




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

March 10, 2025

MEMORANDUM TO: Division Environmental and Construction Units

FROM:  Michael A. Turchy, ECAP Group Leader
Environmental Analysis Unit

SUBJECT: Environmental Permits for the proposed new interchange on I-26 (future exit 35) and roadway extension, Buncombe County, Division 13,
TIP: HE-0001.

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Individual Permit (dated 8/11/2023) Modification (dated 3/4/2025)	December 31, 2028
NC Division of Water Resources Section 401 Water Quality Certification	Certification No. 5958 (dated 6/15/2023) Modification (dated 3/3/2025)	December 31, 2028

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans.

The Environmental Coordination and Permitting Group or the Division Environmental Office must be consulted if any deviation from the permit(s) is required.

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at:
https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/

The Project Commitments "Greensheet" is located on the Preconstruction SharePoint Dashboard at:
<https://connect.ncdot.gov/site/preconstruction>



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

March 4, 2025

Regulatory Division

Action ID: SAW-2021-01535, STIP Project No. HE-0001

North Carolina Department of Transportation
Attn: Mr. Michael A. Turchy
Environmental Coordination and Permitting Group Leader
1598 Mail Service Center
Raleigh, North Carolina 27699-1598
Sent Via Email: maturchy@ncdot.gov

Dear Mr. Turchy:

I refer to your permit modification request dated February 5, 2025, for authorization to temporarily impact additional waters of the U.S. for construction of STIP Project No. HE-0001 in Buncombe County, North Carolina.

As background, the U.S. Army Corps of Engineers (USACE) issued a Department of the Army Individual Permit (IP) to the North Carolina Department of Transportation (NCDOT) for the HE-0001 project on August 11, 2023, under file number SAW-2021-01535. This permit authorized permanent impacts to 981 linear feet (lf) of stream and 0.103 acre of wetland, and temporary impacts to 190 lf of stream, to construct a new interchange on Interstate 26 (I-26). The purpose of this project is to provide access to I-26 and improve east-west connectivity within the project vicinity to accommodate current and planned growth in Buncombe County.

NCDOT has now requested authorization of an additional 295 lf of temporary stream impacts for dewatering and maintenance of soil and erosion control devices on this project. These additional temporary impacts are requested because NCDOT has concerns that the temporary stream impacts already authorized do not provide enough room for the pump around or the diversion channel option for dewatering. Additionally, these additional temporary impacts would allow flexibility to use the best diversion method, as appropriate, as well as to allow for improved maintenance of the diversion.

Your permit modification request dated February 5, 2025, was coordinated with the U.S. Fish and Wildlife Service (Service), the U.S. Environmental Protection Agency (EPA), the N.C. Division of Water Resources (NCDWR), and the N.C. Wildlife Resources Commission (NCWRC). NCDWR issued a modification to the Section 401 Water Quality Certification (WQC) for this project on March 3, 2025. The USACE then coordinated the modified 401 WQC with the EPA. We did not receive any objections to authorizing the additional temporary impacts.

The USACE has also reviewed NCDOT's modification request and has no objections. As such, NCDOT is authorized to temporarily impact an additional 295 lf of stream for dewatering and maintenance of soil and erosion control devices on the HE-0001 project, conditioned on compliance with the general and special conditions of the original permit issued on August 11, 2023, and with the following additional conditions:

1. This work shall be conducted in accordance with the enclosed plans titled, "WETLAND AND SURFACE WAER IMPACTS PERMIT", Permit Drawing Sheets 1-5, dated February 4, 2025.
2. This work shall be conducted in accordance with the requirements of the enclosed modified 401 WQC.
3. As requested by NCWRC, the following condition will apply to this work: Temporarily impacted channels will be restored to their pre-impacted dimensions and the banks stabilized with coir matting prior to returning the streamflow into the dewatered channels and new pipes. Reforestation shall occur in the first appropriate planting window.

This expiration date of the USACE authorization for this project remains unchanged and is December 31, 2028.

If you have any questions, please contact Lori Beckwith, Regulatory Project Manager, WRDA/Transportation Permitting Branch at loretta.a.beckwith@usace.army.mil or at 828-230-0483.

