




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

February 8, 2005

MEMORANDUM TO: Mr. J. J. Swain, Jr., P.E.  
Division 13 Engineer

FROM: Philip S. Harris, III, P.E., Manager   
Office of the Natural Environment  
Project Development and  
Environmental Analysis Branch

SUBJECT: Buncombe County, Widening of NC 146 (Long Shoals Road)  
between Interstate 26 and US-25 (Hendersonville Road) south of  
Asheville; State Work Order Number 8.1843601; TIP Number  
R-2813C

Attached is the modification of the U. S. Army Corps of Engineers Individual Permit for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.  
Mr. Omar Sultan  
Mr. Jay Bennett, P.E.  
Mr. David Chang, P.E.  
Mr. Randy Garris, P.E.  
Mr. Greg Perfetti, P.E.  
Mr. Mark Staley  
Mr. John F. Sullivan, III, FHWA  
Mr. Roger Bryan, Division 13 DEO

## PROJECT COMMITMENTS

Widening of NC 146 (Long Shoals Road) between Interstate 26 and US-25 (Hendersonville Road) south of Asheville, Buncombe County, North Carolina  
State Project No. 8.1843601  
TIP No. R-2813C

This is the revised greensheet for project R-2813C, which includes the January 25, 2005 modification to the previous permit. All special environmental commitments are included below.

In addition to all Individual Permit conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, Best Management Practices for the Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, and Section 401 Conditions for Certification, the following conditions have been agreed to by NCDOT:

*PDEA/Office of Natural Environment  
NCDOT Division 13 Construction Unit*

*The NCDOT will "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."*

*To accomplish this task, it is imperative that the Division 13 construction unit notify the NCDOT Office of Natural Environment (Michael Turchy (919-715-1468) as early as possible when dewatering activities are to occur.*

*NCDOT Division 13 Construction Unit:*

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.



REPLY TO  
ATTENTION OF:

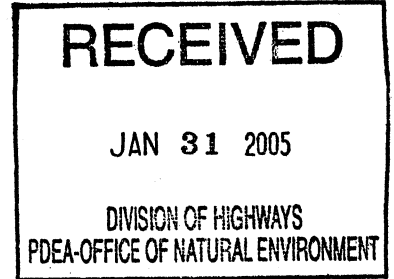
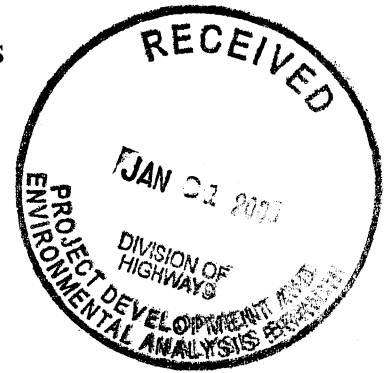
DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

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



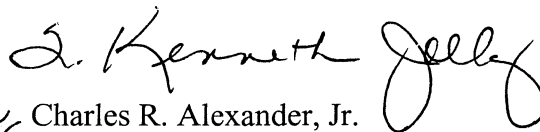
Dear Dr. Thorpe:

