



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM due to the replacement of Bridge # 81 over Millstone Creek on SR 1302 in Wilson County with a culvert.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #81 over Millstone Creek on SR 1302 in Wilson County. This is a bridge-to-culvert project. On April 30, 2012 Alderman Environmental Services, Inc. completed a mussel survey at this location and determined that good quality habitat existed for DWM. Therefore the biological conclusion was reported as MANLTAA. The full report accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

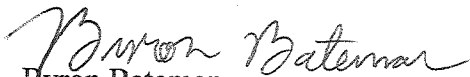
1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. The bottom of the culvert(s) shall be buried to allow for natural substrate and fish passage (i.e. mussel host species),
6. Neuse Buffer Rules,
7. No heavy equipment will be placed in the stream channel,

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Post Office Box 3165, Wilson, North Carolina 27895-3165

8. Of the three barrels proposed, one shall be the low flow barrel and the other two will have either sills installed, or have higher elevation inverts to force low flows to the appropriate barrel.

We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,


Byron Bateman
Division 4 Environmental Specialist



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EUGENE A. CONTI, JR.
SECRETARY

October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM due to the replacement of Bridge # 28 over Contentnea Creek on NC 581 in Wilson County.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #28 over Contentnea Creek on NC 581 in Wilson County. On May 2, 2012 Alderman Environmental Services, Inc. completed a mussel survey at this location and determined that good quality habitat existed for DWM. Therefore the biological conclusion was reported as MANLTAA. The full report accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. Cut existing piles off at natural ground stream bed,
6. Neuse Buffer Rules,
7. No heavy equipment will be placed in the stream channel.

We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Byron Bateman".

Byron Bateman

Division 4 Environmental Specialist



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM due to the replacement of Bridge # 83 over Little Peachtree Creek on SR 1305 in Nash County.

Mr. Jordan,

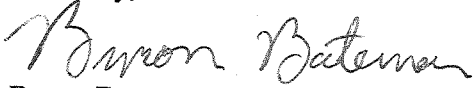
The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #83 over Little Peachtree Creek on SR 1305 in Nash County. On May 4, 2012 Alderman Environmental Services Inc. completed a mussel survey at this location and determined that potentially suitable habitat existed for DWM. Therefore the biological conclusion was reported as MANLTAA. Their full report accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. Cut existing piles off at natural ground stream bed,
6. Tar-Pamlico Buffer Rules,
7. No heavy equipment will be placed in the stream channel.

We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Byron Bateman".

Byron Bateman

Division 4 Environmental Specialist



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

November 6, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM and TSM due to the replacement of Bridge # 76 over Sandy Creek on SR 1004 in Nash County.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #76 over Sandy Creek on SR 1004 in Nash County. On July 18, 2012 The Catena Group, Inc. completed a mussel survey at this location and determined that potentially suitable habitat existed for DWM and that other species strongly associated with the TSM were present. Therefore the biological conclusion was reported as MANLTAA for both species. Their full report accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. Cut existing piles off at natural ground stream bed,
6. Tar-Pamlico Buffer Rules,
7. No heavy equipment will be placed in the stream channel.

(252) 237-6164 x 3532 ccoggins@ncdot.gov
Post Office Box 3165, Wilson, North Carolina 27895-3165

We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Byron Bateman". The signature is written in dark ink and is positioned above the printed name and title.

Byron Bateman
Division 4 Environmental Specialist



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM and TSM due to the replacement of Bridge # 30 over Rocky Swamp on NC 481 in Halifax County.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #30 over Rocky Swamp on NC 481 in Halifax County. On July 18 and August 8, 2012 The Catena Group, Inc. completed a mussel survey at this location and determined that potentially suitable habitat existed for DWM and the TSM. Therefore the biological conclusion was reported as MANLTAA for both species. Additional information to support this finding is offered in the attached email dated September 4, 2012. The full Catena Group report also accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. No in-channel work except to remove existing bents,
6. Tar-Pamlico Buffer Rules,
7. No heavy equipment will be placed in the stream channel,
8. Minimum center span of 70 feet to span the channel.

