



**US Army Corps  
Of Engineers**  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 5, 2008  
Comment Deadline: January 5, 2009  
Corps Action ID #:2008-03123

The Wilmington District, Corps of Engineers (Corps) has received an application from The Biltmore Company seeking Department of the Army authorization to impact 1,117 linear feet of perennial streams which are tributaries to the Swannanoa River, 0.16 acres of wetlands, and 0.04 acres of open water associated with the historic restoration of a series of ponds and related infrastructure along the Approach Road to the Biltmore House, located within the Biltmore Estate in Asheville, Buncombe County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** The Biltmore Company  
Attention: Mr. Parker Andes  
One North Pack Square  
Asheville, North Carolina 28801

**AGENT (if applicable):** ClearWater Environmental Consultants, Inc.  
Attention: Mr. Clement Riddle  
718 Oakland Street  
Hendersonville, North Carolina 28792

## **Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures to Section 404 of the Clean Water Act (33 U.S.C. 1344).

## **Location**

The proposed project location is along Ram Branch on the Approach Road to the Biltmore House, located within the Biltmore Estate, in Asheville, North Carolina. The downstream boundary of the project begins at the first bridge over Ram Branch and continues up stream to the third bridge on Ram Branch. The site is bordered to the north by I-40, to the south by Cedarcliff Road, to the east by Vanderbilt Forest Road, and to the west by Deepark Drive.

## **Existing Site Conditions**

The Biltmore ponds project site is located along Approach Road within the Biltmore Estate property boundary; the entire project will take place within approximately 100 feet of the road. Because Approach Road is the main thoroughfare to the Biltmore house, much of its length is landscaped and maintained. Many cultivated and native plant species are present within the project boundary. Species observed on site include oriental spruce (*Picea orientalis*), American beech (*Fagus grandifolia*), red maple (*Acer rubrum*), mountain laurel (*Kalmia latifolia*), jewelweed (*Impatiens capensis*), ground ivy (*Glechoma hederacea*), wingstem (*Verbesina alternifolia*), and Virginia creeper (*Parthenocissus virginiana*).

Streams on site include Ram Branch and unnamed tributaries. There are approximately 2,270 linear feet of stream channels within the property boundary. In general, these tributaries flow south to north and eventually into the French Broad River via the Swannanoa River. Streams within the project boundary are bordered by infrastructure roads (paved and unpaved) and maintained landscapes.

Stream channels and wetlands were delineated by ClearWater Environmental Consultants, Inc. (CEC) on May 7, 2008; and a survey of jurisdictional areas was completed by Brooks Engineering Associates in May 2008.

There are fourteen wetland areas located in the Biltmore ponds project boundary. These are forested and herbaceous wetlands that abut Ram Branch and unnamed tributaries.

Three impoundments exist on site. Two ponds impound unnamed tributaries to Ram Branch and are 0.08 acre and 0.04 acre, respectively. One pond impounds Ram Branch and is approximately 0.10 acre. All three ponds are located at the downstream end of the project reach.

The Biltmore ponds project site is located within the Mountain physiographic region of North Carolina and more specifically the Broad Basins Ecoregions. Soil series present on site include: Evard-Cowee complex, French loam, and Tate loam.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the proposed project is to restore historic conditions along the Approach Road at the Biltmore Estate in accordance with Frederick Law Olmstead landscape architecture drawings from approximately 1891.

## **Project Description**

The proposed project includes the restoration of 13 ponds, two stream relocations, and construction of a horse ford along the Approach Road. Eleven low profile dams (two dams exist onsite) will be constructed for the proposed impoundments. As proposed by the applicant, three of these dams will be constructed on high ground. Eight small dams will be placed in jurisdictional channels with a total of 48 linear feet of impact associated with their construction.

The applicant proposes to permanently impact 1,117 linear feet of stream channel, 0.16 acre of wetland, and 0.04 acre of open water. Permanent impacts include 23 stream impacts, 8 wetland impacts, and 2 open water impacts.