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

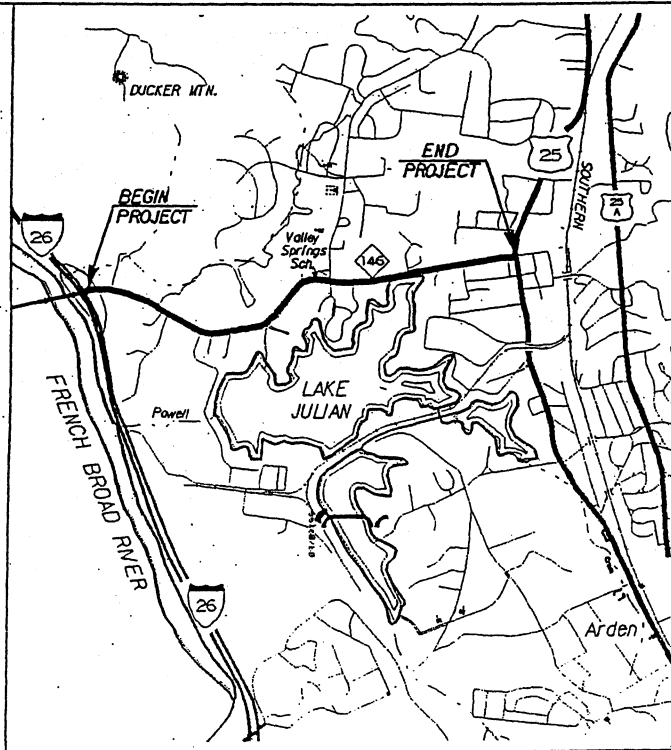
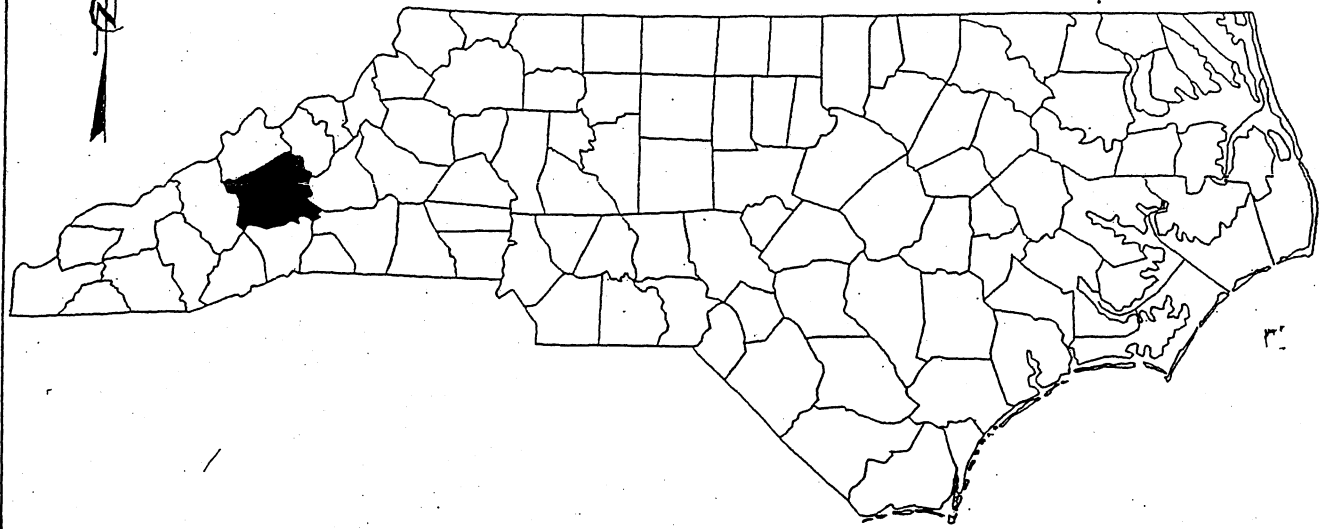
Copies Furnished with enclosure:

