



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

September 30, 2015

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 Nationwide Permits 23, 33, and Section 401 Water Quality Certification** for the Proposed Bridge Replacement on SR 1163 over Pine Creek in Jackson County, Federal Aid Project No. BRZ-1163(10); Division 14; TIP No. B-5404; \$240.00 debit WBS No. 46119.1.1.

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge number 136 on SR 1163 over Pine Creek in Jackson County with a single span, 70' precast concrete core slab bridge on a new alignment to the north. The existing bridge will be utilized as an onsite detour during construction. There will be 10 lf of permanent impacts to surface waters from stream relocation and 57 lf from bank stabilization for the project. There will be <0.01 acre of temporary impacts to surface waters resulting from this action. There will 0.13 acre of permanent impact to wetlands from roadway fill. Mitigation will be acquired from the North Carolina Division of Mitigation Services (NCDMS) for the wetland impacts for this project.

Please see enclosed copies of the Pre-Construction Notification (PCN), NCDMS Letter, USFWS Concurrence Letter, Stormwater Management Plan, Permit Drawings, and Roadway Plansheets. A Categorical Exclusion (CE) was completed in June 2014 and distributed shortly thereafter. Additional copies are available upon request.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

A Letter from the North Carolina Wildlife Resources Commission (NCWRC) dated April 1, 2011 lists a trout moratorium for Pine Creek from October 15 to April 15. Design Standards in Sensitive Watersheds will be implemented for this project.

A letter from USFWS dated August 20, 2015, granted concurrence for the northern long-eared bat and Indiana bat with a call of May Affect, Not Likely to Adversely Affect for both species and a tree cutting moratorium was issued for the project extending from April 15 to August 15.

This project calls for a letting date of January 19, 2016 and a review date of December 1, 2015; 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://connect.ncdot.gov/resources/Environmental>. If you have any questions or need additional information, please call Jeff Hemphill at (919) 707-6126.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hancock', written over a horizontal line.

R.W. Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Unit

cc:

NCDOT Permit Application Standard Distribution List



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:	☒ Section 404 Permit	☐ Section 10 Permit
1b. Specify Nationwide Permit (NWP) number: 23,33 or General Permit (GP) number:		
1c. Has the NWP or GP number been verified by the Corps?	☒ Yes	☐ No
1d. Type(s) of approval sought from the DWQ (check all that apply): ☒ 401 Water Quality Certification – Regular ☐ Non-404 Jurisdictional General Permit ☐ 401 Water Quality Certification – Express ☒ 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: ☒ Yes ☐ No	For the record only for Corps Permit: ☐ Yes ☒ 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.	☒ 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:	Replacement of Bridge 136 over Pine Creek on SR 1163 (Pine Creek Road)
2b. County:	Jackson
2c. Nearest municipality / town:	Erastus
2d. Subdivision name:	<i>not applicable</i>
2e. NCDOT only, T.I.P. or state project no:	B-5404

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) 707-6126
3g. Fax no.:	(919) 212-5785
3h. Email address:	jhemphill@ncdot.gov

4. Applicant Information (if different from owner)	
4a. Applicant is:	☐ Agent ☐ 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: 35.18402 (DD.DDDDDD) Longitude: - 83.18206 (-DD.DDDDDD)
1c. Property size:	2.4 acres
2. Surface Waters	
2a. Name of nearest body of water (stream, river, etc.) to proposed project:	Pine Creek
2b. Water Quality Classification of nearest receiving water:	WS-III;Tr
2c. River basin:	Little Tennessee
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: Forest communities, agriculture, minor residential development	
3b. List the total estimated acreage of all existing wetlands on the property: 0.29 acre	
3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: 560 lf	
3d. Explain the purpose of the proposed project: To replace a structurally deficient and functionally obsolete bridge.	
3e. Describe the overall project in detail, including the type of equipment to be used: The project involves replacing a single span 36-foot wood & steel I beam bridge with a single span, 70' precast concrete core slab bridge on a new alignment to the north with the existing bridge utilized as an onsite 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 ☐ No ☐ Unknown
4b. If the Corps made the jurisdictional determination, what type of determination was made?	☒ Preliminary ☐ Final
4c. If yes, who delineated the jurisdictional areas? Name (if known): Brett Feulner	Agency/Consultant Company: Other: NCDOT
4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation. 7/27/2011 w/ Lori Beckwith – she said she would issue a verification at permitting	
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.	

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 ☐ P ☐ T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
Site 2 ☒ P ☐ T	Roadway Fill	Mountain Bog	☐ Yes ☒ No	☒ Corps ☐ DWQ	0.13	
Site 2 ☐ P ☐ T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
Site ☐ P ☐ T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
Site ☐ P ☐ T			☐ Yes ☐ No	☐ Corps ☐ DWQ		
2g. Total wetland impacts					0.13	
2h. Comments: There will be 0.01 ac of Hand clearing impacts to the wetland at Site 2 additionally, <0.01 acre of Temporary Fill in Wetlands in the Hand Clearing areas for erosion control measures.						
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 ☒ P ☐ T	Bank Stabilization	Pine Creek	☒ PER ☐ INT	☒ Corps ☒ DWQ		57
Site 1 ☐ P ☐ T			☐ PER ☐ INT	☐ Corps ☐ DWQ		
Site 2 ☐ P ☐ T			☐ PER ☐ INT	☐ Corps ☐ DWQ		
Site 3 ☒ P ☐ T	Stream Relocation	UT to Pine Creek	☒ PER ☐ INT	☒ Corps ☒ DWQ		10
Site 4 ☐ P ☒ T	Dewatering	UT to Pine Creek	☒ PER ☐ INT	☒ Corps ☒ DWQ		20
Site 5 ☐ P ☐ T			☐ PER ☐ INT	☐ Corps ☐ DWQ		
3h. Total stream and tributary impacts						67 Perm 20 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 ☐ P ☐ T				
O2 ☐ P ☐ T				
O3 ☐ P ☐ T				
O4 ☐ P ☐ 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?	☐ Yes ☐ 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.

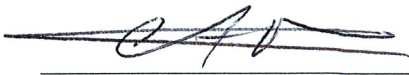
6a. Project is in which protected basin?			☐ Neuse ☐ Catawba			☐ Tar-Pamlico ☐ Randleman		☐ Other:	
6b. Buffer impact number – Permanent (P) or Temporary (T)	6c. Reason for impact	6d. Stream name	6e. Buffer mitigation required?	6f. Zone 1 impact (square feet)	6g. Zone 2 impact (square feet)				
B1 ☐ P ☐ T			☐ Yes ☐ No						
B2 ☐ P ☐ T			☐ Yes ☐ No						
B3 ☐ P ☐ T			☐ Yes ☐ 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. See Stormwater Management Plan. The new bridge will span the creek with the existing bents removed. No deck drains will be required on the proposed bridge. The existing bridge will be utilized as an onsite detour.		
1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques. Best Management Practices for Surface Waters will be used during all phases of construction.		
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?	☒ Yes ☐ No	
	☐ DWQ ☒ Corps	
2c. If yes, which mitigation option will be used for this project?	☐ 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)	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.	☐ Yes	
4b. Stream mitigation requested:	0 linear feet	
4c. If using stream mitigation, stream temperature:	☐ warm ☐ cool ☐ cold	
4d. Buffer mitigation requested (DWQ only):	0 square feet	
4e. Riparian wetland mitigation requested:	0.13 acres	
4f. Non-riparian wetland mitigation requested:	0 acres	
4g. Coastal (tidal) wetland mitigation requested:	0 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?				☐ Yes ☒ 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				
Zone 2				
	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?	☐ 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. If this project DOES require a Stormwater Management Plan, then provide a brief, narrative description of the plan: See attached.	
2e. Who will be responsible for the review of the Stormwater Management Plan?	☐ Certified Local Government ☐ DWQ Stormwater Program ☒ 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):	☐ Phase II ☐ NSW ☐ USMP ☐ Water Supply Watershed ☐ Other:
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 counties ☐ HWQ ☐ ORW ☐ Session Law 2006-246 ☐ Other:
4b. Has the approved Stormwater Management Plan with proof of approval been attached?	☐ Yes ☐ No NA
5. DWQ 401 Unit Stormwater Review	
5a. Does the Stormwater Management Plan meet the appropriate requirements?	☒ Yes ☐ No
5b. Have all of the 401 Unit submittal requirements been met?	☒ Yes ☐ No

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)	
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 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?	☐ Yes ☒ 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?	☐ Yes	☒ No
5b. Have you checked with the USFWS concerning Endangered Species Act impacts?	☐ Yes	☒ No
5c. If yes, indicate the USFWS Field Office you have contacted.	☐ Raleigh ☐ Asheville	
5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? N.C. Natural Heritage Program database; USFWS-website; biological surveys for protected species listed for Jackson County. Biological Conclusions of "No Effect"/No Habitat were rendered for Appalachian elktoe and Indiana bat after onsite evaluations in May 2011. Habitat for small whorled pogonia and swamp pink exists, but surveys conducted in the study area in 2011 and 2014 resulted in no specimens being found. An eagle survey was conducted in 2014 with no nests observed. This project is currently being reviewed for the potential presenceand/or roosting/foraging habitat of the northern long-eared bat. A letter from USFWS dated August 20, 2015, granted concurrence for the northern long-eared bat and Indiana bat with a call of May Affect, Not Likely to Adversely Affect for both species and a tree cutting moratorium was issued for the project extending from April 15 to August 15.		
6. Essential Fish Habitat (Corps Requirement)		
6a. Will this project occur in or near an area designated as essential fish habitat?	☐ Yes	☒ 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)?	☐ Yes	☒ 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?	☒ Yes	☐ 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		
for <u>Richard W. Hancock, P.E.</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.)	9-30-2015 Date



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Division of Mitigation Services

Donald R. van der Vaart
Secretary

August 24, 2015

Mr. Richard W. Hancock, P.E.
Project Development and Environmental Analysis Unit
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Hancock:

Subject: Mitigation Acceptance Letter:

B-5404, Replace Bridge 136 on SR 1163 over Pine Creek, Jackson County

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the compensatory stream and wetland mitigation for the subject project. Based on the information supplied by you on August 10, 2015, the impacts are located in CU 06010203 of the Little Tennessee River basin in the Southern Mountains (SM) Eco-Region, and are as follows:

Little Tennessee 06010203 SM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	10.0	0	0	0.13	0	0	0	0

*Some of the stream or wetland impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details.