(252) 237-6164 x 3532 ccoggins@ncdot.gov
Post Office Box 3165, Wilson, North Carolina 27895-3165

We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Byron Bateman".

Byron Bateman
Division 4 Environmental Specialist

Coggins, Tony C

From: Williams, Pamela R
Sent: Wednesday, September 05, 2012 7:59 AM
To: Gary_Jordan@fws.gov; Wallace, Heather L
Cc: Kendig, Karen M.; Coggins, Tony C; Wilson, Travis W.; tsavidge@thecatenagroup.com; Thomas.A.Steffens@usace.army.mil; Brooks, Lonnie I; Harper, Wade A; Mabry, Virginia G
Subject: RE: FW: Rocky Swamp Report 410030
Attachments: NCDOT's DSSW_and_ESA_special_provision.doc

Gary,
Thanks so much for your review and clarification that no BA is anticipated ☺. Chad Coggins will coordinate with USACE and the following will be commitments in the Design-Build Contract for the replacement of Bridge 410030:

1. Minimum center span of 70 feet to span the channel.
2. No in-channel work except to remove existing bents.
3. No heavy equipment will be located in channel.
4. Use off-site detour.
5. Use the highest quality erosion control measures available, which would be NCDOT's Design Standards for Sensitive Watersheds and Environmentally Sensitive Area's special provision as attached.

Heather,

please provide an updated report based on the information in this email.

If you have any questions, please call me.

Pam

Pamela R. Williams
Priority Project Office
Transportation Program Management Unit
(919) 707-6608

From: Gary_Jordan@fws.gov [mailto:Gary_Jordan@fws.gov]
Sent: Tuesday, September 04, 2012 2:35 PM
To: Wallace, Heather L
Cc: Kendig, Karen M.; Williams, Pamela R; Coggins, Tony C; Wilson, Travis W.; tsavidge@thecatenagroup.com; Thomas.A.Steffens@usace.army.mil
Subject: Re: FW: Rocky Swamp Report

To all,

After reviewing the mussel survey report and other information regarding the NC 481 bridge replacement over Rocky Swamp, I have the following comments and recommendations:

1) First, I have to confess and apologize for a mistake in some of my previous verbal comments. I had said that I had collected DWM from this site with Jay Mays (formerly of NCDOT) several years ago. In reality, I had collected DWM from the NC 561 crossing of Rocky Swamp, which is more than 10 miles upstream. I apparently got my road crossings mixed up. Although several DWM have been found recently (2010) at the NC 561 crossing upstream, it appears that DWM have not been found at the NC 481 crossing since 1993 (and only 1 live DWM was found then). I believe that the author of the mussel survey report may have mixed up the two crossings as well in the discussion section of the report. Again, the

DWM has not been found near the project site since 1993.

2) According to Tim Savidge, the habitat within the surveyed segment was not that good, though it improved at the downstream end of the survey reach. However, when you go a little farther downstream towards the I-95 crossings and beyond, the habitat is swamp, obviously not DWM habitat. When you look at a recent Google Map aerial photograph, one sees extensive swamp (non-habitat) upstream and downstream of the surveyed area.

3) Based on conversations with Rob Nichols from the NCWRC and others, Rocky Swamp often has high turbidity and maintains heavy sedimentation on the substrate. The habitat at and immediately downstream of the bridge is very poor for DWM. Any increased sedimentation caused by the removal of the existing bents would probably not be discernible from the existing level of sediment deposition already present. Given these facts, given the limited amount of in-channel work to remove the existing bents, and given NCDOT's commitment to span the channel with a minimum 70' center span, I would be able to concur with a May Affect, Not Likely to Adversely Affect biological conclusion. Of course it is the lead federal action agency's (USACE) call on the biological conclusion, but that is my recommendation. In addition, I would need to see the following conditions to concur a MA-NLAA biological conclusion.

- a) No in-channel work except to remove existing bents.
- b) No heavy equipment will be located in channel.
- c) Use off-site detour.
- d) Use the highest quality erosion control measures available.