Sincerely,



M. Scott Jones, PWS
WRDA / Transportation Branch Chief
USACE, Wilmington District

Enclosures

Copies furnished by email with enclosures:

USFWS, Ms. Holland Youngman
USEPA, Ms. Amanetta Sommerville
NCDWR, Ms. Amy Annino
NCWRC, Mr. Dave McHenry
NCDOT, Mr. Mike Sanderson



NORTH CAROLINA
Environmental Quality

March 3, 2025

JOSH STEIN
Governor

D. REID WILSON
Secretary

RICHARD E. ROGERS, JR.
Director

Mr. Michael Turchy
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for the proposed new interchange to I-26 (Future Exit 35) in Buncombe County. WBS No. 49472.1.2, TIP: HE-0001
NCDWR Project No. 20230518 v.2

Dear Mr. Turchy:

Attached hereto is a modification of Individual Certification No. 005958 issued to The North Carolina Department of Transportation (NCDOT) dated June 15, 2023.

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

Sincerely,

Signed by:

Susan Locklear

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Richard E. Rogers, Jr., Director
Division of Water Resources

Electronic copy only distribution:

Lori Beckwith, US Army Corps of Engineers, Asheville Field Office
Mike Sanderson Division 13 Environmental Officer
Amanetta Somerville, US Environmental Protection Agency
Holland Youngman, US Fish and Wildlife Service
Dave McHenry, NC Wildlife Resources Commission
File Copy



Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS

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 Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact an additional, 295 linear feet of jurisdictional streams in Buncombe County. The project shall be constructed pursuant to the modification dated received February 10, 2025. The authorized impacts are as described below:

Stream Impacts in the French Broad River Basin

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation (linear ft)
Original approved impacts at Sites 3, 4, 5	0	0	419	101	520	419
New additional impacts with this approval at Sites 3, 4, 5	0	0	0	295	295	0
TOTAL:	0	0	419	396	815	419

Total Stream Impact for (Site/Modification): 0 linear feet of permanent and 396 linear feet of temporary.

The application provides adequate assurance that the discharge of fill material into the waters of the French Broad River Basin 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 modified application received February 10, 2025. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated June 15, 2023, still apply except where superseded by this certification. Should your project change, you are required to notify the NCDWR 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional 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. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated June 15, 2023, and subsequent modifications dated February 10, 2025, still apply except where superseded by this certification.
2. Temporarily impacted streams will be restored to their preconstruction dimensions and the stream banks matted with coir-fiber matting. Water shall not be released into the restored channels until the stream banks



are stabilized. Vegetation used for bank stabilization shall be limited to native riparian vegetation and should include establishment of a vegetated buffer on both sides of the temporarily impacted channel to the maximum extent practical. Reforestation shall occur in the first appropriate planting window. [15A NCAC 02H.0506(b)(2) and 15A NCAC 02H .0506(b)(3)]

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 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This the 3rd day of March 2025

Signed by:

Susan Locklear

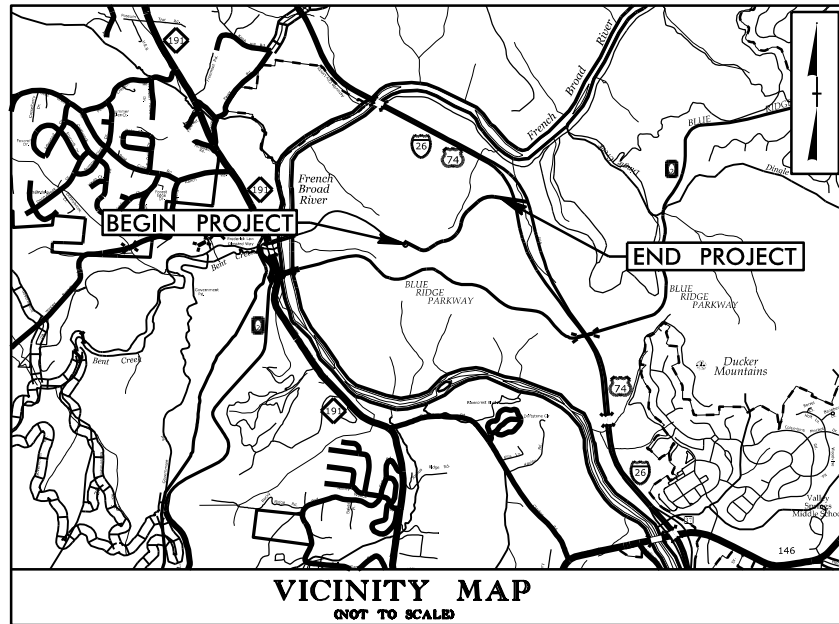
Richard E. Rogers, Jr., Director
Division of Water Resources

