



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

June 30, 2011

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

ATTN: Ms. Lori Beckwith
NCDOT Coordinator

Subject: **Application for Section 404 Regional General Permit 198200031 and Section 401 Water Quality Certification** for the proposed replacement of Bridge No. 148 over Lamance Creek on SR 1326 in Transylvania County, Federal Aid Project No. BRZ-1326(3); Division 14; TIP No. B-4989, \$240.00 Debit Work Order WBS Element 40461.1.1.

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 148 over Lamance Creek on SR 1326 with a 48-foot reinforced concrete box culvert. There will be 50 linear feet of permanent impacts to surface waters which includes 17 feet of bank stabilization. There will also be <0.01 of permanent fill and mechanized clearing in a wetland from the culvert installation. In addition, 55 feet of temporary impacts to surface waters will result from dewatering during culvert installation.

Please see enclosed copies of the Pre-Construction Notification (PCN), EEP Acceptance Letter, permit drawings, stormwater management plan and design plans for the above-referenced project. The Programmatic Categorical Exclusion (PCE) was completed in December 2010 and was distributed shortly thereafter. Additional copies are available upon request.

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 request that NCWRC forward their comments to the Corps of Engineers and the NCDOT within 30 calendar days of receipt of this application.

This project calls for a letting date of March 20, 2012 and a review date of January 23, 2012; however, the let date may advance as additional funding becomes available.

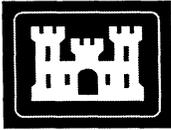
A copy of this permit application and its distribution list will be posted on the NCDOT website at: <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>. If you have any questions or need additional information, please e-mail Jeff Hemphill at jhemphill@ncdot.gov.

Sincerely,



for Gregory J. Thorpe, Ph.D.
Branch Manager
Project Development & Environmental Analysis

Cc: NCDOT Permit Application Standard Distribution List
File



Office Use Only:
 Corps action ID no. _____
 DWQ project no. _____
 Form Version 1.3 Dec 10 2008

Pre-Construction Notification (PCN) Form

A. Applicant Information

1. Processing

1a. Type(s) of approval sought from the Corps:	<input checked="" type="checkbox"/> Section 404 Permit <input type="checkbox"/> Section 10 Permit	
1b. Specify Nationwide Permit (NWP) number:	or General Permit (GP) number: 198200031	
1c. Has the NWP or GP number been verified by the Corps?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
1d. Type(s) of approval sought from the DWQ (check all that apply):		
<input checked="" type="checkbox"/> 401 Water Quality Certification – Regular <input type="checkbox"/> Non-404 Jurisdictional General Permit <input type="checkbox"/> 401 Water Quality Certification – Express <input type="checkbox"/> Riparian Buffer Authorization		
1e. Is this notification solely for the record because written approval is not required?	For the record only for DWQ 401 Certification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	For the record only for Corps Permit: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1f. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts? If so, attach the acceptance letter from mitigation bank or in-lieu fee program.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
1g. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
1h. Is the project located within a NC DCM Area of Environmental Concern (AEC)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

2. Project Information

2a. Name of project:	Replacement of Bridge 148 over Lamance Creek on SR 1326
2b. County:	Transylvania
2c. Nearest municipality / town:	Balsam Grove
2d. Subdivision name:	<i>not applicable</i>
2e. NCDOT only, T.I.P. or state project no:	B-4989

3. Owner Information

3a. Name(s) on Recorded Deed:	North Carolina Department of Transportation
3b. Deed Book and Page No.	<i>not applicable</i>
3c. Responsible Party (for LLC if applicable):	<i>not applicable</i>
3d. Street address:	1598 Mail Service Center
3e. City, state, zip:	Raleigh, NC 27699-1598
3f. Telephone no.:	(919) 707-61
3g. Fax no.:	(919) 212-5785
3h. Email address:	jhemphill@ncdot.gov

4. Applicant Information (if different from owner)	
4a. Applicant is:	<input type="checkbox"/> Agent <input type="checkbox"/> Other, specify:
4b. Name:	<i>not applicable</i>
4c. Business name (if applicable):	
4d. Street address:	
4e. City, state, zip:	
4f. Telephone no.:	
4g. Fax no.:	
4h. Email address:	
5. Agent/Consultant Information (if applicable)	
5a. Name:	<i>not applicable</i>
5b. Business name (if applicable):	
5c. Street address:	
5d. City, state, zip:	
5e. Telephone no.:	
5f. Fax no.:	
5g. Email address:	

B. Project Information and Prior Project History	
1. Property Identification	
1a. Property identification no. (tax PIN or parcel ID):	<i>not applicable</i>
1b. Site coordinates (in decimal degrees):	Latitude: 35.2056 (DD.DDDDDD) Longitude: - 82.8856 (-DD.DDDDDD)
1c. Property size:	26 acres
2. Surface Waters	
2a. Name of nearest body of water (stream, river, etc.) to proposed project:	North Fork French Broad River
2b. Water Quality Classification of nearest receiving water:	B;Tr
2c. River basin:	French Broad
3. Project Description	
3a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: Rural residential - forested	
3b. List the total estimated acreage of all existing wetlands on the property: 0.47	
3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: 203	
3d. Explain the purpose of the proposed project: To replace a structurally deficient (and/ or) functionally obsolete bridge.	
3e. Describe the overall project in detail, including the type of equipment to be used: The project involves replacing a 20.5-foot bridge with a 48-foot, 12 x 6 foot reinforced concrete box culvert (RCBC) on the existing alignment with an off-site detour. Standard road building equipment, such as trucks, dozers, and cranes will be used.	
4. Jurisdictional Determinations	
4a. Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this property / project (including all prior phases) in the past? Comments: Yes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
4b. If the Corps made the jurisdictional determination, what type of determination was made?	<input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final
4c. If yes, who delineated the jurisdictional areas? Name (if known): Jeff Hemphill	Agency/Consultant Company: NCDOT Other:
4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation. August 26, 2008	
5. Project History	
5a. Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
5b. If yes, explain in detail according to "help file" instructions.	
6. Future Project Plans	
6a. Is this a phased project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6b. If yes, explain.	

