



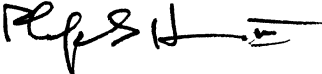
STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

January 21, 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 are the U. S. Army Corps of Engineers Individual 404 Permit and the general conditions for the Division of Water Quality 401 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](http://WWW.DOT.ORG)

**LOCATION:**  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

## 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 greensheet accompanies the 404 permit (Action ID 200430567) dated July 26, 2004. NCDOT has since requested a modification to this Individual Permit due to design changes at Sites 1 and 2 as designated in the attached permit drawings. Because of these changes, **no construction activities are permitted within, or that may affect Sites 1 or 2**, until the Individual Permit Modification is received. Once this permit is received, additional conditions may apply, and will be distributed upon its arrival.

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:

*All NCDOT Entities:*

All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit.

*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.

Stormwater for this project will be managed according to the Stormwater Management Plan dated July 10, 2003, attached to this permit.

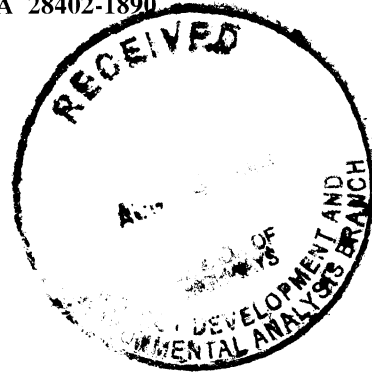
*Swchy*



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

REPLY TO  
ATTENTION OF:

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.

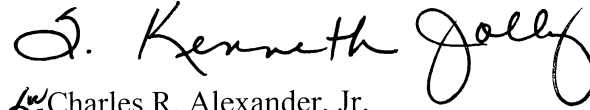
Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- 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. 200430567

Issuing 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.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See enclosed sheet.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.



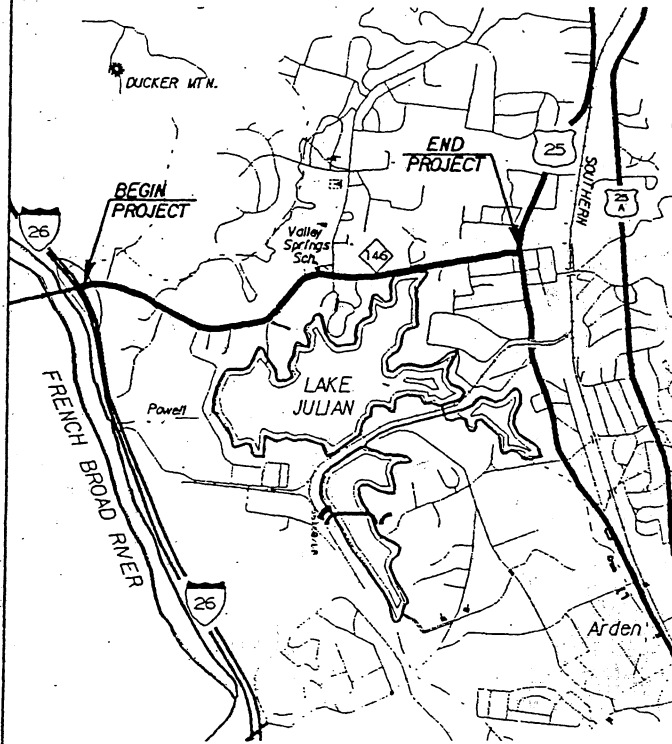
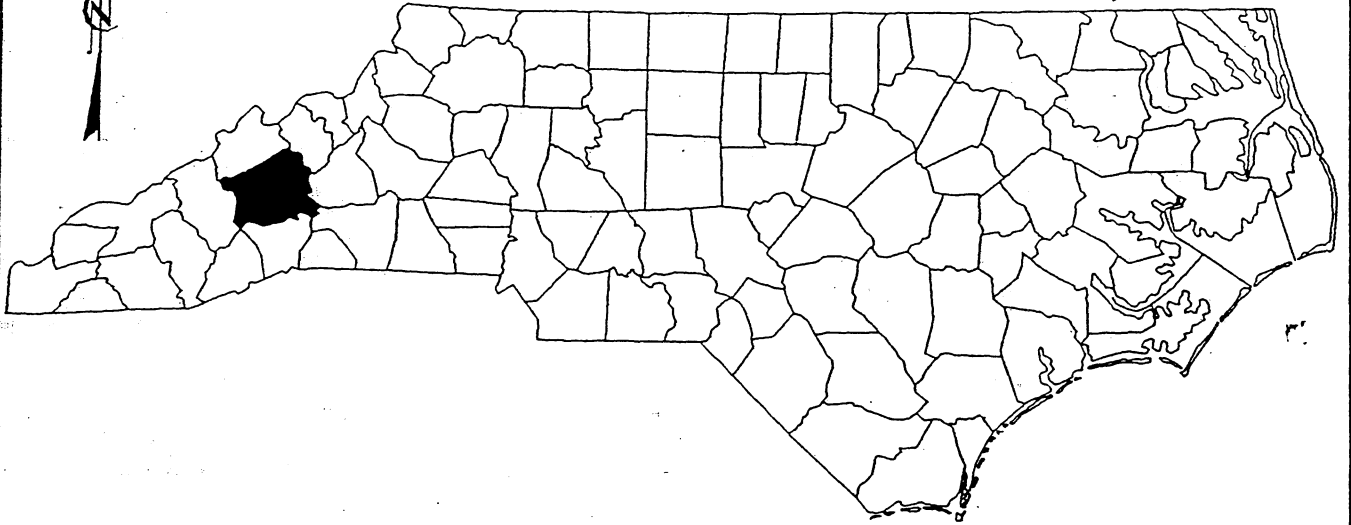
**SPECIAL CONDITIONS: ACTION ID: 200430567;TIP NO. R-2813C**

