



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

April 11, 2008

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

ATTN: Mr. David Baker  
NCDOT Coordinator

SUBJECT: **Request For NW 33 Permit Re-issuance** for TIP project  
B-3119, Bridge No. 653 over the Broad River and Bridge No. 654 over  
Sand Branch Creek in Buncombe County, Division 13, WBS  
32877.1.1, FA project No. BRZ-2804(1)

REFERENCE: 1) B-3119 Nationwide Permit Application dated May 12, 2006  
2) B-3119 USACE 404 NW 33 Action ID No. SAW2005314951496 dated  
July 24, 2006

Dear Sir:

The North Carolina Department of Transportation (NCDOT) was issued a Nationwide Permit from the U.S. Army Corps of Engineers (USACE) for project B-3119 which expired on March 18, 2007. Project construction in jurisdictional areas was not complete by March 17, 2008. Therefore, we are requesting permit re-issuance.

Table 1. Project Information

TIP	Permit Action ID #	NW #	DOT Div	County	Stream Name	Location
B-3119	SAW2005314951496	33	13	Buncombe	Broad River and Sand Branch	SR 2804 & 2786

Table 2. Project Impacts

TIP	Perm Wetland Impacts	Perm Stream Impacts	Temp Wetland Impacts	Temp Stream Impacts	Temp Existing Channel	Perm Existing Channel	Mechanized Clearing
B-3119	0	0	0	0.051 acre	164 ft.	0	0

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS  
NATURAL ENVIRONMENT UNIT  
1598 MAIL SERVICE CENTER  
RALEIGH NC 27699-1598

TELEPHONE: 919-715-1334 or  
919-715-1335

FAX: 919-715-5501

WEBSITE: WWW.NCDOT.ORG

LOCATION:  
PARKER LINCOLN BUILDING  
2728 CAPITAL BLVD, SUITE 240  
RALEIGH NC 27604

Application is hereby made for re-issue of the USACE 404 permit. All permit drawings and plan sheets submitted with the original applications are current and do account for the entire scope of the projects. All environmental commitments and special conditions referenced in the NW Permit Applications will continue to be followed throughout project construction.

The NCDOT will also continue to adhere to all general conditions set forth in the 401 General Water Quality Certifications (WQC) 3688. Therefore, in accordance with 15A NCAC 2H, Section .0500(a) and 15A NCAC 2B.0200, we are providing two copies of this application to the North Carolina Department of Environmental and Natural Resources, Division of Water Quality for their records.

Thank you for your time and assistance with this project. You will find this application with attachments posed on the website: <http://207.4.62.65/PDEA/Draft%20Permit%20Applications/> If you have any questions or need any additional information, please contact Carla Dagnino at 919-715-1456.

Sincerely,



*GD*

Gregory J. Thorpe, Ph.D.  
Environmental Management Director, PDEA

cc: W/attachment

Mr. Brian Wrenn, NCDWQ (2 Copies)  
Ms. Marella Buncick, USFWS  
Ms. Marla Chambers, NCWRC

W/o attachment (see website for attachments)

Dr. David Chang, P.E., Hydraulics  
Mr. Victor Barbour, P.E., Project Services Unit  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. J.J. Swain, P.E.  
Mr. Roger Bryan, DEO  
Mr. Jay Bennett, P.E., Roadway Design  
Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Art McMillan, P.E., Highway Design  
Mr. Scott McLendon, USACE, Wilmington  
Mr. John Williams, P.E., PDEA  
Mr. Drew Joyner, P.E., PDEA

B-3119

Office Use Only:

Form Version March 05

USACE Action ID No. \_\_\_\_\_ DWQ No. \_\_\_\_\_

(If any particular item is not applicable to this project, please enter "Not Applicable" or "N/A".)

**I. Processing**

1. Check all of the approval(s) requested for this project:

- Section 404 Permit
- Section 10 Permit
- 401 Water Quality Certification
- Riparian or Watershed Buffer Rules
- Isolated Wetland Permit from DWQ
- Express 401 Water Quality Certification

2. Nationwide, Regional or General Permit Number(s) Requested: NW 33

3. If this notification is solely a courtesy copy because written approval for the 401 Certification is not required, check here:

4. If payment into the North Carolina Ecosystem Enhancement Program (NCEEP) is proposed for mitigation of impacts, attach the acceptance letter from NCEEP, complete section VIII, and check here:

5. If your project is located in any of North Carolina's twenty coastal counties (listed on page 4), and the project is within a North Carolina Division of Coastal Management Area of Environmental Concern (see the top of page 2 for further details), check here:

**II. Applicant Information**

1. Owner/Applicant Information

Name: Gregory J. Thorpe, Ph.D., Environmental Management Director

Mailing Address: 1598 Mail Service Center

Telephone Number: (919) 733-3141 Fax Number: (919) 733-9794

E-mail Address: mswillis@dot.state.nc.us

2. Agent/Consultant Information (A signed and dated copy of the Agent Authorization letter must be attached if the Agent has signatory authority for the owner/applicant.)

