

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE GOVERNOR EUGENE A. CONTI, JR. SECRETARY

July 11, 2011

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

ATTN: Ms. Liz Hair

NCDOT Coordinator

Subject: Application for Section 404 Nationwide Permit 33 for the proposed

replacement of Bridge No. 219 over Blythe Creek on SR 1008 (Waxhaw-Indian Trail Road) in Union County, Federal Aid Project No. BRSTP-1008

(11); Division 10; TIP No. B-4293; WBS 33631.1.1

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 219, a 58-foot four-span bridge over Blythe Creek on Waxhaw-Indian Trail Road (SR 1008), with a 130-foot two-span bridge at existing location. A causeway is required to remove the concrete bent associated with the existing structure and for the construction of the drilled piers resulting in <0.01 acres (48 linear feet) of temporary impacts. There are no permanent impacts associated with the replacement of bridge no. 219.

Please see enclosed copies of the Pre-Construction Notification (PCN) Form, US Fish and Wildlife Service Concurrence Letter, Stormwater Management Plan, Permit drawings and Design plans. The Categorical Exclusion (CE) was completed on April 30, 2009. Documents were distributed shortly thereafter. Additional copies are available upon request.

Concurrence was received from US Fish and Wildlife Service on March 18, 2010 for the Carolina Heelsplitter which received a biological conclusion of May Affect, Not Likely to Adversely Affect. All other listed species have a biological conclusion of No Effect.

This project calls for a letting date of March 20, 2012 and a review date of January 31, 2012; however the let date may advance as additional funding becomes available.

WEBSITE: WWW.NCDOT.ORG

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 call Jennifer Harrod at (919) 707-6124.

Sincerely

Gregory J. Thorpe, Ph.D.

Environmental Management Director, PDE

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						
1b.	Specify Nationwide Permit (NWP)	number: 3	or General Permit (GF	P) number:			
1c.	Has the N WP or GP number been	n verified b	y the Corps?	Yes	⊠ No		
1d.	Type(s) of approval sought from t	he DWQ (check all that apply):				
		n – Regula	r Non-404 Jurisdictiona	l General Permit			
	☐ 401 Water Quality Certification	n – Expres	s Riparian Buffer Autho	rization			
1e.	Is this notification solely for the re because written approval is not re		For the record only for DWQ 401 Certification:	For the record of	only for Corps Permit:		
	because writter approvaris not re	Jyun eu :	Yes □ No	☐ Yes	⊠ No		
1f.	Is payment into a mitigation bank of impacts? If so, attach the accefee program.	Yes	⊠ No				
1g. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below.				Yes	⊠ No		
1h.	Is the project located within a NC	DCM Area	of Environmental Concern (AEC)?	☐ Yes	⊠ No		
2.	Project Information						
2a.	Name of project:	Replacen Road).	nent of Bridge No. 219 over Blythe Cr	eek on SR 1008	(Waxhaw-Indian Trail		
2b.	County:	Union					
2c.	Nearest municipality / town:	Waxhaw					
	Subdivision name:	not applic	cable				
2e.	NCDOT only, T.I.P. or state project no:	B-4293					
3.	Owner Information	·					
3a	. Name(s) on Recorded Deed:	North Ca	rolina Department of Transportation				
	. Deed Book and Page No.	not applic	cable				
Зс.	Responsi ble Party (for LLC if applicable):	if not applicable					
3d	. Street address:	1598 Ma	il Service Center				
3е	. City, state, zip:	Raleigh, NC 27699-1598					
3f.	Telephone no.:	(919) 707	7-6124				
3g	. Fax no.:	(919) 212	2-5785				
3h	Fmail address:	iwharrod	@ncdot.gov				

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

В.	B. Project Information and Prior Project History					
1.	Property Identification					
1a.	Property identification no. (tax PIN or parcel ID):	not applicable				
1b.	Site coordinates (in decimal degrees):	Latitude: 34.93 (DD.DDD		Longitude: - 80.729535 (-DD.DDDDDD)		
1c.	Property size:	2.13 acres				
2.	Surface Waters					
2a.	Name of nearest body of water (stream, river, etc.) to proposed project:	Blythe Creek				
2b.	Water Quality Classification of nearest receiving water:	С				
2c.	River basin:	Catawba				
3.	Project Description					
3a.	Ba. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: Primarily wooded - Hardwood Forest and Pine/Hardwood Forest with Disturbed/Maintained along roadsides.					
-			u/iviali itali leu a			
3b.	Bb. List the total estimated acreage of all existing wetlands on the property:					
	0					
3c.	List the total estimated linear feet of all existing streams (interm 170'	nittent and perer	nnial) on the pro	operty:		
3d.	Explain the purpose of the proposed project: To replace a functionally obselete and deficient structure.					
3е	. Describe the overall project in detail, including the type of equi	•				
	The project involves replacing one 58-foot four-span bridge will Blythe Creek; an off-site detour will be utilized. Standard road 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	⊠ No	☐ Unknown		
4b	. If the Corps made the jurisdictional determination, what type of determination was made?	☐ Preliminar	y 🗌 Final			
4c	. If yes, who delineated the jurisdictional areas? Name (if known):	Agency/Cons Other:	ultant Compan	y:		
4d	. If yes, list the dates of the Corps jurisdictional determinations	or State determi	nations and at	tach documentation.		
5.	Project History					
5a	Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	☐ Yes	⊠ No	Unknown		
5b	. If yes, explain in detail according to "help file" instructions.					
6.	Future Project Plans					
6a	. Is this a phased project?	Yes	⊠ No			
6b	. If yes, explain.	<u> </u>				

C. Proposed Impa	icts Inventory						
1. Impacts Summa	1. Impacts Summary						
1a. Which sections v	vere completed be	elow for your project (check all that a	pply):			
☐ Wetlands	⊠s	treams - tributaries	☐ Buf	ffers			
☐ Open Waters	P	ond Construction					
2. Wetland Impact							
If there are wetland in 2a.	mpacts proposed 2b.	on the site, then com 2c.	plete this quest	ion for each wetland a	rea impacted	1. 2f.	
Wetland impact	20.	26.	Zu.	Type of jurisdic	ction	21.	
number –	Type of impact	Type of wetland	Forested	(Corps - 404,		Area of impact	
Permanent (P) or Temporary (T)		(if known)		DWQ non-404,	, otner)	(acres)	
Site 1 DPDT			Yes	☐ Corps			
			☐ No☐ Yes	☐ DWQ ☐ Corps			
Site 2 P T			☐ Yes	DWQ			
Site 3 P T			Yes	Corps			
Oite 5 [] I			□ No	DWQ			
Site 4 🔲 P 🔲 T			│	│			
04. 5 🗆 D 🗆 T			Yes	Corps			
Site 5 P T			☐ No	☐ DWQ			
Site 6 P T			☐ Yes ☐ No	│			
		L		<u> </u>		N/A Permanent	
				2g. Total wetlar	nd impacts	N/A Temporary	
2h. Comments:							
3. Stream Impact							
If there are perennia question for all strea		ream impacts (includ	ing temporary ir	npacts) proposed on t	he site, then	complete this	
3a.	3b.	3c.	3d.	3e.	3f.	3g.	
Stream impact	Type of impact	Stream name	Perennial	Type of	Average	Impact length	
number - Permanent (P) or			(PER) or intermittent	jurisdiction (Corps - 404, 10	stream width	(linear feet)	
Temporary (T)			(INT)?	DWQ – non-404,	(feet)		
				other)			
Site 1 ☐ P ⊠ T	Temporary Causeway	Blythe Creek	⊠ PER □ INT	⊠ Corps □ DWQ	15	48.0	
0#- 0 🗆 🗆 🗆			PER	Corps			
Site 2 P T			INT	☐ DWQ			
Site 3 P T			│	│			
			PER	Corps			
Site 4 P T			INT	DWQ			
Site 5 P T			PER	Corps			
			☐ INT☐ PER	DWQ Corps			
Site 6 P T			INT	DWQ			
	3h Total stream and tributary impacts N/A Perm						
3i. Comments:			· -		J 1	48.0 Temp	
or Comments.							

