



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

October 1, 2007

U. S. Army Corps of Engineers  
Regulatory Field Office  
Post Office Box 1890  
Wilmington, NC 28402-1890

ATTENTION: Mr. Richard Spencer  
NCDOT Coordinator

Subject: **Application for Section 404 Nationwide Permit 23** for the replacement of Bridge No. 133 on SR 1310 (Lovejoy Road) over Dumas Creek, Montgomery County, Division 8, Federal Project No. BRZ-1310(3), WBS No. 33552.1.1, State Project No. 8.2550601, TIP No. B-4205.

Dear Sir:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 133 over Dumas Creek. The project involves replacing the existing 68-foot narrow structure with a new structure in the same location as the existing structure. The proposed bridge will consist of two 10-foot travel lanes and two 3-foot shoulders for a total clear roadway width of 26-feet. The new structure will be approximately 100-feet in length and 29-feet wide. There will be one bent in the water. The approach work will extend from approximately 300-feet north to approximately 400-feet south of the existing structure. Traffic will be maintained with an off-site detour on existing roads. Please find enclosed the permit drawings and design plans for the subject project. A Categorical Exclusion (CE) was signed in May 2003 and distributed shortly thereafter. Additional copies are available upon request.

**IMPACTS TO WATERS OF THE UNITED STATES**

The project is located in the Yadkin-Pee Dee River Basin (sub-basin 03-07-15). This area is part of Hydrologic Cataloging Unit 03040104 of the Southern Piedmont. The section of Dumas Creek crossed by the bridge has been assigned Stream Index Number 13-25-20-8 by the N.C Division of Water Quality. Dumas Creek has a best usage classification of C High Quality Water (HQW). Dumas Creek and one perennial unnamed tributary (UT) to Dumas Creek are the only jurisdictional streams that will be impacted by the proposed project. A Notification of Jurisdictional Determination (Action ID: 200101371) was issued October 24, 2001 with an expiration date of October 24, 2006.

No designated Outstanding Resource Waters (ORW), WS-I or WS-II waters occur within one-mile of the project area. Dumas Creek is the only HQW water. Dumas Creek is not listed on the 2006 List of impaired waters [Section 303(d)] for the Yadkin-Pee Dee River Basin nor does it drain into any 303(d) waters within 1-mile of the project area.

**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

**LOCATION:**

2728 CAPITAL BLVD. SUITE 240  
RALEIGH NC 27604

WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

### **Temporary Impacts**

There will be no temporary impacts associated with this project.

### **Permanent Impacts**

Construction of the new bridge will result in a total of 62 linear feet of permanent impacts to an unnamed tributary to Dumas Creek. The permanent impacts are the result of the installation of a lateral “V” ditch on the north side of SR 1310. The UT is being impacted by the fill slope located on the north side of SR 1310. Because of this, the UT is being re-routed into a lateral “V” ditch.

There will be no wetland impacts associated with this project.

### **Utility Impacts**

There will be no jurisdictional impacts from utility relocations due to this bridge replacement project.

### **Bridge Demolition**

Existing Bridge No. 133 consists of timber deck spans on steel I-Beams, concrete piers on concrete footings and timber abutments. One bent is located within the water.

The bridge will be removed without dropping any components into waters of the United States. Best Management Practices for Bridge Demolition and Removal and Protection of Surface Waters will be followed.

## **MITIGATION OPTIONS**

### **Avoidance and Minimization and Compensatory Mitigation**

The NCDOT is committed to incorporating all reasonable and practicable design features to avoid and minimize jurisdictional impacts, and to provide full compensatory mitigation of all remaining, unavoidable jurisdictional impacts. Avoidance measures were taken during the planning and NEPA compliance stages; minimization measures were incorporated as part of the project design.

According to the Clean Water Act (CWA) §404(b)(1) guidelines, NCDOT must avoid, minimize, and mitigate, in sequential order, impacts to waters of the US. The following is a list of the project’s jurisdictional stream avoidance/minimization activities proposed or completed by NCDOT:

### **Avoidance/Minimization**

- The proposed bridge will be replaced on its existing location.
- In-stream activity will be limited
- Due to the classification of Dumas Creek as an HQW, NCDOT will adhere to the BMPs for the “Design Standards in Sensitive Watersheds.”
- There will be 2:1 slope at the UT to Sandy Branch.

