enclosed is a permit to discharge dredged or fill material into .20 acres of wetland and .75 acres of open water in and adjacent to Lake Julian, an impoundment on a tributary to the French Broad River, to facilitate the widening of 1.8 miles of NC Highway 146 (Long Shoals Road) between Interstate Highway 26 and US Highway 25 (Hendersonville Road) south of Asheville, Buncombe County, North Carolina (TIP No. R-2813 C, State Project No. 8.1843601).

If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

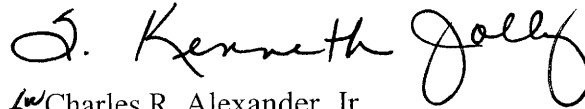
Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before December 31, 2007.
- b. You must notify this office in advance as to when you intend to commence and complete work.

You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

Should you have questions, contact Mr. Steven Lund, Regulatory Division, Asheville Regulatory Field Office, telephone (828) 271-7980 extension 223.

Sincerely,



for Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer

Enclosures

Copy Furnished with enclosures:

Chief, Source Data Unit
NOAA/National Ocean Service
ATTN: Sharon Tear N/CS261
1315 East-West Hwy., Rm 7316
Silver Spring, MD 20910-3282

Mr. Ronald Mikulak, Chief
Wetlands Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Copies Furnished with special conditions
and plans:

Mr. Garland Pardue, Field Supervisor
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Mr. Doug Huggett
Division of Coastal Management
North Carolina Department of
Environment and Natural Resources
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

Mr. Ron Sechler
National Marine Fisheries
Service, NOAA
Pivers Island
Beaufort, North Carolina 28516

Mr. William D. Gilmore, P.E.
EEP Transition Manager
Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, North Carolina 27699-1652

Mr. David Rackley
National Marine Fisheries
Service, NOAA
219 Fort Johnson Road
Charleston, South Carolina 29412-9110

DEPARTMENT OF THE ARMY PERMIT

Permittee ~~NC Department of Transportation~~Permit No. 200430567Issuing Office ~~USAED, Wilmington~~

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To discharge dredged or fill material into .20 acres of wetland and .75 acres of open water in and adjacent to Lake Julian, an impoundment on a tributary of the French Broad River, to facilitate the widening of 1.8 miles of NC Highway 146 (Long Shoals Road).

Project Location:

Between Interstate Highway 26 and US Highway 25 (Hendersonville Road) south of Asheville, Buncombe County, North Carolina.

Permit Conditions:**General Conditions:**

1. The time limit for completing the work authorized ends on December 31, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

[Signature] _____ 7/19/04 _____
(PERMITTEE) (DATE)

NC DEPARTMENT OF TRANSPORTATION

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

[Signature] _____ 7/28/04 _____
(DISTRICT ENGINEER) (DATE)

[Signature] CHARLES R. ALEXANDER, JR. COLONEL

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree) (DATE)