4. Open	Water In	npacts								
	f 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.		4b.	4c.				4d.		4e.	
Open w impact nui Permanen Tempora	mber – t (P) or	Name of waterbody (if applicable)		Туре	e of impact		Waterbody	y type	Area of im	pact (acres)
01 □ P	Т									
02 🗆 P	· 🗆 т									
O3 □ P	`									
O4 □ P	04 P T									
	4f. Total open water impacts N/A Permanent N/A Temporary									
4g. Comm	ents:								W-1	
5. Pond	or Lake	Construction								
If pond or	lake con	struction proposed,	then com	plete	the chart b	elow.				,
5a.	5b.		5c.	41 1	l		5d.		.t. (ft)	5e.
Pond ID	Pro	posed use or	vve	tiand	Impacts (a	cres)	Stream Impacts (fo		is (teet)	Upland (acres)
number	pui	rpose of pond	Flood	ed	Filled	Excavat ed	Flooded	Filled	Excavated	Flooded
P1										
P2										
		5f. Total								
5g. Comm										
5h. Is a dam high hazard permit required?				ΠY	'es	□No	If yes, per	mit ID no	:	
5i. Expected pond surface area (acres):										
5j. Size	of pond v	vatershed (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.	6a. □ Neuse □ Tar-Pamlico □ Other:							
Project is in which	protected basin?		☐ Catawba	Randleman				
6b.	6c.	6d.	6e.	6f.	6g.			
Buffer impact number – Permanent (P) or Temporary (T)	Reason for impact	Stream name	Buffer mitigation required?	Zone 1 impact (square feet)	Zone 2 impact (square feet)			
B1 P T			☐ Yes ☐ No					
B2 □ P □ T			☐ Yes ☐ No					
ВЗ 🗆 Р 🗆 Т	B3 □ P □ T □ Yes □ No							
	6h. Total buffer impacts							
6i. Comments:	6i. Comments:							

D.). Impact Justification and Mitigation					
1.	Avoidance and Minimization					
1a.	Specifically describe measures taken to avoid or minimize the	ne proposed impacts ir	n designin	g project.		
	The replacement bridge for No. 219 is 74 feet longer than the existing bridge. No deck drains will be discharging between the creek banks; storm drainage is being discharged as far away from the stream as practicable; An off site detour will be used.					
1b.	Specifically describe measures taken to avoid or minimize t	he proposed impacts t	hrough co	onstruction techniques.		
	Standard construction techniques apply; Best Management Practices's for Bridge Demolition and Removal and Best Management Practices for Construction and Maintenance Activities will be used. Design Standards in Sensitive Watersheds will be implemented for erosion control for this project.					
2.	Compensatory Mitigation for Impacts to Waters of the U	J.S. or Waters of the	State			
22	2a. Does the project require Compensatory Mitigation for ☐ Yes ☐ No					
<u>u.</u>	impacts to Waters of the U.S. or Waters of the State?	If no, explain: only ter project	mporary i	mpacts associated w/ this		
2b.	. If yes, mitigation is required by (check all that apply):	☐ DWQ ☐ Co	rps			
2c.	☐ Mitigation bank ☐ Payment to in-lieu fee program ☐ Permittee Responsible Mitigation					
3.	Complete if Using a Mitigation Bank					
3a	. Name of Mitigation Bank: not applicable					
3b	. Credits Purchased (attach receipt and letter)	Туре	Quantity	,		
3с	. Comments:					
4.	Complete if Making a Payment to In-lieu Fee Program					
4a	. Approval letter from in-lieu fee program is attached.	☐ Yes				
4b	. Stream mitigation requested:	linear feet				
4c	. If using stream mitigation, stream temperature:	☐ warm ☐ co	ol	□cold		
4 d	I. Buffer mitigation requested (DWQ only):	square feet				
4 e	e. Riparian wetland mitigation requested:	acres				
4f.	Non-riparian wetland mitigation requested:	acres				
49	Coastal (tidal) wetland mitigation requested:	acres				
4h	n. Comments:					
5.	Complete if Using a Permittee Responsible Mitigation I	Plan				
5a	5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan.					

6 Duffer	. Buffer Mitigation (State Regulated Riparian Buffer Rules) – required by DWQ							
6. Buffer I	muyation (State Regulated	Kiparian Buller Kules	s) – required by DVVG					
	a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation?							
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. Comme	nts:							

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?	Yes	⊠ No			
1b.	If yes, then is a diffuse flow plan included? If no, explain why. Comments:	☐ Yes	□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?	⊠ Yes	□ No			
2c.	If this project DOES NOT require a Stormwater Management Plan, explain why:					
2d	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?		cal Government nwater Program Jnit			
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):	☐ Phase II ☐ NSW ☐ USMP ☐ Water Supp ☐ Other:	oly Watershed			
3c.	Has the approved Stormwater Management Plan with proof of approval been attached?	☐ Yes	□ No			
4.	DWQ Stormwater Program Review					
4a	Which of the following state-implemented stormwater management programs apply (check all that apply):	Coastal co	ounties aw 2006-246			
4b	b. Has the approved Stormwater Management Plan with proof of approval been attached?	☐ Yes	□ No			
5.	DWQ 401 Unit Stormwater Review					
5a	Does the Stormwater Management Plan meet the appropriate requirements?	☐ Yes	□ No N/A			
5b	b. Have all of the 401 Unit submittal requirements been met?	☐ Yes	□ No N/A			

F. :	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?	⊠ 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			
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:	⊠ Yes	□No			
2.	Violations (DWQ Requirement)	<u> </u>				
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)?	☐ Yes	⊠ No			
2b.	. Is this an after-the-fact permit application?	☐ Yes	⊠ No			
2c.	. If you answered "yes" to one or both of the above questions, provide an explanation o	of the violation(s):				
3.	Cumulative Impacts (DWQ Requirement)					
3а	. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality?	☐ Yes ☑ No				
3b	. If you answered "yes" to the above, submit a qualitative or quantitative cumulative im most recent DWQ policy. If you answered "no," provide a short narrative description.	pact analysis in a	ccordance with the			
	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 the proposed project, or available capacity of the subject facility. not applicable 	arge) of wastewa	ter generated from			