Currently, DMS does not have sufficient stream or wetland credits available in Little Tennessee 06010203 and this is an unprojected mitigation need. DMS requested to utilize stream and wetland mitigation credits available from the Cat Creek site located in Little Tennessee 06010202 to offset these impacts. DMS will commit to implement sufficient compensatory stream and wetland mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies using the delivery timeline listed in Section F.3.c.iii of the 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 DMS.

If you have any questions or need additional information, please contact Beth Harmon at 919-707-8420.

Sincerely,

James B. Stanfill
Asset Management Supervisor

cc: Ms. Lori Beckwith, USACE – Asheville Regulatory Field Office
Ms. Amy Chapman, NCDWR
File: B-5404



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

August 20, 2015

Mr. Richard Hancock, P.E.
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27669

Dear Mr. Hancock:

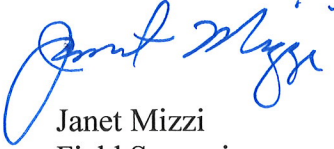
Subject: Endangered Species Concurrence for proposed replacement of Bridge Number 136 (B-5404) on SR 1163 over Pine Creek in Jackson County, North Carolina.

On August 11, 2015 we received your letter (via email) requesting section 7 concurrence on effects the subject bridge replacement projects may have on the federally threatened northern long-eared bat (*Myotis septentrionalis*, NLEB) and the federally endangered Indiana bat (*Myotis sodalists*, IB). The following comments are provided in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543) (Act).

We have reviewed the information provided in your concurrence request letter. The action area for these proposed projects is within the known range of the aforementioned species. We agree that your assessment that tree clearing associated with these projects is minimal and is within close proximity to existing maintained right of way, and that your agreement to cut trees outside of the bat maternity roosting season April 15-August 15, will reduce the probability of take for NLEB and IB to a discountable level; and accordingly, we concur with your biological conclusion that the proposed construction may affect, but is not likely to adversely affect the NLEB or IB. 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.

If we can be of assistance or if you have any questions about these comments, please contact Mr. Jason Mays of our staff at 828/258-3939, Ext. 226. In any future correspondence concerning this project, please reference our Log Numbers 4-2-11-084.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Mizzi". The signature is fluid and cursive, with the first name "Janet" and last name "Mizzi" clearly distinguishable.

Janet Mizzi
Field Supervisor



North Carolina Department of Transportation

Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
FOR NCDOT PROJECTS

(Version 2.01; Released December 2014)

WBS Element: #REF! TIP No.: B-5404 County(ies): Jackson Page 1 of 1

General Project Information

WBS Element:	B-5404	TIP Number:	B-5404	Project Type:	Bridge Replacement	Date:	3/24/2015
NCDOT Contact:	Galen Cail, PE			Contractor / Designer:	Dennis Mory, PE - Dewberry		
	Address:	1020 Birch Ridge Drive Raleigh, NC 27610			Address:	2301 Rexwoods Drive, Suite 200 Raleigh, NC 27607	
	Phone:	919.707.6711			Phone:	919.424.3729	
	Email:	gcail@ncdot.gov			Email:	clong@dewberry.com	
City/Town:	Cullowhee			County(ies):	Jackson		
River Basin(s):	Little Tennessee			CAMA County?	No		
Wetlands within Project Limits?	Yes						

Project Description

Project Length (lin. miles or feet):	0.21	Surrounding Land Use:	Rural Residential/Agriculture					
	Proposed Project		Existing Site					
Project Built-Up Area (ac.)	0.6	ac.	0.5	ac.				
Typical Cross Section Description:	Two 10-ft lanes of opposing traffic pattern asre present with 3-ft s(SS of 4:1 approaching the shoulder and 2:1 extending away from centerline to original ground elevation). Roadway is crowned with 0.02-ft/ft SS present within travel lanes and 0.08-ft/ft present within the shoulder.		Similar					
Annual Avg Daily Traffic (veh/hr/day):	Design/Future:	1500	Year:	2036	Existing:	1020	Year:	2016
General Project Narrative: (Description of Minimization of Water Quality Impacts)	Existing Bridge on SR 1163 overtop Pine Creek is to be replaced. The replacement bridge is to be placed adjacent the existing structure. The roadway is to be redirected into two new lanes. The existing bridge end bents and pier are to be removed and bank stabilization will be implemented. Shoulders in the vicinity of bridge structure are to be surrounded by Class II rip-rap. A standard V-ditch alongside the roadway will direct surface runoff flow into Pine Creek just upstream the bridge.							

Waterbody Information

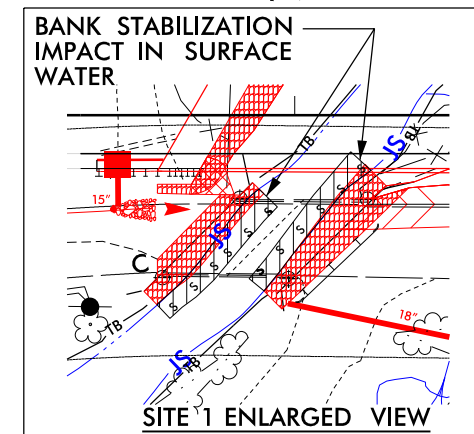
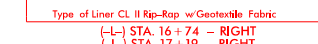
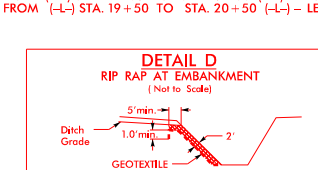
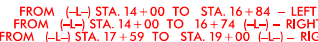
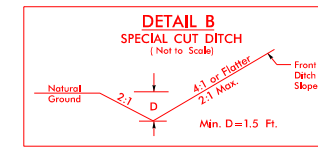
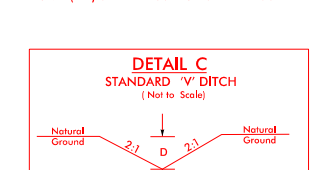
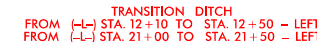
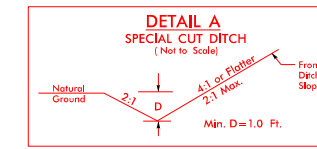
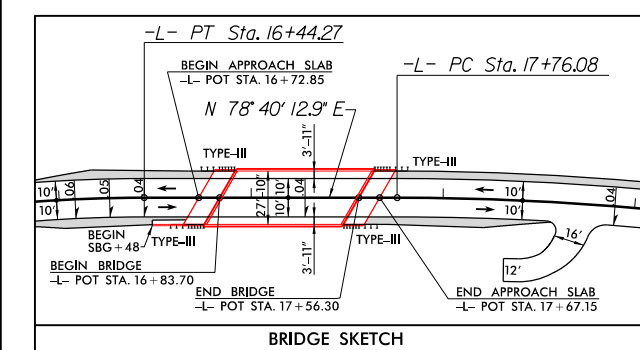
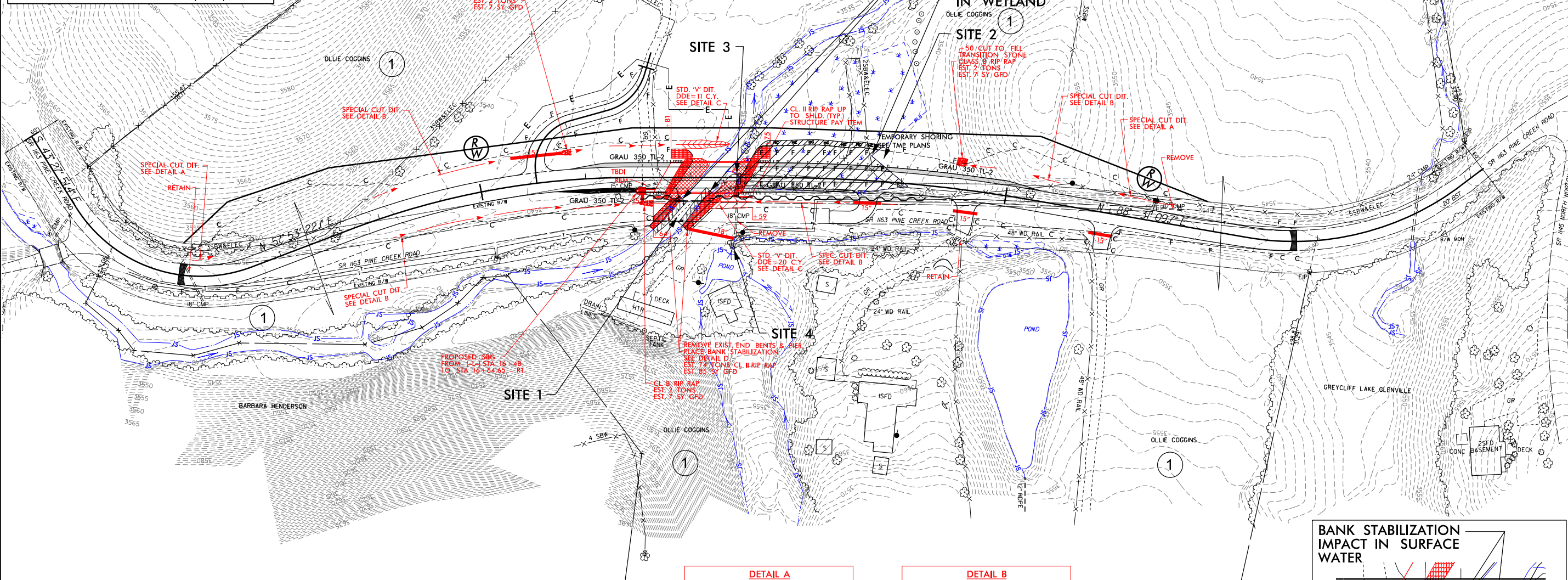
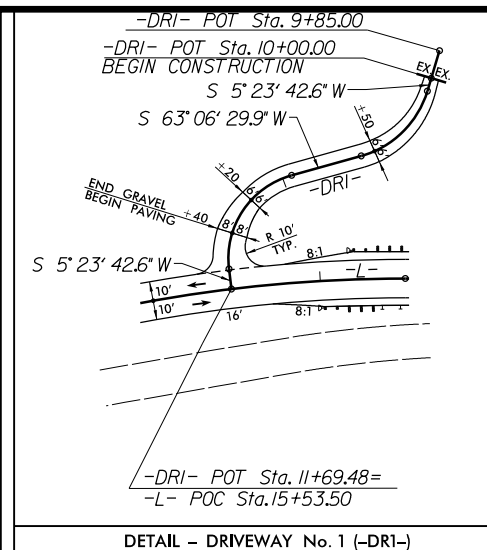
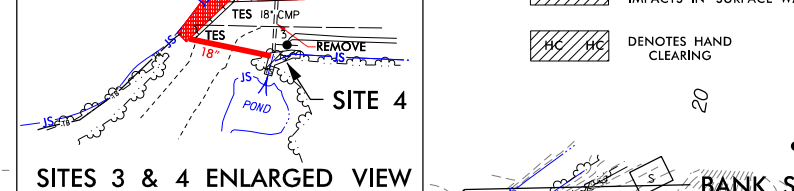
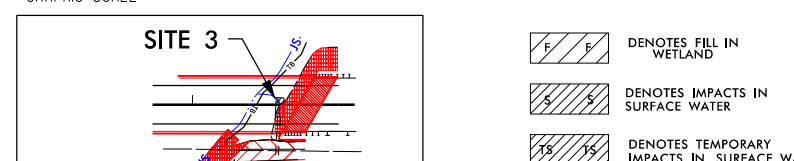
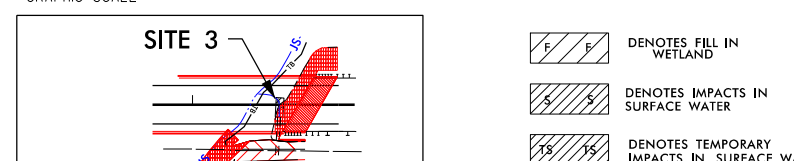
Surface Water Body (1):	Pine Creek		NCDWR Stream Index No.:	2-79-23-6		
NCDWR Surface Water Classification for Water Body	Primary Classification:	Water Supply III (WS-III)				
	Supplemental Classification:	Trout Waters (Tr)				
Other Stream Classification:	None					
Impairments:	None					
Threatened/Endangered Species?	No	Comments:				
NRTR Stream ID:	N/A		Buffer Rules in Effect:	Other		
Project Includes Bridge Spanning Water Body?	Yes	Deck Drains Discharge Over Buffer?	No	Dissipator Pads Provided in Buffer?	No	
Deck Drains Discharge Over Water Body?	No	(If yes, provide justification in the General Project Narrative)		(If yes, describe in the General Project Narrative; if no, justify in the General Project Narrative)		
(If yes, provide justification in the General Project Narrative)						