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

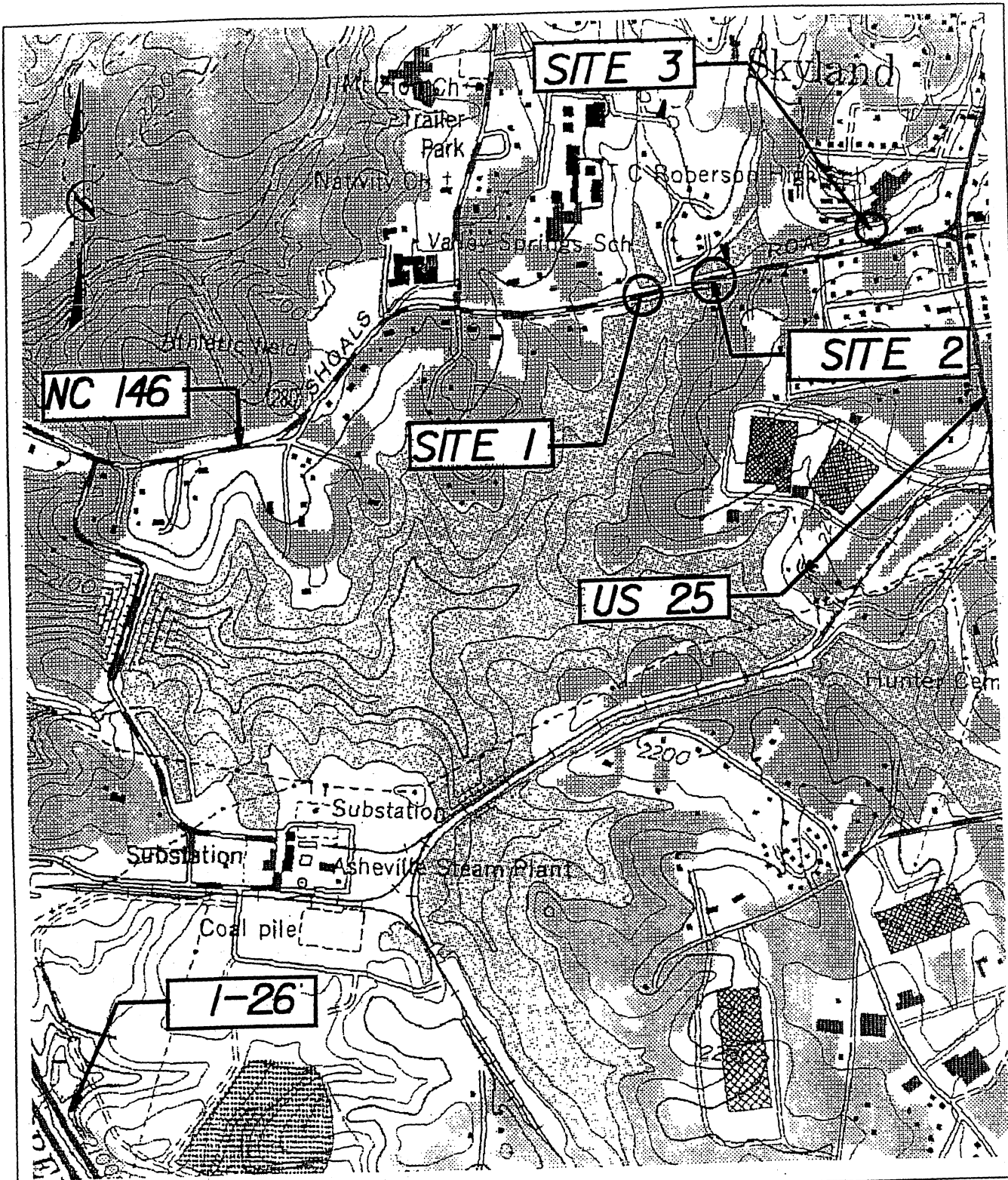
# NORTH CAROLINA



## VICINITY MAPS

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

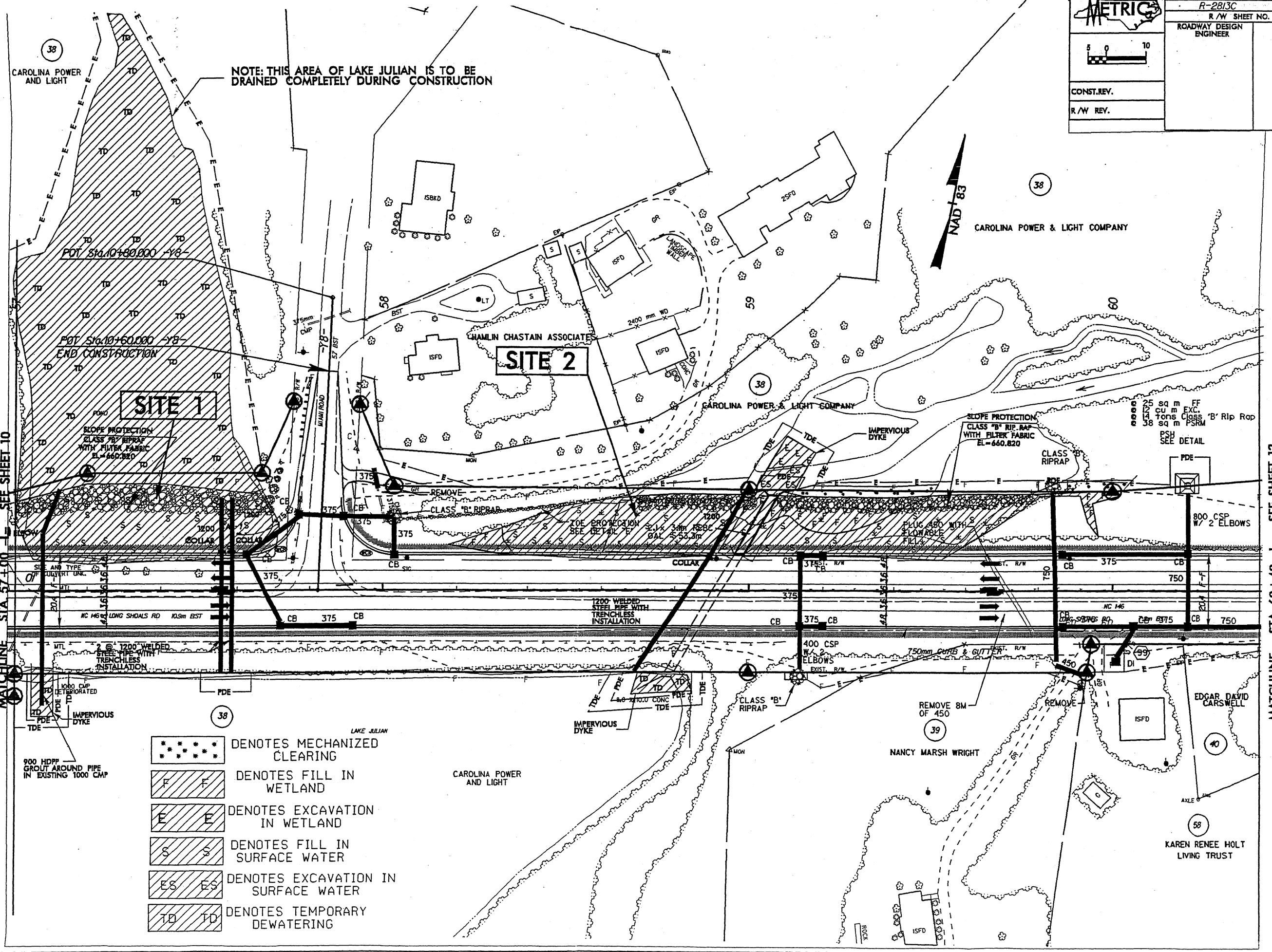
PROJECT: 8.1843601 (R-2813C)  
NC 146 (LONG SHOALS RD) FROM  
EAST OF I-26 TO US 25  
(HENDERSONVILLE ROAD)



# SITE MAPS

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

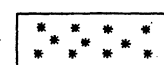
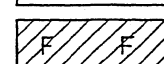


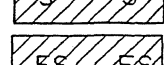
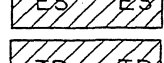
PROJECT: 8.1843601 (R-2813C)  
 NC 146 (LONG SHOALS RD) FROM  
 EAST OF I-26 TO US 25  
 (HENDERSONVILLE ROAD)