5.	Endangered Species and Designated Critical Habitat (Corps Requirement)						
5a.	Will this project occur in or near an area habitat?	with federally protected species or	⊠ Yes	□No			
5b.	Have you checked with the USFWS cor impacts?	ncerning Endangered Species Act	⊠ Yes	□No			
5c.	If yes, ind icate the USFWS Field Office	you have contacted.	☐ Raleigh ☐ Asheville				
5d.	d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat?						
	Written Concurrence was received on March 18, 2010 from the USFWS for the Carolina Heelsplitter which received a biological conslusion of May Affect Not Likely to Adversely Affect (see attached). All other listed species remain No Effect. USFWS T/E County Listings and habitat decriptions;						
6.	Essential Fish Habitat (Corps Requir	rement)					
6a.	a. Will this project occur in or near an area designated as essential fish habitat?						
6b.	6b. What data sources did you use to determine whether your site would impact Essential Fish Habitat? NMFS County Index						
7.		ources (Corps Requirement)					
7a	. Will this project occur in or near an are governments have designated as havin status (e.g., National Historic Trust des North Carolina history and archaeology	ng historic or cultural preservation signation or properties significant in	☐ Yes	⊠ No			
7b	. What data sources did you use to dete NEPA Documentation	rmine whether your site would impact h	istoric or archeologica	il resources?			
8.	Flood Zone Designation (Corps Requi	irement)					
8a	. Will this project occur in a FEMA-desig	nated 100-year floodplain?	⊠ Yes	□No			
8b	8b. If yes, explain how project meets FEMA requirements: NCDOT Hydraulics Unit coordination with FEMA						
80	8c. What source(s) did you use to make the floodplain determination? FEMA Maps						
	Dr. Gregory J. Thorpe, Ph D Applicant/Agent's Printed Name Applicant/Agent's Signature (Agent's signature is valid only if an authorization letter from the applicant is provided.)						



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office 160 Zillicoa Street Asheville, North Carolina 28801 March 18, 2010

Dr. Gregory J. Thorpe, Manager Project Development and Environmental Analysis Branch North Carolina Department of Transportation 1548 Mail Service Center Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

Subject: Endangered Species Concurrence for the Replacement of Bridge No.219 over Blythe

Creek on Waxhaw Indian Trail Road, Union County, North Carolina (TIP Project No.

B-4293).

We have reviewed the survey report for the federally endangered Carolina heelsplitter (*Lasmigona decorata*) for the subject project and are providing the following comments in accordance with the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) (NEPA), section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e); and the Migratory Bird Treaty Act (16 U.S.C. 703, et seq.).

Federally Listed Species - The federally endangered Carolina heelsplitter (Lasmigona decorata) is known to occur in Sixmile Creek along the Mecklenburg and Union County line, in the Twelvemile creek subbasin. The project area is located on Blythe Creek. Blythe Creek and Sixmile Creek are both tributaries to Twelvemile Creek. Accordingly, a mussel survey was conducted 100 meters upstream and 400 meters downstream of the project area on April 30, 2009. No Carolina heelsplitters were discovered during the survey. However, 165 eastern elliptio (Elliptio complanata), three Carolina creekshell (Villosa vaughaniana) and 6 eastern creekshell (Villosa delumbis) mussels were found. Your letter of July 1, 2009 requested our concurrence that the project may affect, but is not likely to adversely affect the Carolina heelsplitter due to the its historical distribution within the watershed and the presence of high quality habitat and its companion species within the project area. To issue a concurrence letter that a project "may affect, but is not likely to adversely affect" a listed species, we need to review the analysis of the effect and how the project has been designed to ensure that the effect is not likely to be adverse. Since no information was provided as to how the project would be designed to avoid adverse effects to the listed species, we contacted the North Carolina

Department of Transportation (NCDOT) to request this information. The NCDOT provided additional information about the project in a subsequent letter (via email) on February 16, 2010. As a result, the following measures will be implemented to avoid and minimize potential impacts to the Carolina heelsplitter.

- Design Standards in Sensitive Watersheds (14A NCAC 04B .0124) will be implemented for erosion control for this project. Measures to control erosion and sediment will be taken during all phases of construction. Wet concrete and construction material will not come into contact with Blythe Creek or water that has the potential to enter the stream, and daily inspections of equipment will occur to ensure that no equipment leaks enter the stream.
- 2. The proposed replacement bridge is 130 feet long and replaces the existing 59-foot structure. Because of the longer structure, NCDOT will excavate the area at the existing end bents which will provide better hydraulic connectivity for Blythe Creek during flooding events and allow passage for terrestrial wildlife.
- 3. The new structure's bents will be placed outside of Blythe Creek. Timber crutch bents that were added for stability after the original bridge was built will be removed using a crane with little disturbance to the stream.
- 4. A causeway approximately 40 feet long measured along the bank and 5-7 feet wide is required for removal of the existing concrete bent and for construction of drilled piers. The causeway will be located on the northeast bank under the existing bridge. The existing concrete bent will be removed by sawing or breaking using hydraulic hammers. The existing superstructure composed of timber deck on steel beams will be removed from above. All attempts will be made to keep existing bridge debris from entering the Blythe Creek. If debris does enter the river, the contractor should use a crane to remove the debris and will not be allowed to use a clam bucket that might result in raking of the streambed.
- 5. Stormwater from the deck drain 5-10 feet from the top of the bank. Each quadrant of the bridge will discharge stormwater through rip rap and then sheetflow through a vegetated buffer before entering the stream.
- 6. Sub-regional Tier Guidelines will be implemented to reduce the amount of roadway approach work. The proposed vertical alignment was raised to the minimum height to meet both a 50-mph design speed and keep the low point off the proposed structure which would present a hazard hydraulically.

We agree with the NCDOT's determination that this project may affect, but is not likely to adversely affect the Carolina heelsplitter. Therefore, we believe the requirements under section 7(c) of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

While we believe obligations under section 7 of the Act are fulfilled, we request that prior to construction the NCDOT move the mussels that were discovered during the survey to a location outside the impact area. The Carolina creekshell is a federal species of concern and is listed as endangered by the North Carolina Natural Heritage Program. Federal species of concern are not legally protected under the Act and are not subject to any of its provisions, including section 7, unless they are formally proposed or listed as endangered or threatened. However, measures taken to protect and conserve federal species of concern may help preclude the need to list these species; therefore, if the mussels are located in an area of the project where they could be injured or killed, we recommend developing a relocation and monitoring plan for these mussels that consists of finding a suitable relocation site, tagging the mussels, handling and transporting individuals, and monitoring survivability once a year for 2 to 3 years. If mussels are relocated, we would assist with the development of the relocation and monitoring plan and would want to approve the final plan.