CONTRACT:

VICINITY MAP



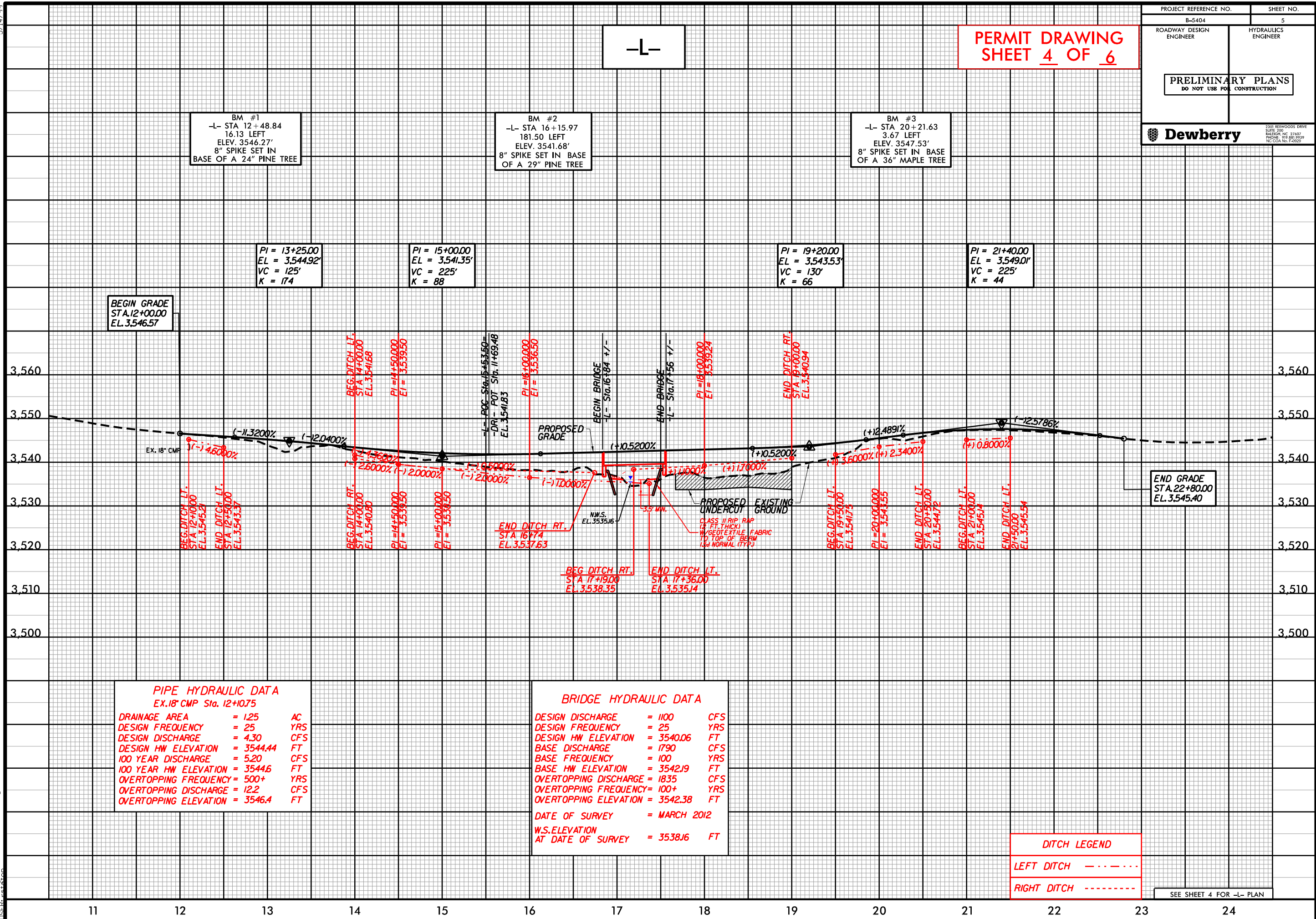
Revised 10/19/2015



SEE SHEET 5 FOR -L- PROFILE
SEE SHEET 6 FOR -LEX- PROFILE
SEE SHEET 6 FOR -DR1- PROFILE

5/14/99

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-L-

PERMIT DRAWING
SHEET 4 OF 6

BM #1
-L- STA 12+48.84
16.13 LEFT
ELEV. 3546.27'
8" SPIKE SET IN
BASE OF A 24" PINE TREE

BM #2
-L- STA 16+15.97
181.50 LEFT
ELEV. 3541.68'
8" SPIKE SET IN BASE
OF A 29" PINE TREE

BM #3
-L- STA 20+21.63
3.67 LEFT
ELEV. 3547.53'
8" SPIKE SET IN BASE
OF A 36" MAPLE TREE

PI = 13+25.00
EL = 3,544.92'
VC = 125'
K = 174

PI = 15+00.00
EL = 3,541.35'
VC = 225'
K = 88

PI = 19+20.00
EL = 3,543.53'
VC = 130'
K = 66

PI = 21+40.00
EL = 3,549.01'
VC = 225'
K = 44

BEGIN GRADE
STA. 12+00.00
EL. 3,546.57

END GRADE
STA. 22+80.00
EL. 3,545.40

PIPE HYDRAULIC DATA
EX. 18" CMP Sta. 12+10.75

DRAINAGE AREA	= 125	AC
DESIGN FREQUENCY	= 25	YRS
DESIGN DISCHARGE	= 4.30	CFS
DESIGN HW ELEVATION	= 3544.44	FT
100 YEAR DISCHARGE	= 5.20	CFS
100 YEAR HW ELEVATION	= 3544.6	FT
OVERTOPPING FREQUENCY	= 500+	YRS
OVERTOPPING DISCHARGE	= 12.2	CFS
OVERTOPPING ELEVATION	= 3546.4	FT

BRIDGE HYDRAULIC DATA

DESIGN DISCHARGE	= 1100	CFS
DESIGN FREQUENCY	= 25	YRS
DESIGN HW ELEVATION	= 3540.06	FT
BASE DISCHARGE	= 1790	CFS
BASE FREQUENCY	= 100	YRS
BASE HW ELEVATION	= 3542.9	FT
OVERTOPPING DISCHARGE	= 1835	CFS
OVERTOPPING FREQUENCY	= 100+	YRS
OVERTOPPING ELEVATION	= 3542.38	FT

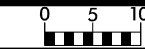
DATE OF SURVEY = MARCH 2012
W.S. ELEVATION AT DATE OF SURVEY = 3538.6 FT

DITCH LEGEND
LEFT DITCH - - - - -
RIGHT DITCH - - - - -

SEE SHEET 4 FOR -L- PLAN

PROJECT REFERENCE NO. B-5404		SHEET NO. 5	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			
		2301 REDWOOD DRIVE SUITE 200 RALEIGH, NC 27607 PHONE: 919.881.9239 NC CEA No. F-0223	