C. Proposed Impacts Inventory

1. Impacts Summary

1a. Which sections were completed below for your project (check all that apply):

- Wetlands Streams - tributaries Buffers
 Open Waters Pond Construction

2. Wetland Impacts

If there are wetland impacts proposed on the site, then complete this question for each wetland area impacted.

2a. Wetland impact number – Permanent (P) or Temporary (T)	2b. Type of impact	2c. Type of wetland (if known)	2d. Forested	2e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other)	2f. Area of impact (acres)
Site 1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Fill	Bog forest	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	<0.01
Site 2 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Mechanized clearing	Bog Forest	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	<0.01
Site 3 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 4 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 5 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 6 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
2g. Total wetland impacts					<0.01 Permanent 0 Temporary

2h. Comments:

3. Stream Impacts

If there are perennial or intermittent stream impacts (including temporary impacts) proposed on the site, then complete this question for all stream sites impacted.

3a. Stream impact number - Permanent (P) or Temporary (T)	3b. Type of impact	3c. Stream name	3d. Perennial (PER) or intermittent (INT)?	3e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other)	3f. Average stream width (feet)	3g. Impact length (linear feet)
Site 1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	RCBC	Lamance Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	10	33
Site 2 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Bank Stabilization	Lamance Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	10	17
Site 3 <input type="checkbox"/> P <input checked="" type="checkbox"/> T	Dewatering	Lamance Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	10	55
Site 4 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
Site 5 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
Site 6 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
3h. Total stream and tributary impacts						50 Perm 55 Temp

3i. Comments:

4. Open Water Impacts

If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.

4a. Open water impact number – Permanent (P) or Temporary (T)	4b. Name of waterbody (if applicable)	4c. Type of impact	4d. Waterbody type	4e. Area of impact (acres)
O1 <input type="checkbox"/> P <input type="checkbox"/> T				
O2 <input type="checkbox"/> P <input type="checkbox"/> T				
O3 <input type="checkbox"/> P <input type="checkbox"/> T				
O4 <input type="checkbox"/> P <input type="checkbox"/> T				
4f. Total open water impacts				X Permanent X Temporary

4g. Comments:

5. Pond or Lake Construction

If pond or lake construction proposed, then complete the chart below.

5a. Pond ID number	5b. Proposed use or purpose of pond	5c. Wetland Impacts (acres)			5d. Stream Impacts (feet)			5e. Upland (acres)
		Flooded	Filled	Excavated	Flooded	Filled	Excavated	Flooded
P1								
P2								
5f. Total								

5g. Comments:

5h. Is a dam high hazard permit required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, permit ID no:
5i. Expected pond surface area (acres):			
5j. Size of pond watershed (acres):			
5k. Method of construction:			

6. Buffer Impacts (for DWQ)

If project will impact a protected riparian buffer, then complete the chart below. If yes, then individually list all buffer impacts below. If any impacts require mitigation, then you **MUST** fill out Section D of this form.

6a. Project is in which protected basin?		<input type="checkbox"/> Neuse <input type="checkbox"/> Catawba		<input type="checkbox"/> Tar-Pamlico <input type="checkbox"/> Randleman		<input type="checkbox"/> Other:	
6b. Buffer impact number – Permanent (P) or Temporary (T)	6c. Reason for impact	6d. Stream name	6e. Buffer mitigation required?	6f. Zone 1 impact (square feet)	6g. Zone 2 impact (square feet)		
B1 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No				
B2 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No				
B3 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No				
6h. Total buffer impacts							
6i. Comments:							

D. Impact Justification and Mitigation		
1. Avoidance and Minimization		
1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing project. An off site detour will be utilized thus reducing onsite impacts.		
1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques. Grass shoulders and grass ditches will be used throughout the project to treat stormwater before entering the stream and Class I rip rap will be used at the proposed culvert outlet to minimize erosion to the stream banks. The North Carolina Wildlife Resource Commission (WRC) issued a Trout Moratorium on February 11, 2008 for in stream construction covering the trout-spawning period from October 15 to April 15. The North Carolina Division of Water Quality (NCDWQ) has designated Lamance Creek as trout waters; therefore, Design Standards in Sensitive Watersheds will be implemented for this project.		
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, explain:	
2b. If yes, mitigation is required by (check all that apply):	<input type="checkbox"/> DWQ <input checked="" type="checkbox"/> Corps	
2c. If yes, which mitigation option will be used for this project?	<input type="checkbox"/> Mitigation bank <input checked="" type="checkbox"/> Payment to in-lieu fee program <input type="checkbox"/> Permittee Responsible Mitigation	
3. Complete if Using a Mitigation Bank		
3a. Name of Mitigation Bank: not applicable		
3b. Credits Purchased (attach receipt and letter)	Type	Quantity
3c. Comments:		
4. Complete if Making a Payment to In-lieu Fee Program		
4a. Approval letter from in-lieu fee program is attached.	<input checked="" type="checkbox"/> Yes	
4b. Stream mitigation requested:	66 (33 LF at 2:1) linear feet	
4c. If using stream mitigation, stream temperature:	<input type="checkbox"/> warm <input checked="" type="checkbox"/> cool <input type="checkbox"/> cold	
4d. Buffer mitigation requested (DWQ only):	square feet	
4e. Riparian wetland mitigation requested:	acres	
4f. Non-riparian wetland mitigation requested:	acres	
4g. Coastal (tidal) wetland mitigation requested:	acres	
4h. Comments:		
5. Complete if Using a Permittee Responsible Mitigation Plan		
5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan.		