### **Compensatory Mitigation:**

There will be a minimal amount of permanent stream impacts associated with the construction of the new bridge. Therefore, no compensatory mitigation is proposed.

## FEDERALLY PROTECTED SPECIES

Plants and animals with federal classifications of Endangered, Threatened, Proposed Endangered and Proposed Threatened are protected under provisions of Section 7 and Section 9 of the Endangered Species Act of 1973, as amended. As of May 10, 2007, the United States Fish and Wildlife Service (USFWS) lists four federally protected species for Montgomery County. Table 1 lists the species, their status and biological conclusion.

**Table 1. Federally-Protected Species for Montgomery County, NC**

Common Name	Scientific Name	Federal Status	Habitat Present	Biological Conclusion
Eastern puma (=cougar)	<i>Puma concolor cougar</i>	E	No	No Effect
Bald eagle	<i>Haliaeetus leucephalus</i>	Delisted	No	N/A
Smooth coneflower	<i>Echinacea laevigata</i>	E	Yes	No Effect
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	No	No Effect
Schweinitz's sunflower	<i>Helianthus schweinitzii</i>	E	Yes	No Effect

A Biological Conclusion of "No Effect" was given in the CE for the bald eagle, eastern cougar, smooth coneflower, and the red-cockaded woodpecker.

No habitat is present within the study area for the bald eagle. There are no large bodies of water present within the study area to support foraging habitat nor are there trees large enough to support an eagle nest. The bald eagle has been delisted as a threatened species as of August 8, 2007 from the Endangered Species Act but is still protected under the Bald and Golden Protection Act.

A Biological Conclusion of "Not Likely to Adversely Effect" was given in the CE for Schweinitz's sunflower. A field survey for the Schweinitz's sunflower was conducted on August 23, 2006. Although suitable habitat for Schweinitz's sunflower is present in the project area, no species were observed during the field survey. Therefore, it is the conclusion of NCDOT that the Biological Conclusion for Schweinitz's sunflower of "No Effect" remains valid.

A field survey for smooth coneflower was conducted on August 23, 2006. Although suitable habitat for smooth coneflower is present in the project area, no species were observed during the field survey. Therefore, it is the conclusion of NCDOT that the Biological Conclusion for smooth coneflower remains "No Effect" as stated in the CE.

**Schedule:** The project calls for a letting of April 15, 2008 (review date of February 26, 2008) with a date of availability of May 27, 2008. It is expected that contractor will choose to start construction in May 2008.

## REGULATORY APPROVALS

**Section 404 Permit:** The project is being processed by the Federal Highway Administration as a "Categorical Exclusion" in accordance with 23 CFR 771.115(b). The NCDOT requests that these activities be authorized by a Nationwide Permit 23 (Federal Register Vol. 72, No. 47 Pages 11092-11198; March 12, 2007).

**Section 401 Permit:** We anticipate General Certification number 3632 will apply to this project. All general conditions of the Water Quality Certifications will be met. 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 notification.

A copy of this permit application will be posted on the NCDOT website at: <http://www.ncdot.org/doh/preconstruct/pe/>. If you have any questions or need additional information, please call Sara Easterly at (919) 715-5499.

