

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Asheville Regulatory Field Office
151 Patton Avenue Room 208
Asheville, North Carolina 28801-5006
(<http://www.saw.usace.army.mil/wetlands/notices.html>)

Action ID No. 200430567

November 12, 2004

PUBLIC NOTICE

PERMIT MODIFICATION

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Environmental Management Director, Project Development and Environment Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit modification 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. THERE WILL BE NO ADDITIONAL PERMANENT FILL IN WETLANDS OR SURFACE WATERS.

The following description of the work is taken from data provided by the applicant. Plans submitted with the application show the construction of impervious dikes at two sites along NC 146. A previously unknown, submerged pipe was located at site one on NC 146 adjacent to Miami Road. The pipe connects Lake Julian to a small finger on the north side of the highway. The 42-inch corrugated metal pipe is in poor condition and need of repair. It would be re-lined and grouted with a 36-inch high-density polyethylene pipe. To install the new structure, it would be necessary to dewater the northern finger of Lake Julian by creating a temporary impervious dike on the southern section (main water body) of the lake. Since the hydraulic capacity of the pipe would be reduced, two additional 48-inch welded steel pipes would be installed approximately 164 feet to the east of the original pipe using trenchless installation. The second site is located approximately 443 feet east of site one in an unnamed tributary to Lake Julian. To construct the 8x10 culvert previously permitted for this site, temporary dewatering using impervious dikes would be required. Dikes would be constructed at the northern and southern ends of the culvert. To allow hydraulic flow during construction, a 48-inch welded steel pipe would be installed using trenchless installation. No mitigation is proposed for this project modification, as there are no additional permanent impacts. The purpose of the work is to improve traffic flow and increase safety. Plans showing the work are included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

