



▣ North Carolina Wildlife Resources Commission ▣

M. Kyle Briggs, Executive Director

March 4, 2026

Lori Beckwith

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

North Carolina Department of Environmental Quality, 401 and Buffer Transportation Permitting Branch
450 Hanes Mill Road, Suite 300
Winston-Salem, NC 27105

SUBJECT: Trout Exclusion Comments on Application for Section 404 RGP 50 and 401 Water Quality Certification for proposed improvements to SR 1514 (Bamboo Road) and SR 1523 (Wilson Ridge Road) from US 421/US 221 to SR 1522 (Deerfield Road) in Watauga County, NCDOT Division 11. WBS 44383.1.1, **STIP U-5810**.
DWR 20210175 ver.1

The North Carolina Department of Transportation (NCDOT) applied for a 404 Permit and 401 Certification for the subject project. I did not visit the project area but am familiar with the wildlife resources in the area. The North Carolina Wildlife Resources Commission (NCWRC) provided the NCDOT with scoping comments on the project dated January 29, 2019. The NCWRC's comments on this permit application are offered to help conserve the wildlife resources affected by the project and to promote wildlife-based recreation in accordance with applicable provisions of the Clean Water Act of 1977 (33 U.S.C. 466 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The project will require impacts to wetlands and Mutton Creek and tributaries to Mutton Creek (C Tr:+) and the East Fork South Fork New River (WS-IV CA +). Some Species of Greatest Conservation Need (SGCN) are found in the South Fork New River near the project, including the Kanawha Darter (*Etheostoma kanawhae*), state Significantly Rare; the Tonguetied Minnow (*Exoglossum laurae*), state SR; and the Kanawha minnow (*Phenacobius teretulus*), Federal Species of Concern and state Special Concern. There are Brown Trout (*Salmo trutta*) and Rainbow Trout (*Oncorhynchus mykiss*) populations

in area streams. The NCWRC has not sampled Mutton Creek after Hurricane Helene. However, the NCWRC has found wild brown and rainbow trout in post-storm sampling of other tributaries to the South Fork New River around Boone.

The NCWRC requests that the following conditions be included in authorizations to help conserve trout and other aquatic resources affected by the project:

1. As noted in prior scoping comments, the moratorium prohibiting in-stream work and land disturbance within the 25-foot trout buffer from October 15 to April 15 to apply to protect the egg and fry stages of trout.
2. Applicable measures from the current *NCDOT Erosion and Sediment Control Design and Construction Manual* should be adhered to. *Design Standards in Sensitive Waters* should be incorporated into the project's erosion control to help ensure protection of rare species and trout spawning (see part (d) of 15A NCAC 04B .0124).
3. In accordance with standard GC conditions, matting used in riparian areas should not contain nylon mesh because it entangles and kills wildlife. Coir matting should be used on disturbed stream banks that are steep or susceptible to high water. Matting should be anchored with wooden stakes according to NCDOT specifications.
4. Heavy equipment needs to be well-maintained and concrete pouring needs to be closely monitored to avoid and quickly mitigate fuel, fluid, or wet concrete losses in or near streams.
5. Removal of vegetation in riparian areas and wetlands should be minimized.
6. Sandbags, rock berms, cofferdams, or other diversion structures should be used where excavation or other periods of extended stream disturbance has the potential for downstream sedimentation.
7. The natural dimension, pattern, and profiles of streams and the grades of wetlands should be restored where temporarily impacted. Stream bed material replaced below culvert outlets should be well-compacted to the appropriate grade to help avoid scour.

Thank you for the opportunity to review and provide recommendations on this project. Please contact me at david.mchenry@ncwildlife.gov or (828) 476-1966 if you have any questions about these comments.

Sincerely,



Dave McHenry, NCWRC Western DOT Coordinator

cc: Kevin Hining, NCDOT Division 11 PDEA
Chris Wood, NCDOT Division 11 Environmental Supervisor