WQC No. 005958



TIP PROJECT: HE-0001B

See Sheet 1A For Index of Sheets
See Sheet 1B For Conventional Symbols



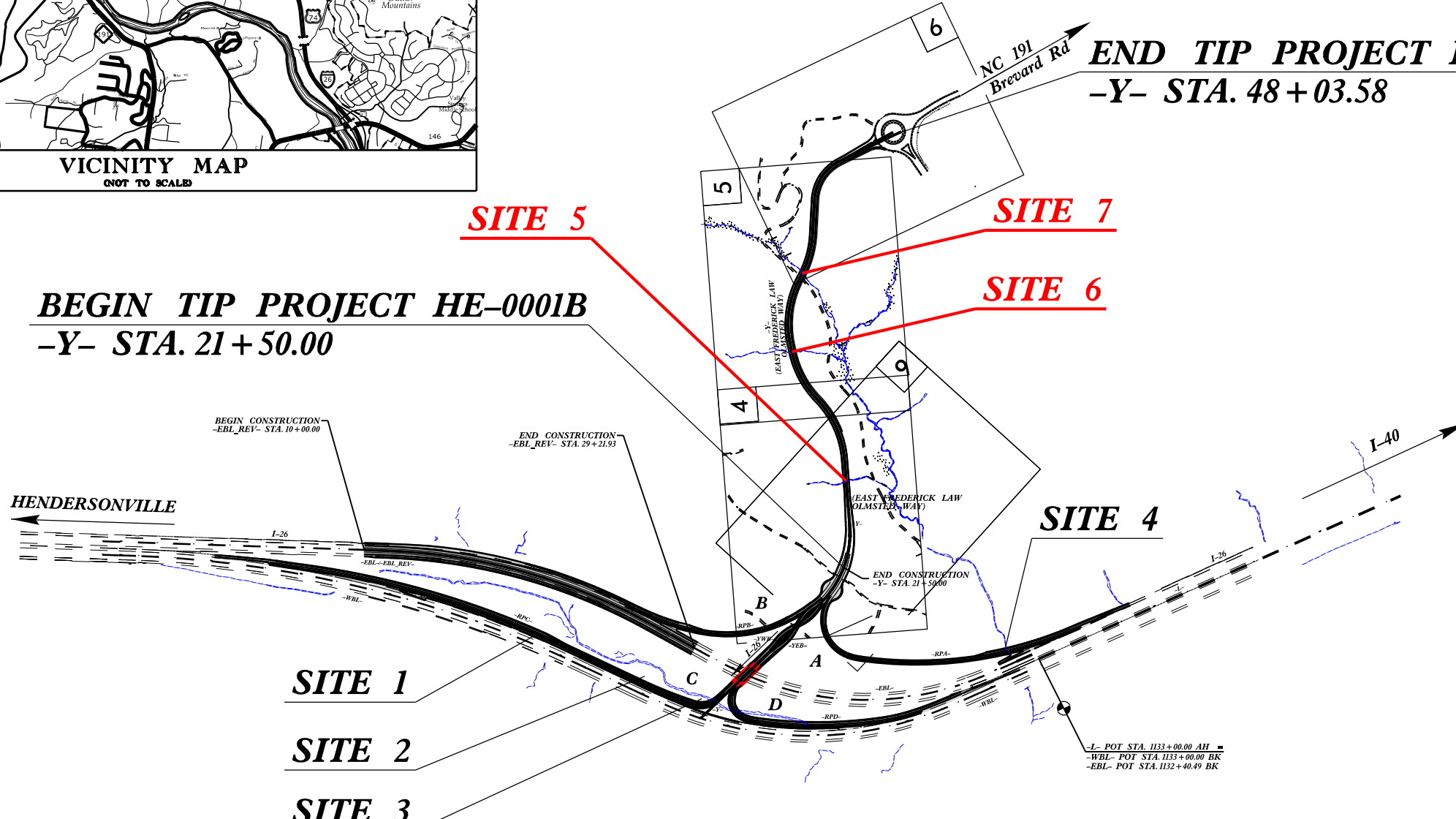
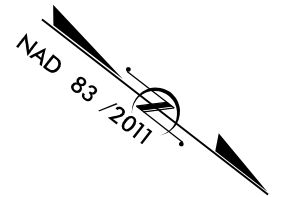
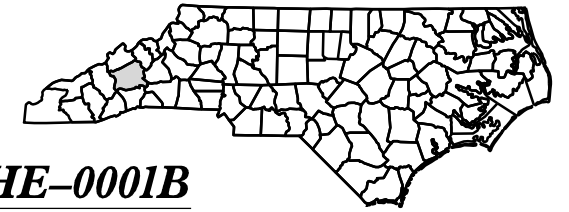
STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