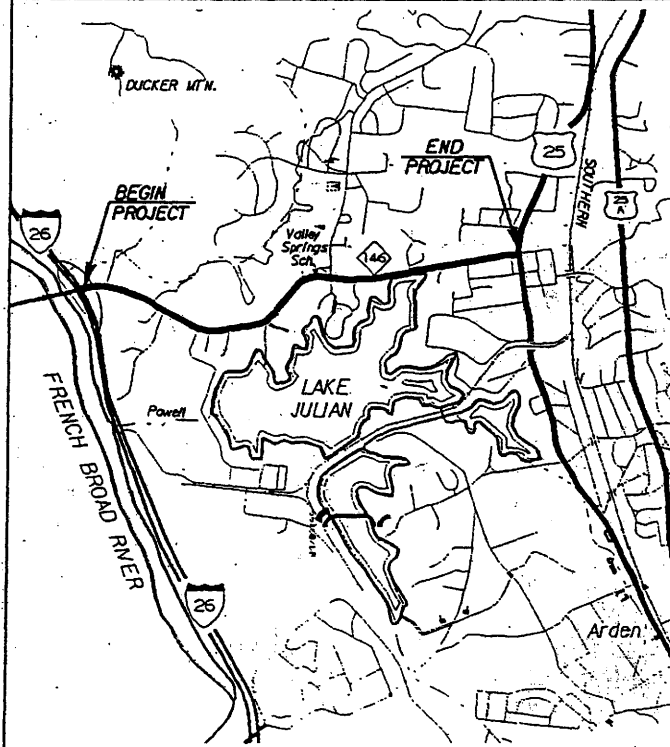
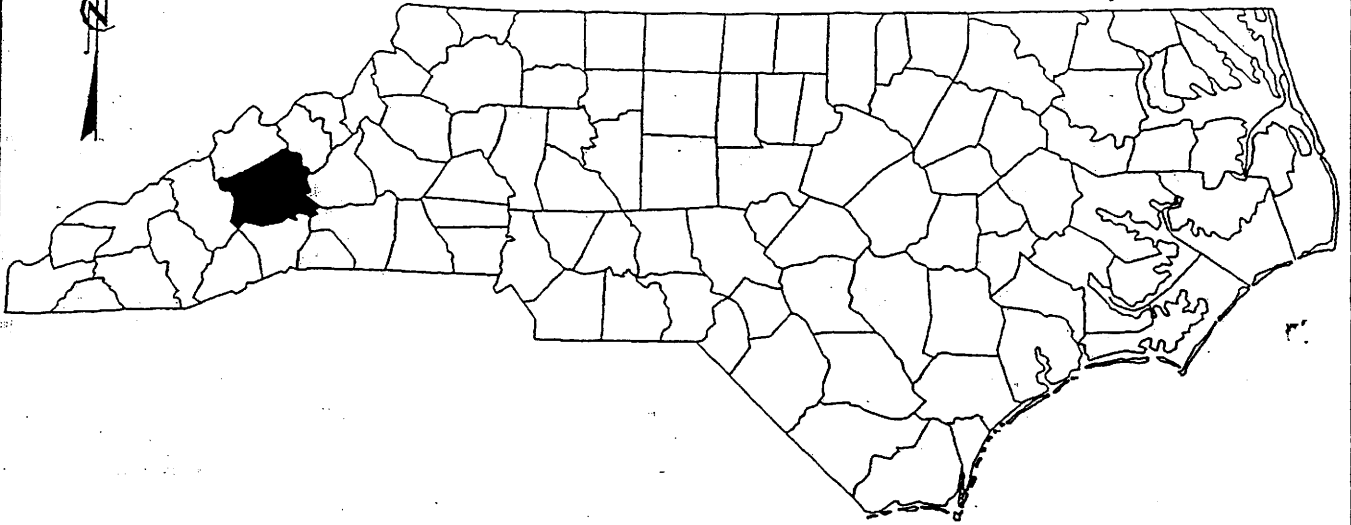
SPECIAL CONDITIONS: ACTION ID: 200430567;TIP NO. R-2813C

1. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit.
2. All conditions of Section 401, Clean Water Act, Water Quality Certification No. 3450, issued by the North Carolina Division of Water Quality on May 7, 2004, will be regarded as conditions of this Department of the Army (DA) permit.
3. The permittee and his contractors and/or agents shall not excavate, fill or perform mechanized land clearing at any time in the construction or maintenance of this project within waters and/or wetlands except as authorized by this permit or any modification to this permit. There shall be no excavation from, waste disposal into, or degradation of jurisdictional waters or wetlands associated with this permit without the necessary modification of this permit to include appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities associated with this project.
4. To ensure that all borrow and waste activities occur on uplands and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material or to dispose of dredged, fill or waste material. The permittee will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any stream or wetland by providing appropriate map(s) indicating the location(s) of such borrow or waste sites. The permittee shall ensure that all such areas comply with Special Condition No. 3 of this permit and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This documentation will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with Special Condition No. 3 above. All information will be available to the Corps of Engineers upon request. The permittee shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.
5. The permittee shall require his contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of his contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.
6. The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any deviations in the construction design plans will be brought to the attention of the Corps of Engineers, Asheville Regulatory Field Office prior to any active construction in waters or wetlands.

7. Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events.
8. During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of the project.
9. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Any such structures located outside of the authorized construction limits of the project will be reported in writing to the Corps of Engineers, Asheville Regulatory Field Office, together with a location map and restoration plan for any necessary permit modification.
10. Storm water from this project will be managed according to the permittee's Stormwater Management Plan dated July 10, 2003 and included in the January 16, 2004 permit application.
11. All mechanized equipment operating near surface waters shall be regularly inspected to prevent contamination of streams from leakage of fuels, lubricants, hydraulic fluids or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands.
12. Wet concrete will be isolated from any contact with surface waters in order to prevent a fish kill.
13. Compensatory mitigation for unavoidable impacts to .21 acres of wetland shall be provided by the Ecosystem Enhancement Program (EEP) as outlined in the March 23, 2004 letter from William D. Gilmore, EEP Transition Manager. The EEP will provide 2.1 acres of preservation of non-riverine wetlands at the Needmore Tract Site in Macon and Swain Counties in the Southern Mountains Eco-Region that have been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of .21 acres of restoration of non-riverine wetlands in the French Broad River Basin (Hydrologic Cataloging Unit 06010105) by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. Construction within wetlands on the permitted highway project shall begin only after the EEP has provided written confirmation to the District Engineer that EEP and not NCDOT is responsible for providing the required mitigation, pursuant to Paragraph VI.B.7 of the MOA. NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.
14. The permittee will report any violations of the above conditions and any violation of Section 404 of the Clean Water Act from unauthorized work in writing to the Wilmington District, US Army Corps of Engineers within 24 hours of the violation.

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NORTH CAROLINA



VICINITY MAPS

PUBLIC NOTICE SHEET 1 OF 6

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BUNCOMBE COUNTY

PROJECT: 8.1845601 (R-2813C)
NC 146 (LONG SHOALS RD) FROM
EAST OF I-26 TO US 25
(HENDERSONVILLE ROAD)

SHEET 1 OF 11

8/19/03



SITE MAPS

PUBLIC NOTICE SHEET 2 OF 6

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BUNCOMBE COUNTY

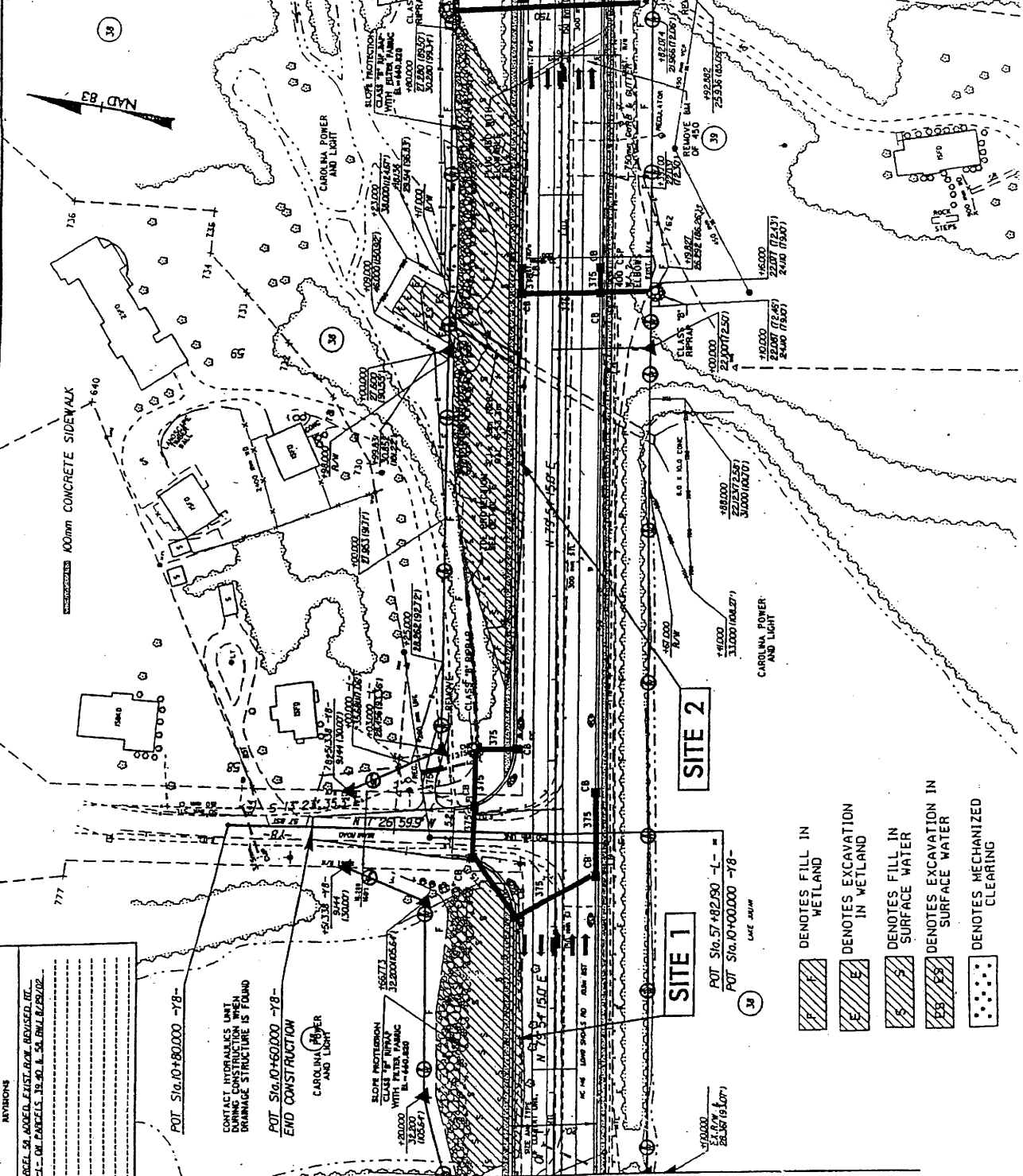
PROJECT: 8.18-3601 (R-2815C)
NC 146 (LONG SHOALS RD) FROM
EAST OF I-26 TO US 25
(HENDERSONVILLE ROAD)