Fish and Wildlife Resources – We provide the following additional recommendations to reduce impacts to fish and wildlife resources from the construction of the new bridge:

- 1. The natural dimension, pattern, and profile of the stream above and below the crossing should not be modified by widening the stream channel or changing the depth of the stream.
- 2. Side ditches should not drain directly into the stream. Ditch water should be diverted into a constructed sump or, where possible, onto stable forested vegetation that can filter sediments before the water reaches the stream.
- 3. Areas that are disturbed should be revegetated as soon as possible; we recommend planting native grasses and tree species where possible. The removal of vegetation in riparian areas should be minimized, and riprap should be minimized. If rock must be used, we recommend installing only clean, sediment-free rock below the ordinary high-water mark and using native vegetation to stabilize the stream banks above the ordinary high-water mark.
- 4. If temporary access roads or detours are constructed, they should be removed, and the area should be returned to the original ground elevations immediately upon completion of the project. Disturbed areas should be seeded or mulched and/or matted in order to stabilize the soil; again, we recommend planting native grasses and tree species.
- 5. Only clean, sediment-free rock should be used as temporary causeways, and it should be removed without excessive disturbance of the natural stream bottom when construction is completed.
- 6. Equipment should be inspected daily and should be maintained to prevent the contamination of surface waters from leaking fuels, lubricants, hydraulic fluids, or other toxic materials. All fuels, lubricants, and other toxic materials should be stored outside the riparian management area of the stream, in a location where the material can be contained.

7. Required materials should be delivered and equipment mobilized in advance so the installation can proceed without delay.

Migratory Birds – The Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the taking, killing, possession, transportation, and importation of migratory birds (including the bald eagle), their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. To avoid impacts to migratory birds, we recommend conducting a visual inspection of the bridge and any other migratory bird nesting habitat within the project area during the migratory bird nesting season--March through September. If migratory birds are discovered nesting in the project impact area, including on the existing bridge, the NCDOT should avoid impacting the nests during the migratory bird nesting season (March through September). If birds are discovered nesting on the bridge during years prior to the proposed construction date, the NCDOT, in consultation with us, should develop measures to discourage birds from establishing nests on the bridge by means that will not result in the take of the birds or eggs, or the NCDOT should avoid construction and demolition activities during the nesting period.

If you have questions about these comments, please contact Mr. Troy Wilson of our staff at 828/258-3939, Ext. 226. In any future correspondence concerning this project, please reference our Log Number 4-2-09-363.

cc:

Ms. Marla J. Chambers, Western NCDOT Permit Coordinator, North Carolina Wildlife
 Resources Commission, 4614 Wilgrove-Mint Hill Road, Suite M, Charlotte, NC 28227
 Ms. Sarah Hair, Asheville Regulatory Field Office, U.S. Army Corps of Engineers, 151 Patton Avenue, Room 208, Asheville, NC 28801-5006

Ms. Polly Lespinasse, Mooresville Regional Office, North Carolina Division of Water Quality, 610 East Center Avenue, Suite 301, Mooresville, NC 28115

STORMWATER MANAGEMENT PLAN

B-4293, State Project 33631.1.1

Date:6/16/09

Union County

Hydraulics Project Engineer: R.C. Henegar, PE

ROADWAY DESCRIPTION

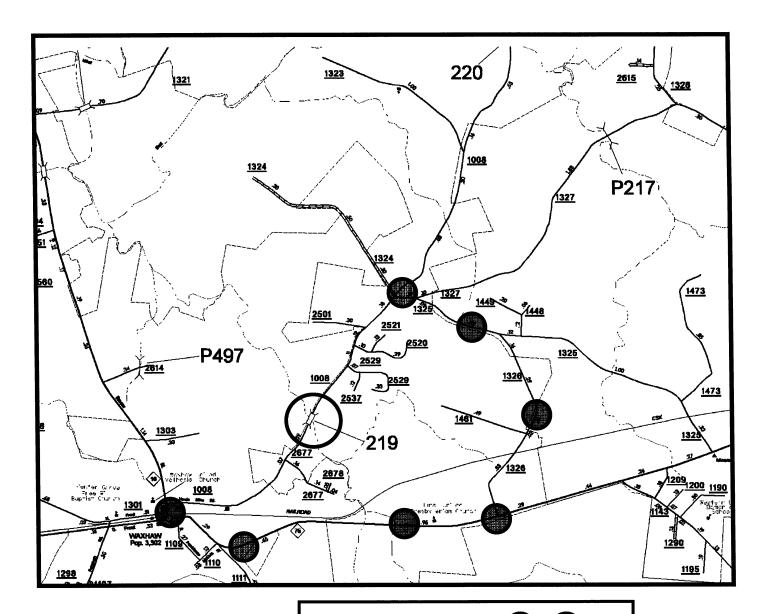
The project involves replacing Bridge No. 219 over Blythe Creek on SR 1008 in Union County. The overall length of the project is 0.152 miles. The existing 20-foot paved road is a two-lane road with 4-foot grass shoulders. The existing structure is a 58.5 ft four span bridge (2@14' 4", 1@14' 11", 1@ 14' 10") with a of clear roadway width of 25 feet. The project will be a two-lane section with 11 foot lanes and 6 foot shoulders (4-foot paved). The proposed bridge will be a 130 foot structure with 2 spans of 65 feet and a clear roadway width of 30 feet. An off site detour is proposed for this project.

ENVIRONMENTAL DESCRIPTION

This project is located in the Catawba River Basin. There is one stream crossing on this project, which has a C classification. This stream is not on the 303(d) list. No wetlands will be impacted by the proposed project.

BEST MANAGEMENT PRACTICES AND MAJOR STRUCTURES

There will be no deck drains discharging between the creek banks on the proposed structure. Also the storm drainage is being discharged as far away from the stream as practicable.







NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS BRANCH

UNION COUNTY

REPLACE BRIDGE No. 219 ON SR 1008 (WAXHAW-INDIAN TRAIL ROAD) OVER BLYTHE CREEK B-4293

Figure 1

PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.