BUNCOMBE COUNTY

LOCATION: ACCESS ROAD CONNECTING FROM I-26
TO NC 191 (BREVARD RD)

TYPE OF WORK: GRADING, PAVING, AND DRAINAGE

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	HE-0001B	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
49742.1.2		PE	
49742.2.2		UTILITIES	
49742.3.2		CONSTRUCTION	
49742.4.2		MITIGATION	



February 4, 2025

**PERMIT DRAWING
SHEET 1 OF 5**

WETLAND AND SURFACE WATER IMPACTS PERMIT

NOTES:
THIS IS A PARTIAL CONTROLLED ACCESS PROJECT WITH ACCESS BEING LIMITED TO POINTS SHOWN ON THE PLANS

CONTRACT:

<p>GRAPHIC SCALES</p> <p>50' 25' 0 50' 100'</p> <p>PLANS</p> <p>50' 25' 0 50' 100'</p> <p>PROFILE (HORIZONTAL)</p> <p>10' 5' 0 10' 20'</p> <p>PROFILE (VERTICAL)</p>	<p>DESIGN DATA</p> <p>ADT 2023 = 9,890 ADT 2043 = 17,810 K = 9% D = 55% T = 5% V = 40 MPH</p> <p>* TTST = 1% DUAL = 4%</p> <p>FUNC CLASS = MINOR ARTERIAL</p>	<p>PROJECT LENGTH</p> <p>LENGTH ROADWAY TIP PROJECT HE-0001B = 0.503 Miles TOTAL LENGTH TIP PROJECT HE-0001B = 0.503 Miles</p>	<p>Prepared for the North Carolina Department of Transportation In the Office of:</p> <p>GANNETT FLEMING One Glenwood Avenue Suite 900 Raleigh, NC 27603 919-420-7660 NC Lic. No. F-0270</p>	<p>HYDRAULICS ENGINEER</p> <p>SIGNATURE: _____</p> <p>ROADWAY DESIGN ENGINEER</p> <p>SIGNATURE: _____</p>	
<p>NCDOT CONTACT: <u>BRENDAN W. MERITHEW, PE</u> DIVISION 13 PROJECT MANAGER</p>			<p>2018 STANDARD SPECIFICATIONS</p> <p>RIGHT OF WAY DATE: AUGUST 20, 2024</p> <p>LETTING DATE: JANUARY 21, 2025</p>	<p>RICKY A. TIPTON, PE PROJECT ENGINEER</p> <p>ANGELA B. PRIDGEN, PE PROJECT DESIGN ENGINEER</p>	

8/17/99



PROJECT REFERENCE NO.	SHEET NO.
HE-0001B	2
RW SHEET NO.	