6. Buffer Mitigation (State Regulated Riparian Buffer Rules) – required by DWQ				
6a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation?				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6b. If yes, then identify the square feet of impact to each zone of the riparian buffer that requires mitigation. Calculate the amount of mitigation required.				
Zone	6c. Reason for impact	6d. Total impact (square feet)	Multiplier	6e. Required mitigation (square feet)
Zone 1			3 (2 for Catawba)	
Zone 2			1.5	
6f. Total buffer mitigation required:				
6g. If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., payment to private mitigation bank, permittee responsible riparian buffer restoration, payment into an approved in-lieu fee fund).				
6h. Comments:				

E. Stormwater Management and Diffuse Flow Plan (required by DWQ)	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1b. If yes, then is a diffuse flow plan included? If no, explain why. Comments: if yes, see attached permit drawings.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Stormwater Management Plan	
2a. What is the overall percent imperviousness of this project?	N/A
2b. Does this project require a Stormwater Management Plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2c. If this project DOES NOT require a Stormwater Management Plan, explain why:	
2d. If this project DOES require a Stormwater Management Plan, then provide a brief, narrative description of the plan: See attached permit drawings.	
2e. Who will be responsible for the review of the Stormwater Management Plan?	<input type="checkbox"/> Certified Local Government <input type="checkbox"/> DWQ Stormwater Program <input checked="" type="checkbox"/> DWQ 401 Unit
3. Certified Local Government Stormwater Review	
3a. In which local government's jurisdiction is this project?	not applicable
3b. Which of the following locally-implemented stormwater management programs apply (check all that apply):	<input type="checkbox"/> Phase II <input type="checkbox"/> NSW <input type="checkbox"/> USMP <input type="checkbox"/> Water Supply Watershed <input type="checkbox"/> Other:
3c. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. DWQ Stormwater Program Review	
4a. Which of the following state-implemented stormwater management programs apply (check all that apply):	<input type="checkbox"/> Coastal counties <input type="checkbox"/> HQW <input type="checkbox"/> ORW <input type="checkbox"/> Session Law 2006-246 <input type="checkbox"/> Other:
4b. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. DWQ 401 Unit Stormwater Review	
5a. Does the Stormwater Management Plan meet the appropriate requirements?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
5b. Have all of the 401 Unit submittal requirements been met?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A

F. Supplementary Information	
1. Environmental Documentation (DWQ Requirement)	
1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) Comments:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Violations (DWQ Requirement)	
2a. Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2b. Is this an after-the-fact permit application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2c. If you answered "yes" to one or both of the above questions, provide an explanation of the violation(s):	
3. Cumulative Impacts (DWQ Requirement)	
3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3b. If you answered "yes" to the above, submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWQ policy. If you answered "no," provide a short narrative description. Due to the minimal transportation impact resulting from this bridge replacement, this project will neither influence nearby land uses nor stimulate growth. Therefore, a detailed indirect or cumulative effects study will not be necessary.	
4. Sewage Disposal (DWQ Requirement)	
4a. Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility. not applicable	

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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5b. Have you checked with the USFWS concerning Endangered Species Act impacts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5c. If yes, indicate the USFWS Field Office you have contacted.	<input type="checkbox"/> Raleigh <input type="checkbox"/> Asheville	
5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? NCDOT field surveys Virginia spiraea, Mountain sweet pitcher plant & Swamp pink - 6/24/09. Small whorled pogonia and Mountain sweet pitcher plant - 8/14/07 and the North Carolina Natural Heritage database determined No Effect		
6. Essential Fish Habitat (Corps Requirement)		
6a. Will this project occur in or near an area designated as essential fish habitat?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6b. What data sources did you use to determine whether your site would impact Essential Fish Habitat? NMFS County Index		
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 (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
7b. What data sources did you use to determine whether your site would impact historic or archeological resources? NEPA Documentation		
8. Flood Zone Designation (Corps Requirement)		
8a. Will this project occur in a FEMA-designated 100-year floodplain?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8b. If yes, explain how project meets FEMA requirements: NCDOT Hydraulics Unit coordination with FEMA		
8c. What source(s) did you use to make the floodplain determination? FEMA Maps		
<u>Dr. Gregory J. Thorpe, Ph D</u> Applicant/Agent's Printed Name	 Applicant/Agent's Signature (Agent's signature is valid only if an authorization letter from the applicant is provided.)	6-30-11 Date

Action Id. SAW-2008-1334

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **David Baker** at **828-271-7980**.

C. Basis For Determination

The site contains wetlands as determined by the USACE 1987 Wetland Delineation Manual and is adjacent to stream channels located on the property that exhibit indicators of ordinary high water marks. Lamance Creek and the unnamed tributaries are tributary to the French Broad River which is a Section 10 navigable-in-fact waterway (TNW).

D. Remarks

E. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Program
Attn: David Baker, Project Manager
151 Patton Avenue, Room 208
Asheville, North Carolina 28801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 26, 2008.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: David Baker

Issue Date: **August 26, 2008**

Expiration Date: **August 26, 2013**

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NCDOT, Natural Environment Unit, Attn: Jeff Hemphill	File Number: SAW-2008-1334	Date: August 26, 2008
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Attached is:	See Section below
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<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
David Baker, Project Manager
USACE, Asheville Regulatory Field Office
151 Patton Ave
RM 208
Asheville, NC 28806
828-271-7980

If you only have questions regarding the appeal process you may also contact:
Mr. Michael F. Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
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For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:

District Engineer, Wilmington Regulatory Division, Attn: David Baker, Project Manager, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801.



June 24, 2011

Mr. Gregory J. Thorpe, Ph.D.
Manager, Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

B-4989, Replace Bridge Number 148 over Lamance Creek on SR 1326, Transylvania County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream mitigation for the subject project. Based on the information supplied by you on June 21 and 24, 2011, the impacts are located in CU 06010105 of the French Broad River Basin in the Southern Mountains (SM) Eco-Region, and are as follows:

French Broad 06010105 SM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	33	0	0	0	0	0	0	0

EEP commits to implementing sufficient compensatory stream mitigation credits to offset the impacts associated with this project in accordance with the N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from EEP.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-715-1929.