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.

# NORTH CAROLINA



## VICINITY MAPS

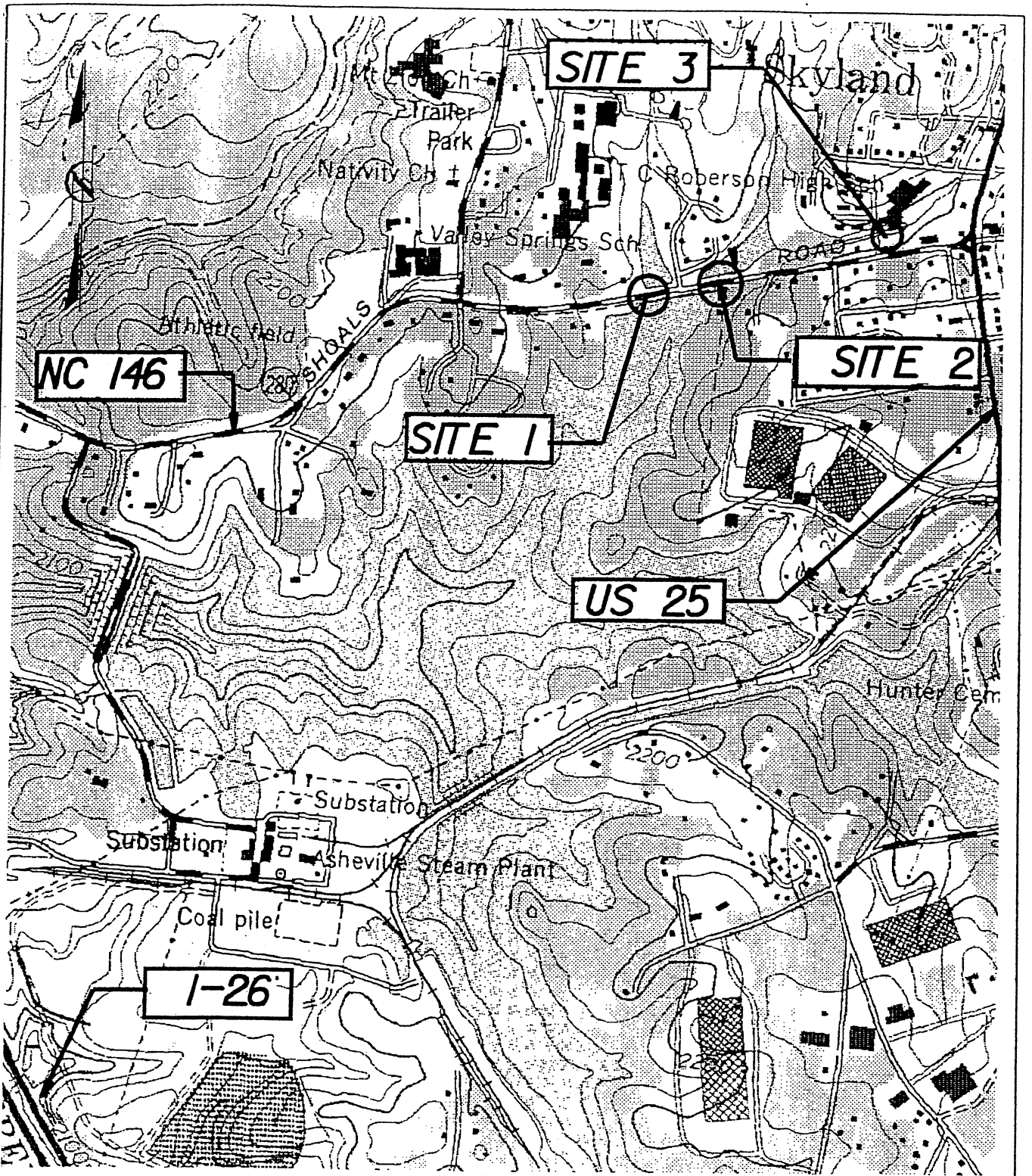
PUBLIC NOTICE SHEET 1 OF 6

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)

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

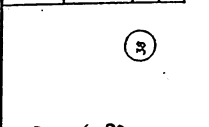
PROJECT: 8.1843691 (R-2813C)  
NC 146 (LONG SHOALS RD) FROM  
EAST OF I-26 TO US 25  
(HENDERSONVILLE ROAD)

SHEET 2 OF 11

8/19/03

PROJECT REFERENCE NO.  
 A-2813C  
 ROADWAY DESIGN  
 ENGINEER

CONST. REV.  
 R.W. REV.