SHEET 2 OF 11

8/19/03

PROJECT REFERENCE NO. A-2213C
 PERMIT SHEET NO. ROADWAY DESIGN
 METRICS
 CONSULTING
 R/W REV.

1" = 40'
 NORTH
 38



REVISIONS
 1. PARCEL 58 ADDED. FIRST ROW REVISED. BY DE. JL. ON PARCELS 38, 40, 41, 54, 61, 62, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

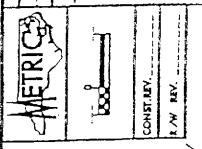
POT Sta. 10+80.000 -78-
 CONTACT HYDRAULICS UNIT DURING CONSTRUCTION WHEN DRAINAGE STRUCTURE IS FOUND
 POT Sta. 10+60.000 -78-
 END CONSTRUCTION
 CAROLINA POWER AND LIGHT
 SLOPE PROTECTION CLASS 10 WITH 10% MINIMUM
 CLAY REPAIR
 100' x 100' x 10' CONCRETE
 100mm CONCRETE SIDEWALK

MATCHLINE STA. 57+00 -L- SEE SHEET 10

- DENOTES FILL IN WETLAND
- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN SURFACE WATER
- DENOTES EXCAVATION IN SURFACE WATER
- DENOTES MECHANIZED CLEARING