Sincerely,

William D. Gilmore, P.E.
EEP Director

cc: Mr. Lori Beckwith, USACE – Asheville Regulatory Field Office
Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit
File: B-4989

Restoring... Enhancing... Protecting Our State



STORMWATER MANAGEMENT PLAN

B-4989, WBS No. 40461.1.1

Transylvania County

Hydraulics Project Manager: Andrew Nottingham, PE

Date: 04/19/2011

ROADWAY DESCRIPTION

The project involves the replacement of Bridge No. 148 over Lamance Creek on SR 1326 (Macedonia Church Road). The overall length of the project is 0.057 miles. The project will replace an existing 20.5 foot length bridge with a 48-foot long, 12-foot wide by 6-foot high precast reinforced concrete box culvert. An offsite detour will be utilized.

ENVIRONMENTAL DESCRIPTION AND IMPACTS

The project is located in the French Broad River Basin. The drainage area at the crossing is approximately 430 acres. The proposed culvert impacts Lamance Creek, which is classified as Class C and Tr (Trout Waters). Lamance Creek is not listed on the 2006 303d list. Approximately 0.01 acres of wetlands located near -L- Station 11+45 Right will be impacted. Stream impacts are due to the proposed culvert. Wetland impacts are due to roadway fill from the proposed roadway widening.

Approximately 50-feet of permanent stream impacts and 55-feet of temporary stream impacts will occur.

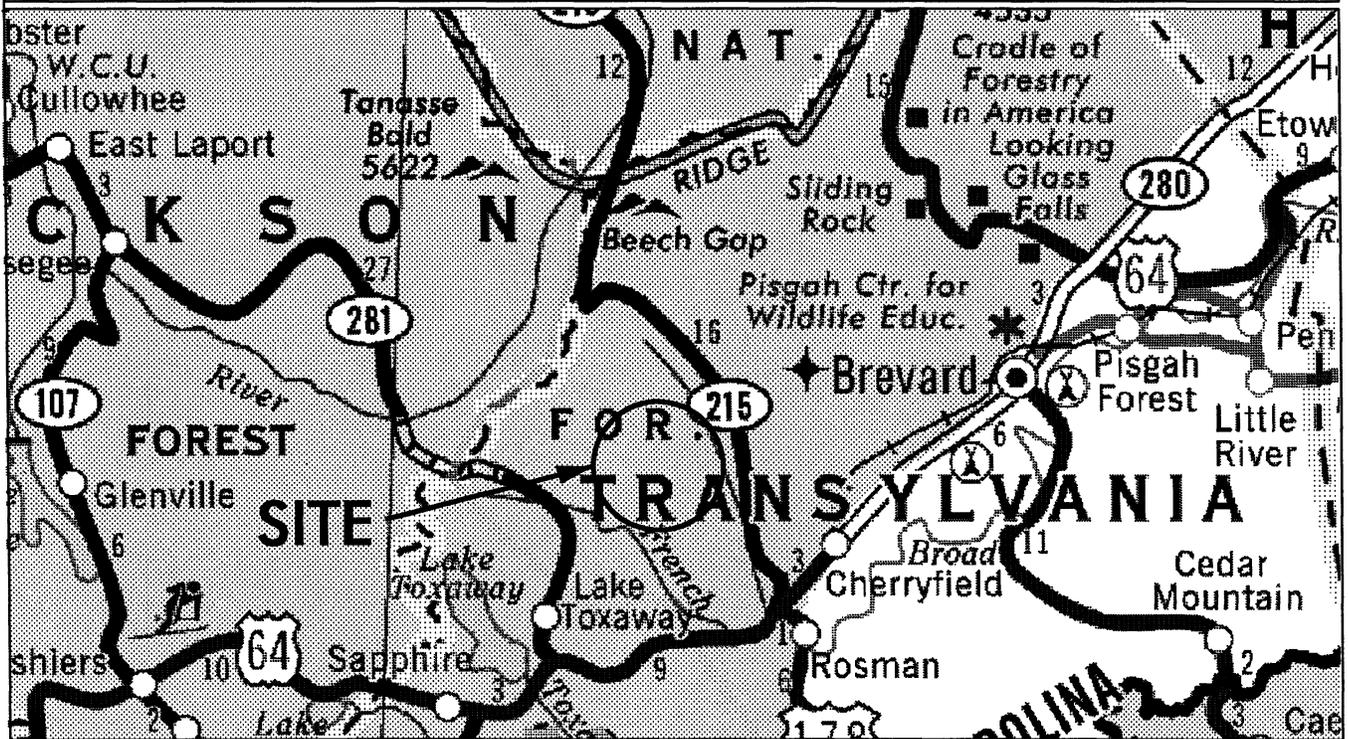
BEST MANAGEMENT PRACTICES AND MAJOR STRUCTURES

Best Management Practices (BMP's) and measures used on the project are an attempt to reduce the impacts to the receiving stream due to erosion & runoff. Class I rip rap is used at the proposed culvert outlet to minimize erosion to the stream banks. Grass shoulders and grass roadway ditches will be used.

CULVERT

-L- Station 11+70.24 replace existing bridge over Lamance Creek with 12-foot wide by 6-foot high precast reinforced concrete box culvert. The culvert will be buried 1-foot and will have alternating low flow sills to facilitate fish passage.