Name: \_\_\_\_\_

Company Affiliation: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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### III. Project Information

Attach a **vicinity map** clearly showing the location of the property with respect to local landmarks such as towns, rivers, and roads. Also provide a detailed **site plan** showing property boundaries and development plans in relation to surrounding properties. Both the vicinity map and site plan must include a scale and north arrow. The specific footprints of all buildings, impervious surfaces, or other facilities must be included. If possible, the maps and plans should include the appropriate USGS Topographic Quad Map and NRCS Soil Survey with the property boundaries outlined. Plan drawings, or other maps may be included at the applicant's discretion, so long as the property is clearly defined. For administrative and distribution purposes, the USACE requires information to be submitted on sheets no larger than 11 by 17-inch format; however, DWQ may accept paperwork of any size. DWQ prefers full-size construction drawings rather than a sequential sheet version of the full-size plans. If full-size plans are reduced to a small scale such that the final version is illegible, the applicant will be informed that the project has been placed on hold until decipherable maps are provided.

1. Name of project: Bridge 653 over the Broad River and Bridge 654 over Sand Branch Creek
2. T.I.P. Project Number or State Project Number (NCDOT Only): B-3119
3. Property Identification Number (Tax PIN): N/A
4. Location  
County: Buncombe Nearest Town: Asheville  
Subdivision name (include phase/lot number): N/A  
Directions to site (include road numbers/names, landmarks, etc.): Highway 64 to NC 9 in Buncombe County.
5. Site coordinates (For linear projects, such as a road or utility line, attach a sheet that separately lists the coordinates for each crossing of a distinct waterbody.)  
Decimal Degrees (6 digits minimum): 82°16'00' °N 35°32'00' °W
6. Property size (acres): N/A
7. Name of nearest receiving body of water: Broad River
8. River Basin: Broad River Basin  
(Note – this must be one of North Carolina's seventeen designated major river basins. The River Basin map is available at <http://h2o.enr.state.nc.us/admin/maps/>.)
9. Describe the existing conditions on the site and general land use in the vicinity of the project at the time of this application: General land use is approximately 50% forested and 50% residential.

10. Describe the overall project in detail, including the type of equipment to be used: \_\_\_\_\_  
Standard Construction Equipment will be used.

11. Explain the purpose of the proposed work: The existing bridges are structurally deficient and need replacing to meet safety standards.

**IV. Prior Project History**

If jurisdictional determinations and/or permits have been requested and/or obtained for this project (including all prior phases of the same subdivision) in the past, please explain. Include the USACE Action ID Number, DWQ Project Number, application date, and date permits and certifications were issued or withdrawn. Provide photocopies of previously issued permits, certifications or other useful information. Describe previously approved wetland, stream and buffer impacts, along with associated mitigation (where applicable). If this is a NCDOT project, list and describe permits issued for prior segments of the same T.I.P. project, along with construction schedules. N/A

**V. Future Project Plans**

Are any future permit requests anticipated for this project? If so, describe the anticipated work, and provide justification for the exclusion of this work from the current application.

No

**VI. Proposed Impacts to Waters of the United States/Waters of the State**

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to wetlands, open water, and stream channels associated with the project. Each impact must be listed separately in the tables below (e.g., culvert installation should be listed separately from riprap dissipater pads). Be sure to indicate if an impact is temporary. All proposed impacts, permanent and temporary, must be listed, and must be labeled and clearly identifiable on an accompanying site plan. All wetlands and waters, and all streams (intermittent and perennial) should be shown on a delineation map, whether or not impacts are proposed to these systems. Wetland and stream evaluation and delineation forms should be included as appropriate. Photographs may be included at the applicant's discretion. If this proposed impact is strictly for wetland or stream mitigation, list and describe the impact in Section VIII below. If additional space is needed for listing or description, please attach a separate sheet.

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1. Provide a written description of the proposed impacts: 164 linear feet of temporary impacts to the stream channel due to a work pad and temporary impervious dyke.

2. Individually list wetland impacts. Types of impacts include, but are not limited to mechanized clearing, grading, fill, excavation, flooding, ditching/drainage, etc. For dams, separately list impacts due to both structure and flooding.

