



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 23, 2005

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue Room 208
Asheville, NC 28801-5006

ATTN: Ms. Angie Pennock
NCDOT Coordinator

Dear Madam:

Subject: **Individual Permit Modification Request for the widening of NC 146 (Long Shoals Road) between Interstate 26 and US Highway 25 (Hendersonville Road), south of Asheville, Buncombe County, TIP R-2813 C.**

Please reference the original Individual Permit (Action ID 200430567, DWQ Certification/Project Number 040124) and subsequent permit modifications dated January 25, 2005 and April 21, 2005, respectively. In our latest permit modification dated April 21, 2005, NCDOT's contractor felt it was possible to complete the widening of NC 146 between Lake Julian and a finger to Lake Julian without completely dewatering the finger of Lake Julian. As stated in the contingencies section in the previous modification, "If these methods fail to produce the conditions necessary to allow for the dry and safe construction of these structures, NCDOT may request to revert back to the original plan of de-watering the section of Lake Julian north of Long Shoals Road at Site 1. NCDOT will notify the Army Corps of Engineers and Division of Water Quality if this becomes necessary."

This letter serves as our request and notification to the US Army Corps of Engineers and request to Division of Water Quality's to revert back to the original plan of de-watering the finger of Lake Julian. Modified construction methods to manage the water (sheeting, dikes, and several 12-inch pumps) have failed to keep the construction area dry and safe.

The construction methods presented in the April 21, 2005 application remain valid with the exception of the de-watering of the finger of Lake Julian. **There will be no additional fill in wetlands, excavation in wetlands, mechanized clearing, excavation, or fill in surface waters. However, to complete the aforementioned construction activities, 1.324 acres of a finger of Lake Julian will need to be temporarily dewatered.**

Contingencies

There is much uncertainty remaining at this time on exact relocation methods. We have been advised that it still may be possible to maintain a small retention area by not completely draining the finger to Lake Julian. Once dewatering begins, and the deepest area of the lake is found to be away from the construction area, it may be determined the fish can remain safely in the finger and not relocated to the main area of Lake Julian. NCDOT intends to fulfill the original permit commitment proposed by Wildlife Resources Commission to “*phase the construction and dewatering activities to allow for NCDOT biologists to spend a day relocating as many fish as practicable to the main waterbody of Lake Julian,*” and minimize the impact to aquatic life as much as practicable. This determination may be made best in the field as the project is dewatered, but always under the consultation of NCDOT Division Environmental Officer Roger Bryan or other NCDOT biologists. NCDOT will notify the Army Corps of Engineers and Division of Water Quality only if using a relocation method not previously described in previous permit modifications.

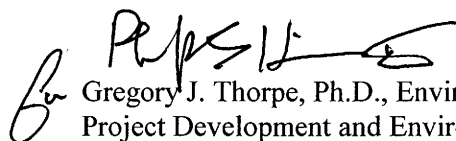
Regulatory Approvals

Attached for your information are permit drawings for the subject project. Request is hereby made to the Department of the Army for a Section 404 Individual Permit Modification and a Section 401 Water Quality Certification modification for the above described activities. In compliance with Section 143-215.3D(e) of the NCAC we will provide \$475.00 to act as payment for processing the Section 401 permit modification previously noted in this request (see Subject line). We are providing seven copies of this modification request to the North Carolina Department of Environment and Natural Resources, Division of Water Quality.

A copy of this permit application will be posted on the DOT website at:
<http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>

If you have any questions or need additional information, please contact Mr. Michael Turchy at maturchy@dot.state.nc.us or (919) 715-1468.

Sincerely,



Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch

W/attachment

Mr. John Hennessy, NCDWQ (7 Copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Ms. Becky Fox, USEPA-Whitter, NC
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. J.J. Swain, P.E., Division 14 Engineer
Mr. Roger Bryan, Div. Environmental Officer

W/o attachment

Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming & TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Mr. Eric Midkiff, P.E., PDEA
Mr. Carl Goode, PE, Human Environment Unit