



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

November 23, 2004

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

ATTN: Ms. Angie Pennock  
NCDOT Coordinator

**SUBJECT: Response to the § 404 Individual Permit (Action ID#200430567) requesting more information, TIP No. R-2813C.**

Dear Madam:

As of July 26, 2004, the NCDOT is in receipt of a 404 individual permit for the subject project. NCDOT requested a modification to this permit on August 13, 2004. The NCDOT is in receipt of a letter requesting more information for this modification request dated November 10, 2004. A copy is attached for your convenience.

*USACE Deficiency A: Permits for work within wetlands or other special aquatic site are available only if the proposed work is the least environmentally damaging, practicable alternative. Please furnish information regarding any other alternatives, including upland alternatives, to the work for which you have applied and provide justification that your selected plan is the least environmentally damaging to water or wetland areas.*

*USACE Deficiency B: It is necessary for you to have taken all appropriate and practical steps to minimize wetland losses. Please indicate all that you have done, especially regarding development and modification of plans and proposed construction techniques, to minimize adverse impacts.*

**NCDOT Response to deficiency A & B:** The construction of this project has minimized the extent of the built-upon area by using the existing alignment for the widening. We have also diverted stormwater away from surface water supplies as much as possible, and employed best management practices (BMP's) to minimize water quality impacts. No portion of the project is located in the critical area of the watershed. In compliance with 15A NCAC 02B.0104(m), we have incorporated the use of BMP's in the design of the project. The attached Stormwater Management Plan describes in detail the measures taken to minimize impacts on the WS-IV watershed and to demonstrate compliance with the referenced regulations. There are no additional wetland impacts for this project.

A temporary cofferdam was considered for use rather than draining the pond adjacent to Lake Julian to install and repair the equalizer pipes to between the two systems. It was determined that a structure this size would not be practicable due to the cost, and the danger of working behind a cofferdam of this size.

**MAILING ADDRESS:**  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS  
1548 MAIL SERVICE CENTER  
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141  
FAX: 919-733-9794

WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

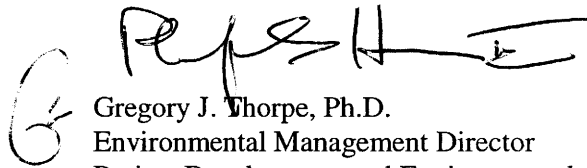
**LOCATION:**  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

*USACE Deficiency C: The MOA requires that appropriate and practical mitigation will be required for all unavailable adverse impacts remaining after all appropriate and practical minimization has been employed. Please indicate your plan to mitigate for the projected, unavoidable loss of waters or wetlands, or provide information as to the absence of any such appropriate and practical measures.*

**NCDOT Response to deficiency C:** As there will be no additional permanent impacts for this project, our previous mitigation acceptance from the Ecosystem Enhancement Program remains valid. This acceptance letter has been attached for your convenience.

NCDOT requests that the “on hold” status be lifted and that processing of the § 404 Individual Permit Modification resume as soon as possible. If you have any questions or would like additional information, please contact Mr. Michael Turchy of my staff at (919) 715-1468.

Sincerely,



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

Cc:

W/attachment

Mr. John Hennessy, Division of Water Quality (7 copies)  
Ms. Marella Buncick, USFWS  
Ms. Marla Chambers, NCWRC  
Ms. Becky Fox, USEPA-Whitter, NC  
Mr. Ronald Mikulak, USEPA – Atlanta, GA  
Mr. Harold Draper, TVA  
Mr. David Chang, P.E., Hydraulics  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. J.J. Swain, P.E., Division Engineer  
Mr. Roger Bryan, DEO

W/o attachment

Mr. Jay Bennett, P.E., Roadway Design  
Mr. Omar Sultan, Programming and TIP  
Mr. Art McMillan, P.E., Highway Design  
Mr. Mark Staley, Roadside Environmental  
Mr. David Franklin, USACE, Wilmington  
Ms. Beth Harmon, EEP  
Ms. Jackie Obediente, PDEA



REPLY TO  
ATTENTION OF:

H-2813 C  
turchy

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

November 10, 2004

Regulatory Division

Action ID No. 200430567

Dr. Gregory J. Thorpe  
North Carolina Department of Transportation  
Project Development and Environment Analysis Branch  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

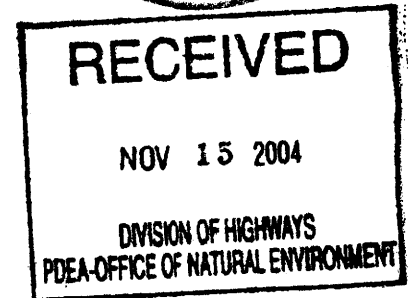
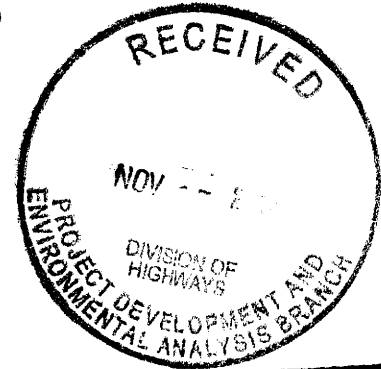
Dear Dr. Thorpe:

Reference your application for modification to a Department of the Army (DA) authorization issued July 26, 2004. The proposed modification is to dewater 1.324 acres of Lake Julian north of NC 146 (Long Shoals Road). The dewatering is necessary for the installation of an 8x10-foot culvert previously authorized and the relining of a 42-inch culvert not included in the authorization issued July 26, 2004.