Wetland Impact Site Number (indicate on map)	Type of Impact	Type of Wetland (e.g., forested, marsh, herbaceous, bog, etc.)	Located within 100-year Floodplain (yes/no)	Distance to Nearest Stream (linear feet)	Area of Impact (acres)
Total Wetland Impact (acres)					

3. List the total acreage (estimated) of all existing wetlands on the property: 0

4. Individually list all intermittent and perennial stream impacts. Be sure to identify temporary impacts. Stream impacts include, but are not limited to placement of fill or culverts, dam construction, flooding, relocation, stabilization activities (e.g., cement walls, rip-rap, crib walls, gabions, etc.), excavation, ditching/straightening, etc. If stream relocation is proposed, plans and profiles showing the linear footprint for both the original and relocated streams must be included. To calculate acreage, multiply length X width, then divide by 43,560.

Stream Impact Number (indicate on map)	Stream Name	Type of Impact	Perennial or Intermittent?	Average Stream Width Before Impact	Impact Length (linear feet)	Area of Impact (acres)
1	Broad River	Temp.	Perennial	75	118	0.05
2	Sand Branch	Temp.	Perennial	15	46	0.001
Total Stream Impact (by length and acreage)					164	0.051

5. Individually list all open water impacts (including lakes, ponds, estuaries, sounds, Atlantic Ocean and any other water of the U.S.). Open water impacts include, but are not limited to fill, excavation, dredging, flooding, drainage, bulkheads, etc.

Open Water Impact Site Number (indicate on map)	Name of Waterbody (if applicable)	Type of Impact	Type of Waterbody (lake, pond, estuary, sound, bay, ocean, etc.)	Area of Impact (acres)

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Total Open Water Impact (acres)				

6. List the cumulative impact to all Waters of the U.S. resulting from the project:

Stream Impact (acres):	0.051
Wetland Impact (acres):	0
Open Water Impact (acres):	0
Total Impact to Waters of the U.S. (acres)	0.051
Total Stream Impact (linear feet):	164

7. Isolated Waters

Do any isolated waters exist on the property?  Yes  No

Describe all impacts to isolated waters, and include the type of water (wetland or stream) and the size of the proposed impact (acres or linear feet). Please note that this section only applies to waters that have specifically been determined to be isolated by the USACE.

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8. Pond Creation

If construction of a pond is proposed, associated wetland and stream impacts should be included above in the wetland and stream impact sections. Also, the proposed pond should be described here and illustrated on any maps included with this application.

Pond to be created in (check all that apply):  uplands  stream  wetlands

Describe the method of construction (e.g., dam/embankment, excavation, installation of draw-down valve or spillway, etc.): \_\_\_\_\_

Proposed use or purpose of pond (e.g., livestock watering, irrigation, aesthetic, trout pond, local stormwater requirement, etc.): \_\_\_\_\_

Current land use in the vicinity of the pond: \_\_\_\_\_

Size of watershed draining to pond: \_\_\_\_\_ Expected pond surface area: \_\_\_\_\_

**VII. Impact Justification (Avoidance and Minimization)**

Specifically describe measures taken to avoid the proposed impacts. It may be useful to provide information related to site constraints such as topography, building ordinances, accessibility, and financial viability of the project. The applicant may attach drawings of alternative, lower-impact site layouts, and explain why these design options were not feasible. Also discuss how impacts were minimized once the desired site plan was developed. If applicable, discuss construction techniques to be followed during construction to reduce impacts. An off-site detour will be utilized. Existing bents will be cut off rather than removed to prevent impacts to waters.

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**VIII. Mitigation**

DWQ - In accordance with 15A NCAC 2H .0500, mitigation may be required by the NC Division of Water Quality for projects involving greater than or equal to one acre of impacts to freshwater wetlands or greater than or equal to 150 linear feet of total impacts to perennial streams.

USACE – In accordance with the Final Notice of Issuance and Modification of Nationwide Permits, published in the Federal Register on January 15, 2002, mitigation will be required when necessary to ensure that adverse effects to the aquatic environment are minimal. Factors including size and type of proposed impact and function and relative value of the impacted aquatic resource will be considered in determining acceptability of appropriate and practicable mitigation as proposed. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland and/or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferable in the same watershed.

If mitigation is required for this project, a copy of the mitigation plan must be attached in order for USACE or DWQ to consider the application complete for processing. Any application lacking a required mitigation plan or NCEEP concurrence shall be placed on hold as incomplete. An applicant may also choose to review the current guidelines for stream restoration in DWQ’s Draft Technical Guide for Stream Work in North Carolina, available at <http://h2o.enr.state.nc.us/ncwetlands/strmgide.html>.

1. Provide a brief description of the proposed mitigation plan. The description should provide as much information as possible, including but not limited to: site location (attach directions and/or map, if offsite), affected stream and river basin, type and amount (acreage/linear feet) of mitigation proposed (restoration, enhancement, creation, or preservation), a plan view, preservation mechanism (e.g., deed restrictions, conservation easement, etc.), and a description of the current site conditions and proposed method of construction. Please attach a separate sheet if more space is needed.