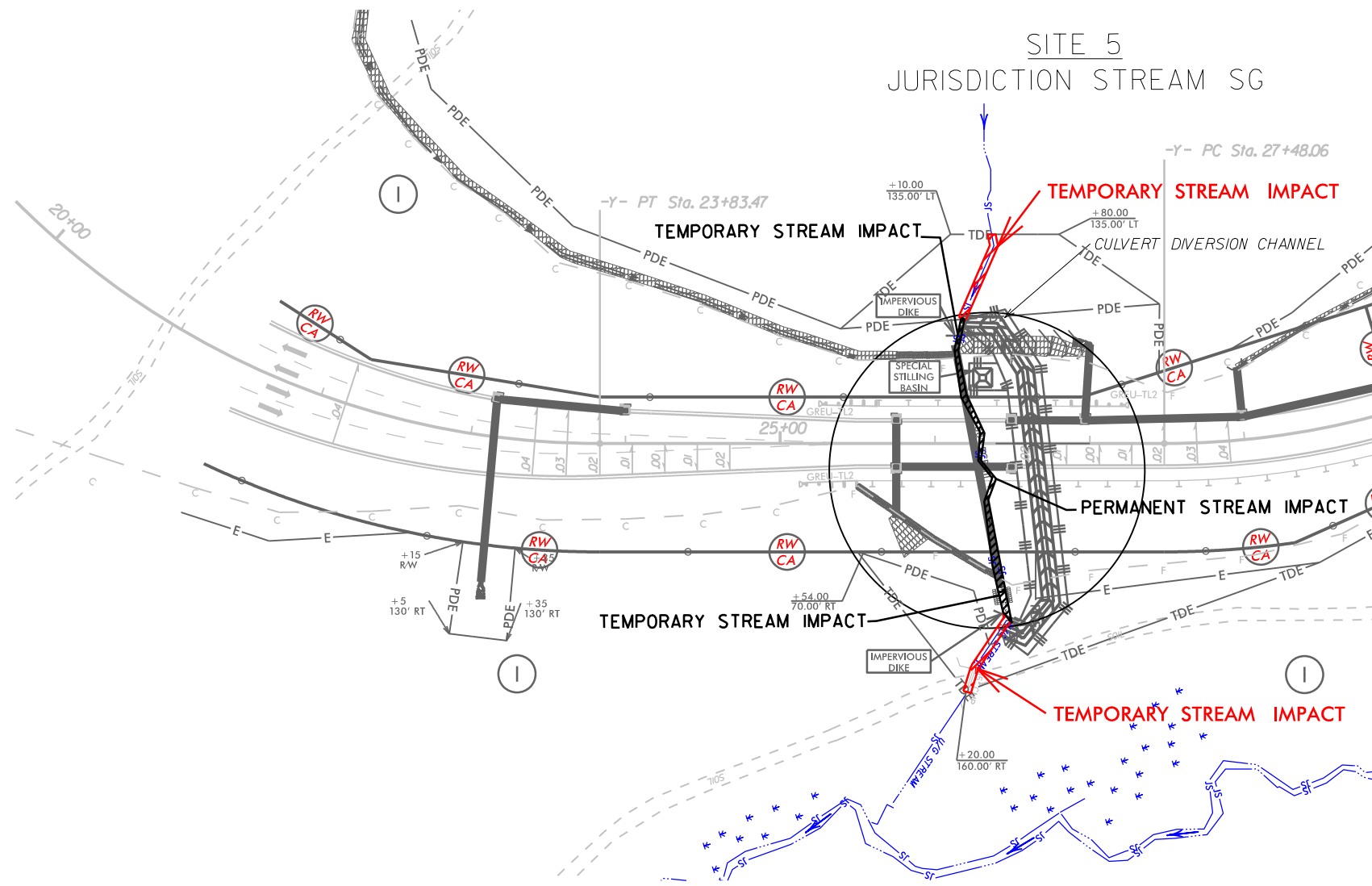
PERMIT DRAWING
SHEET 2 OF 5

2/4/2025

- EXISTING TEMPORARY SURFACE WATER IMPACTS
- NEW TEMPORARY SURFACE WATER IMPACTS
- EXISTING SURFACE WATER IMPACTS

CULVERT CONSTRUCTION SEQUENCE STA. 26+50 -Y-

- BEGIN CULVERT CONSTRUCTION PRIOR TO ROADWAY FILL.
- UTILIZE SPECIAL STILLING BASIN(S) AS NEEDED.
- CONSTRUCT CULVERT DIVERSION CHANNEL (3 FT BASE, 2.5 FT DEEP, 2:1 SIDE SLOPES). INSTALL IMPERVIOUS DIKE A FOR ONE SIDE OF THE CHANNEL.
- INSTALL IMPERVIOUS DIKES B AND C, DIVERTING FLOW INTO TEMPORARY CHANNEL.
- DEWATER WORK AREA, CONSTRUCT PROPOSED CULVERT AND INLET/OUTLET CHANNEL IMPROVEMENTS IN THE DRY.
- REMOVE IMPERVIOUS DIKES B AND C, ALLOWING FLOW THROUGH NEWLY CONSTRUCTED CULVERT.
- REMOVE IMPERVIOUS DIKE A AND CULVERT DIVERSION CHANNEL.
- FINISH INLET/OUTLET IMPROVMENTS.
- REMOVE SPECIAL STILLING BASIN(S) AND COMPLETE ROADWAY.



DATE TIME \$\$\$\$\$\$
SYTIME\$\$\$\$\$
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PROJECT REFERENCE NO. HE-0001B	SHEET NO. 4
RW SHEET NO.	