NAMES

ADDRESSES

CAUSEWAY WITHIN EXISTING R/W

NCDOT

DIVISION OF HIGHWAYS
UNION COUNTY
PROJECT: 33631.1.1 (B-4293)

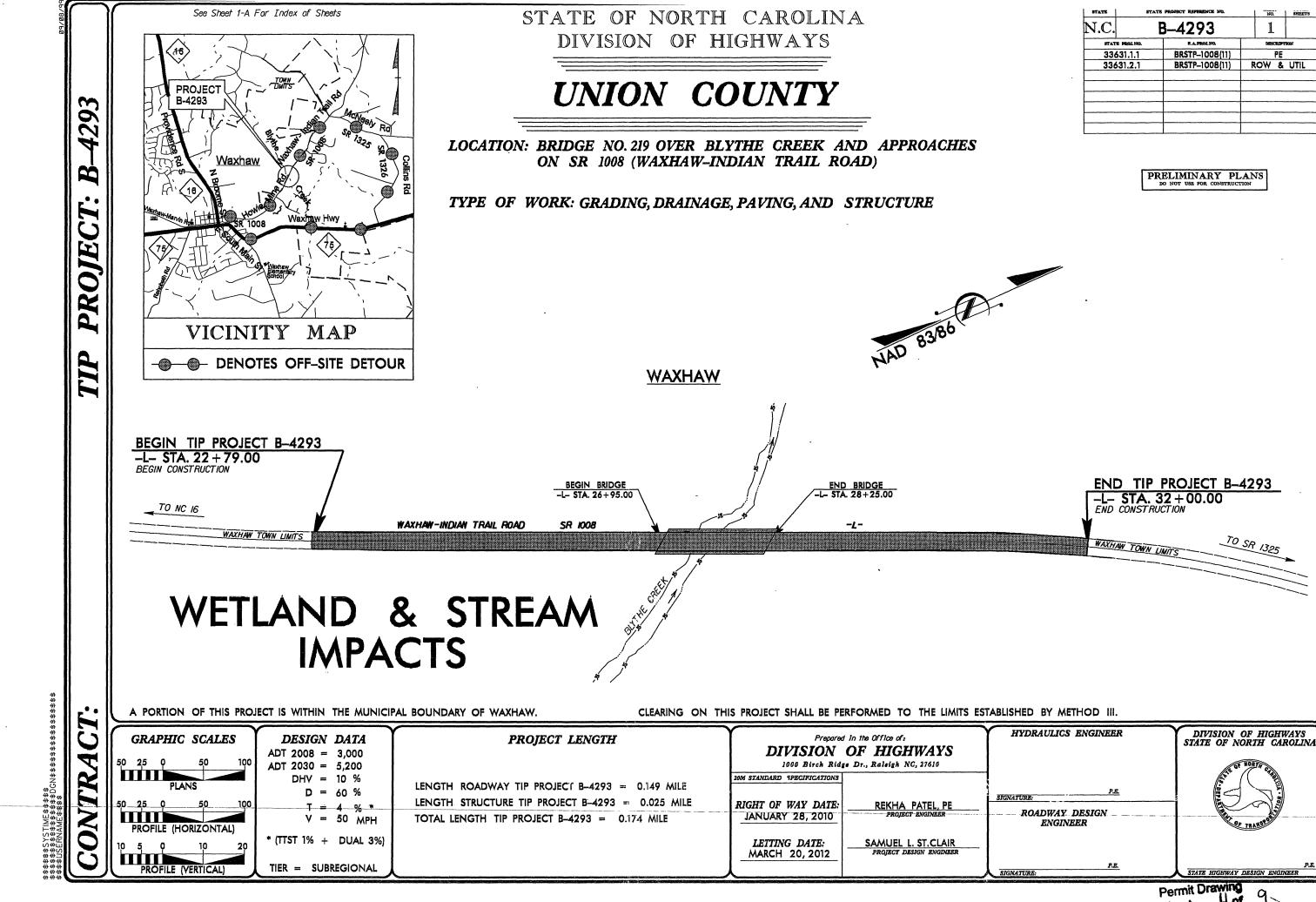
REPLACE BRIDGE #219 OVER
BLYTHE CREEK ON SR 1008