The applicant proposes no mitigation for impacts to jurisdictional waters of the U.S. based on the restoration of historic ponds in an historic site.

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by January 5, 2009.

In addition, this project is located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Susan B. Fuhr, 3726 E. Morris Boulevard, MOC 1A-MOT Morristown, TN 37813-1270. Questions or comments regarding Section 26a permit requirements should be directed to the above address.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the proposed work. The Biltmore Estate is listed as an historic property on the National Register of Historic Places.

### **Endangered Species**

Currently, five mountain sweet pitcher plants (*Sarracenia jonesii*) are present along Ram Branch. These individuals are a part of a pitcher plant reintroduction and conservation program at the Biltmore Estate. The pitcher plants were obtained from the Meadowview Biological Research Station and placed in wetland areas along Ram Branch. As a part of the reintroduction and conservation program, the Biltmore Estate maintains a monitoring and transplant program to ensure the health and survival of the pitcher plants at the estate. The mountain sweet pitcher

plants are located within or in close proximity to wetlands proposed to be flooded. These plants will be relocated during the dormant season to another wetland with an existing and viable population of pitcher plants, also planted by the estate, prior to construction activities on site.

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service.

## **Evaluation**

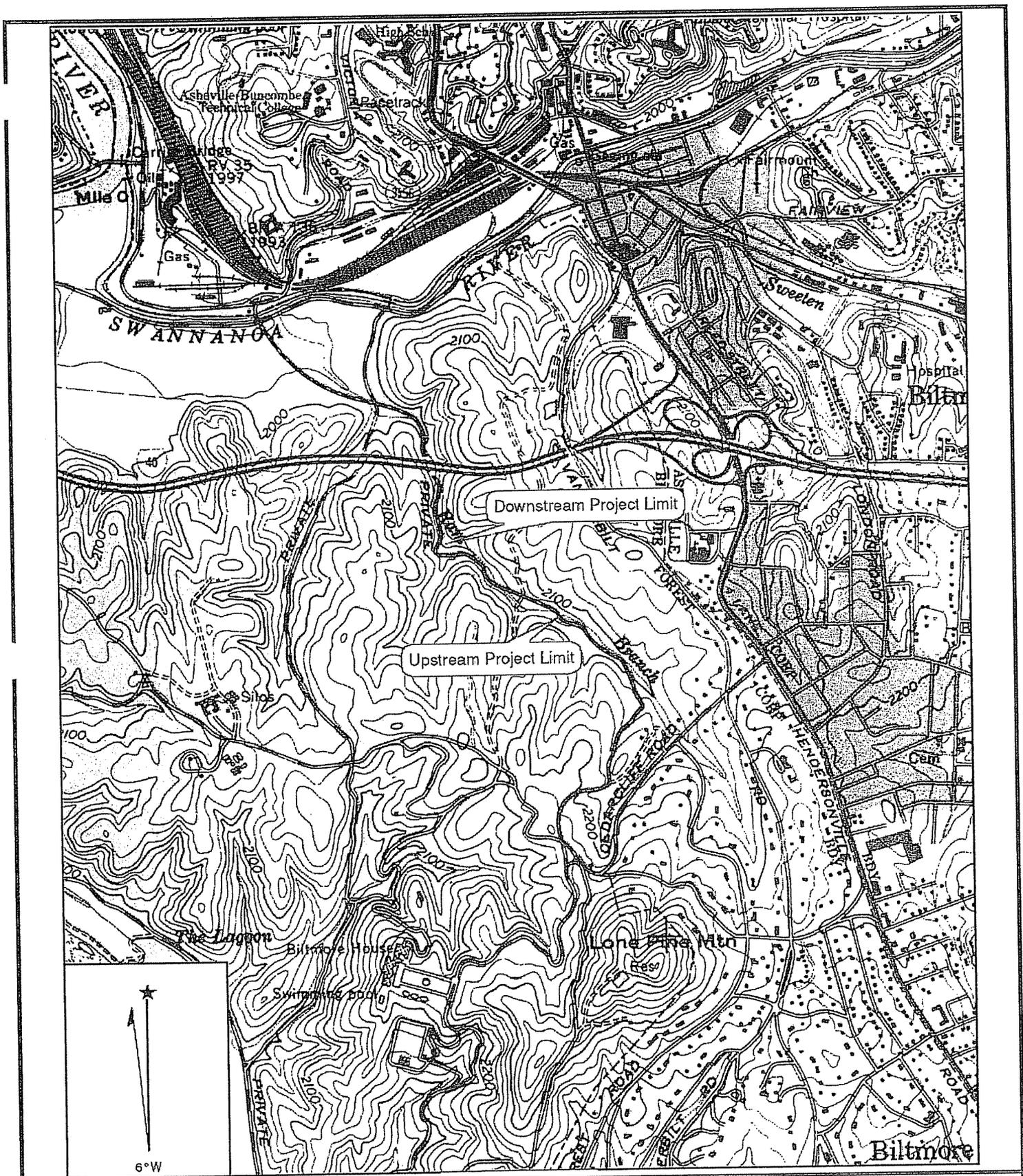
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline 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 discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; 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.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 5, 2009. Comments should be submitted to Ms. Liz Hair, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.