PUBLIC NOTICE SHEET 3 OF 6

PROJECT REFERENCE TO
 P-2303
 FRONT STREET
 ROADWAY
 ENGINEER



NOTE: FOR PROFILE OF "L" SEE SHEET NO. 20
 FOR 200mmx450mm CONCRETE CURB USE 3m MIN. RADIUS
 100mm CONCRETE SIDEWALK

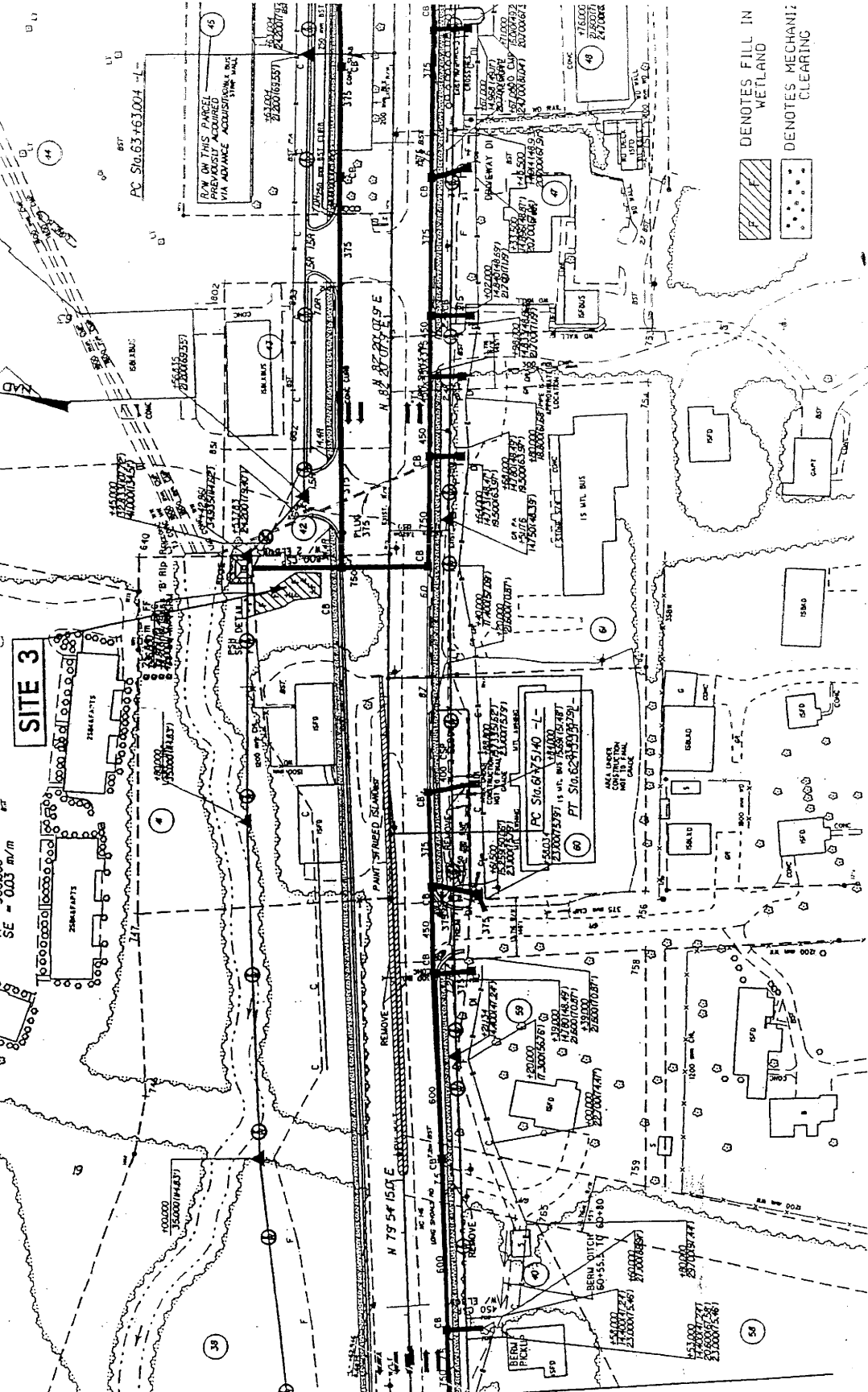
PI STA 64+00.02
 Δ = 6.42 (97' LT)
 L = 8192.3
 R = 7600.00
 SE = 0.03 m/m

NOTE: FOR PROFILE OF "L" SEE SHEET NO. 20
 FOR 200mmx450mm CONCRETE CURB USE 3m MIN. RADIUS
 100mm CONCRETE SIDEWALK

PI STA 64+00.02
 Δ = 6.42 (97' RT)
 L = 8192.3
 R = 7600.00
 SE = 0.03 m/m

REVISIONS

PARCELS 54, 59, 60 & BLADDED PROPERT owners
 CHANGED ON PARCELS 44, 45, 46 & 47 EXISTING
 REVISED TO 1-1 ON PARCELS 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