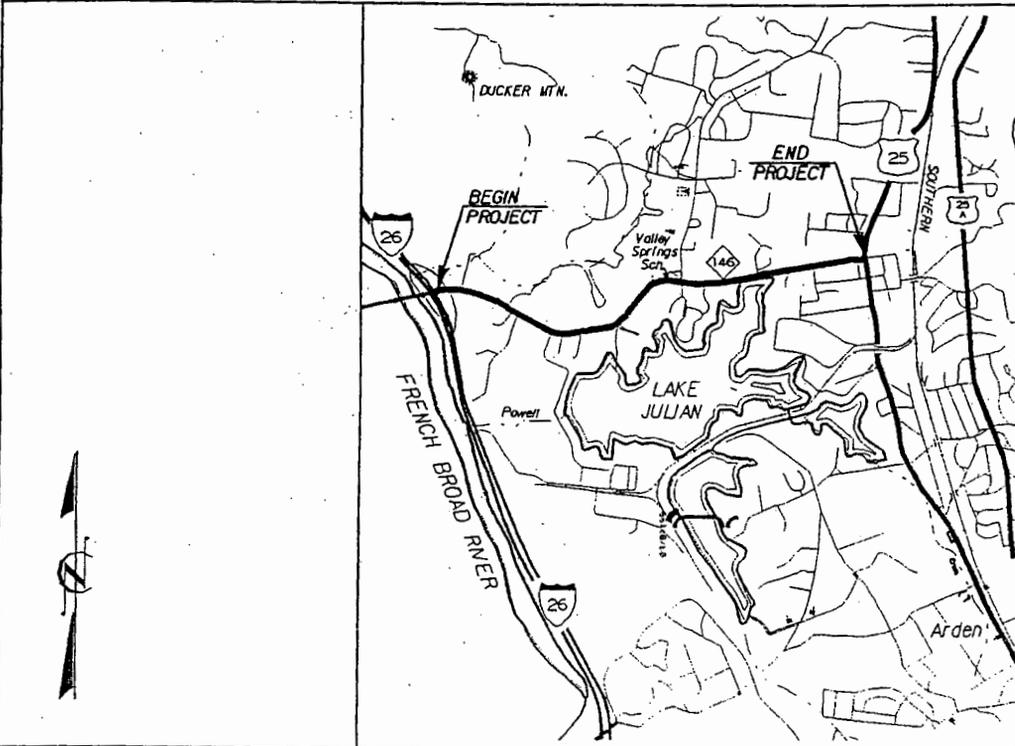
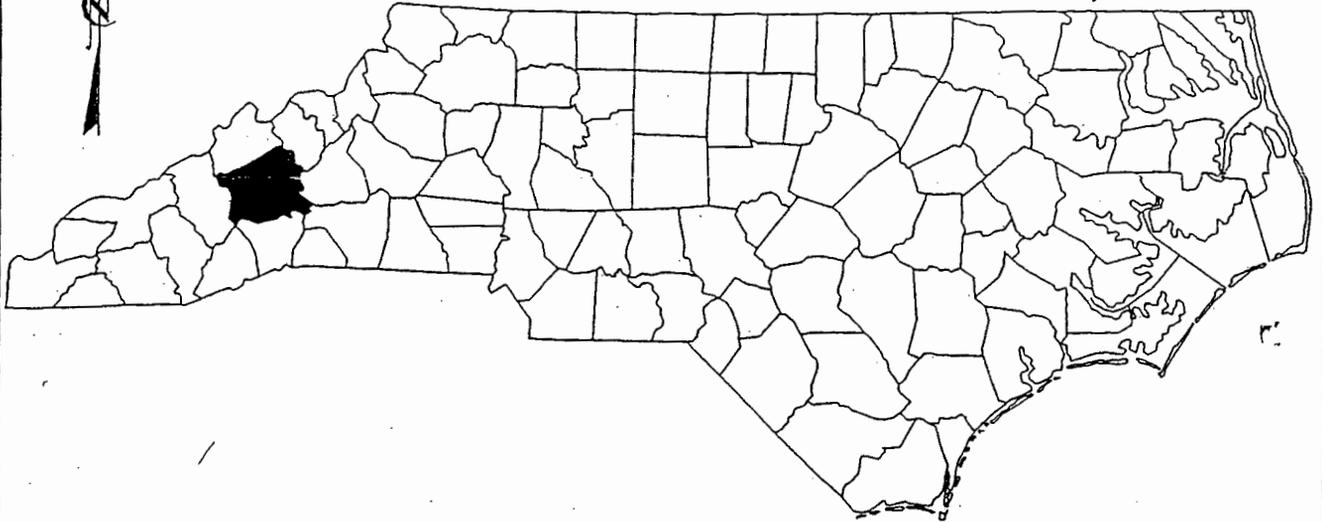
Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army (DA) permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Wetlands/401 Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd, Suite 250, Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, on or before December 6, 2004, Attention: Mr. John Hennessy.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Ms. Angie Pennock, until 4:15 p.m., December 13, 2004, or telephone (828) 271-7980, Extension 226.