Biltmore Ponds  
 Buncombe County,  
 North Carolina

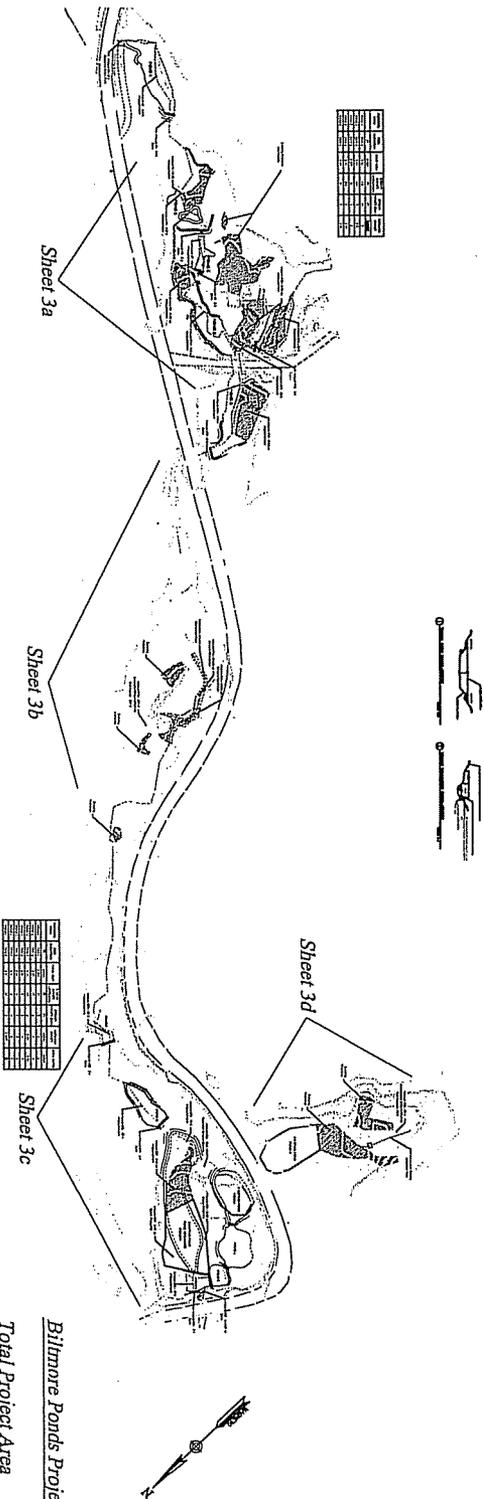
**CLEARWATER**

Environmental Consultants, Inc.  
 718 Oakland Street  
 Hendersonville, NC 28791  
 828-698-9800