8/23/99



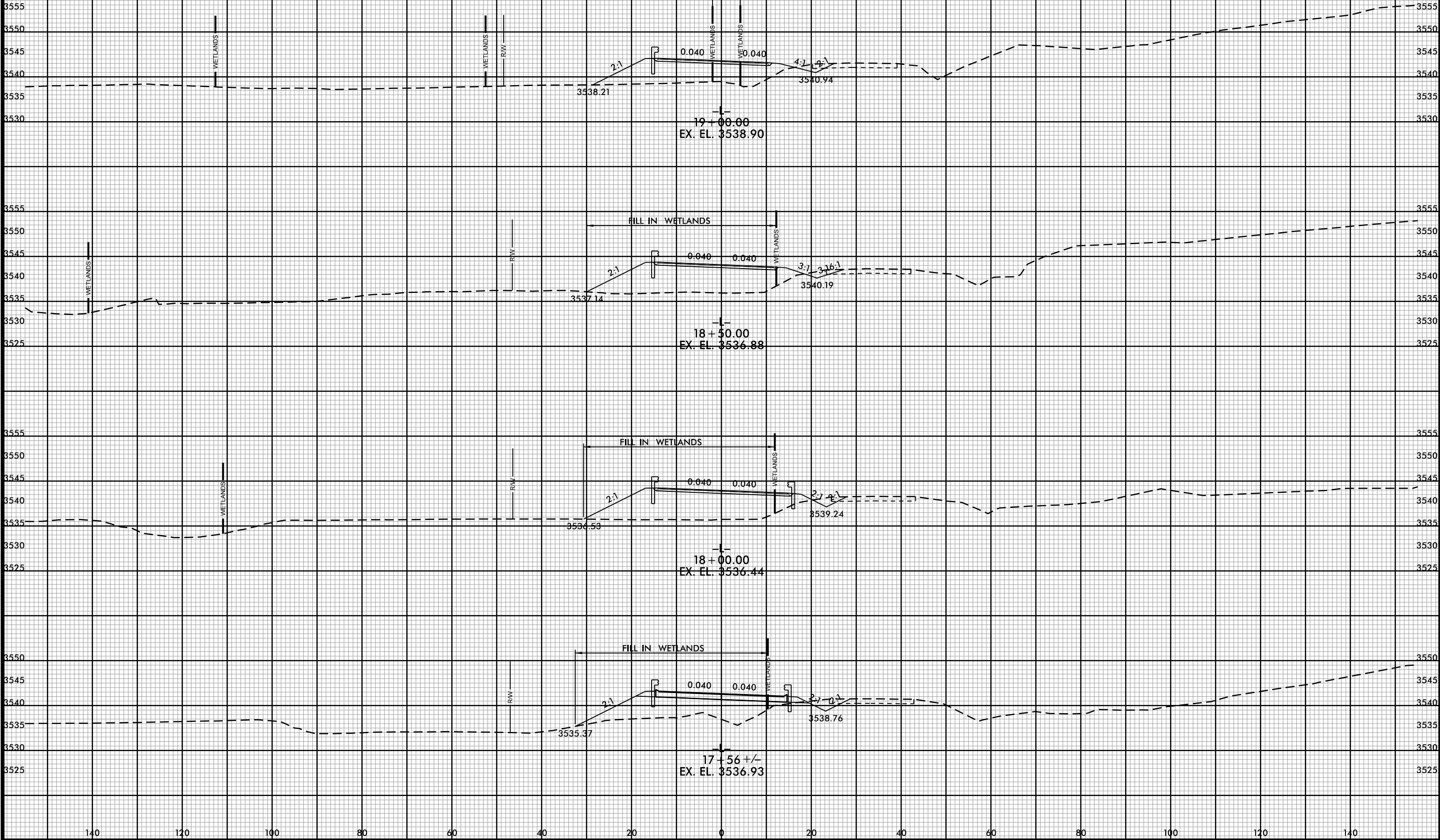
PROJ. REFERENCE NO.

B-5404

SHEET NO.

X-1

PERMIT DRAWING
SHEET 5 OF 6



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WETLAND PERMIT IMPACT SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L- 16+94 RT.	BANK STABILIZATION						< 0.01		57		
2	-L- 17+42 TO 19+06	ROADWAY FILL	0.13									
	-L- 17+63 TO 18+76	HAND CLEARING					0.01					
3	-L- 17+45	STREAM RELOCATION								10		
4	-L- 17+45, 58' RT	DEWATERING									20	
TOTALS:			0.13				0.01			67	20	

<0.01 acre of Temporary Fill in Wetlands in the Hand Clearing areas for erosion control measures.

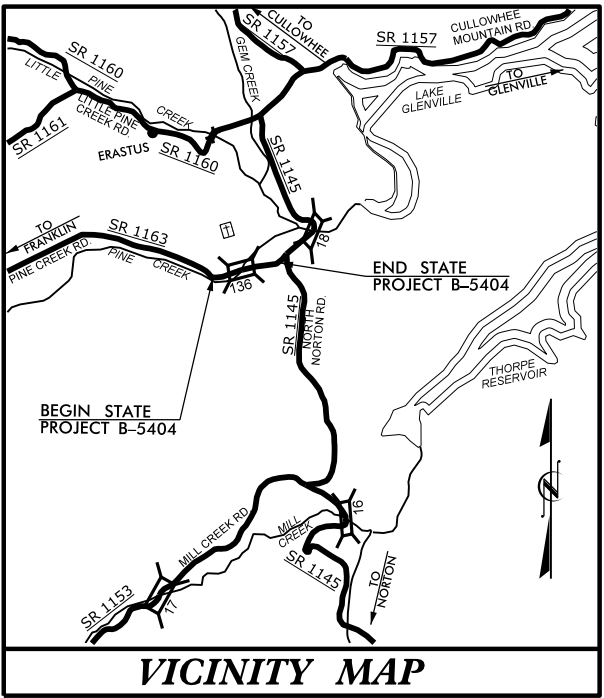
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TIP PROJECT: B-5404

CONTRACT:

See Sheet 1-A For Index of Sheets
See Sheet 1-B For Conventional Plan Sheet Symbols



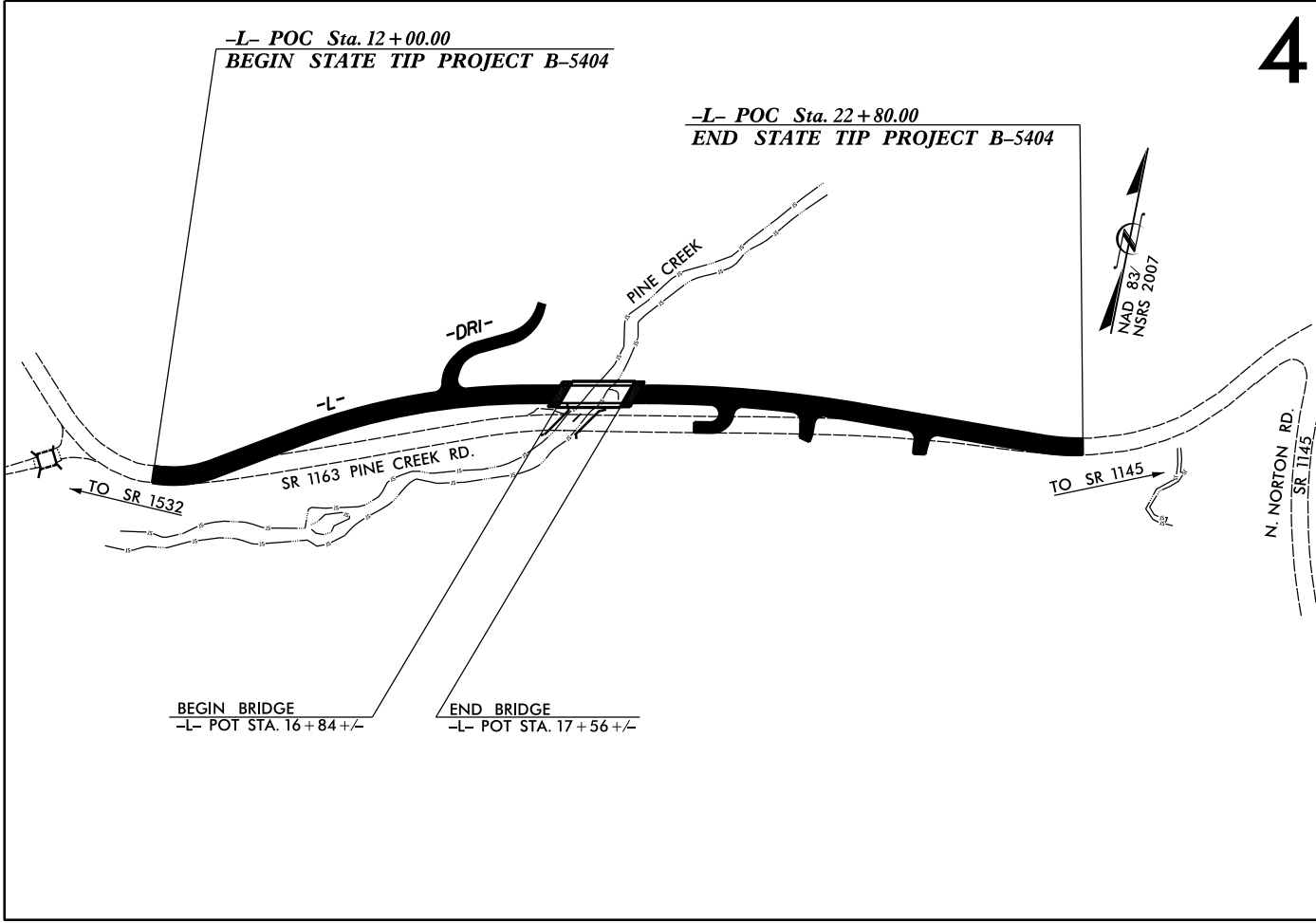
VICINITY MAP

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

JACKSON COUNTY

LOCATION: BRIDGE NO.136 OVER PINE CREEK
ON SR 1163 (PINE CREEK ROAD)

TYPE OF WORK: GRADING, PAVING, DRAINAGE, AND STRUCTURE



THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO
THE LIMITS ESTABLISHED BY METHOD II

NCDOT CONTACT: RON E. McCOLLUM, P.E.