N/A

2. Mitigation may also be made by payment into the North Carolina Ecosystem Enhancement Program (NCEEP). Please note it is the applicant’s responsibility to contact the NCEEP at (919) 715-0476 to determine availability, and written approval from the NCEEP indicating that they are will to accept payment for the mitigation must be attached to this form. For additional information regarding the application process for the NCEEP, check the NCEEP website at <http://h2o.enr.state.nc.us/wrp/index.htm>. If use of the NCEEP is proposed, please check the appropriate box on page five and provide the following information:

Amount of stream mitigation requested (linear feet): 0

Amount of buffer mitigation requested (square feet): 0  
 Amount of Riparian wetland mitigation requested (acres): 0  
 Amount of Non-riparian wetland mitigation requested (acres): 0  
 Amount of Coastal wetland mitigation requested (acres): 0

**IX. Environmental Documentation (required by DWQ)**

1. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? Yes  No
2. If yes, does the project require preparation of an environmental document pursuant to the requirements of the National or North Carolina Environmental Policy Act (NEPA/SEPA)?  
 Note: If you are not sure whether a NEPA/SEPA document is required, call the SEPA coordinator at (919) 733-5083 to review current thresholds for environmental documentation.  
 Yes  No
3. If yes, has the document review been finalized by the State Clearinghouse? If so, please attach a copy of the NEPA or SEPA final approval letter. Yes  No

**X. Proposed Impacts on Riparian and Watershed Buffers (required by DWQ)**

It is the applicant's (or agent's) responsibility to determine, delineate and map all impacts to required state and local buffers associated with the project. The applicant must also provide justification for these impacts in Section VII above. All proposed impacts must be listed herein, and must be clearly identifiable on the accompanying site plan. All buffers must be shown on a map, whether or not impacts are proposed to the buffers. Correspondence from the DWQ Regional Office may be included as appropriate. Photographs may also be included at the applicant's discretion.

1. Will the project impact protected riparian buffers identified within 15A NCAC 2B .0233 (Neuse), 15A NCAC 2B .0259 (Tar-Pamlico), 15A NCAC 02B .0243 (Catawba) 15A NCAC 2B .0250 (Randleman Rules and Water Supply Buffer Requirements), or other (please identify \_\_\_\_\_)? Yes  No
2. If "yes", identify the square feet and acreage of impact to each zone of the riparian buffers. If buffer mitigation is required calculate the required amount of mitigation by applying the buffer multipliers.

Zone*	Impact (square feet)	Multiplier	Required Mitigation
1		3 (2 for Catawba)	
2		1.5	
Total			

\* Zone 1 extends out 30 feet perpendicular from the top of the near bank of channel; Zone 2 extends an additional 20 feet from the edge of Zone 1.

3. If buffer mitigation is required, please discuss what type of mitigation is proposed (i.e., Donation of Property, Riparian Buffer Restoration / Enhancement, or Payment into the Riparian Buffer Restoration Fund). Please attach all appropriate information as identified within 15A NCAC 2B .0242 or .0244, or .0260. \_\_\_\_\_

**XI. Stormwater (required by DWQ)**

Describe impervious acreage (existing and proposed) versus total acreage on the site. Discuss stormwater controls proposed in order to protect surface waters and wetlands downstream from the property. If percent impervious surface exceeds 20%, please provide calculations demonstrating total proposed impervious level. N/A

**XII. Sewage Disposal (required by DWQ)**

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. N/A

**XIII. Violations (required by DWQ)**

Is this site in violation of DWQ Wetland Rules (15A NCAC 2H .0500) or any Buffer Rules?

Yes  No

Is this an after-the-fact permit application? Yes  No

**XIV. Cumulative Impacts (required by DWQ)**

Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? Yes  No

If yes, please submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent North Carolina Division of Water Quality policy posted on our website at <http://h2o.enr.state.nc.us/ncwetlands>. If no, please provide a short narrative description: \_\_\_\_\_

**XV. Other Circumstances (Optional):**

It is the applicant's responsibility to submit the application sufficiently in advance of desired construction dates to allow processing time for these permits. However, an applicant may choose to list constraints associated with construction or sequencing that may impose limits on work schedules (e.g., draw-down schedules for lakes, dates associated with Endangered and Threatened Species, accessibility problems, or other issues outside of the applicant's control).

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*E. J. Luet*

4-11-08

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**Applicant/Agent's Signature**

**Date**

(Agent's signature is valid only if an authorization letter from the applicant is provided.)