USGS Topographic Map  
 Asheville Quad  
 Figure 2

# APPROACH ROAD POND RESTORATION BILTMORE ESTATE

ASHEVILLE, NORTH CAROLINA



Biltmore Ponds Project Data

Total Project Area +/- 22 ac

Jurisdictional Waters of the US

Streams 2,270 lf  
Wetlands 0.39 ac  
Open Water 0.22 ac

Jurisdictional Impacts

Streams 1,117 lf  
Wetlands 0.16 ac  
Open Water 0.04 ac

Project No: 113808  Sheet 3  ASHEVILLE NORTH CAROLINA	 <b>Brooks Engineering Associates</b> Planning • Engineering • Surveying • Environmental Services •	Designer: 777 Checker: TAC Date: 06-04-08	Reviewed: PES Scale: Approx. 1" = 165' Date: 06-04-08		No. 1 Date: --/--/08
		17 Arlington Street Asheville, N.C. 28801 Phone: 1-828-232-4700 Fax: 1-828-232-1331 www.brookseo.com			REVISIONS/SUBMISSIONS No. 1 Date: --/--/08

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COVER SHEET

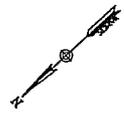
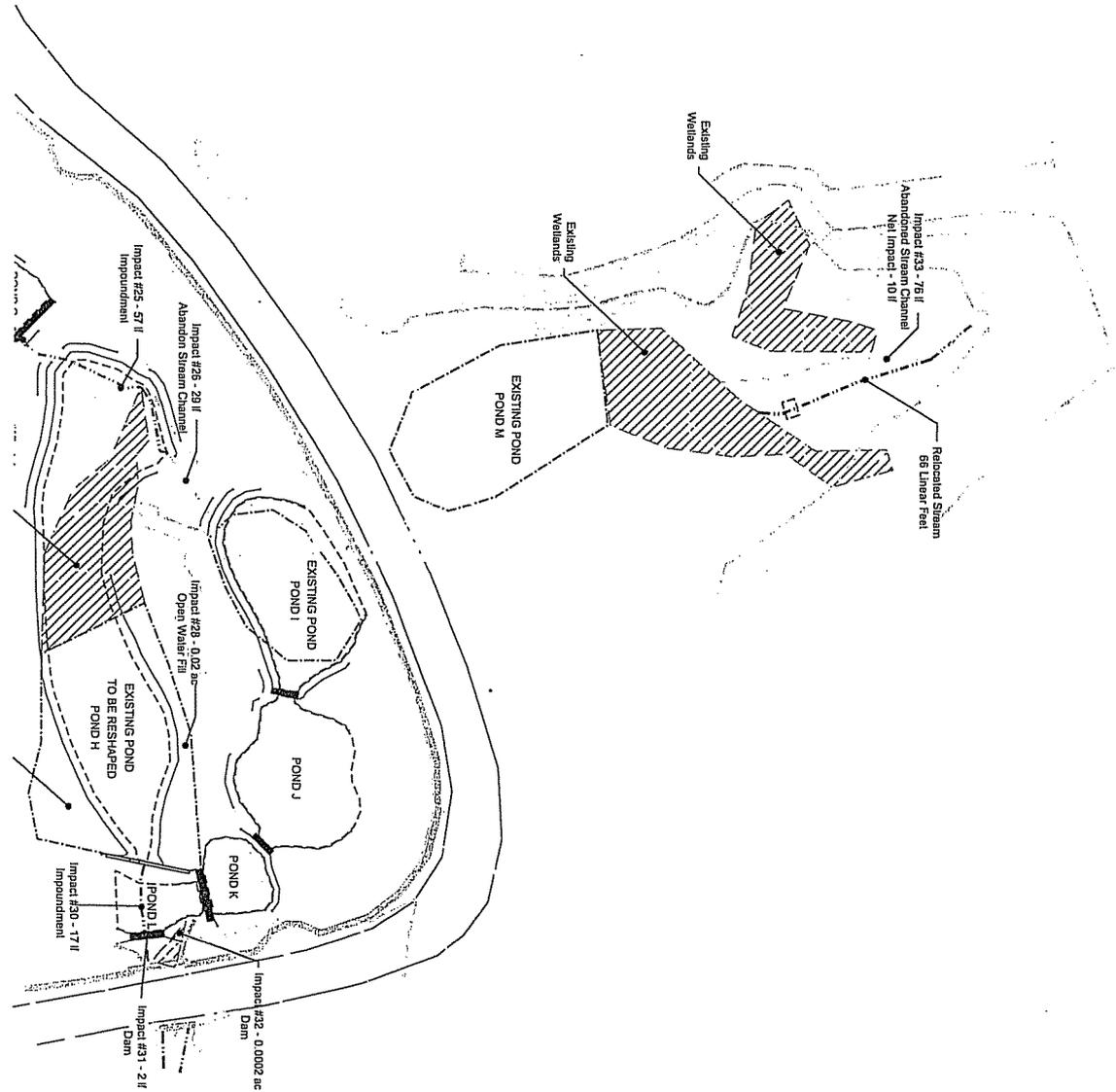
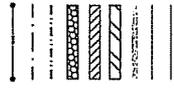
PROGRESS DRAWINGS - DO NOT USE FOR CONSTRUCTION