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

GRAPHIC SCALES 50 0 50 100 PLANS 50 0 50 100 PROFILE (HORIZONTAL) 10 0 10 20 PROFILE (VERTICAL)	DESIGN DATA ADT 2016 = 1,020 ADT 2036 = 1,500 K = 12 % D = 70 % T = 7 % * V = 40 MPH * TTST =1% DUAL 6% FUNC CLASS = RURAL LOCAL SUB REGIONAL TIER	PROJECT LENGTH LENGTH ROADWAY TIP PROJECT B-5404 = 0.191 MILES LENGTH STRUCTURE TIP PROJECT B-5404 = 0.014 MILES TOTAL LENGTH TIP PROJECT B-5404 = 0.205 MILES	PLANS PREPARED FOR NCDOT BY: Dewberry 2012 STANDARD SPECIFICATIONS 2301 REXWOODS DRIVE SUITE 200 RALEIGH, NC 27607 PHONE: 919.881.9939 NC COA No. F-0929 RIGHT OF WAY DATE: FEBRUARY 20, 2015 LETTING DATE: FEBRUARY 16, 2016	HYDRAULICS ENGINEER SIGNATURE: _____ P.E. ROADWAY DESIGN ENGINEER SIGNATURE: _____ P.E.	
--	---	---	--	---	--

Note: Not to Scale

**S.U.E. = Subsurface Utility Engineering*

CONVENTIONAL PLAN SHEET SYMBOLS

BOUNDARIES AND PROPERTY:

State Line	
County Line	
Township Line	
City Line	
Reservation Line	
Property Line	
Existing Iron Pin	
Property Corner	
Property Monument	
Parcel/Sequence Number	
Existing Fence Line	
Proposed Woven Wire Fence	
Proposed Chain Link Fence	
Proposed Barbed Wire Fence	
Existing Wetland Boundary	
Proposed Wetland Boundary	
Existing Endangered Animal Boundary	
Existing Endangered Plant Boundary	
Existing Historic Property Boundary	
Known Soil Contamination: Area or Site	
Potential Soil Contamination: Area or Site	

BUILDINGS AND OTHER CULTURE:

Gas Pump Vent or U/G Tank Cap	
Sign	
Well	
Small Mine	
Foundation	
Area Outline	
Cemetery	
Building	
School	
Church	
Dam	

HYDROLOGY:

Stream or Body of Water	
Hydro, Pool or Reservoir	
Jurisdictional Stream	
Buffer Zone 1	
Buffer Zone 2	
Flow Arrow	
Disappearing Stream	
Spring	
Wetland	
Proposed Lateral, Tail, Head Ditch	
False Sump	

RAILROADS:

Standard Gauge	
RR Signal Milepost	
Switch	
RR Abandoned	
RR Dismantled	

RIGHT OF WAY:

Baseline Control Point	
Existing Right of Way Marker	
Existing Right of Way Line	
Proposed Right of Way Line	
Proposed Right of Way Line with Iron Pin and Cap Marker	
Proposed Right of Way Line with Concrete or Granite R/W Marker	
Proposed Control of Access Line with Concrete C/A Marker	
Existing Control of Access	
Proposed Control of Access	
Existing Easement Line	
Proposed Temporary Construction Easement	
Proposed Temporary Drainage Easement	
Proposed Permanent Drainage Easement	
Proposed Permanent Drainage /Utility Easement	
Proposed Permanent Utility Easement	
Proposed Temporary Utility Easement	
Proposed Aerial Utility Easement	

Proposed Permanent Easement with Iron Pin and Cap Marker	
--	--

ROADS AND RELATED FEATURES:

Existing Edge of Pavement	
Existing Curb	
Proposed Slope Stakes Cut	
Proposed Slope Stakes Fill	
Proposed Curb Ramp	
Existing Metal Guardrail	
Proposed Guardrail	
Existing Cable Guiderail	
Proposed Cable Guiderail	

Equality Symbol	
Pavement Removal	

VEGETATION:

Single Tree	
Single Shrub	
Hedge	
Woods Line	

Orchard	
Vineyard	

EXISTING STRUCTURES:

Bridge, Tunnel or Box Culvert	
Bridge Wing Wall, Head Wall and End Wall	
Head and End Wall	
Pipe Culvert	
Footbridge	
Drainage Box: Catch Basin, DI or JB	
Paved Ditch Gutter	
Storm Sewer Manhole	
Storm Sewer	

UTILITIES:

Existing Power Pole	
Proposed Power Pole	
Existing Joint Use Pole	
Proposed Joint Use Pole	
Power Manhole	
Power Line Tower	
Power Transformer	
U/G Power Cable Hand Hole	
H-Frame Pole	
Recorded U/G Power Line	
Designated U/G Power Line (S.U.E.*)	

TELEPHONE:

Existing Telephone Pole	
Proposed Telephone Pole	
Telephone Manhole	
Telephone Booth	
Telephone Pedestal	
Telephone Cell Tower	
U/G Telephone Cable Hand Hole	
Recorded U/G Telephone Cable	
Designated U/G Telephone Cable (S.U.E.*)	
Recorded U/G Telephone Conduit	
Designated U/G Telephone Conduit (S.U.E.*)	
Recorded U/G Fiber Optics Cable	
Designated U/G Fiber Optics Cable (S.U.E.*)	

WATER:

Water Manhole	
Water Meter	
Water Valve	
Water Hydrant	
Recorded U/G Water Line	
Designated U/G Water Line (S.U.E.*)	
Above Ground Water Line	

TV:

TV Satellite Dish	
TV Pedestal	
TV Tower	
U/G TV Cable Hand Hole	
Recorded U/G TV Cable	
Designated U/G TV Cable (S.U.E.*)	
Recorded U/G Fiber Optic Cable	
Designated U/G Fiber Optic Cable (S.U.E.*)	

GAS:

Gas Valve	
Gas Meter	
Recorded U/G Gas Line	
Designated U/G Gas Line (S.U.E.*)	
Above Ground Gas Line	

SANITARY SEWER:

Sanitary Sewer Manhole	
Sanitary Sewer Cleanout	
U/G Sanitary Sewer Line	
Above Ground Sanitary Sewer	
Recorded SS Forced Main Line	
Designated SS Forced Main Line (S.U.E.*)	

MISCELLANEOUS:

Utility Pole	
Utility Pole with Base	
Utility Located Object	
Utility Traffic Signal Box	
Utility Unknown U/G Line	
U/G Tank; Water, Gas, Oil	
Underground Storage Tank, Approx. Loc.	
A/G Tank; Water, Gas, Oil	
Geoenvironmental Boring	
U/G Test Hole (S.U.E.*)	
Abandoned According to Utility Records	
End of Information	

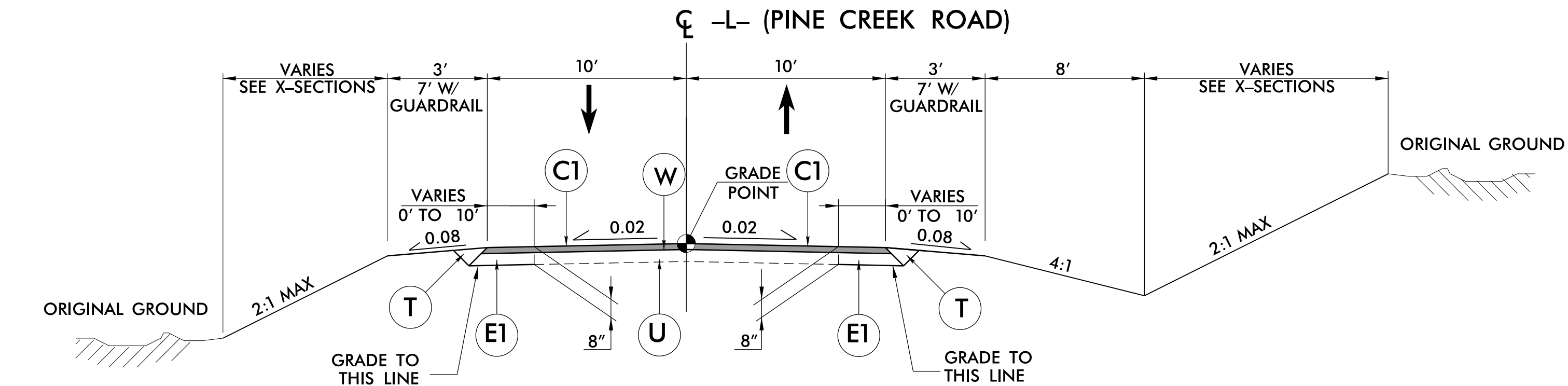
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FINAL PAVEMENT SCHEDULE