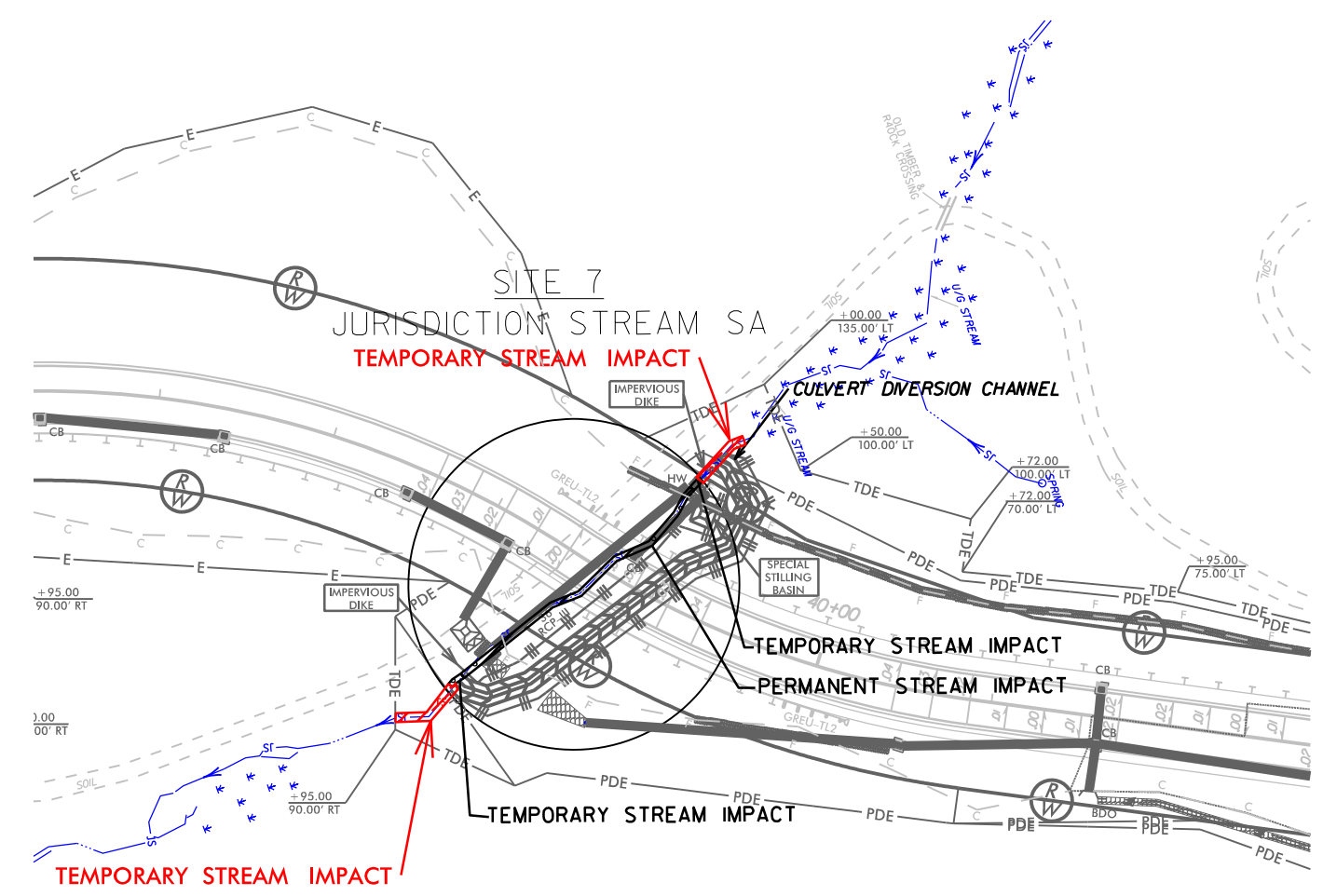
PERMIT DRAWING
SHEET 4 OF 5

2/4/2025

- EXISTING TEMPORARY SURFACE WATER IMPACTS
- NEW TEMPORARY SURFACE WATER IMPACTS
- EXISTING SURFACE WATER IMPACTS

CULVERT CONSTRUCTION SEQUENCE STA. 39+00 -Y-

1. BEGIN CULVERT CONSTRUCTION PRIOR TO ROADWAY FILL.
2. UTILIZE SPECIAL STILLING BASIN(S) AS NEEDED.
3. CONSTRUCT CULVERT DIVERSION CHANNEL (3 FT BASE, 2.5 FT DEEP, 2:1 SIDE SLOPES). INSTALL IMPERVIOUS DIKE A FOR ONE SIDE OF THE CHANNEL.
4. INSTALL IMPERVIOUS DIKES B AND C, DIVERTING FLOW INTO THE TEMPORARY CHANNEL.
5. DEWATER WORK AREA, CONSTRUCT PROPOSED CULVERT AND INLET/OUTLET CHANNEL IMPROVEMENTS IN THE DRY.
6. REMOVE IMPERVIOUS DIKES B AND C, ALLOWING FLOW THROUGH NEWLY CONSTRUCTED CULVERT.
7. REMOVE IMPERVIOUS DIKE A AND CULVERT DIVERSION CHANNEL.
8. FINISH INLET/OUTLET IMPROVEMENTS.
9. REMOVE SPECIAL STILLING BASIN(S) AND COMPLETE ROADWAY.



59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

WETLAND AND SURFACE WATER IMPACTS SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	RPC 25+17 to 25+30 LT	Fill in Wetlands/Mechanized Clearing Due to Roadway Widening	< 0.01			0.01						
2	RPC 31+75 to 32+62 LT	Fill in Wetlands/Mechanized Clearing due to Roadway Widening	0.02			0.03						
3	99 to 36+35 RPD 11+38 to	Stream relocated to Proposed Channel Due to Roadway Widening and Extension of Proposed 9'X7' RCBC and 66in RCP (292')	< 0.01							512	73	
4	RPA 22+89 to 23+34	Inlet of Proposed 54in RCP/Mechanized Clearing Due to Roadway Widening and Installation of Proposed 54in RCP extension				0.02				50	16	
5	-Y- 26+12 to 26+39	Proposed 30in RCP								160	152	
6	-Y- 33+95 to 34+08	Excavation in Wetland Due to Outlet of Proposed 24in RCP			0.01							
6	-Y- 34+08 to 34+46	Proposed 24in RCP								114	152	
7	-Y- 38+34 to 38+94	Proposed 36in RCP								145	92	
TOTALS*:			0.03		0.01	0.06				981	485	0

*Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 02/05/2025
 BUNCOMBE
 HE-0001B