100mm CONCRETE SIDEWALK

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 'B' WITH FILTER FABRIC

CLASS 'B' REPAIR

CLASS 'B' REPAIR

CLASS 'B' REPAIR

CLASS 'B' REPAIR

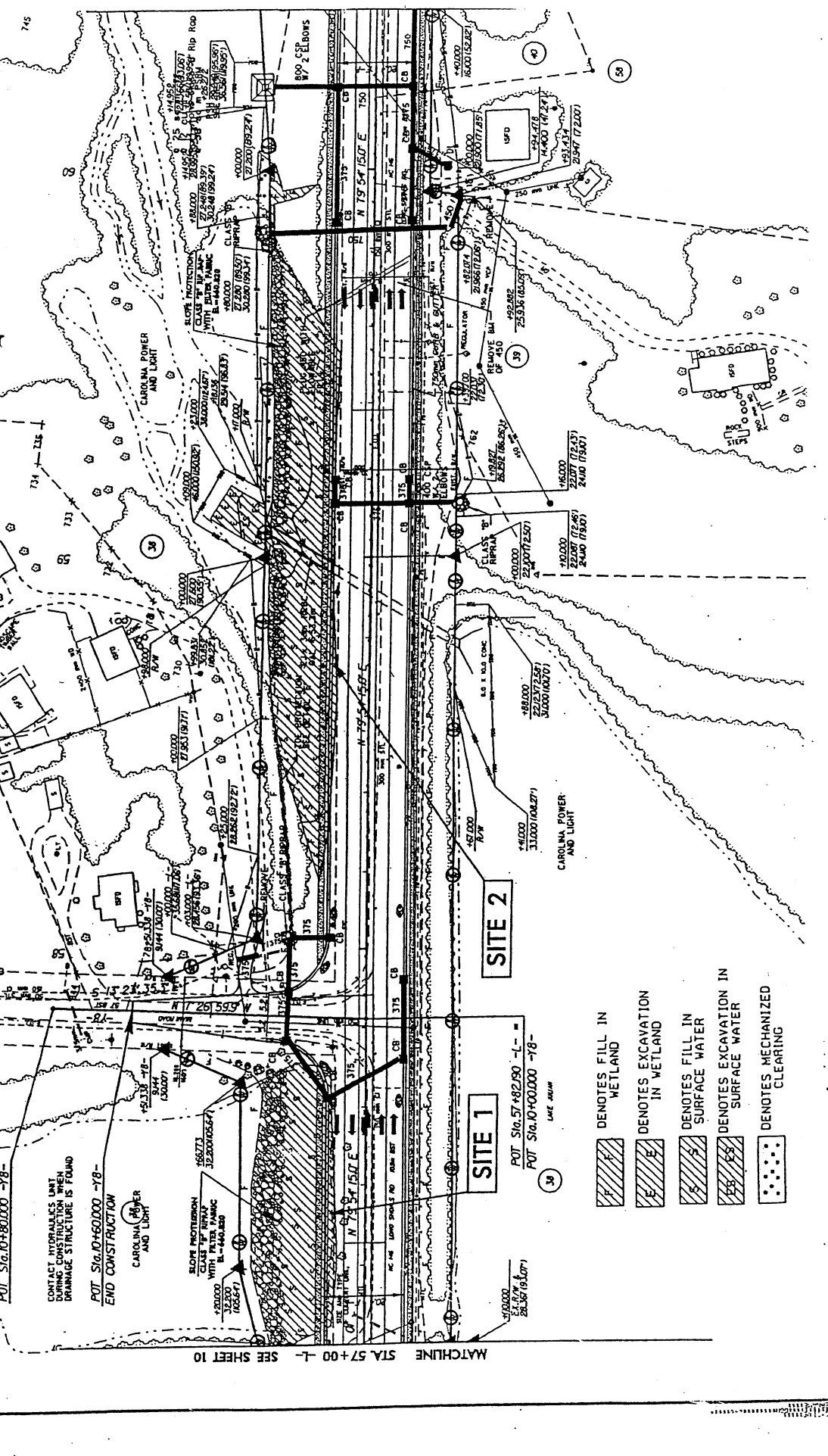
CLASS 'B' REPAIR






CLASS 'B' REPAIR

CLASS 'B' REPAIR

CLASS 'B' REPAIR

CLASS 'B' REPAIR



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

MATCHLINE STA. 57+00 - SEE SHEET 10

PUBLIC NOTICE SHEET 3 OF 6

PROJECT REFERENCE TO:  
 R-2832  
 PERMIT SHEET  
 ROADWAY REPORT  
 ENGINEER



CONST. REV.  
 L/W REV.

-L-  
 PLSig 64+04.02  
 Δ = 6.42 (LT)  
 L = 819.3  
 R = 700.00  
 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

-L-  
 PLSig 61+92.39  
 Δ = 2.57 (RT)  
 L = 38.92  
 R = 800.00  
 SE = 0.03 m/m