Revision/Description number with a triangle indicates changes made on this sheet









et No: 13808  
 APPROACH ROAD POND RESTORATION  
 BILTMORE ESTATE  
 ASHEVILLE NORTH CAROLINA  
 19 Title: NEW WATER SURFACE AND WETLAND IMPACT MAP

  
**Brooks Engineering Associates**  
 Planning • Engineering • Surveying  
 • Environmental Services •

17 Arlington Street  
 Asheville, N.C. 28801  
 Phone: 1-828-232-4700  
 Fax: 1-828-232-1331  
 www.brookea.com

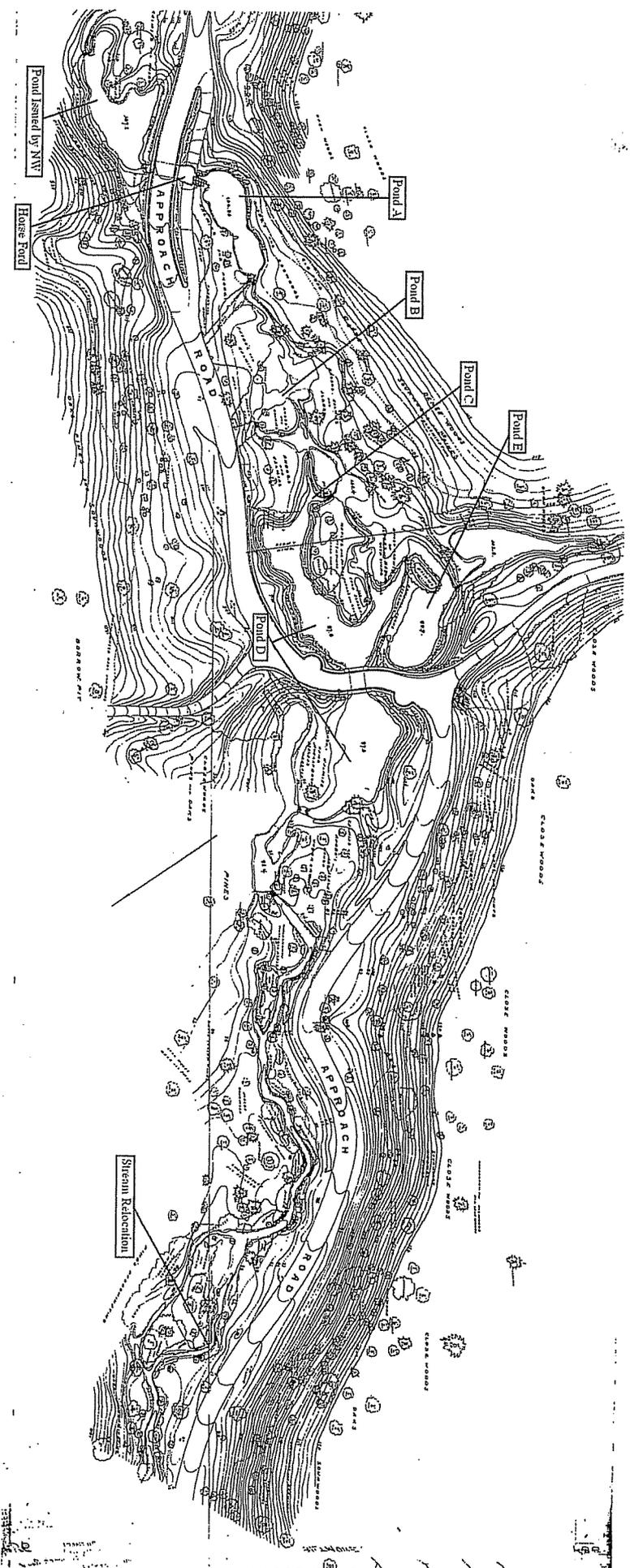


PROGRESS DRAWINGS - DO NOT USE FOR CONSTRUCTION

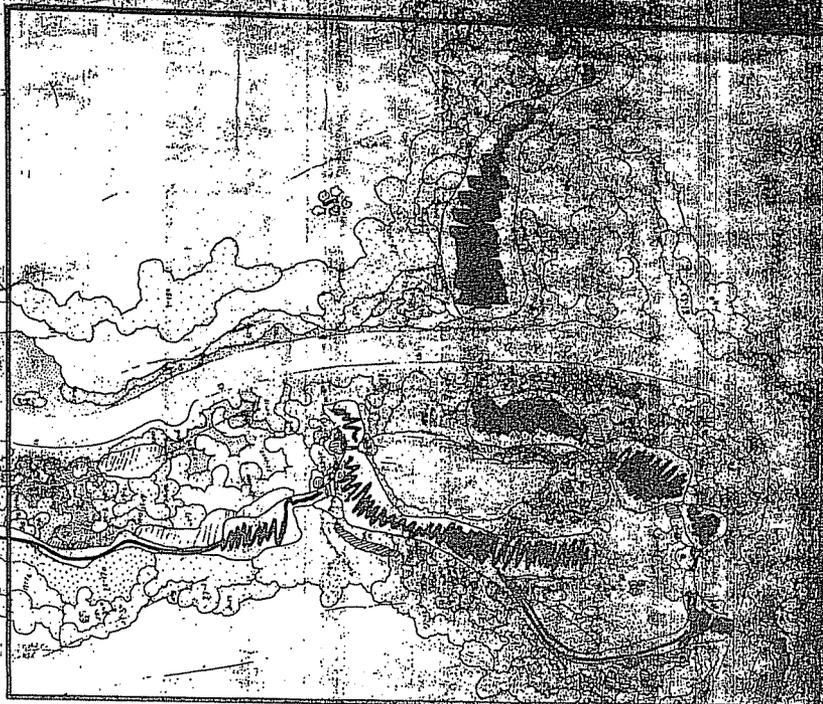
No.	REVISIONS/SUBMISSIONS	Date
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This map has been labeled to correspond with the impact plan (Figures 3, 3a-3d).



Excerpt on the following page.

This map has been labeled to correspond with the impact plan (Figures 3, 3a-3d).

Landscape Architectural Drawing circa 1891.

CEC has one copy of this original drawing, which measures approximately 3 feet by 3 feet. It has been copied and its size has been reduced for the purpose of this application. Upon request, CEC will be happy to provide the full size drawing.