On February 6, 1990, the DA and the U.S. Environmental Protection Agency (EPA) signed a memorandum of agreement (MOA) establishing procedures to determine the type and level of mitigation necessary to comply with the Clean Water Act Section 404(b)(1) Guidelines. This MOA provides for first, avoiding impacts to waters and wetlands through the selection of the least damaging, practical alternative; second, taking appropriate and practical steps to minimize impacts on waters and wetlands; and finally, compensating for any remaining unavoidable impacts to the extent appropriate and practical. To enable us to process your application in full compliance with this MOA, we request that you provide the following additional information:

a. Permits for work within wetlands or other special aquatic sites are available only if the proposed work is the least environmentally damaging, practicable alternative. Please furnish information regarding any other alternatives, including upland alternatives, to the work for which you have applied and provide justification that your selected plan is the least damaging to water or wetland areas.

b. It is necessary for you to have taken all appropriate and practical steps to minimize wetland losses. Please indicate all that you have done, especially regarding development and modification of plans and proposed construction techniques, to minimize adverse impacts.

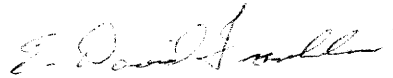


c. The MOA requires that appropriate and practical mitigation will be required for all unavoidable adverse impacts remaining after all appropriate and practical minimization has been employed. Please indicate your plan to mitigate for the projected, unavoidable loss of waters or wetlands or provide information as to the absence of any such appropriate and practical measures.

This information is essential to our expeditious processing of your application and it should be forwarded to us by December 8, 2004. Also, a copy of this information must be sent to the North Carolina Division of Environmental Management to enable them to adequately evaluate your application for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

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,



E. David Franklin  
Chief, Regulatory Division

Copies Furnished:

Mr. Ronald J. Mikulak, Chief  
Wetlands Section - Region IV  
Water Management Division  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Mr. John Hennessy  
Division of Water Quality  
North Carolina Department of  
Environment and Natural Resources  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650

# STORMWATER MANAGEMENT PLAN

State Project 8.1843601 (R-2813C)

Date: 7/10/03

Buncombe County

Hydraulics Project Manager: Andrew Nottingham, PE

## **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 preformed 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

Turchy



North Carolina Department of Environment and Natural Resources

RECEIVED

MAR 25 2004

DIVISION OF HIGHWAYS  
OFFICE OF NATURAL ENVIRONMENT  
Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

March 23, 2004

Mr. Gregory J. Thorpe, Ph.D., Manager,  
Project Development and Environmental Analysis Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

Subject: NC 146 Widening, R-2813C, Buncombe County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide compensation for the subject project. Based on the information supplied by you in a letter dated March 8, 2004, the impacts are located in CU 06010105 of the French Broad River Basin in the Southern Mountains Eco-Region, and are as follows:

Wetland Impacts: 0.21 acre

As stated in your letter, the subject project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The ecosystem enhancement for the subject project will be provided in accordance with Section IX, EEP Transition Period, of this agreement.

If you have any questions or need additional information, please contact Ms. Beth Harmon at (919) 715-1929.

Sincerely,

William D. Gilmore, P.E.  
Transition Manager

cc: Steve Lund, USACE-Raleigh  
John Hennessy, Division of Water Quality, Wetlands/401 Unit  
File: R-2813C

NC DENR Ecosystem Enhancement Program  
1652 Mail Service Center, Raleigh, North Carolina 27699-1652  
Phone: 919-715-1413 \ FAX: 919-715-2219 \ Internet: h2o.enr.state.nc.us/wrp/

One  
North Carolina  
*Naturally*



North Carolina Department of Environment and Natural Resources  
Division of Ecosystem Enhancement

Michael F. Easley, Governor

William G. Ross Jr., Secretary

March 23, 2004

Mr. Steve Lund  
US Army Corps of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

Dear Mr. Lund:

Project: NC 146 Improvements  
TIP#: R-2813C  
County: Buncombe County, Southern Mountains Eco-Region

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide 2.1 acres of riverine wetlands as compensatory mitigation at a 10:1 ratio for the 0.21 acre of unavoidable wetland impacts of the subject project. The preservation site that will be debited for this mitigation is:

Needmore Tract (Macon and Swain Counties)

2.1 acres

The subject TIP project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The compensatory mitigation for the project will be provided in accordance with Section IX, EEP Transition Period, of the Agreement.

If you have any questions or need additional information, please contact Ms. Beth Harmon at (919) 715-1929.

Sincerely,

William D. Gilmore, P.E.  
Transition Manager

cc: Phil Harris, Office of Natural Environment, NCDOT  
John Hennessy, Division of Water Quality, Wetlands/401 Unit  
File: R-2813C