




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 19, 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 Highway 146 (Long Shoals
Road) from east of I-26 to US 25; State Work Order Number
8.1843601; TIP Number R-2813C

Attached is the modification of the U. S. Army Corps of Engineers Permit and the DWQ Water Quality Certification 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

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-733-3141
FAX: 919-733-9794
WEBSITE: WWW.DOT.ORG

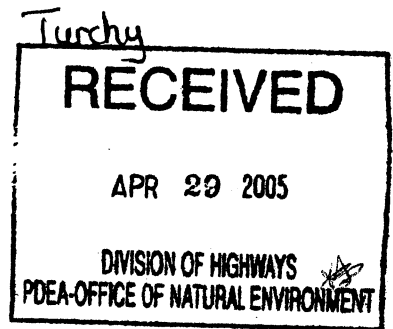
LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC



REPLY TO
ATTENTION OF:

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

April 28, 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:

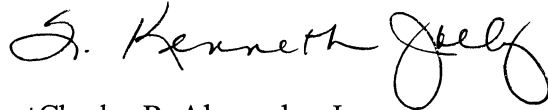
Reference the Department of the Army permit issued on July 26, 2004 and permit modification issued on January 25, 2005. The permit modification included the discharge dredged or fill material into 0.20 acre of wetland and 0.75 acre of open water adjacent to Lake Julian, an impoundment on a tributary 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.

This office received a second modification request dated April 21, 2005, on April 26, 2005 to change the previous modification to a contingency plan and reduce temporary impacts in the Lake Julian area. The new proposal includes the installation of a rock, work pad at the edge of the permitted fill and dewatering only of the area between the rock fill and current road shoulder. At site 2, a plug will be used instead of an impervious dike. Details and plans for these activities were included with your April 21, 2005 letter.

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 relocate as many fish as is practicable to the main finger of Lake Julian from the dewatered area.

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

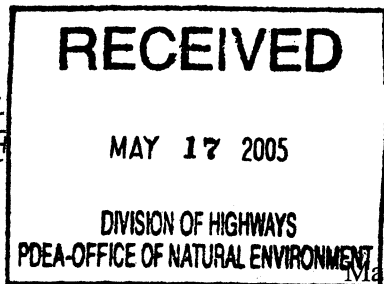
Enclosure

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

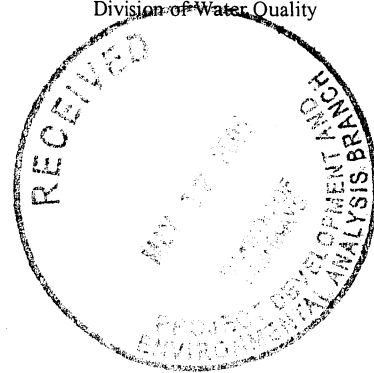


May 13, 2005

100%
Michael E. 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



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 May 13, 2005. 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 superceded by the certification.

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

Sincerely,

Michael R. Parker
for Alan W. Klimek, P.E.

Attachments

cc: 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

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 placement of rock fill, for a work pad, in the area marked Site 1 in the east end finger of Lake Julian. Bore and jack two 48-inch steel pipes under NC Highway 146 into the main body of Lake Julian and installation of a plug in the existing 42-inch steel pipe. This pipe is to be repaired and extended. The area around this pipe will be dewatered and the water pumped through a silt bag and returned to the finger of Lake Julian. Fish left in this area will be removed to the finger area of Lake Julian. Sheet piles will be used if necessary to prevent lake water from seeping into the small-dewatered area. The temporary impervious dike around the steel pipe in the main body of Lake Julian will not be constructed. At Site 2, a plug will be used to stop the water flow through the 8 ft. x 10 ft. culvert during the construction of the proposed culvert extension. The previously permitted 48-inch steel pipe will be installed. The temporary impervious dike around the concrete culvert in the main body of Lake Julian will not be constructed. This modification is applicable only to the additional proposed activities. All the authorized activities and conditions of certification associated with the original Water Quality Certifications dated May 7, 2004 and all other corresponding modifications still apply except where superceded 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.

Gregory Thorpe, PhD.
401 Water Quality Certification No. 3450
R-2813C

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.