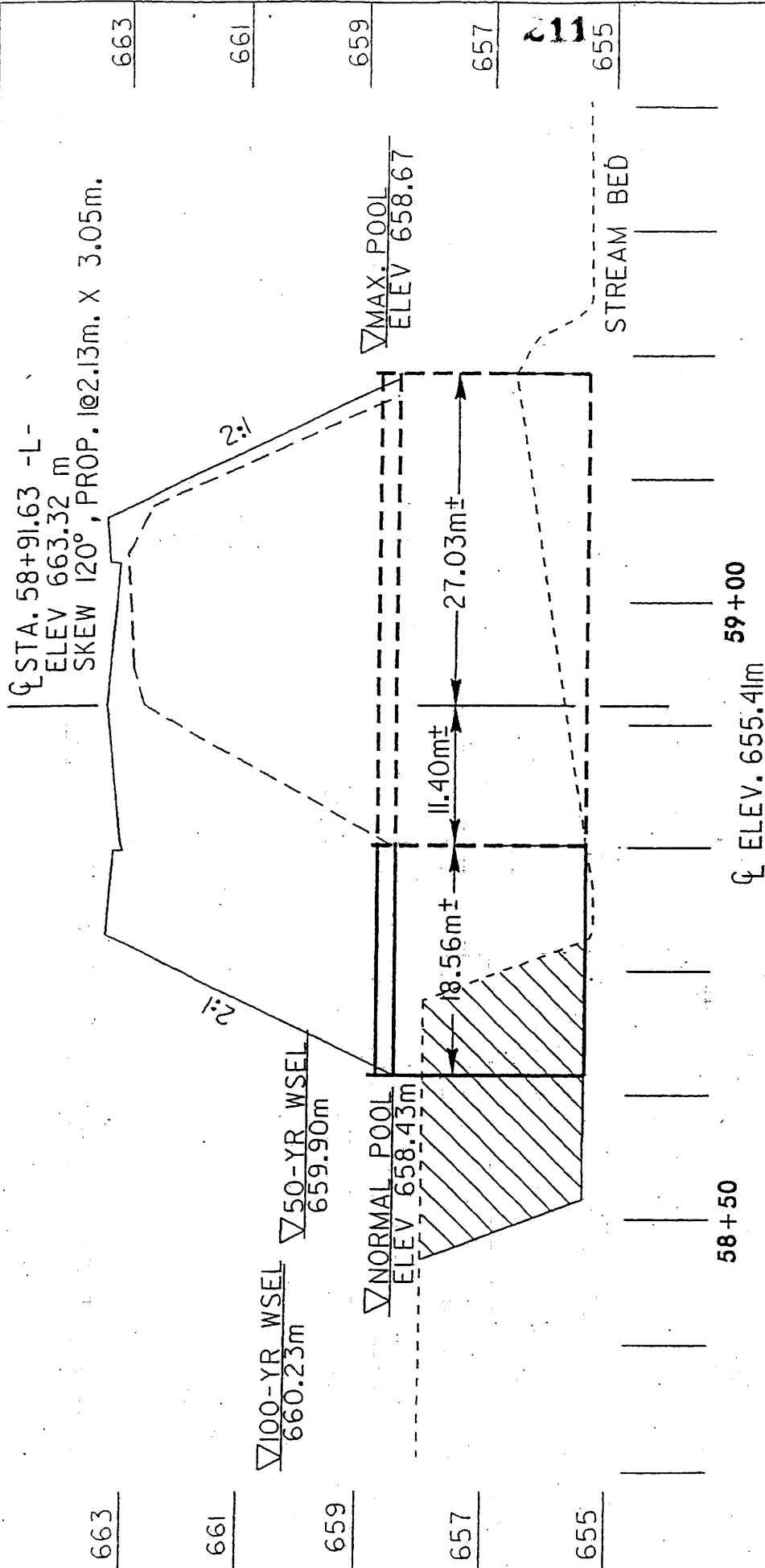


DENOTES FILL IN WETLAND
 DENOTES MECHANICAL CLEARING

MATCHLINE STA 60+40.1 - SEE SHEET 11

PUBLIC NOTICE SHEET 4 OF 6

STA. 58+91.63 -L-
 ELEV 663.32 m
 SKEW 120°, PROP. @ 2.13m. X 3.05m.



ELEV. 655.41m
 SLOPE 0%

STREAM PROFILE

 DENOTES CULVERT
 EXCAVATION @ 270 cu m

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BUNCOMBE COUNTY
 PROJECT: 8.1843601 (R-2813C)
 NC 146 (LONG SHOALS ROAD) FROM
 EAST OF I-26 TO US 25
 (HENDERSONVILLE ROAD)

PUBLIC NOTICE SHEET 5 OF 6

SHEET 9 OF 11 8/19/03

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				Natural Stream Design (m)	
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Excavation In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)		
1	27+80 -L- (LT)	N/A								0.135		
2	29+40 -L- (LT)	2.1x3.1 RCBC EXTENSION	0.047		0.006	0.016	0.009			0.180		
3	32+85 -L- (LT)	N/A	0.009			0.002						
TOTALS:			0.056		0.006	0.020	0.009			0.315		

NCDOT

DIVISION OF HIGHWAYS
 BUNCOME COUNTY
 PROJECT 8.1843601 (R-2813C)

NC 146 FLAT SHOALS RD
 FROM I-26 TO US 25

PUBLIC NOTICE SHEET 6 OF 6



213

Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

May 7, 2004

RECEIVED

MAY 7 2004

Mr. Gregory J. Thorpe, Ph.D., Environmental Director
NCDOT Planning and Environmental Branch
1548 Mail Service Center
Raleigh, NC, 27699-1548

Dear Dr. Thorpe:

Re: Water Quality Certification Pursuant to §401 of the Federal Clean Water Act. **CES**
Proposed widening of NC 146 (Long Shoals Road) from east of I-26 to US 25, Buncombe County.
F.A. Project No. STP-146(1); State Project No. 8.1843601
TIP No. R-2813C
DWQ Project No. 040124

Attached hereto is a copy of Certification No. 3450 issued to The North Carolina Department of Transportation dated May 7, 2004

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.