SHEET

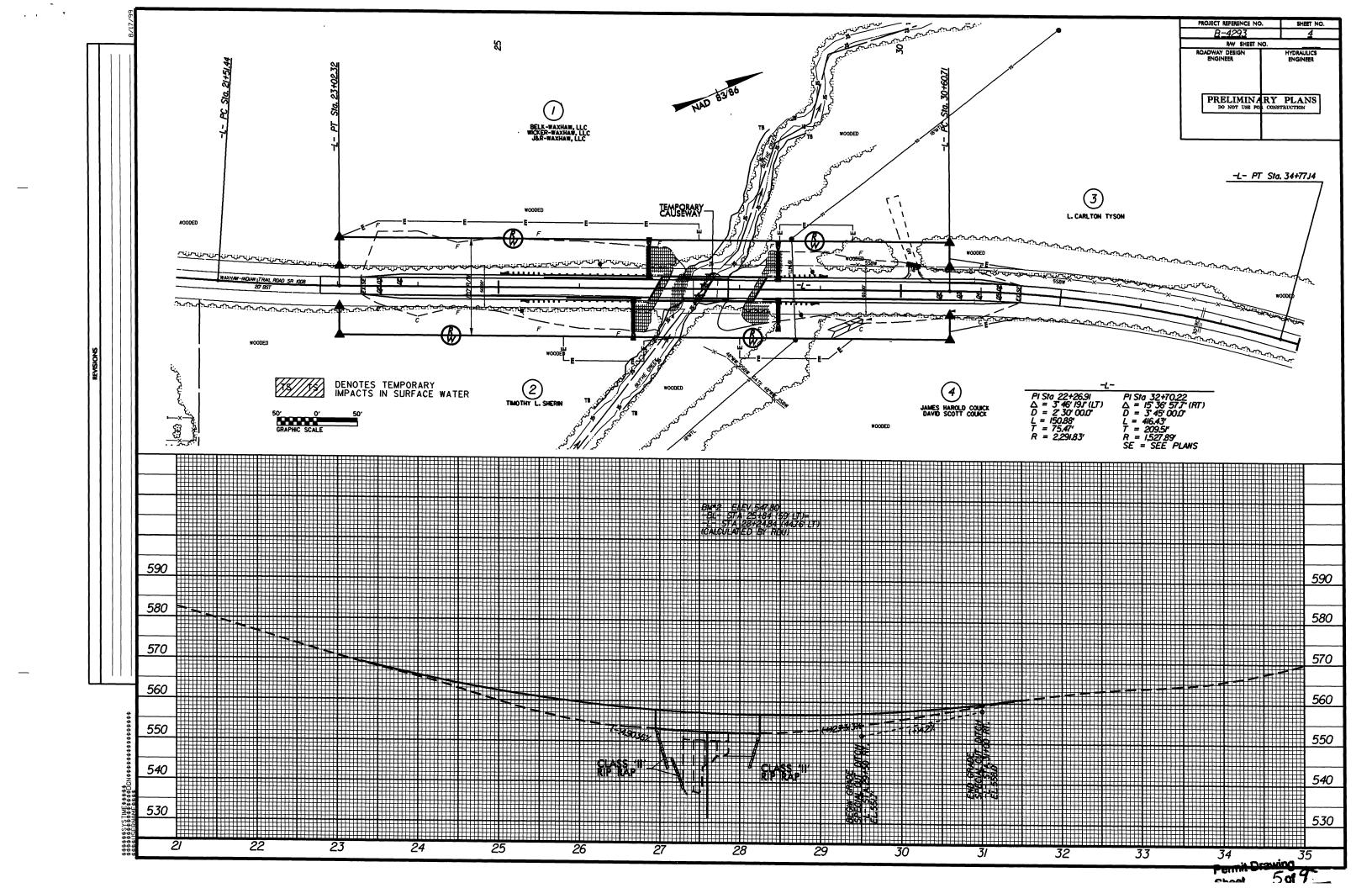
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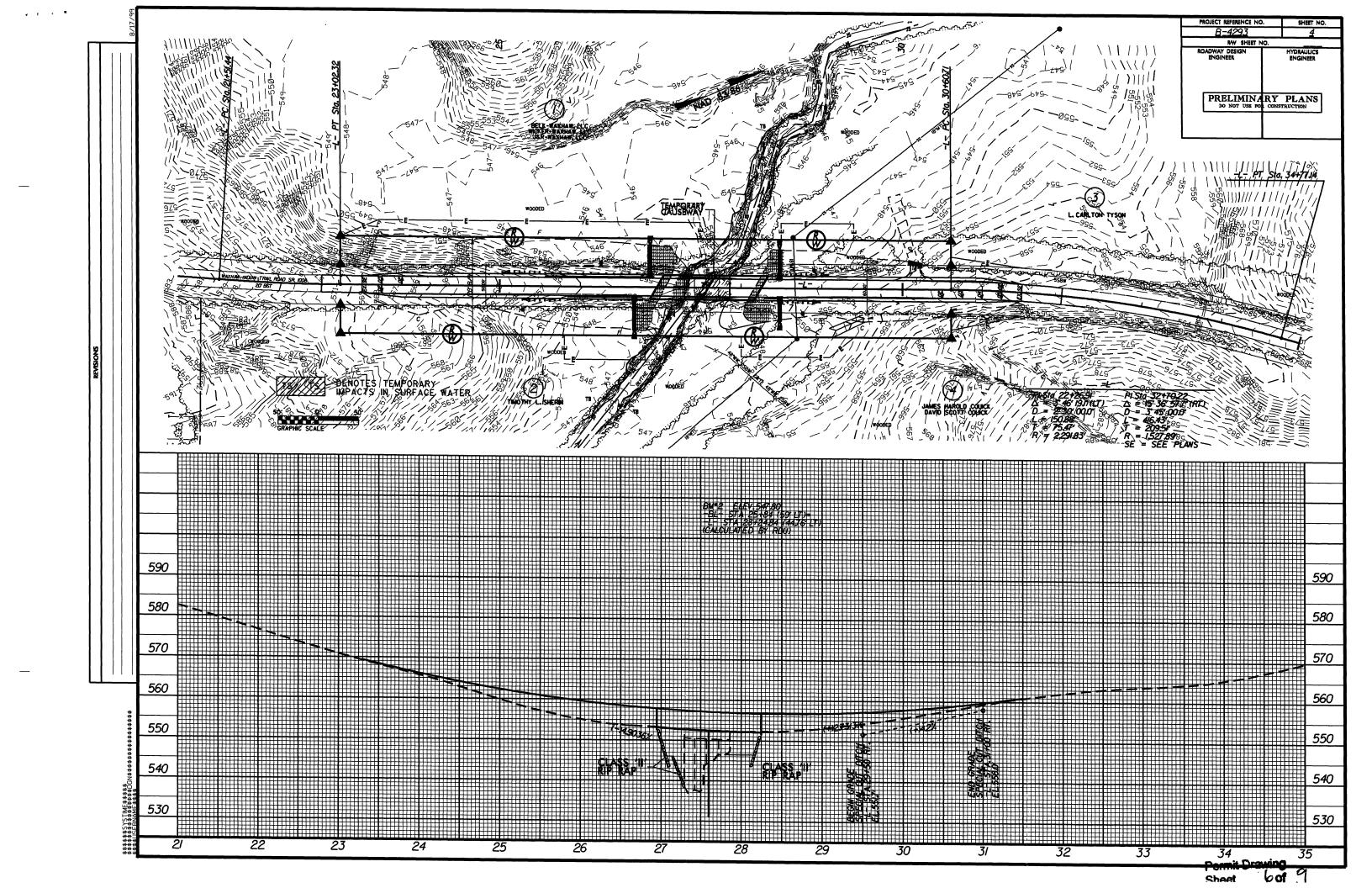
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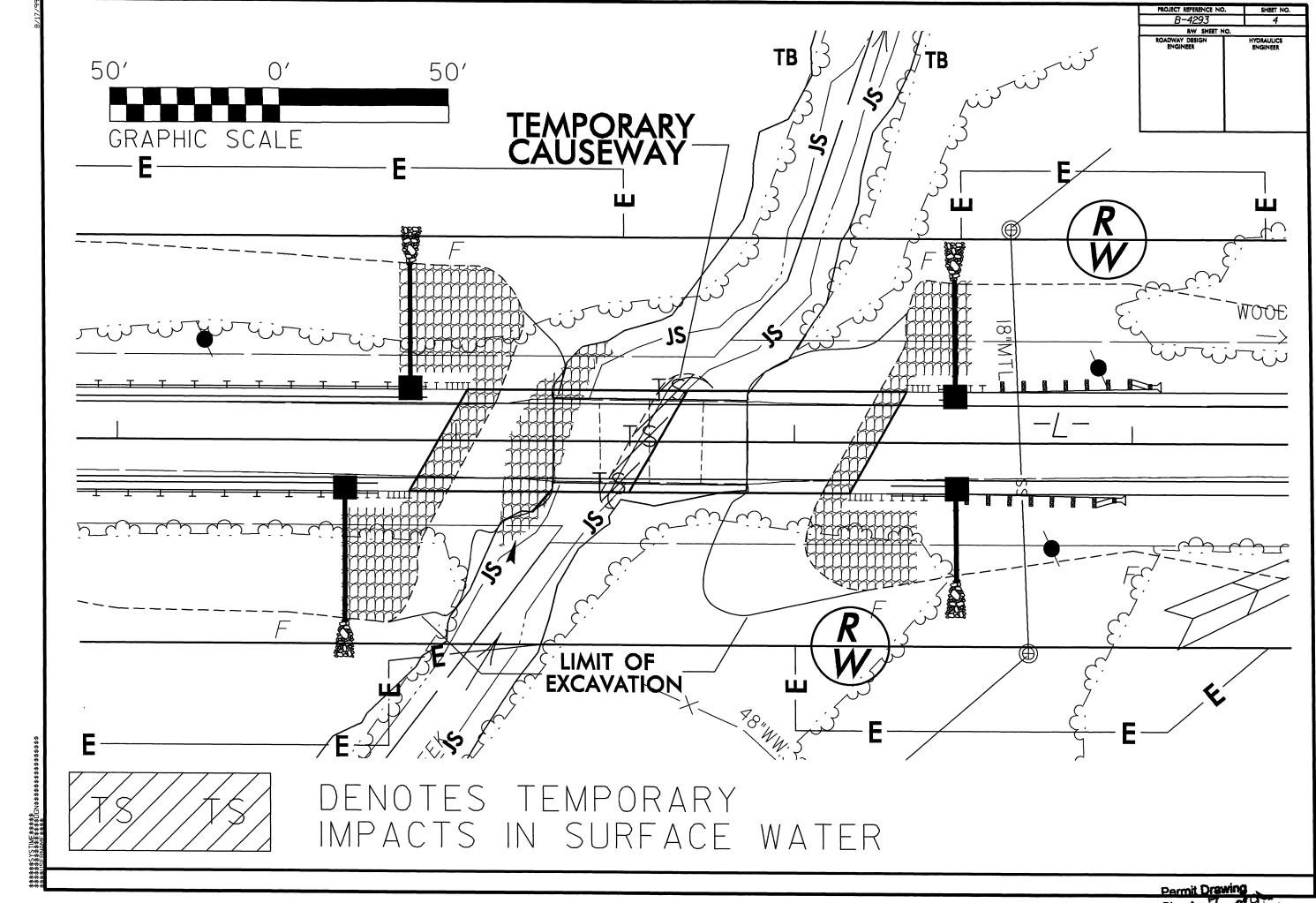
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27+55 -L. BRIDGE: 2@66' 49' Prestressed Temp. Causeway Temp. Causeway Temp. Causeway 40' Prestressed 4	Site No.	