



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

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SECRETARY

October 31, 2003

US Army Corps of Engineers
Regulatory Field Office
151 Patton Ave.
Room 208
Asheville, NC 28801-5006

ATTENTION: Mr. Steve Lund
NCDOT Coordinator

Dear Sir:

Subject: **Nationwide 23 Permit Application** for the Replacement of Bridge No. 181 over South Hominy Creek on NC 151, Buncombe County, Federal Aid Project No. BRSTP-151(1), State Project No. 8.1844601, TIP B-3414, Division 13.

Please find enclosed three copies of the project planning report for the above referenced project. Bridge No. 181 will be replaced immediately downstream with a new bridge, approximately 75 feet (22.5 m) in length with a 40-foot (12.0 m) clear roadway width. The bridge will have two 12.0-foot (3.6 m) travel lanes and 8.0-foot (2.4 m) lateral offsets on each side. The new approach roadway will include two 12-foot (3.6 m) travel lanes and 8-foot (2.4 m) shoulders on each side with four feet of the shoulder paved to accommodate bicyclists. The approach shoulders will be widened 3.0 feet (0.9 m) for a total width of 11 feet (3.3 m) where guardrail is required. The elevation of the bridge and approaches will be higher than the existing bridge to accommodate the fifty-year storm event and to provide adequate stopping sight distance. A design speed of 60 mph (100 km/hr) will be provided. Please refer to the Bridge Survey and Hydraulic Design Report for a profile of the proposed bridge and a plan view.

There will be no permanent impacts to jurisdictional wetlands or surface waters by the construction of the bridge. There is potential for up to 50 cubic yards of temporary fill entering the "Waters of the U.S." from the demolition of the existing bridge.

The bridge will be built using top-down construction with no causeway or work pad needed and therefore there will be no temporary impacts associated with this project.

During construction, traffic will be maintained on the existing NC 151 as shown on the attached project plans.

Bridge Demolition

Bridge Demolition: Bridge No. 181 is a single span bridge composed of a reinforced concrete deck with an asphalt-wearing surface supported by reinforced concrete girders at 8-foot centers. The existing structure is 42 feet (12.8 m) long with a 20-foot (6.0 m) clear roadway width. The deck of the bridge is 13 feet (3.9 m) above the streambed. Due to the structural components of the bridge, there is the possibility of 50 cubic yards (38.2 cu. m) of temporary fill expected to be dropped into the “Waters of the United States”. All measures will be taken to avoid any temporary fill from entering Waters of the U.S. Best Management Practices for Bridge Demolition and Removal will be implemented

South Hominy Creek has been placed on the North Carolina 2002 Impaired Waters List (303(d)). The cause of impairment is habitat degradation and potential sources are agriculture and specialty crop production. NCDOT will not exacerbate the causes for the listing of South Hominy Creek constructing the new bridge or demolishing the existing bridge.

South Hominy Creek is a C Tr stream and the “Design Standards in Sensitive Watersheds” will be followed. NCDOT will be revegetating the stream banks, removing the old roadbed, and returning them to a natural state.

As noted in the project’s CE document, NCDOT will observe an in-stream construction moratorium from October 15 to April 15 to avoid impacts to trout reproduction.

Federally Protected Species

As of January 29, 2003, the United States Fish and Wildlife Service (USFWS) lists 13 federally protected species for Buncombe County. Suitable habitat does not occur within the project study area for the following species: bog turtle (*Clemmys muhlenburgii*), Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*), eastern cougar (*Felis concolor cougar*), gray bat (*Myotis grisescens*), bunched arrowhead (*Sagittaria fasciculata*), spreading avens (*Geum radiatum*), and rock gnome lichen (*Gymnoderma lineare*). The project site was visited on June 27, 2003 by NCDOT biologists Chris Underwood and Michael Turchy and a field survey was conducted for the mountain sweet pitcher plant (*Sarracenia jonesii*), and Virginia spirea (*Spirea virginiana*). Neither species was found. Field surveys for spotfin chub (*Erimonax monacha*), oyster mussel (*Epioblasma capsaeformis*), and Appalachian elktoe (*Alasmidonta fasciculata*) were conducted by NCDOT biologists Neil Medlin, Jared Gray, Tom Dickinson, Jeff Burleson, and Tim Howell. No endangered species were found. The tan riffleshell (*Epioblasma florentia walkeri*) has been removed from the list for Buncombe County since the project’s CE was written. This project CE’s Biological Conclusions for nine of the twelve protected species remains: **No Effect**. The Biological Conclusions for Appalachian elktoe, mountain sweet pitcher plant and Virginia spirea are changed to: **May Affect, Not Likely To Adversely Affect**.

Although no suitable habitat occurs within the project area for the gray bat, NCDOT consultants captured one individual on July 24, 2003. After an informal consultation with the USFWS, B-3414 was determined to have “No Effect” on the gray bat.

Regulatory Approvals

Section 404 Permit: This project is being processed by the Federal Highway Administration as a “Categorical Exclusion” in accordance with 23 CFR 771.115(b). Therefore, we do not anticipate requesting an individual permit but propose to proceed under a Nationwide 23 as authorized by a Nationwide Permit 23 (67 FR 2020; January 15, 2002).

Section 401 Permit: We anticipate 401 General Certification number 3403 will apply to this project. In accordance with 15A NCAC 2H, Section .0500(a) we are providing two copies of this

application to the North Carolina Department of Environmental and Natural Resources, Division of Water Quality, for their review.

We anticipate that comments from the North Carolina Wildlife Resources Commission (NCWRC) will be required prior to authorization by the Corps of Engineers. By copy of this letter and attachment, NCDOT hereby requests NCWRC review. NCDOT requests that NCWRC forward their comments to the Corps of Engineers.

A copy of this permit application will be posted on the DOT website at: <http://www.ncdot.org/planning/pe/naturalunit/Permit.html>.

If you have any questions or need additional information, please contact Mr. Chris Underwood at (919) 715-1541.

Sincerely,



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

cc:

w/attachment

Mr. John Dorney, Division of Water Quality (2 copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Mr. Greg Perfetti, P.E., Structure Design
Mr. Harold Draper, TVA

w/o attachment

Mr. David Franklin, USACE, Wilmington
Mr. Jay Bennett, P.E., Roadway Design
Mr. Omar Sultan, Programming and TIP
Ms. Debbie Barbour, P.E., Highway Design
Mr. David Chang, P.E., Hydraulics
Mr. Mark Staley, Roadside Environmental
Mr. John Sullivan, FHWA
Mr. F. D. Martin, Division Engineer
Mr. Roger Bryan, DEO
Ms. Missy Dickens