NORTH CAROLINA



VICINITY MAP

NCDOT

**DIVISION OF HIGHWAYS
TRANSYLVANIA COUNTY**

PROJECT: 40461.1.1 (B-4989)

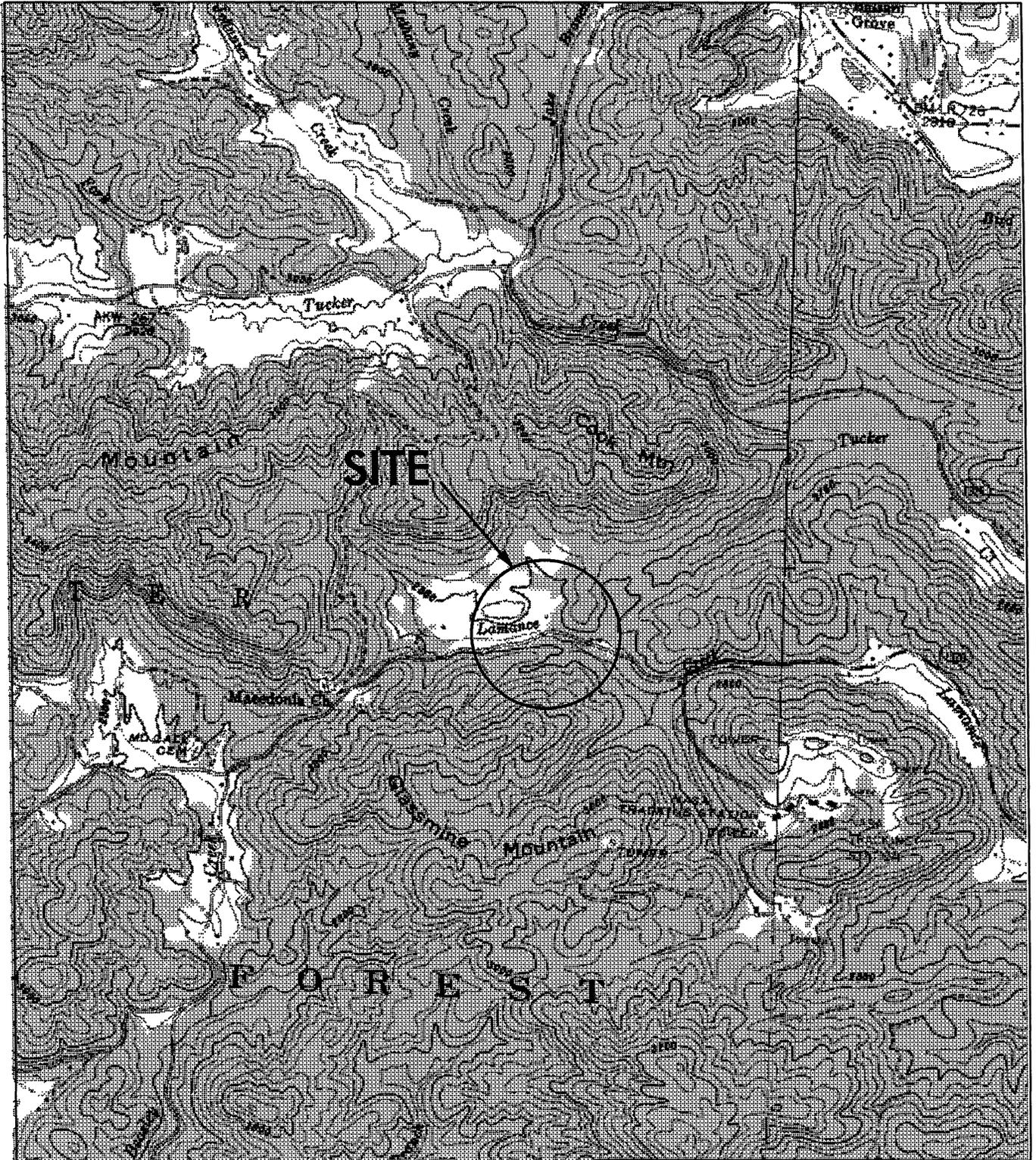
SR 1326

MACEDONIA CHURCH RD.

LAMANCE CREEK

**Permit Drawing
SHEET 1 OF 7**

4/7/11



WETLAND/SURFACE WATER
 LOCATION
 MAP

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 TRANSYLVANIA COUNTY
 PROJECT: 40461.11 (B4989)
 SR 1326
 MACEDONIA CHURCH RD.
 LAMANCE CREEK

4/17/11

Permit Drawing
 Sheet 2 of 7

PROPERTY OWNERS
NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
1	Maurice & Patricia Whitmire	507 Highland Ave. Johnson City, Tenn. 37604
2	United States Forest Service	160 Zillicoa St. Ste.A Asheville, NC 28801-1082

NCDOT

**DIVISION OF HIGHWAYS
TRANSYLVANIA COUNTY**

PROJECT: 40461.1.1 (B-4989)

SR 1326

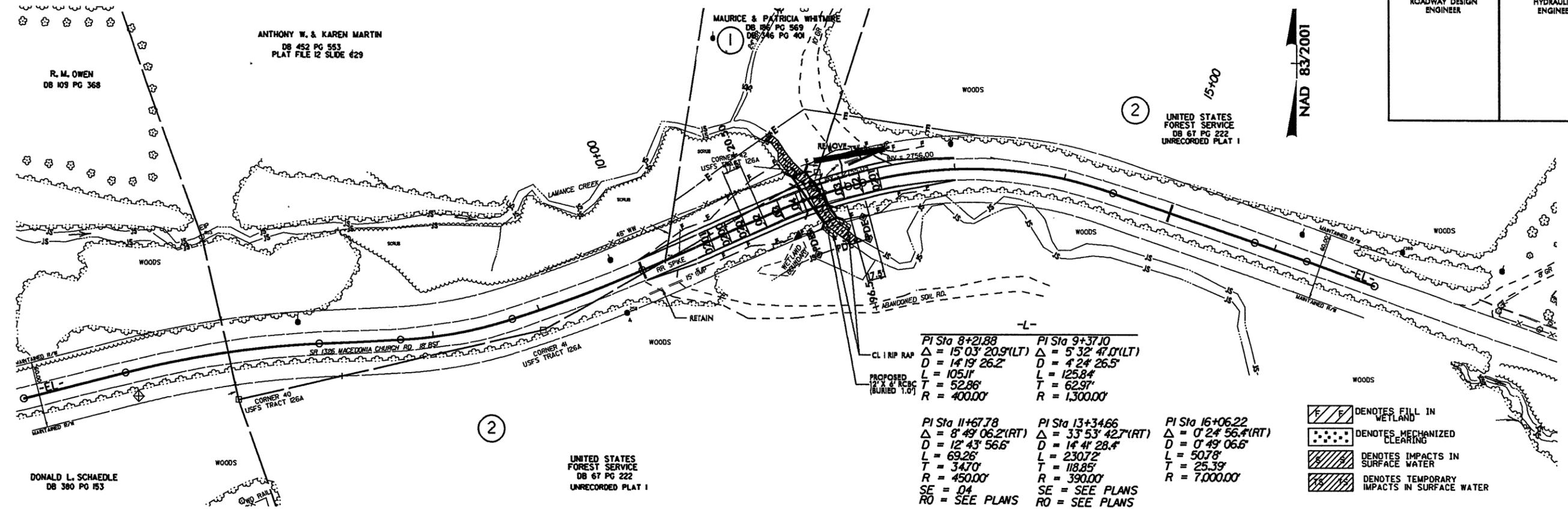
MACEDONIA CHURCH RD.