Station (From/To)	Structure Size / Type	Fill In Wetlands (ac)	Fill In Wetlands (ac)		Clearing in Wetlands (ac)	in Wetlands (ac)	SW impacts (ac)	SW impacts (ac)	Impacts Permanent (ft)	Impacts Temp. (ft)	Stream Design (ft)
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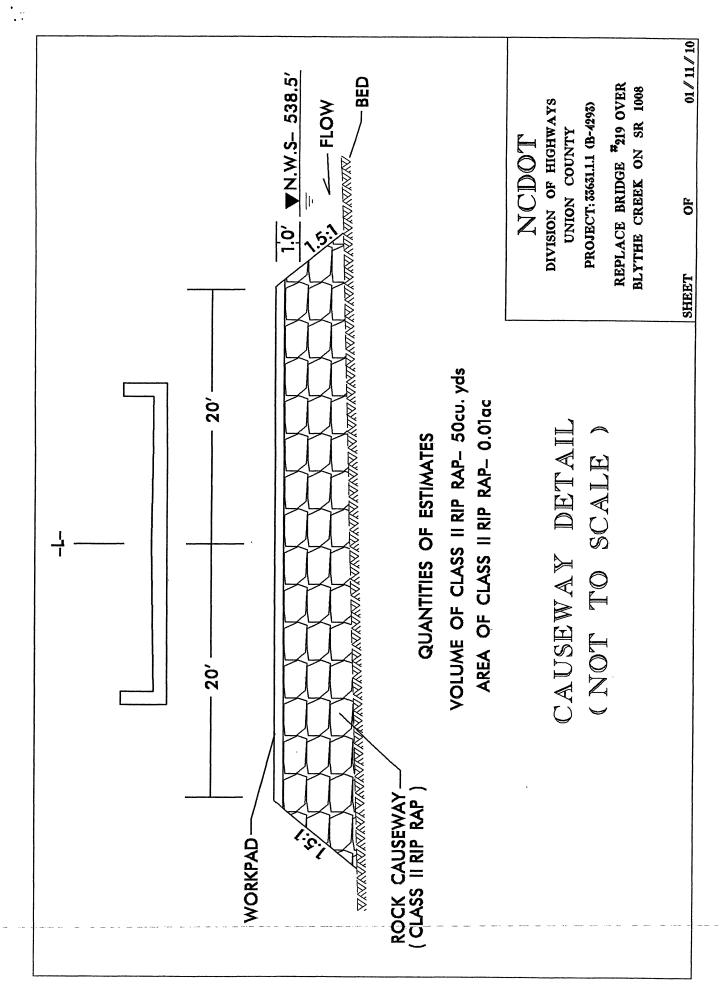