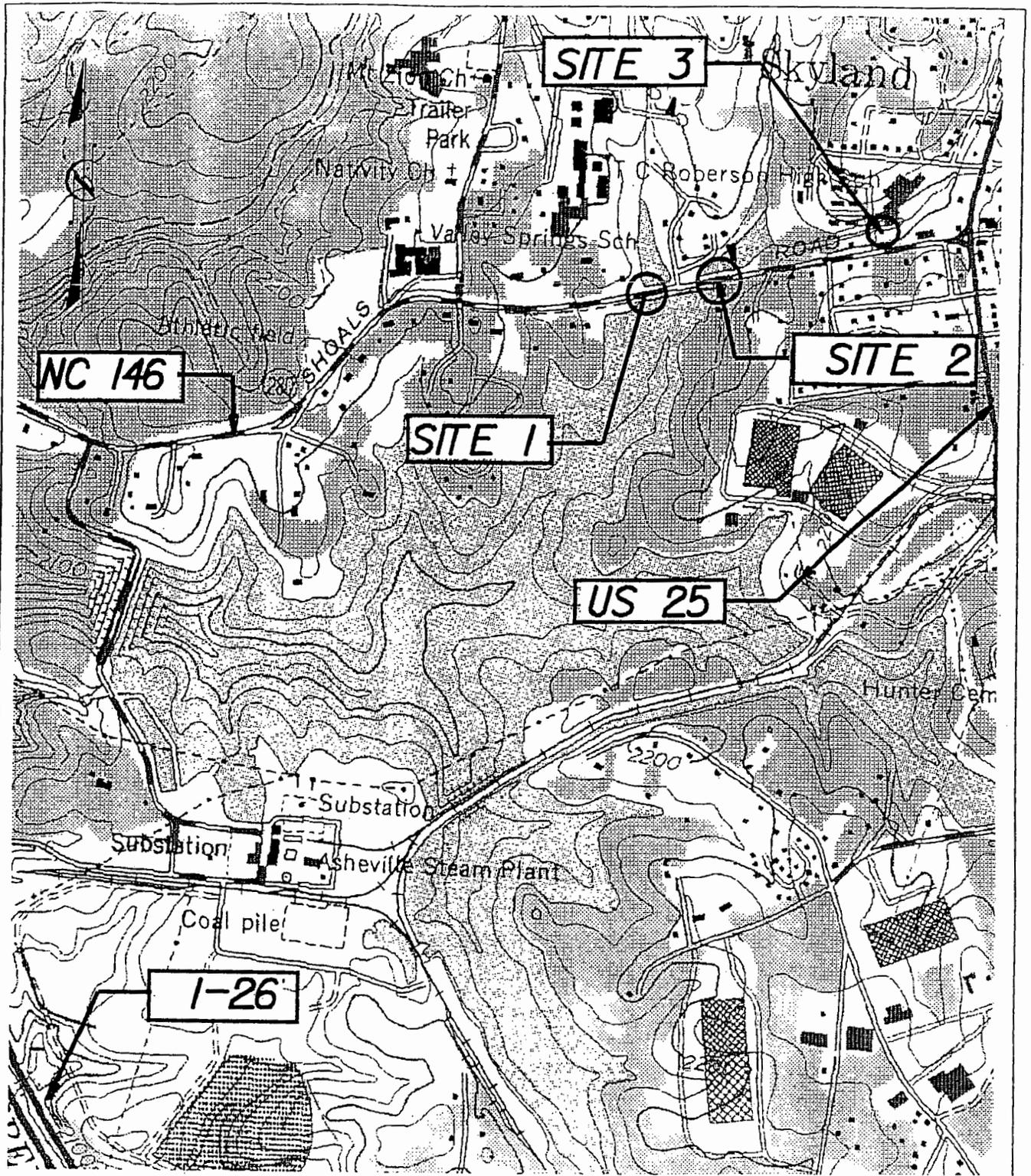
NORTH CAROLINA



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

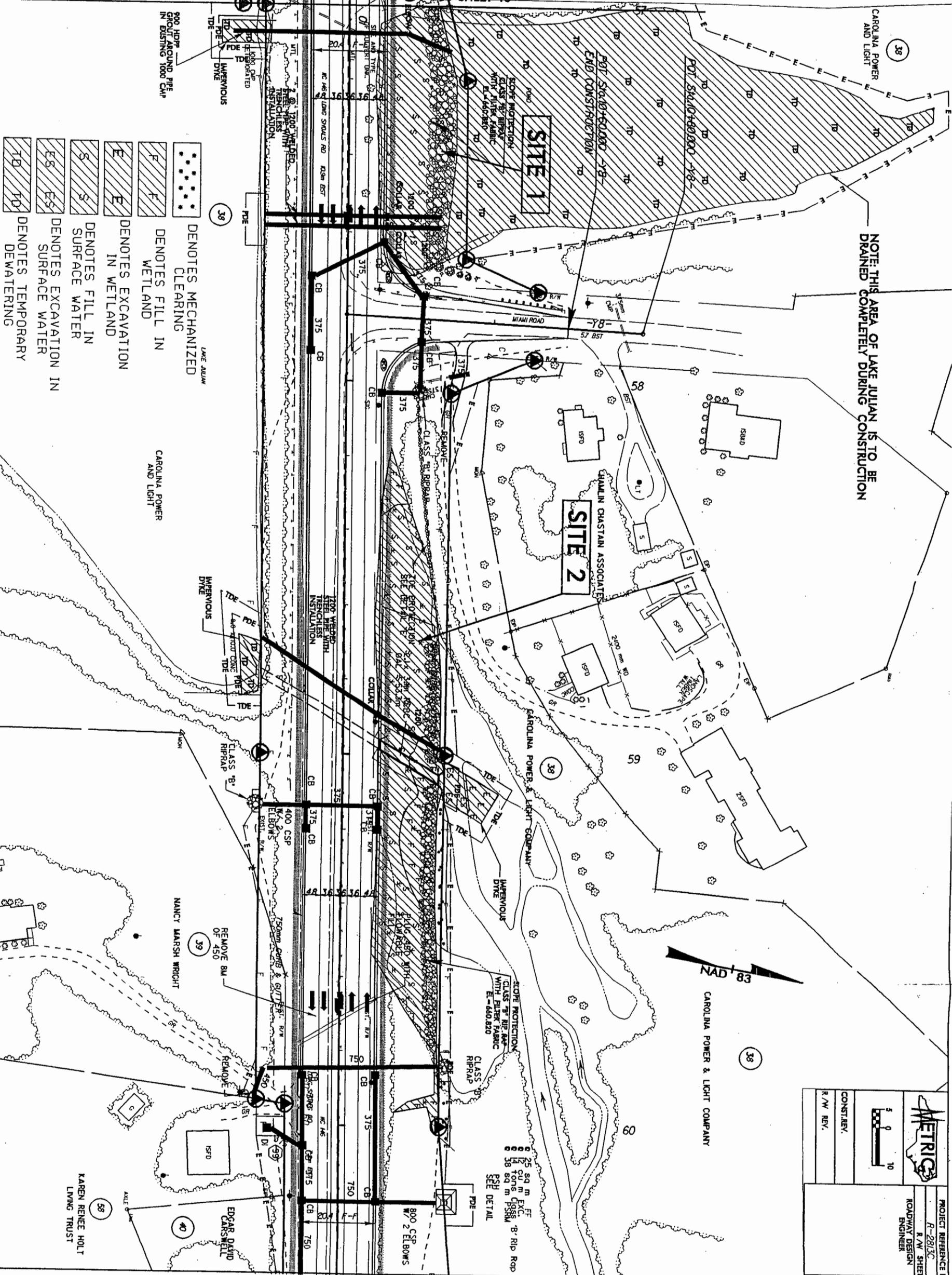
PROJECT: 8.1843601 (R-2813C)
 NC 146 (LONG SHOALS RD) FROM
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R/W REVISION: ADDED TCE ON PARCEL 38 WTB 6/28/04

REVISIONS

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MATCHLINE STA 57+00 -L- SEE SHEET 10