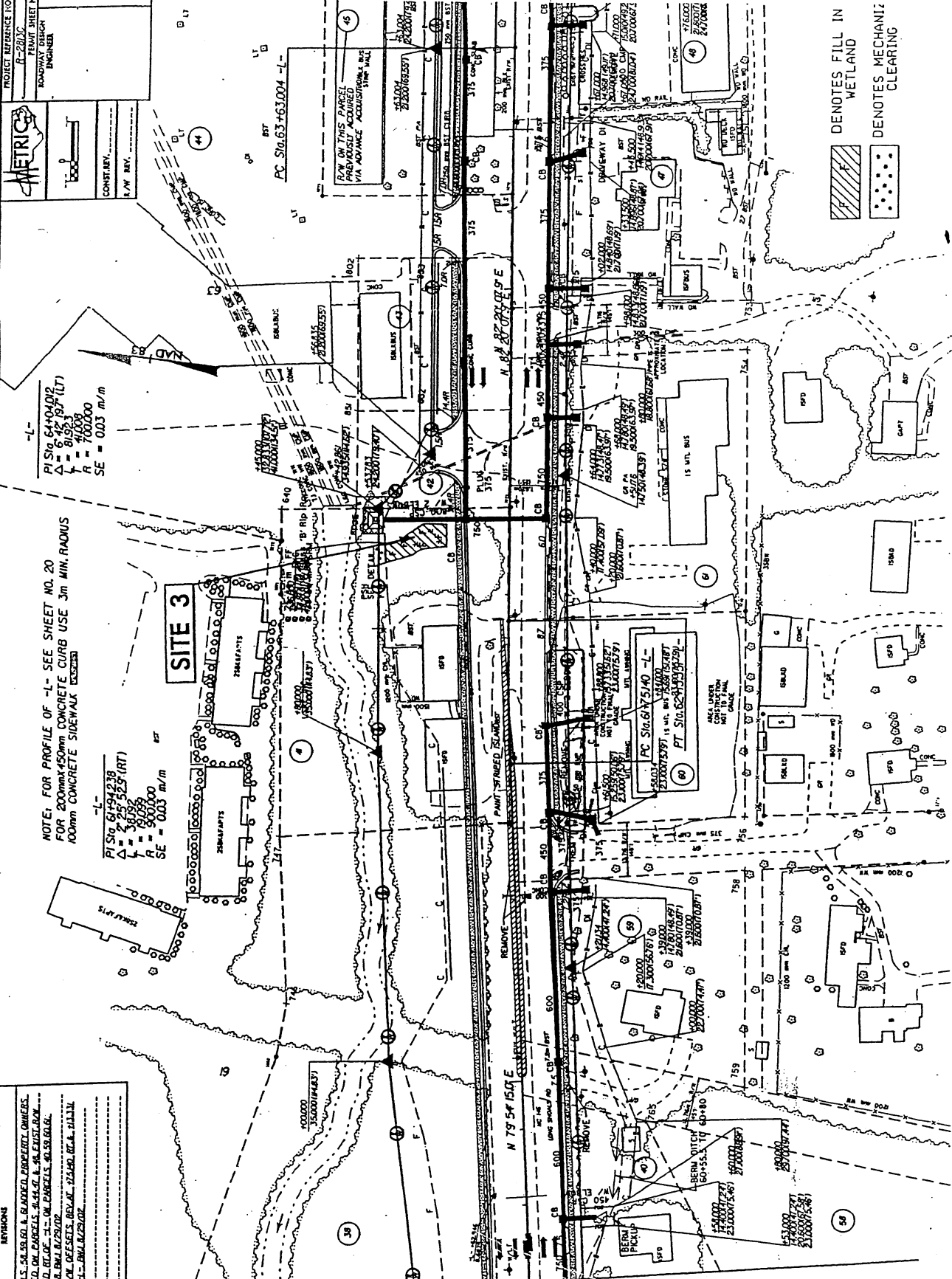
REVISIONS  
 PARCELS 50, 55, 60 & BLADED, PROPERT. OWNERS,  
 CHANGED ON PARCELS 50, 55, 60 & BLADED, PROPERT. OWNERS,  
 REVISED SET OF -L- ON PARCELS 50, 55, 60 & BLADED,  
 L.L. & R.M. 8/29/02  
 PROPOSED OFFSETS, REVISED, 8/29/02, L.L. & R.M.,  
 CDE -L- 8/29/02