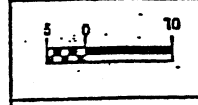
This the 13th day of May 2005
DIVISION OF WATER QUALITY


for Alan W. Klimek, P.E.
Director

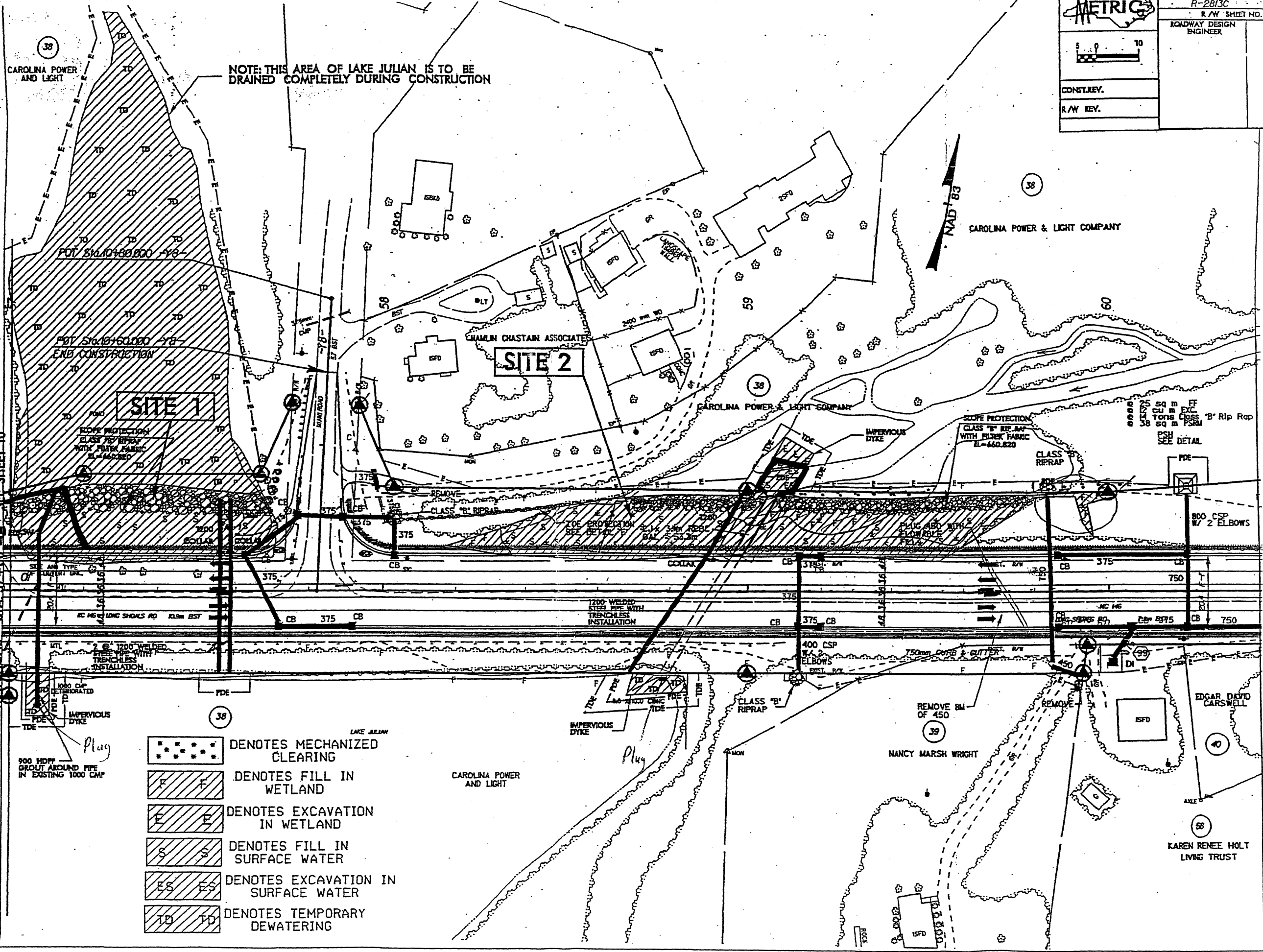
Modification to WQC No. 3450



PROJECT REFERENCE NO. R-2813C	SHEET NO.
R/WY SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
CONST. REV.	
R/WY REV.	



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





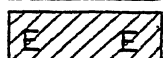
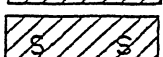
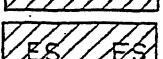
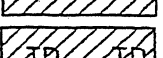
MATCHLINE STA 57+00 - SEE SHEET 10

MATCHLINE STA 60+40 -L- SEE SHEET 12

REVISIONS

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

900 HDPV GROUT AROUND PIPE IN EXISTING 1000 CMP

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

DATE: 08/14/04