Pre-Construction Notification (PCN) Form

For Nationwide Permits and Regional General Permits

(along with corresponding Water Quality Certifications)

June 1, 2021 Ver 4.1

1a. Name of project:

Asheville Water Treatment Plant River Bank Restoration

1a. Who is the Primary Contact?

Zan Price

1b. Primary Contact Email:

zan@jenningsenv.com

1c. Primary Contact Phone:

(828)712-9194

Site Coordinates

Latitude:

35.388454

Longitude:

-82.536220

A. Processing Information

County (or Counties) where the project is located:

Henderson

Nearest Body of Water

Is this a NCDMS Project *

○ Yes ◉ No

Is this project a public transportation project?

○ Yes ◉ No

1a. Type(s) of approval sought from the Corps:

☑ Section 404 Permit (wetlands, streams and waters, Clean Water Act)

☐ Section 10 Permit (navigable waters, tidal waters, Rivers and Harbors Act)

Has this PCN previously been submitted? *

○ Yes

◉ No

1b. What type(s) of permit(s) do you wish to seek authorization?

☑ Nationwide Permit (NWP)

☐ Regional General Permit (RGP)

☐ Standard (IP)

1c. Has the NWP or GP number been verified by the Corps?

○ Yes ◉ No

Nationwide Permit (NWP) Number:

13 - Bank Stabilization

NWP Numbers (for multiple NWPS):

1d. Type(s) of approval sought from the DWR:

☑ 401 Water Quality Certification - Regular

☐ Non-404 Jurisdictional General Permit

☐ Individual 401 Water Quality Certification

☐ 401 Water Quality Certification - Express

☐ Riparian Buffer Authorization

Pre-Filing Meeting Information

Is the a courtesy copy notification?

○ Yes ○ No

1e. Is this notification solely for the record because written approval is not required?

For the record only for DWR 401 Certification: ○ Yes ◉ No

For the record only for Corps Permit: ○ Yes ◉ No

1f. Is this an after-the-fact permit application?

○ Yes ◉ No

1g. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts?

○ Yes ◉ No

1h. Is the project located in any of NC's twenty coastal counties?

○ Yes ◉ No

1j. Is the project located in a designated trout watershed?

◉ Yes ○ No

B. Applicant Information

1d. Who is applying for the permit?

☑ Owner ☐ Applicant (other than owner)

1e. Is there an Agent/Consultant for this project?*

◉ Yes ○ No

2. Owner Information

2a. Name(s) on recorded deed:

CITY OF ASHEVILLE WATER AUTHORITY

2b. Deed book and page no.:

874/39

2c. Contact Person:

David Melton

2d. Address

Street Address

70 Court Plaza

Address Line 2

PO BOX 7148

City

Asheville

State / Province / Region

NC

Postal / Zip Code

28802

Country

USA

2e. Telephone Number:

(828)259-5957

2f. Fax Number:

2g. Email Address:*

dmelton@ashevillenc.gov

4. Agent/Consultant (if applicable)

4a. Name:

Zan Price

4b. Business Name:

Jennings Environmental Inc.

4c. Address

Street Address

56 Central Ave, Suite 102

Address Line 2

City

Asheville

State / Province / Region

NC

Postal / Zip Code

28801

Country

USA

4d. Telephone Number:

(828)712-9194

4e. Fax Number:

4f. Email Address:*

zan@jenningsenv.com

C. Project Information and Prior Project History

1. Project Information

1b. Subdivision name:

(if appropriate)

1c. Nearest municipality / town:

Mills River

2. Project Identification

2a. Property Identification Number:

9641537269

2b. Property size:

330.5

2c. Project Address

Street Address

4037 HAYWOOD RD

Address Line 2

City

Mills River

State / Province / Region

NC

Postal / Zip Code

28759

Country

USA

3. Surface Waters

3a. Name of the nearest body of water to proposed project:

Mills River

3b. Water Resources Classification of nearest receiving water:*

WS-III, CA

3d. Please provide the 12-digit HUC in which the project is located.

060101050403

3c. What river basin(s) is your project located in?*

French Broad

4. Project Description and History

4a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application:*

The current land use in the vicinity of the project is primarily agricultural, forest, and rural residential. The City of Asheville has a raw water intake at the downstream extent of the project.
Existing stream conditions at the proposed project site are steep and eroding streambanks. Additionally, there are some
historical levees along the streambank limiting access to the adjacent floodplain. The drainage area at the project site is approximately 72.9 square miles.