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

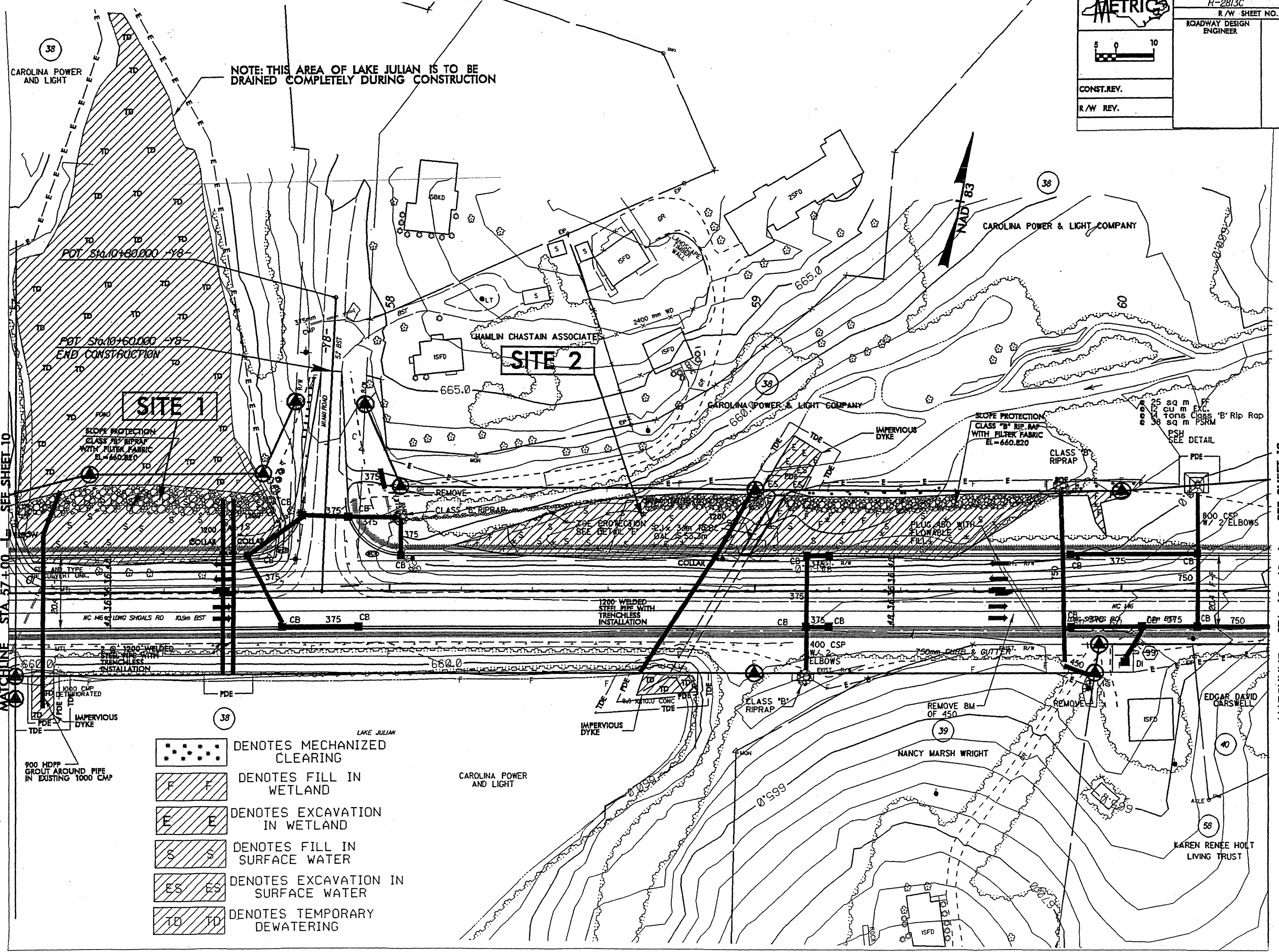
MATCHLINE STA 57+00 -L- SEE SHEET 10

MATCHLINE STA 60+40 -L- SEE SHEET 12

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

REVISIONS

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



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

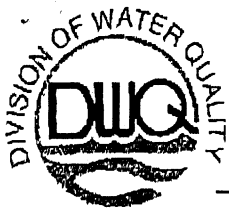
REVISIONS

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

MATCHLINE STA 57+100 SEE SHEET 10

MATCHLINE STA 60+40 SEE SHEET 12





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.

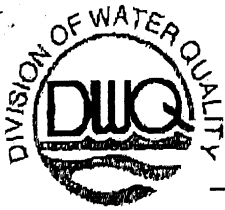
Sincerely,

  
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



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.

*One  
North Carolina  
Naturally*

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 15<sup>th</sup> day of October 2004  
DIVISION OF WATER QUALITY



 Alan W. Klimek, P.E.  
Director

Modification to WQC No. 3450