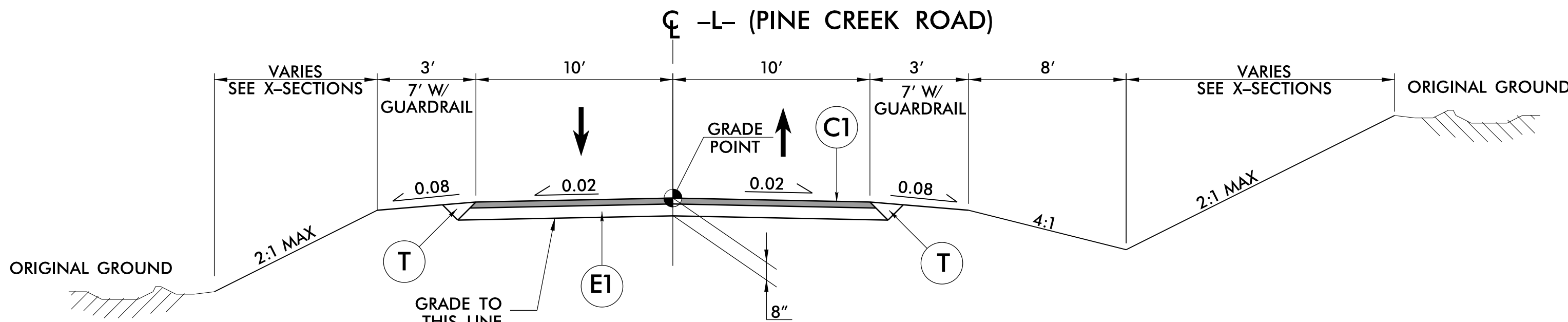
ITEM	DESCRIPTION	ITEM	DESCRIPTION	ITEM	DESCRIPTION
C1	PROPOSED APPROXIMATE 2.5" ASPHALT SURFACE COURSE, TYPE SF9.5A, AT AN AVERAGE RATE OF 137.50 LBS /SY.	J	PROP. 8" AGGREGATE BASE COURSE	T	EARTH MATERIAL
C2	PROP. VAR. DEPTH ASPHALT CONC. SURFACE COURSE, TYPE SF9.5A, AT AN AVERAGE RATE OF 110 LBS /SY PER 1" DEPTH TO BE PLACED IN LAYERS NOT TO EXCEED 1.5" IN DEPTH.	V	MILLING (SEE MILLING DETAIL ON THIS SHEET)	U	EXISTING PAVEMENT
E1	PROP. APPROX. 5.5" ASPHALT BASE COURSE, TYPE B25.0B, AT AN AVERAGE RATE OF 627 LBS /SY.	R1	SHOULDER BERM GUTTER	NOTE: PAVEMENT EDGES ARE 1:1 UNLESS OTHERWISE NOTED.	
E2	PROP. VAR. DEPTH ASPHALT BASE COURSE, TYPE B25.0B, AT AN AVERAGE RATE OF 114 LBS/SY PER 1" DEPTH, TO BE PLACED IN LAYERS NOT GREATER THAN 5.5" IN DEPTH OR LESS THAN 3" IN DEPTH.	W	WEDGING (SEE WEDGE DETAIL ON THIS SHEET)		

PROJECT REFERENCE NO.		SHEET NO.	
B-5404		2A-1	
ROADWAY DESIGN ENGINEER		PAVEMENT DESIGN ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			
		2301 REWOODS DRIVE SUITE 200 RALEIGH NC 27607 PHONE: 919.881.9239 NC CDA No. F-0529	



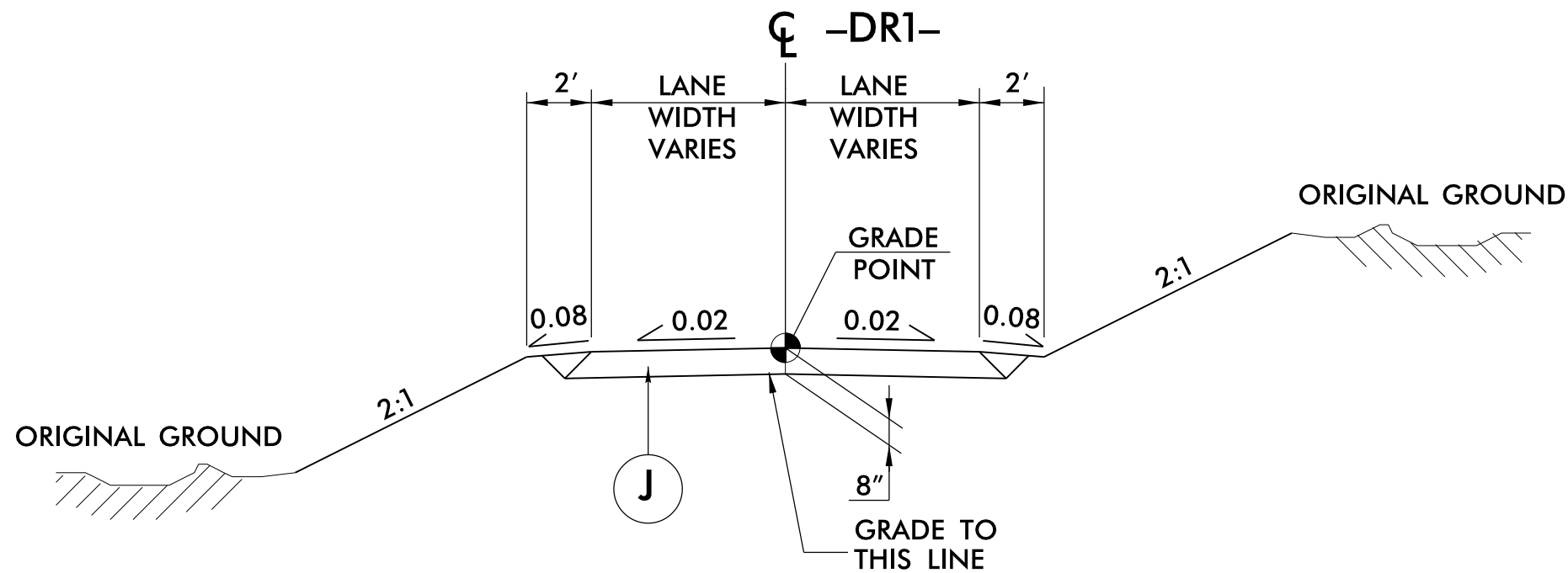
TYPICAL SECTION NO. 1

-L- STA. 12 + 00.00 TO STA. 13 + 38.75
-L- STA. 20 + 01.80 TO STA. 22 + 80.00



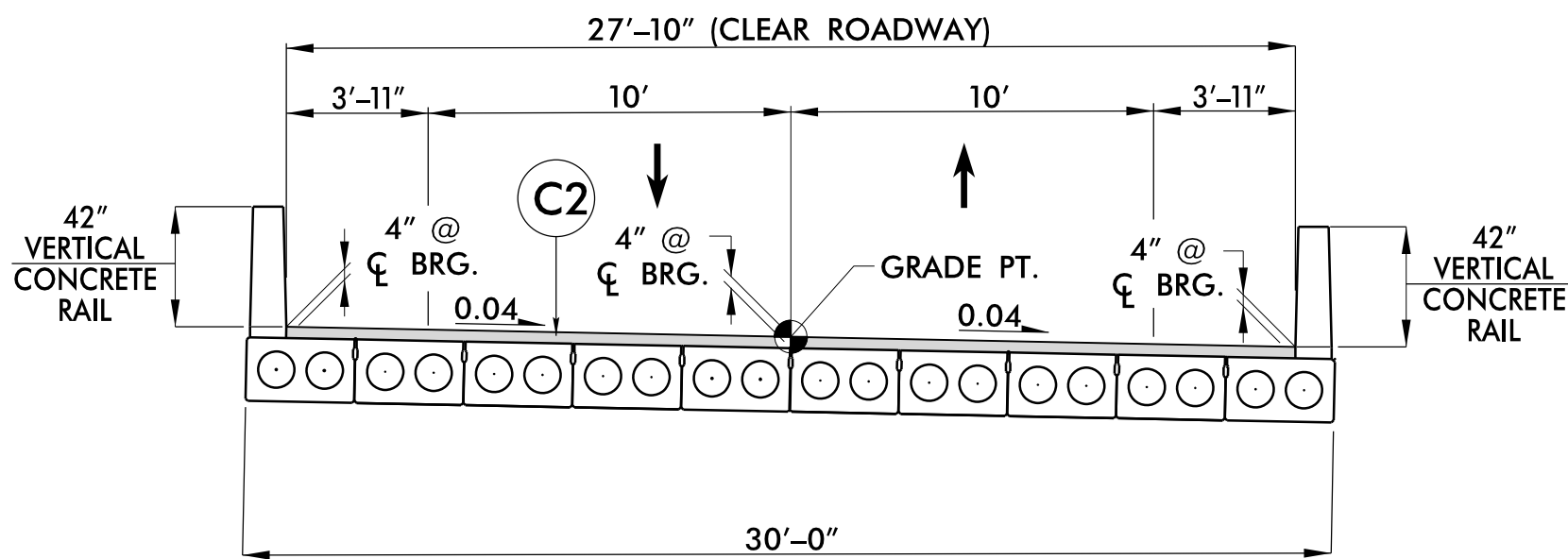
TYPICAL SECTION NO. 2

-L- STA. 13 + 38.75 TO STA. 16 + 84 +/- (BEGIN BRIDGE)
-L- STA. 17 + 56 +/- (END BRIDGE) TO STA. 20 + 01.80



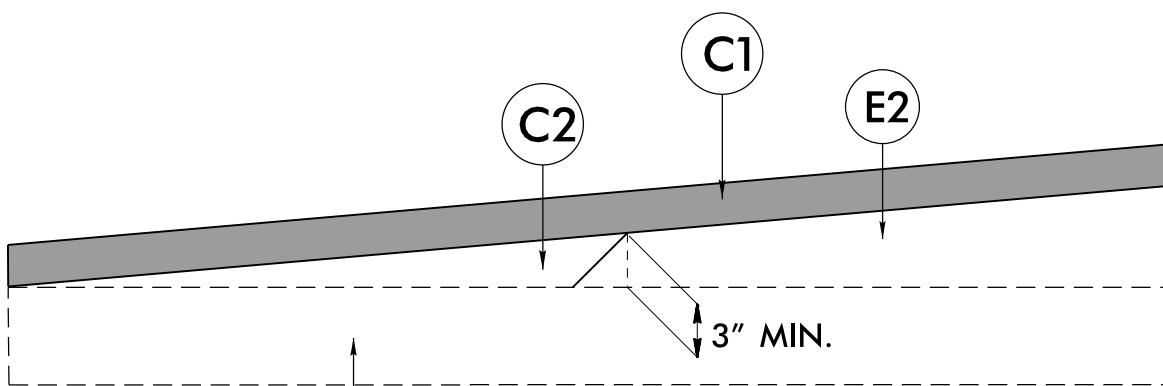
TYPICAL SECTION NO. 3

-DR1- STA. 10 + 00.00 TO STA. 10 + 50.00 (LANE WIDTH VARIES FROM EXISTING TO 6')
-DR1- STA. 10 + 50.00 TO STA. 11 + 20.00 (6' LANE WIDTH)
-DR1- STA. 11 + 20.00 TO STA. 11 + 40.00 (LANE WIDTH VARIES FROM 6' TO 8')
-DR1- STA. 11 + 79.48 TO STA. 11 + 99.40 (8' LANE WIDTH - TEMPORARY DRIVEWAY)