LAMANACE CREEK

Permit Drawing
Sheet 3 of 7

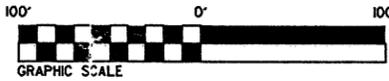
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B/17/99

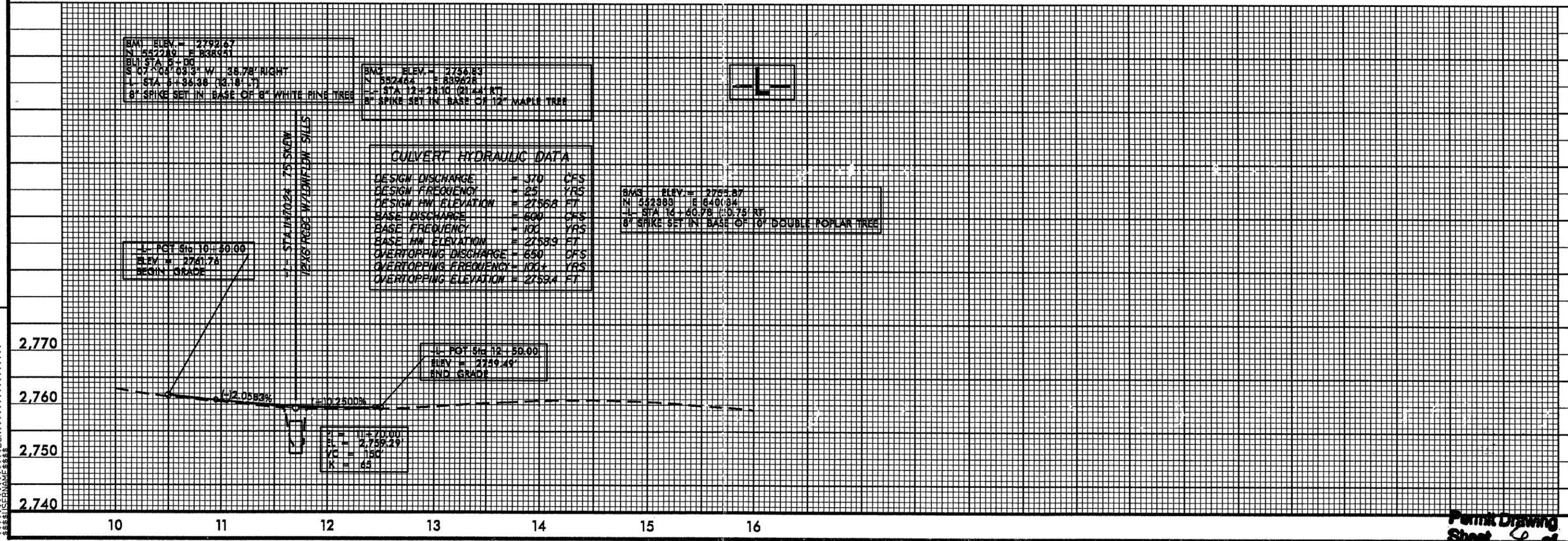


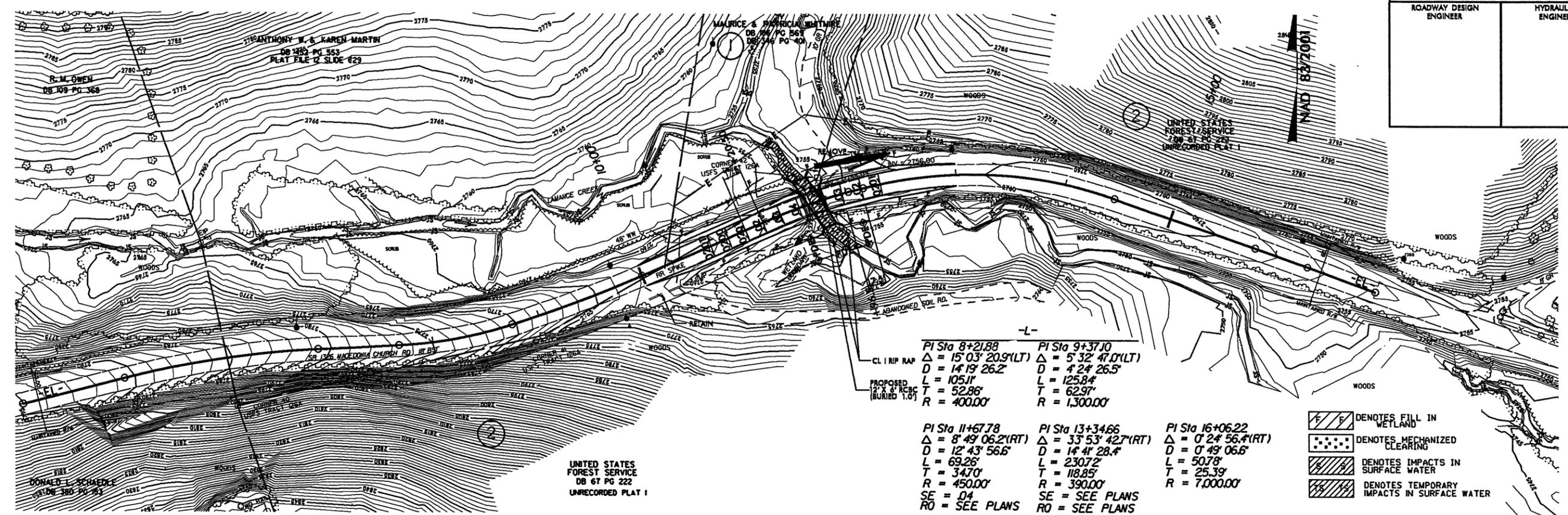
PI Sta 8+21.88 $\Delta = 15^{\circ} 03' 20.9(LT)$ $D = 141^{\circ} 26.2'$ $L = 105.1'$ $T = 52.86'$ $R = 400.00'$	PI Sta 9+37.10 $\Delta = 5^{\circ} 32' 47.0(LT)$ $D = 4^{\circ} 24' 26.5'$ $L = 125.84'$ $T = 62.97'$ $R = 1300.00'$	PI Sta 11+67.78 $\Delta = 8^{\circ} 49' 06.2(RT)$ $D = 12^{\circ} 43' 56.6'$ $L = 69.26'$ $T = 34.70'$ $R = 450.00'$ $SE = 04$ $RO = SEE PLANS$	PI Sta 13+34.66 $\Delta = 33^{\circ} 53' 42.7(RT)$ $D = 14^{\circ} 41' 28.4'$ $L = 230.72'$ $T = 118.85'$ $R = 390.00'$ $SE = SEE PLANS$ $RO = SEE PLANS$	PI Sta 16+06.22 $\Delta = 0^{\circ} 24' 56.4(RT)$ $D = 0^{\circ} 49' 06.6'$ $L = 50.78'$ $T = 25.39'$ $R = 7000.00'$