See attached existing condition photographs embedded in a .kmz file and USGS Streamstats report uploaded as supplemental information

4b. Have Corps permits or DWR certifications been obtained for this project (including all prior phases) in the past?*

○ Yes ◉ No ○ Unknown

4f. List the total estimated acreage of all existing wetlands on the property:

unknown

4g. List the total estimated linear feet of all existing streams on the property:

14300

4h. Explain the purpose of the proposed project:*

The proposed bank stabilization project is located along the Mills River in Henderson County, NC. The project will stabilize and re-vegetate 2203 LF of the river right streambank and 720 LF of the left streambank. Ongoing bank erosion is causing land loss and sediment is being exported to downstream surface waters and degrading water quality and aquatic habitats.

A minimum 150-ft vegetated buffer will be maintained on both sides of the river after project implementation. Invasive species management and supplemental native riparian planting will occur in the buffer area.

4i. Describe the overall project in detail, including indirect impacts and the type of equipment to be used:*

The objectives of the project are to grade streambanks to a stable slope, remove historical levees, stabilize outside bends with wood toe revetments, boulder toe stabilization near the water intake, and install native riparian vegetation to prevent
additional soil loss. A minimum 150-ft vegetated buffer will be maintained on both sides of the river after project implementation. Invasive species management and supplemental native riparian planting will occur in the buffer area.

Two temporary stream crossing areas are proposed on unnamed tributaries to the Mills River for project access. The proposed crossings will span the tributaries and the banks will be restored upon project completion.

Work will be completed using tracked excavators and dump trucks by a qualified stream restoration contractor. Equipment will be well maintained, cleaned prior to mobilization, and checked daily for leaks of petroleum products. Fueling operations shall be performed in an area away from all surface waters.

5. Jurisdictional Determinations

5a. Have the wetlands or streams been delineated on the property or proposed impact areas? *

○ Yes ◉ No ○ Unknown

Comments:

5b. If the Corps made a jurisdictional determination, what type of determination was made? *

○ Preliminary ○ Approved ○ Not Verified ○ Unknown ◉ N/A

Corps AID Number:

5c. If 5a is yes, who delineated the jurisdictional areas?

Name (if known):

Agency/Consultant Company:

Other:

6. Future Project Plans

6a. Is this a phased project? *

○ Yes ◉ No

Are any other NWP(s), regional general permit(s), or individual permits(s) used, or intended to be used, to authorize any part of the proposed project or related activity?

D. Proposed Impacts Inventory

1. Impacts Summary

1a. Where are the impacts associated with your project? (check all that apply):

☐ Wetlands ☑ Streams-tributaries ☐ Buffers
☐ Open Waters ☐ Pond Construction

3. Stream Impacts

	3a. Reason for impact * (?)	3b.Impact type *	3c. Type of impact *	3d. S. name *	3e. Stream Type * (?)	3f. Type of Jurisdiction *	3g. S. width *	3h. Impact length *
S1	Levee Breach	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	274 (linear feet)
S2	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	189 (linear feet)
S3	Bank Grading	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	387 (linear feet)
S4	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	236 (linear feet)
S5	Bank Grading	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	152 (linear feet)
S6	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	122 (linear feet)
S7	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	104 (linear feet)
S8	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	132 (linear feet)
S9	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	133 (linear feet)
S10	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	189 (linear feet)
S11	Bank Grading	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	313 (linear feet)
S12	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	219 (linear feet)
S13	Bank Grading	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	94 (linear feet)
S14	Toe Wood Stabilization	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	312 (linear feet)

S15	Boulder Toe	Permanent	Bank Stabilization	Mills River	Perennial	Both	55 Average (feet)	67 (linear feet)
S16	Temp Stream Crossing	Temporary	Other	UT Mills River	Perennial	Both	8 Average (feet)	25 (linear feet)
S17	Temp Stream Crossing	Temporary	Other	UT Mills River	Perennial	Both	8 Average (feet)	25 (linear feet)

3i. Total jurisdictional ditch impact in square feet:

0

3i. Total permanent stream impacts:

2,923

3i. Total temporary stream impacts:

50

3i. Total stream and ditch impacts:

2973

3j. Comments:

S1: Right Bank (RB) 0+28 - 3+02
S2: RB 4+06 - 5+95
S3: RB 5+95 - 9+82
S4: RB 9+82 - 12+18
S5 Left Bank (LB) 12+94 - 14+46
S6 LB 14+46 - 15+68
S7 RB 16+35 - 17+39
S8 RB 18+24 - 19+56
S9 LB 20+22 - 21+55
S10 RB 21+93 - 23+82
S11 RB 23+82 - 26+95
S12 LB 23+82 - 26+01
S13 LB 26+01 - 26+95
S14 RB 28+47 - 31+59
S15 RB 31+78 - 32+45
S16 and S17 - Temporary Stream Crossings - See Sheet 3.1

E. Impact Justification and Mitigation

1. Avoidance and Minimization

1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing the project:

Streambank stabilization is needed to achieve ecological objectives and enhance water quality within the project reach and areas downstream. Impacts will be minimized by maintaining as much as possible the existing stream channel and natural riparian buffer.