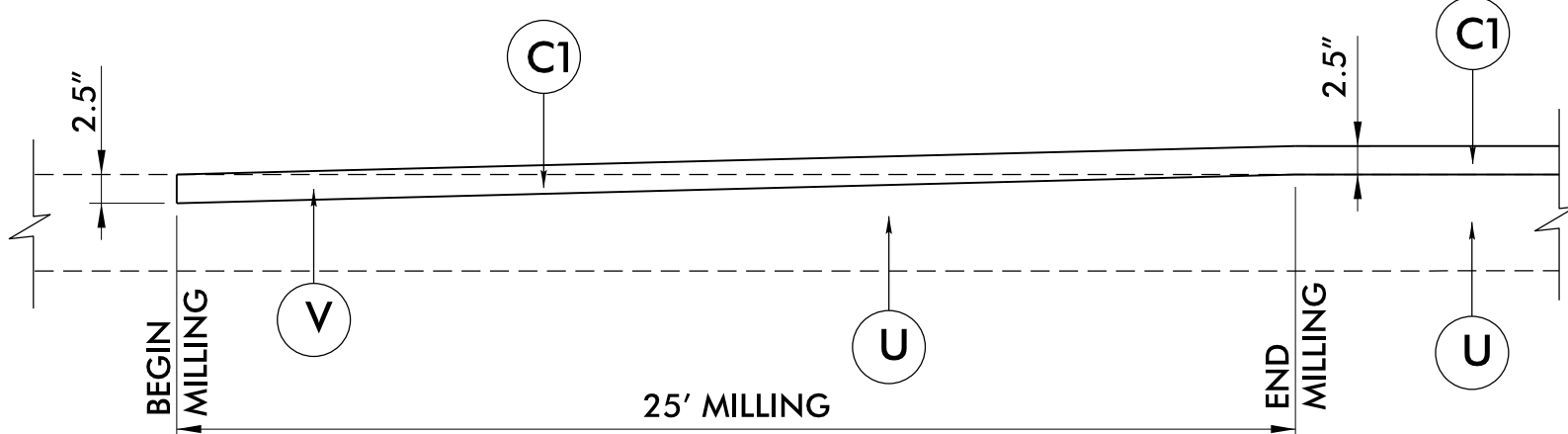


TYPICAL SECTION ON STRUCTURE

-L- STA. 16 + 84 +/- (BEGIN BRIDGE) TO -L- STA. 17 + 56 +/- (END BRIDGE)

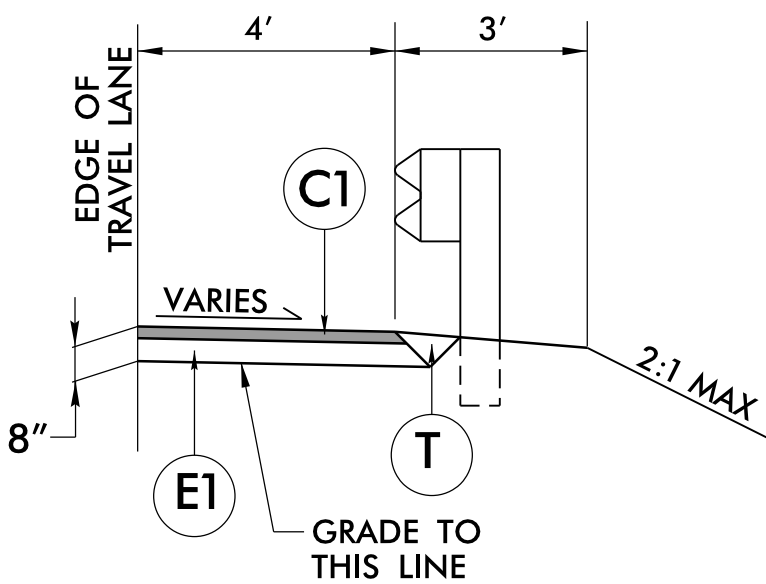


WEDGING DETAIL FOR RESURFACING



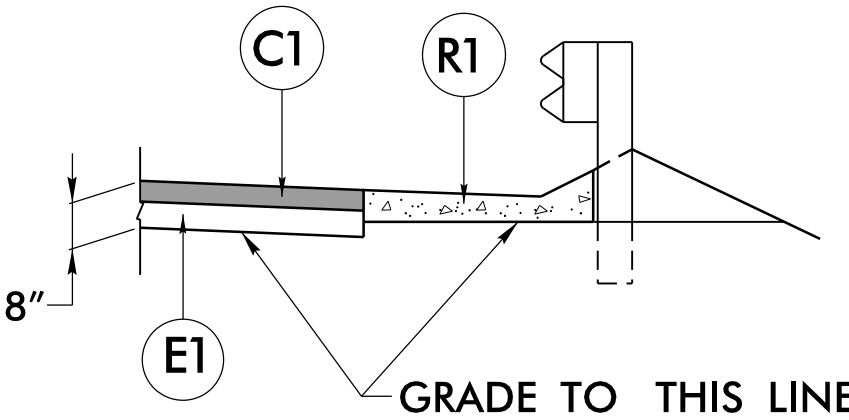
PROFILE KEY-IN DETAIL (VIEW ALONG ROAD CL)

NOT TO SCALE



FULL DEPTH PAVED SHOULDER DETAIL

NOT TO SCALE

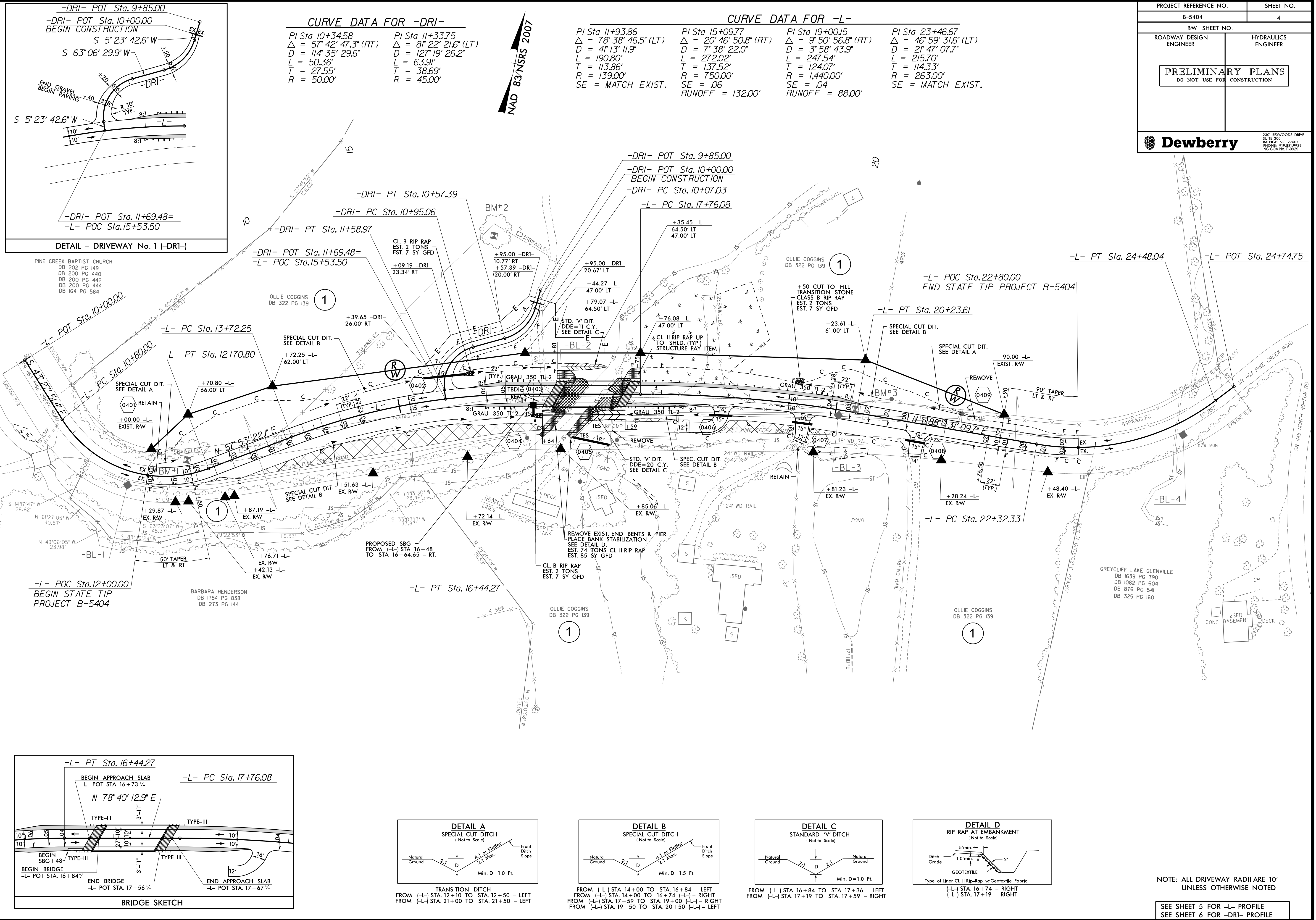


DETAIL SHOWING SHOULDER BERM GUTTER (SBG)
ON TOP OF SUBGRADE

-L- STA. 16 + 48.00 TO -L- STA. 16 + 64.65 (END APPROACH SLAB - RT.)