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- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING
- DENOTES IMPACTS IN SURFACE WATER
- DENOTES TEMPORARY IMPACTS IN SURFACE WATER



REVISIONS

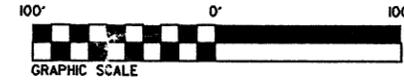




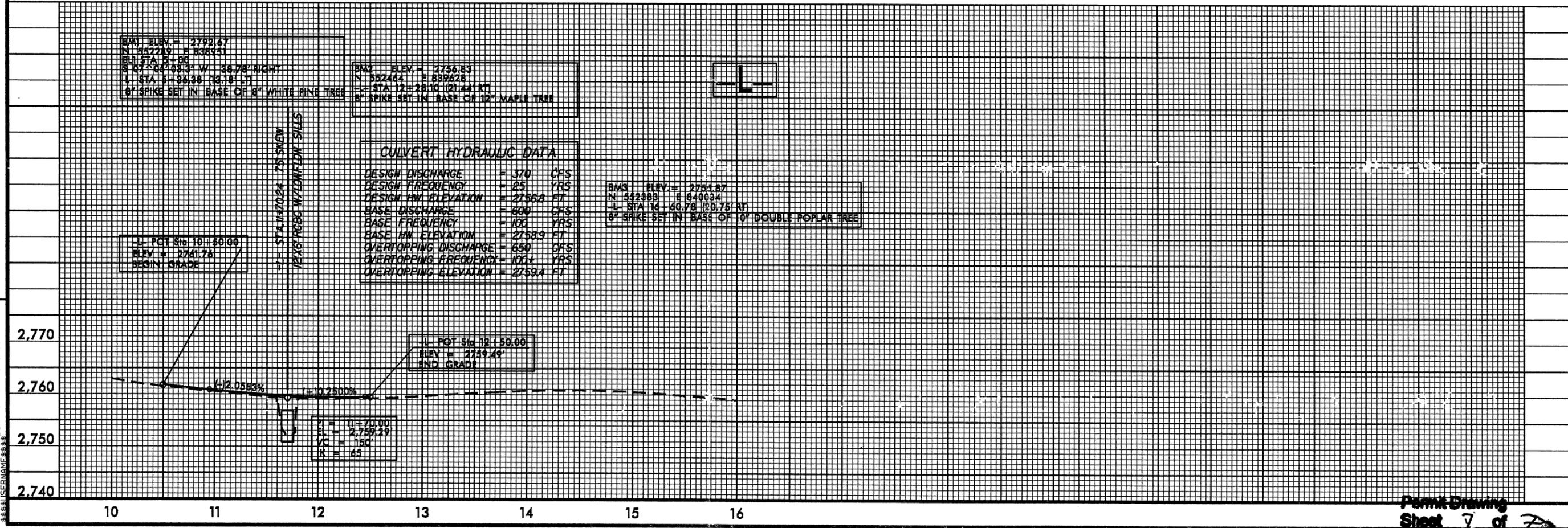
PI Sta 8+21.88 $\Delta = 15^{\circ} 03' 20.9(LT)$ $D = 14^{\circ} 19' 26.2"$ $L = 105.1'$ $T = 52.86'$ $R = 400.00'$	PI Sta 9+37.10 $\Delta = 5^{\circ} 32' 47.0(LT)$ $D = 4^{\circ} 24' 26.5"$ $L = 125.84'$ $T = 62.97'$ $R = 1,300.00'$
PI Sta 11+67.78 $\Delta = 8^{\circ} 49' 06.2(RT)$ $D = 12^{\circ} 43' 56.6"$ $L = 69.26'$ $T = 34.70'$ $R = 450.00'$ $SE = 04$ $RO = SEE PLANS$	PI Sta 13+34.66 $\Delta = 33^{\circ} 53' 42.7(RT)$ $D = 14^{\circ} 41' 28.4"$ $L = 230.72'$ $T = 118.85'$ $R = 390.00'$ $SE = SEE PLANS$ $RO = SEE PLANS$
PI Sta 16+06.22 $\Delta = 0^{\circ} 24' 56.4(RT)$ $D = 0^{\circ} 49' 06.6"$ $L = 50.78'$ $T = 25.39'$ $R = 7,000.00'$	

- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING
- DENOTES IMPACTS IN SURFACE WATER
- DENOTES TEMPORARY IMPACTS IN SURFACE WATER

UNITED STATES FOREST SERVICE
DB 67 PG 222
UNRECORDED PLAT 1



REVISIONS



BM1 ELEV = 2799.67
N 547280 E 838021
BL STA 5+00
L STA 8 38.38 (21.18) LT
8" SPIKE SET IN BASE OF 8" WHITE PINE TREE

BM2 ELEV = 2756.83
N 552464 E 839628
L STA 12+28.10 (21.44) RT
8" SPIKE SET IN BASE OF 12" MAPLE TREE

BM3 ELEV = 2754.87
N 542389 E 840034
L STA 14+00.78 (20.75) RT
8" SPIKE SET IN BASE OF 10" DOUBLE POPLAR TREE

CULVERT HYDRAULIC DATA

DESIGN DISCHARGE	= 370 CFS
DESIGN FREQUENCY	= 25 YRS
DESIGN HW ELEVATION	= 27568 FT
BASE DISCHARGE	= 600 CFS
BASE FREQUENCY	= 100 YRS
BASE HW ELEVATION	= 27589 FT
OVERTOPPING DISCHARGE	= 650 CFS
OVERTOPPING FREQUENCY	= 100 YRS
OVERTOPPING ELEVATION	= 27594 FT

L POT Sta 10+00.00
ELEV = 2761.78
BEGIN GRADE

L POT Sta 12+50.00
ELEV = 2759.24
END GRADE

$P = 11 = 70.00$
 $E_L = 2.75929$
 $VC = 150$
 $K = 65$

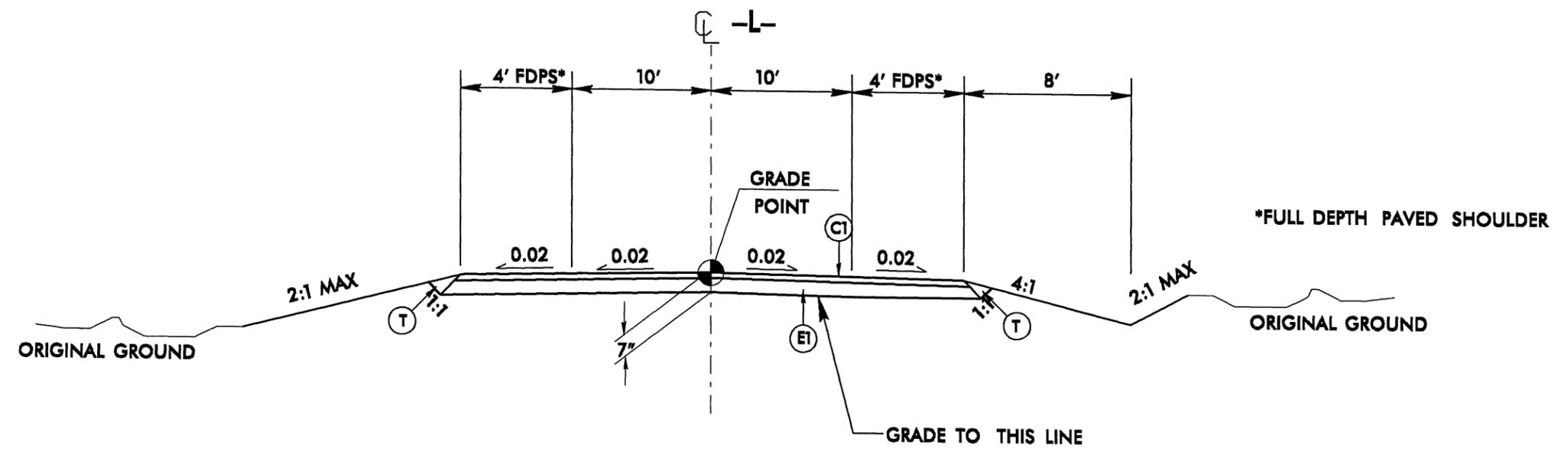
6/2/99

18-MAY-2011 12:18
F:\projects\B-4989_r.dj-tup-091708.dgn

PAVEMENT SCHEDULE	
FINAL PAVEMENT DESIGN	
C1	PROP. APPROX. 3" ASPHALT CONCRETE SURFACE COURSE, TYPE SF9.5A, AT AN AVERAGE RATE OF 165 LBS. PER SQ. YD. IN EACH OF TWO LAYERS.
E1	PROP. APPROX. 4" ASPHALT CONCRETE BASE COURSE, TYPE B25.0C, AT AN AVERAGE RATE OF 458 LBS. PER SQ. YD.
T	EARTH MATERIAL.

NOTE: PAVEMENT EDGE SLOPES ARE 1:1 UNLESS SHOWN OTHERWISE.

PROJECT REFERENCE NO. B-4989	SHEET NO. 2
ROADWAY DESIGN ENGINEER	PAVEMENT DESIGN ENGINEER
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> PRELIMINARY PLANS <small>DO NOT USE FOR CONSTRUCTION</small> </div>	



TYPICAL SECTION NO. 1

USE TYPICAL SECTION NO. 1
-L- STA 10+00.00 TO 13+00.00