SITE 3

MATCHLINE STA 60+40 -L- SEE SHEET 11

DENOTES FILL IN  
 WETLAND  
 DENOTES MECHANIZ  
 CLEARING

PUBLIC NOTICE SHEET 4 OF 6



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

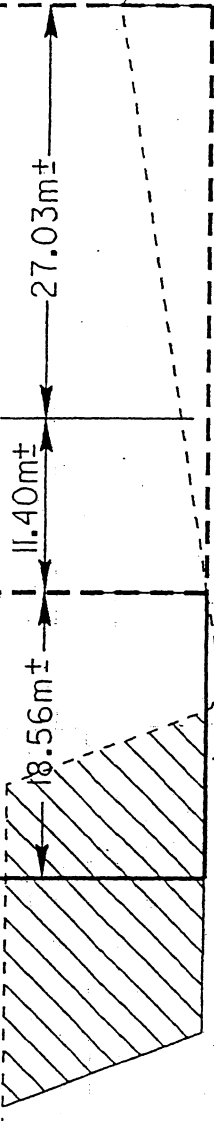
663 661 659 657 655

▽ 100-YR WSEL  
 660.23m

▽ 50-YR WSEL  
 659.90m

▽ NORMAL POOL  
 ELEV 658.43m

▽ MAX. POOL  
 ELEV 658.67



663 661 659 657 655

58+50 59+00 59+00

ELEV. 655.41m  
 SLOPE 0%

STREAM BED

### STREAM PROFILE


 DENOTES CULVERT  
 EXCAVATION @ 270 cu m

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 BUNCOMBE COUNTY  
 PROJECT: 8.1843601 (R-2813C)  
 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	0.018		0.009	0.180			
3	32+85 -L- (LT)	N/A	0.009			0.002						
<b>TOTALS:</b>			<b>0.056</b>		<b>0.006</b>	<b>0.020</b>	<b>0.009</b>	<b>0.315</b>				

**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*



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

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

RECEIVED

MAY 11 2004

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





Gregory J. Thorpe, Ph.D.  
 §401 Water Quality Certification No. 3450  
 R-2813C

## 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.

This approval is only valid for the purpose and design that you submitted in your Application. All work authorized by this Certification must be done in strict compliance with the plans attached to the Application. If this project changes, incurring additional impacts to streams, wetlands or buffers, you are required to notify the DWQ *in writing*, and you may be required to submit a new application. 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, Non-discharge and Water Supply watershed regulations.

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*.
  - d. Any reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

Gregory J. Thorpe, Ph.D.  
§401 Water Quality Certification No. 3450  
R-2813C

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.

JUN 4 2004 3:00 PM  
Gregory J. Thorpe, Ph.D.  
§401 Water Quality Certification No. 3450  
R-2813C

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.

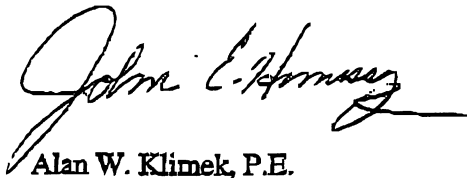
NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.

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 7<sup>th</sup> day of May 2004

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.

# STORMWATER MANAGEMENT PLAN

State Project 8.1843601 (R-2813C)  
Buncombe County  
Hydraulics Project Manager: Andrew Nottingham, PE

Date: 7/10/03

## **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 performed 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.

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.

This approval is only valid for the purpose and design that you submitted in your Application. All work authorized by this Certification must be done in strict compliance with the plans attached to the Application. If this project changes, incurring additional impacts to streams, wetlands or buffers, you are required to notify the DWQ *in writing*, and you may be required to submit a new application. 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, Non-discharge and Water Supply watershed regulations.

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*.
  - d. Any reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

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.
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  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.

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This the 7<sup>th</sup> 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 \_\_\_\_\_