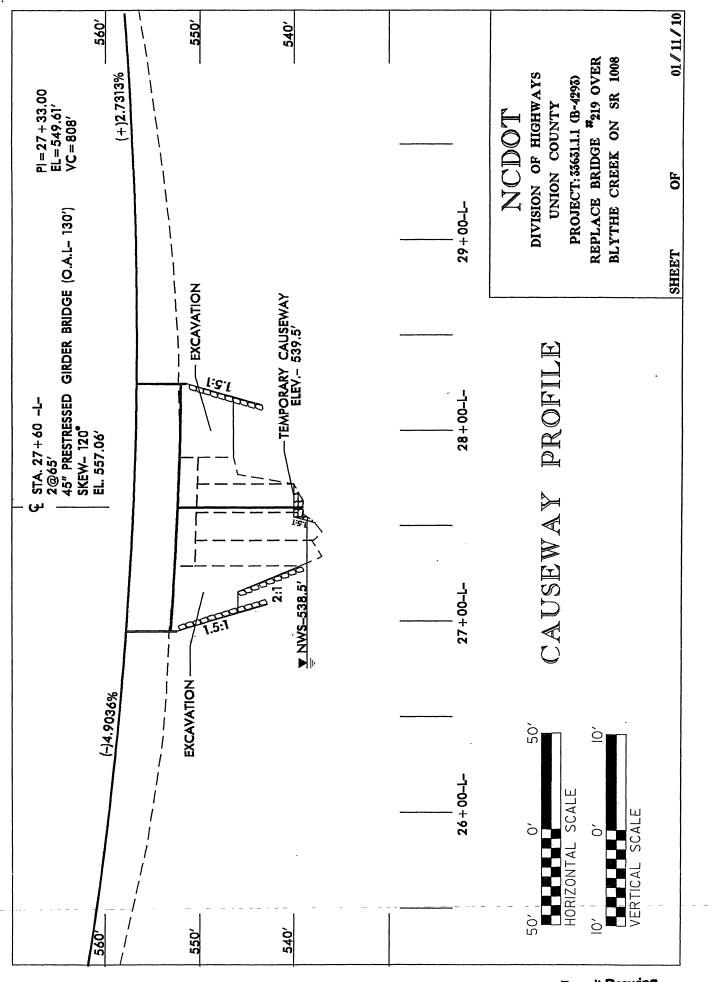
Sheet Hof 9



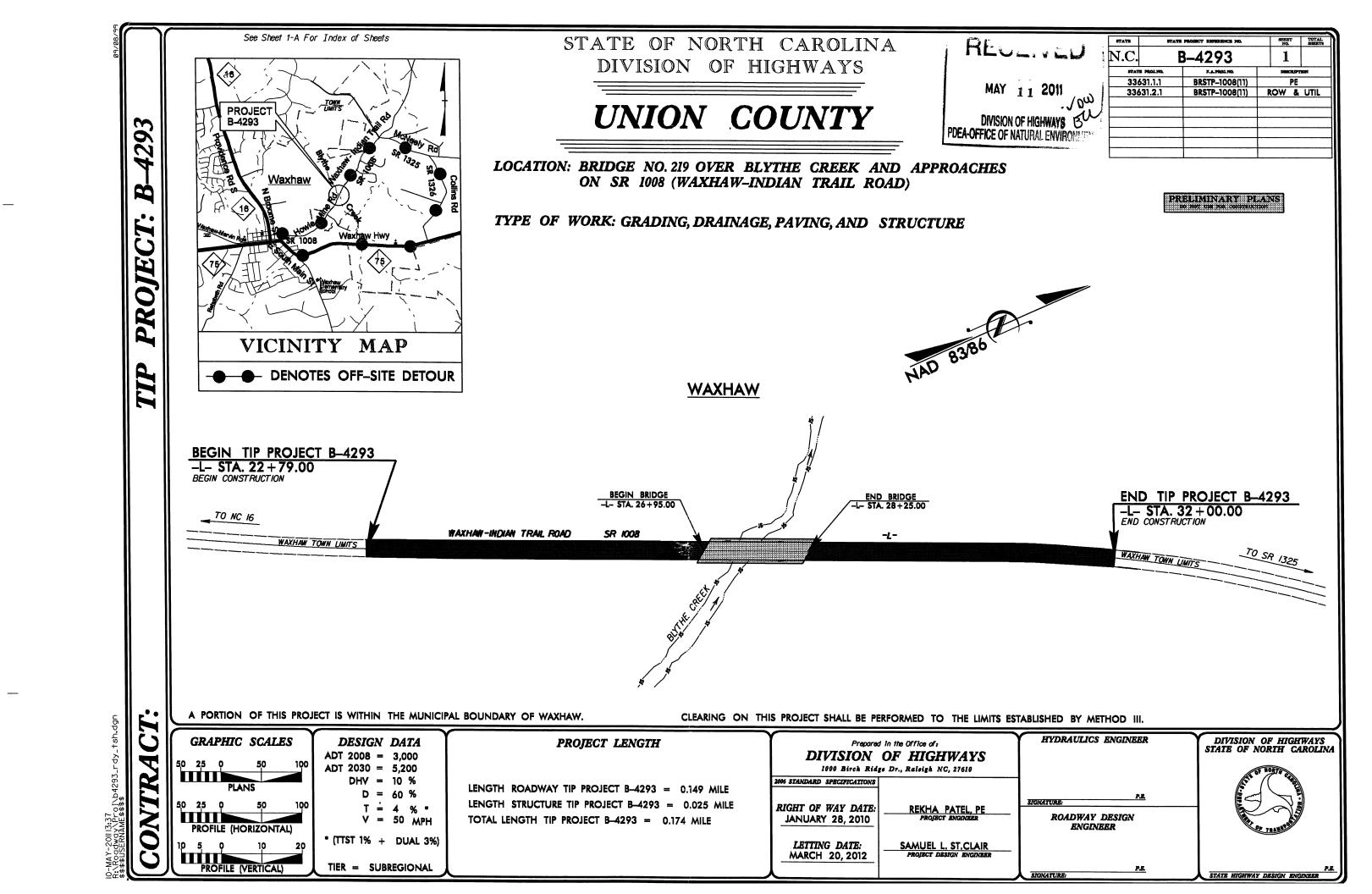




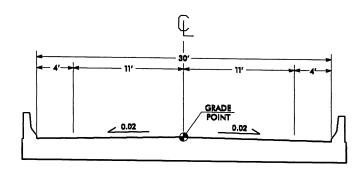




Permit Drawing
Sheet 9 of 9

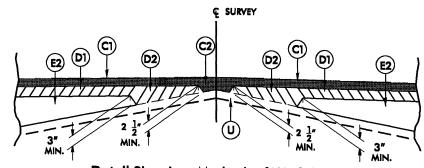


NOTE: PAVEMENT EDGE SLOPES ARE 1:1 UNLESS SHOWN OTHERWISE.

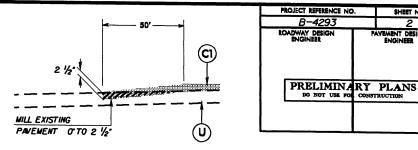


TYPICAL SECTION ON BRIDGE

FROM -L- STA. 26+95.00 TO -L- STA. STA. 28+25.00

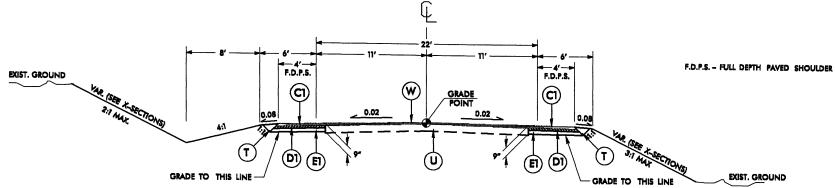


Detail Showing Method of Wedging



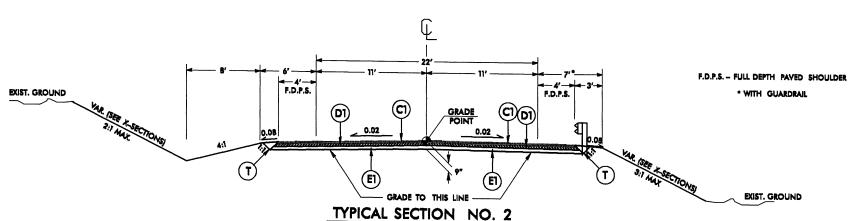
DETAIL OF PAVEMENT TREATMENT AT BEGIN AND END OF PROJECT

FROM -L- STA. 22+79.00 TO -L- STA. 23+29.00 FROM -L- STA. 31+50.00 TO -L- STA. 32+00.00



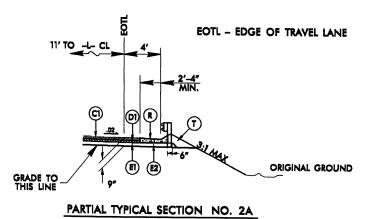
TYPICAL SECTION NO. 1

FROM -L- STA. 23+29.00 TO -L- STA. 24+50.00 FROM -L- STA. 30+50.00 TO -L- STA. 31+50.00



TYPICAL SECTION NO. 2

FROM -L- STA. 24+50.00 TO -L- STA. 26+95.00 (BEGIN BRIDGE) FROM -L- STA. 28+25.00 (END BRIDGE) TO -L- STA. STA. 30+50.00



PARTIAL TYPICAL SECTION NO. 2A

USE PARTIAL TYPICAL SECTION NO. 2A IN CONJUCTION WITH TYPICAL SECTION NO. 2 AS FOLLOWS:

- -L- STA. 25+56.0 LT TO -L- STA. 26+91.5 +/- LT -L- STA. 25+84.0 RT TO -L- STA. 26+76.8 +/- RT -L- STA. 28+43.2 +/- LT TO -L- STA. 26+48.0 LT
- -L- STA. 28+28.5 +/- RT TO -L- STA. 28+48.0 RT