Attachments

cc: Wilmington District Corps of Engineers
Steve Lund, USACE Asheville Field Office
NCDWQ Asheville Regional Office
Christopher A. Militscher, US Environmental Protection Agency – Region IV
William D. Gilmore, NC Ecological Enhancement Program
Central Files
File Copy



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H .0500. This Certification authorizes the NCDOT to incur the following permanent impacts:

- 0.20 acres of wetlands through excavation and mechanized clearing;
- 0.75 acres of surface waters (pond).

R-2813C shall be constructed pursuant to the application dated January 16, 2004 to widen NC 146 (Long Shoals Road) from east of I-26 to US 25 (Hendersonville Road) crossing Lake Julian south of Asheville in Buncombe County.

The Application provides adequate assurance that the discharge of fill material into the waters of the state with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

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This Certification shall expire three (3) years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding US Army Corps of Engineers Permit, whichever is later.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
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2. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Application. All construction activities shall be performed so that no violations of state water quality standards, statutes, or rules occur.
 3. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within 30 days after the project has been released.
 4. The outside wetland boundary as well as along the construction corridor within these boundaries approved under this authorization shall be clearly marked by orange fabric fencing for the areas that have been approved to infringe within the wetland or water prior to any land disturbing activities.
 5. NCDOT and its contractors and/or agents shall not excavate, fill, or perform mechanized land clearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this Certification, or any modification to this Certification. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this Certification without appropriate modification. If this occurs, compensatory mitigation will be required since it is a direct impact from road construction activities.
 6. Stormwater management shall be constructed in accordance with the hydraulic design plans submitted in the January 16, 2004 application.
 7. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
 8. *Summary of Compensatory Mitigation:* Compensatory mitigation shall be the same as that approved by the US Army Corps of Engineers, as long as the mitigation required equals a ratio of 1:1 restoration or creation of lost wetland acres as described in 15A NCAC 2H.0506 (h)(6), and consists of the following:
 - 0.20 acres of impacts to non-riverine wetlands will be mitigated through EEP.
- In accordance with 15A NCAC 2R.0500, this contribution will satisfy NC Division of Water Quality's compensatory mitigation requirements under 15A NCAC 2H.0506(h). Until the EEP receives and clears your payments, wetland or stream fill shall not occur. The payments to EEP shall be sent within two (2) months of issuance of the 404 permit.
9. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided that the final construction drawings comply with the attached permit drawings contained in the Application dated January 16, 2004.
 10. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.

11. NCDOT and its authorized agents shall conduct its activities in a manner consistent with State water quality standards and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this Certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d). Before modifying the Certification, DWQ shall notify NCDOT and the US Army Corps of Engineers, provide public notice in accordance with 15A NCAC 2H.0503 and provide opportunity for public hearing in accordance with 15A NCAC 2H.0504. Any new or revised conditions shall be provided to NCDOT in writing, shall be provided to the United States Army Corps of Engineers for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

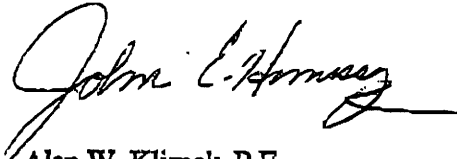
NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal Permit. This Certification shall expire upon the expiration of the 404 Permit.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

This the 7th day of May 2004

DIVISION OF WATER QUALITY


Alan W. Klimek, P.E.

217

STORMWATER MANAGEMENT PLAN

State Project 8.1843601 (R-2813C)

Date: 7/10/03

Buncombe County

Hydraulics Project Manager: Andrew Nottingham, PE

ROADWAY DESCRIPTION

The project involves the widening of Long Shoals Road (NC 146) to a multi-lane facility in Buncombe county. The 2.9 km (1.8 mi) project will consist of five lanes, 20.4 meter (68 foot) face to face of curb, curb and gutter section from just east of I-26 to US 25.