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques:

Construction impacts will be minimized by limiting in-channel work to low-flow conditions and working from the streambanks. Graded streambanks will be stabilized by using grass seed, straw mulch, and biodegradable erosion control matting. Due to the size of the watershed, it is not feasible to pump around the baseflow on this project. The applicant requests a waiver from this requirement.
No in-channel boulder or log vanes are proposed for the project.
A turbidity curtain will be used around the downstream water intake in an area of still moving water near the confluence of the French Broad River.

2. Compensatory Mitigation for Impacts to Waters of the U.S. or Waters of the State

2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?

○ Yes ◉ No

2b. If this project DOES NOT require Compensatory Mitigation, explain why:

Stabilization project. No proposed loss of waters.

F. Stormwater Management and Diffuse Flow Plan (required by DWR)

1. Diffuse Flow Plan

1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?

○ Yes ◉ No

If no, explain why:

No NC Riparian Buffer Projection Rules in the French Broad basin.

2. Stormwater Management Plan

2a. Is this a NCDOT project subject to compliance with NCDOT's Individual NPDES permit NCS000250? *

○ Yes ◉ No

2b. Does this project meet the requirements for low density projects as defined in 15A NCAC 02H .1003(2)?

◉ Yes ○ No

Comments:

No new impervious surfaces

G. Supplementary Information

1. Environmental Documentation

1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? *

(•) Yes ( ) No

1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)? *

( ) Yes (•) No

Comments: *

Project below thresholds for requiring an environmental document

2. Violations (DWR Requirement)

2a. Is the site in violation of DWR Water Quality Certification Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), or DWR Surface Water or Wetland Standards or Riparian Buffer Rules (15A NCAC 2B .0200)? *

( ) Yes (•) No

3. Cumulative Impacts (DWR Requirement)

3a. Will this project result in additional development, which could impact nearby downstream water quality? *

( ) Yes (•) No

3b. If you answered "no," provide a short narrative description.

Project will be protected within a permanent conservation easement

4. Sewage Disposal (DWR Requirement)

4a. Is sewage disposal required by DWR for this project? *

( ) Yes (•) No ( ) N/A

5. Endangered Species and Designated Critical Habitat (Corps Requirement)

5a. Will this project occur in or near an area with federally protected species or habitat? *

(•) Yes ( ) No

5b. Have you checked with the USFWS concerning Endangered Species Act impacts? *

(•) Yes ( ) No

5c. If yes, indicate the USFWS Field Office you have contacted.

Asheville

5d. Is another Federal agency involved? *

( ) Yes (•) No ( ) Unknown

5e. Is this a DOT project located within Division's 1-8?

( ) Yes (•) No

5f. Will you cut any trees in order to conduct the work in waters of the U.S.?

(•) Yes ( ) No

5g. Does this project involve bridge maintenance or removal?

( ) Yes (•) No

5h. Does this project involve the construction/installation of a wind turbine(s)?*

( ) Yes (•) No

5i. Does this project involve (1) blasting, and/or (2) other percussive activities that will be conducted by machines, such as jackhammers, mechanized pile drivers, etc.?

( ) Yes (•) No

5j. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? *

Consultation with Laura Fogo and experience with a similar project just upstream on the Mills River. Please forward this application for USFW for additional Section 7 consultation.

6. Essential Fish Habitat (Corps Requirement)

6a. Will this project occur in or near an area designated as an Essential Fish Habitat? *

( ) Yes (•) No

6b. What data sources did you use to determine whether your site would impact an Essential Fish Habitat? *

NOAA EFH Mapper

7. Historic or Prehistoric Cultural Resources (Corps Requirement)

7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status? *

○ Yes ◉ No

7b. What data sources did you use to determine whether your site would impact historic or archeological resources? *

NC DCR has been contacted for compliance with Cultural Resources laws.

8. Flood Zone Designation (Corps Requirement)

8a. Will this project occur in a FEMA-designated 100-year floodplain? *

◉ Yes ○ No

8b. If yes, explain how project meets FEMA requirements:

Applicant will work with the Henderson County Floodplain Administrator to meet all requirements.

8c. What source(s) did you use to make the floodplain determination? *

NC FRIS maps.

Miscellaneous

Comments

Agent Authorization Form
Existing Condition Photos in a .KMZ file
Streamstats Report
Project Plan Documents
USDA Soil Map

Signature

*

☑ By checking the box and signing below, I certify that:

- The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief'; and
- The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.
- I have given true, accurate, and complete information on this form;
- I agree that submission of this PCN form is a "transaction" subject to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I agree to conduct this transaction by electronic means pursuant to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature; AND
- I intend to electronically sign and submit the PCN form.

Full Name: *

Zan Price

Signature

Date

8/10/2021