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

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

MATCHLINE STA. 60+40 -L- SEE SHEET 12

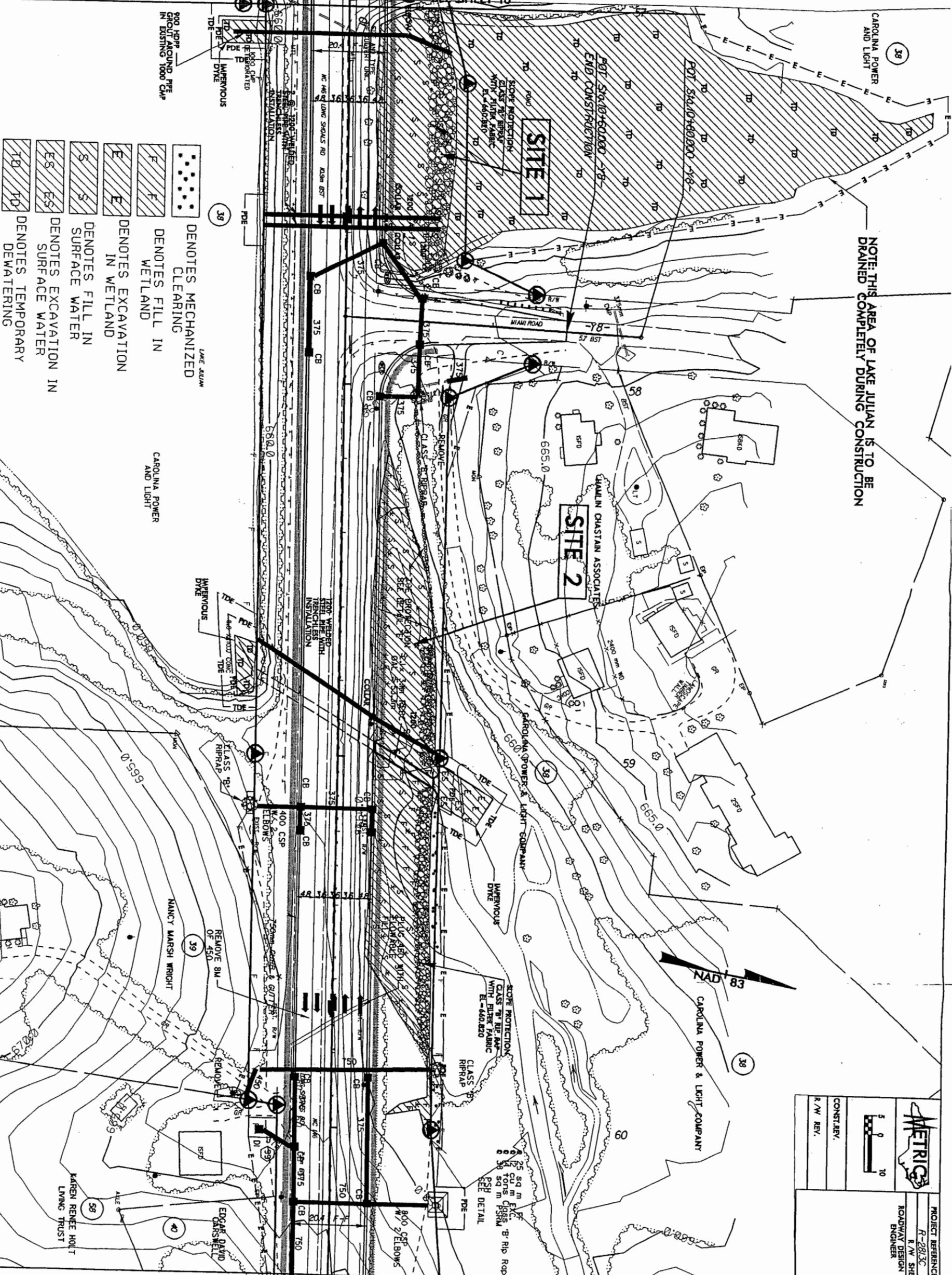
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	SHEET NO.	HYDRAULICS ENGINEER
	R/W SHEET NO.	ROADWAY DESIGN ENGINEER
CONST./REV. R/W REV.		

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

REVISIONS

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MATCHLINE STA 57+00 -L- SEE SHEET 10



- DENOTES MECHANIZED CLEARING
- DENOTES FILL IN WETLAND
- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN SURFACE WATER
- DENOTES EXCAVATION IN SURFACE WATER
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NOTE: THIS AREA OF LAKE JULIAN IS TO BE DRAINED COMPLETELY DURING CONSTRUCTION

METRIX

PROJECT REFERENCE NO. R-28136
 SHEET NO. R/W SHEET NO.
 ROADWAY DESIGN ENGINEER
 HYDRAULICS ENGINEER

CONST. REV.
 R/W REV.

Scale: 1" = 10'

MATCHLINE STA 60+40 -L- SEE SHEET 12