A biological conclusion for the TRSM of MA-NLAA is also appropriate.

Gary Jordan
Fish and Wildlife Biologist
US Fish and Wildlife Service
PO Box 33726
Raleigh, NC 27636-3726

Phone (919) 856-4520 ext. 32
Fax (919) 856-4556
gary_jordan@fws.gov

"Wallace, Heather L" <hiwallace@ncdot.gov>

To "gary_jordan@fws.gov" <gary_jordan@fws.gov>

cc

08/29/2012 09:45 AM

Subject FW: Rocky Swamp Report

Hi Gary;

Catena will be writing a BA for this project too. Here's the survey report for now.

Heather

Heather Wallace
Biologist
NC Department of Transportation
Project Development & Environmental Analysis Branch
Natural Environment Section - Biological Surveys Group
(919) 707-6149

From: Tim Savidge [<mailto:tsavidge@thecatenagroup.com>]

Sent: Monday, August 27, 2012 5:31 PM

To: Wallace, Heather L; Karen Kendig (karenofapex@gmail.com); Williams, Logan; Riddick, Thomas L

Cc: Michael Wood; Tom Dickinson

Subject: Rocky Swamp Report

Heather,

Attached final report with your comments incorporated. Please let us know if you have any questions.

TS

Tim Savidge
Environmental Supervisor
The Catena Group Inc.
410-B Millstone Drive
Hillsborough, NC 27278
O: (919) 732-1300
M: (919) 417-2314
F: (919) 732-1303
<http://www.thecatenagroup.com>

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.[attachment "Freshwater Mussel Survey Rocky Swamp Report.pdf" deleted by Gary Jordan/R4/FWS/DOI]



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October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM due to the replacement of Bridge # 55 over Toisnot Swamp on US 264A in Wilson County.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #55 over Toisnot Swamp on US 264A in Wilson County. On May 3, 2012 Alderman Environmental Services, Inc. completed a mussel survey at this location and determined that fair quality habitat for DWM was present. This finding, combined with historical occurrences within the subbasin, supported a biological conclusion of MANLTAA for DWM. A complete report accompanies this correspondence.

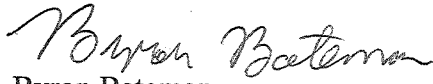
To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. Cut existing piles off at natural ground stream bed,
6. Neuse Buffer Rules,
7. No heavy equipment will be placed in the stream channel.

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We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Byron Bateman".

Byron Bateman

Division 4 Environmental Specialist



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EUGENE A. CONTI, JR.
SECRETARY

October 29, 2012

Mr. Gary Jordan
U.S. Fish and Wildlife Service
P.O. Box 33726,
Raleigh, NC 27636-3726

SUBJECT: Concurrence of MANLTAA finding for DWM and TSM due to the replacement of Bridge # 91 over Tar River on NC 581 in Nash County.

Mr. Jordan,

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge #91 over Tar River on NC 581 in Nash County. On July 19, 2012 The Catena Group, Inc. completed a mussel survey at this location and determined that potentially suitable habitat existed for DWM and other species strongly associated with the TSM were present. Therefore the biological conclusion was reported as MANLTAA for both species. Their full report accompanies this correspondence.

To further minimize potential impacts to mussel populations, NCDOT will attempt to schedule this project for the summer months when water levels are generally lower and there is less likelihood of having to do any in-water work. In addition the following site specific conservation measures will be implemented:

1. Offsite detour,
2. Implementation of erosion and sedimentation control measures, as specified by NCDOT's "Design Standards In Sensitive Watersheds" (15A NCAC 04B.0124),
3. No deck drains over water,
4. Implementation of a turbidity curtain if practical,
5. Cut existing piles off at natural ground stream bed,
6. Tar-Pamlico Buffer Rules,
7. No heavy equipment will be placed in the stream channel.

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We request your concurrence with this determination and any other issues or general comments about this project that need to be addressed. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Byron Bateman".

Byron Bateman
Division 4 Environmental Specialist