ENVIRONMENTAL DESCRIPTION

There are two crossings of Lake Julian on this project which are in a water supply watershed protected area classified as WS-IV and are in the French Broad River basin. At the first crossing the structure is submerged and is as yet not located. The second site has a 2.13m X 3.05m (7'X10') RCBC and is being extended 18.56m (60.9') upstream. The extension is into a pond and will have both surface water (.188 ha) and wetland (.071 ha) impacts. The third site has a wetland impact of .009 ha and has no associated stream.

BEST MANAGEMENT PRACTICES AND MAJOR STRUCTURES

The following best management practices and measures were taken during the design of the project to reduce the stormwater impacts:

1. Storm drainage that is being collected on the south of Long Shoals Road between station 37+00 and 41+57 -L- is being discharged along the ramp to I-26.
2. Storm drainage that is collected on the north side of Long shoals road between station 36+40 and 41+57 -L- is being discharged along the northbound ramp to I-26.
3. Storm drainage that is collected from station 41+57 to 43+00 -L- outlets into a drainage ditch on the north side of the project.
4. Storm drainage from the proposed roadway from station 43+00 to 45+78 -L- is being discharged into an existing system on the north side of the project which discharges into the same drainage ditch as above.
5. Storm drainage collected offsite from the southside of the roadway from station 43+00 to 45+45 -L- is being discharged along CP&L Drive.
6. Storm drainage collected between station 45+78 and 48+55 -L- is being discharged into a preformed scour hole left of station 47+80 -L-. This drainage then enters a system that drains through the adjacent apartment complex.
7. Storm drainage collected between station 48+55 and 49+15 -L- on the left is being discharged into a ditch adjacent to a school driveway.

- 8. All other drainage collected between station 48+55 and 56+00 -L- is being discharged into a 2.0m base grass lined ditch adjacent to Lake Julian. The ditch runs for 100m +/- before discharging into lake.
- 9. Storm drainage collected between station 56+00 and 56+60 -L- on the right is being discharged into same ditch as above.
- 10. Storm drainage collected from station 56+00 to 58+70 -L- on the left and 56+60 to 58+70 -L- on the right is being discharged left of station 58+00 -L- where it runs along the toe of fill before entering Lake Julian.
- 11. Storm drainage collected from station 58+70 to 59+85 -L- is being discharged onto natural ground 30m +/- from Lake Julian.
- 12. A 750mm crosspipe is being proposed at station 59+84 -L- to pass offsite drainage across roadway.
- 13. Storm drainage collected from station 59+85 to 62+40 -L- is discharged into a performed scour hole left of station 60+20 -L-. This is 25m +/- from the lake.
- 14. Storm drainage collected from station 62+40 to 64+40 -L- is being discharged into a preformed scour hole left of station 62+40 -L-. This is 10m +/- away from a tributary to Lake Julian.
- 15. Storm drainage from US 25 is being discharged adjacent to a RCBC at station 10+37 -Y9-.

CULVERTS

Station 58+91.6 -L- the existing 2.13m X 3.05m RCBC is being extended on the upstream end

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, .0500. This Certification authorizes the NCDOT to incur the following permanent impacts:

- 0.20 acres of wetlands through excavation and mechanized clearing;
- 0.75 acres of surface waters (pond).

R-2813C shall be constructed pursuant to the application dated January 16, 2004 to widen NC 146 (Long Shoals Road) from east of I-26 to US 25 (Hendersonville Road) crossing Lake Julian south of Asheville in Buncombe County.

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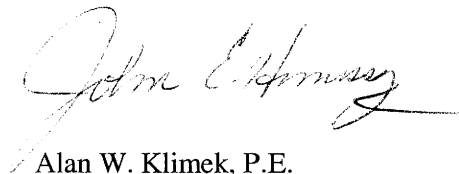
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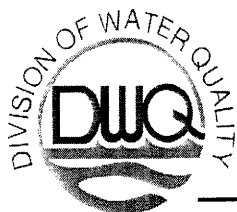
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This the 7th day of May 2004

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.



DWQ Project No.: _____ County: _____
Applicant: _____
Project Name: _____
Date of Issuance of 401 Water Quality Certification: _____

***Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
Signature: _____ Date: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
Signature _____ Registration No. _____ Date _____