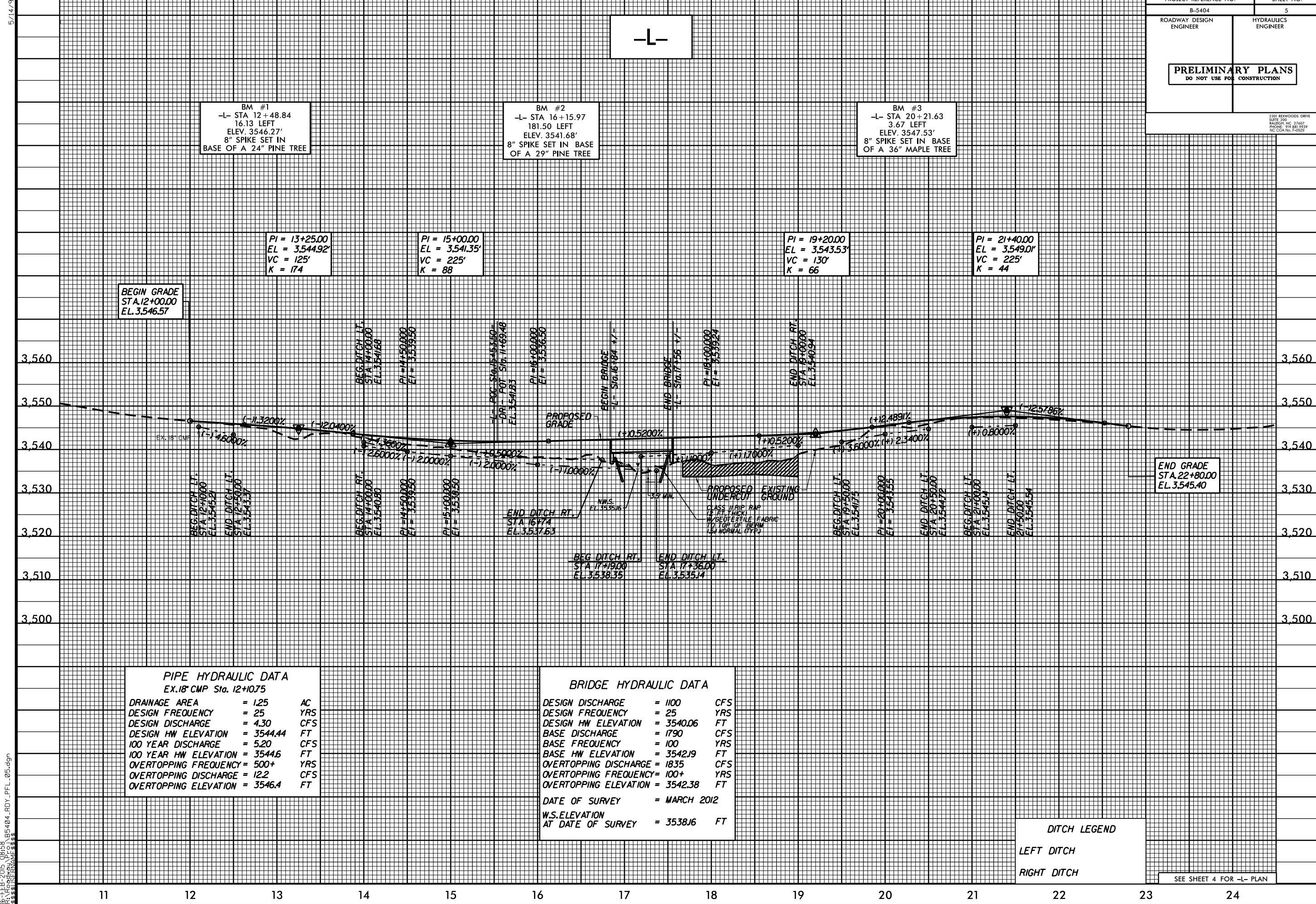
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2/11/2015 8:09:45 AM



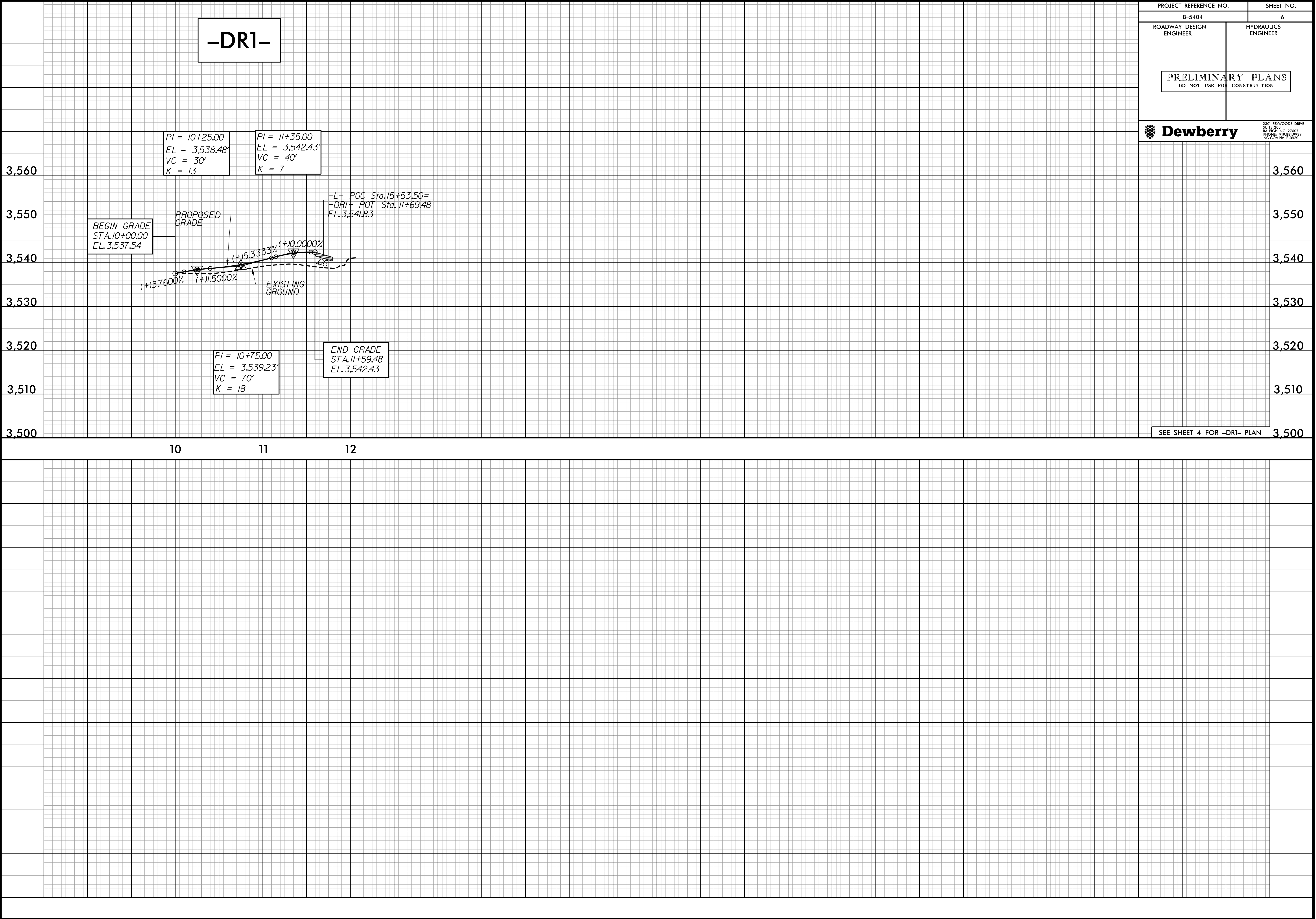
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PROJECT REFERENCE NO.		SHEET NO.	
B-5404		5	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			
		2301 REXWOODS DRIVE SUITE 200 SALEM, NC 27407 PHONE: 919.881.9539 NC CITA NO. 5-2609	



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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

September 30, 2015

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 Nationwide Permits 23, 33, and Section 401 Water Quality Certification** for the Proposed Bridge Replacement on SR 1163 over Pine Creek in Jackson County, Federal Aid Project No. BRZ-1163(10); Division 14; TIP No. B-5404; \$240.00 debit WBS No. 46119.1.1.

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace bridge number 136 on SR 1163 over Pine Creek in Jackson County with a single span, 70' precast concrete core slab bridge on a new alignment to the north. The existing bridge will be utilized as an onsite detour during construction. There will be 10 lf of permanent impacts to surface waters from stream relocation and 57 lf from bank stabilization for the project. There will be <0.01 acre of temporary impacts to surface waters resulting from this action. There will 0.13 acre of permanent impact to wetlands from roadway fill. Mitigation will be acquired from the North Carolina Division of Mitigation Services (NCDMS) for the wetland impacts for this project.

Please see enclosed copies of the Pre-Construction Notification (PCN), NCDMS Letter, USFWS Concurrence Letter, Stormwater Management Plan, Permit Drawings, and Roadway Plansheets. A Categorical Exclusion (CE) was completed in June 2014 and distributed shortly thereafter. Additional copies are available upon request.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

A Letter from the North Carolina Wildlife Resources Commission (NCWRC) dated April 1, 2011 lists a trout moratorium for Pine Creek from October 15 to April 15. Design Standards in Sensitive Watersheds will be implemented for this project.

A letter from USFWS dated August 20, 2015, granted concurrence for the northern long-eared bat and Indiana bat with a call of May Affect, Not Likely to Adversely Affect for both species and a tree cutting moratorium was issued for the project extending from April 15 to August 15.

This project calls for a letting date of January 19, 2016 and a review date of December 1, 2015; 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://connect.ncdot.gov/resources/Environmental>. If you have any questions or need additional information, please call Jeff Hemphill at (919) 707-6126.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hancock', written over a horizontal line.

R. Hancock Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Unit

cc:

NCDOT Permit Application Standard Distribution List