Sincerely,



*Gregory J. Thorpe*

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

w/attachment

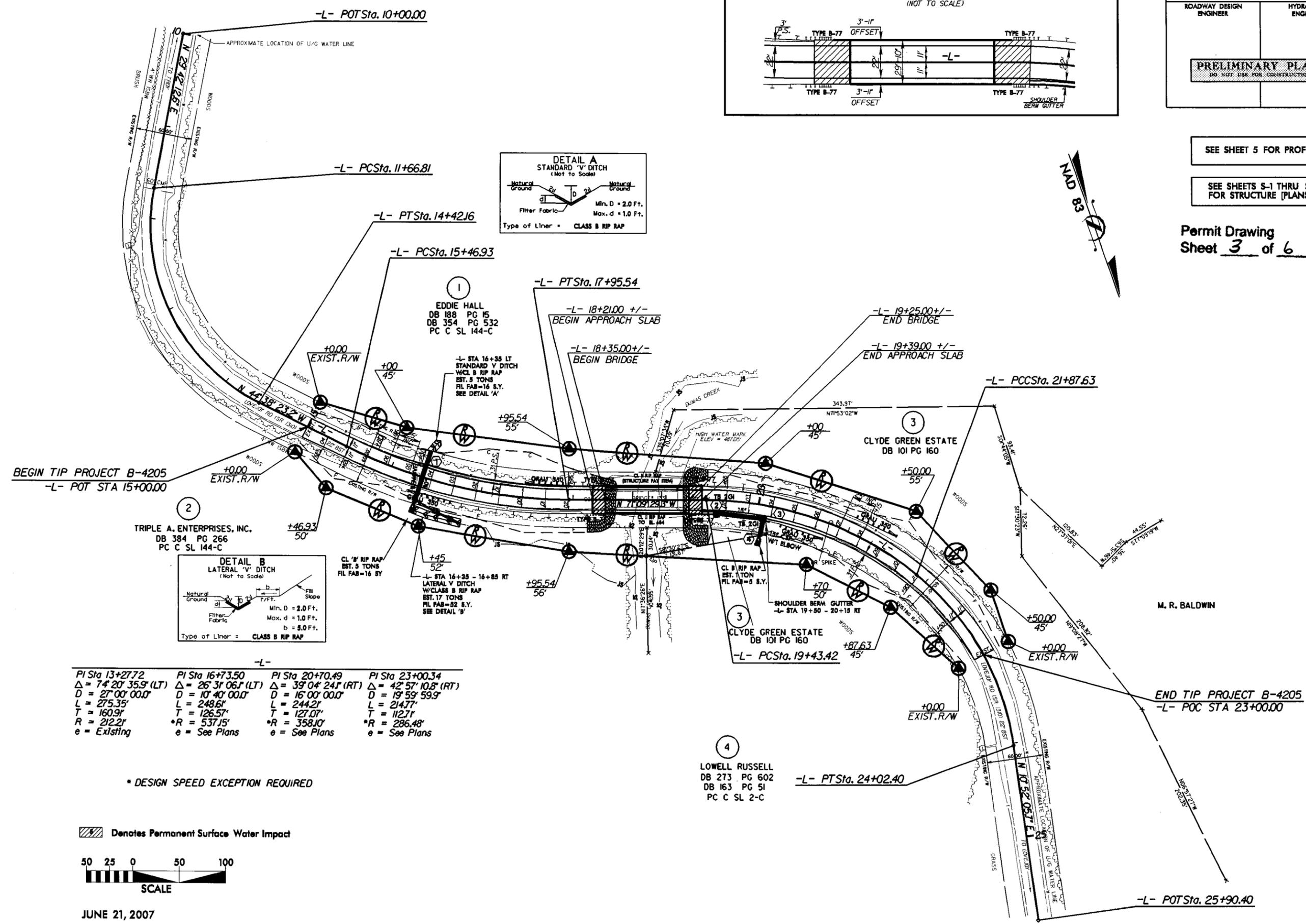
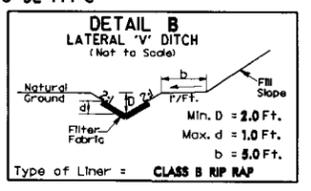
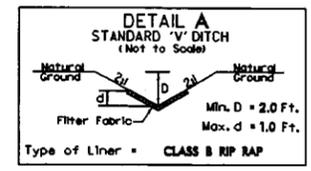
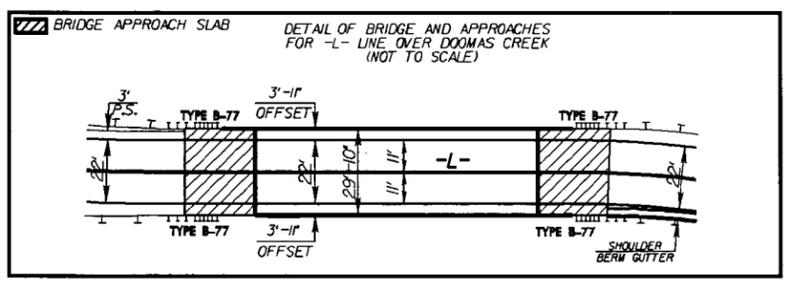
- Mr. John Hennessy, NCDWQ (2 Copies)
- Mr. Travis Wilson, NCWRC
- Mr. Gary Jordan, USFWS
- Dr. David Chang, P.E., Hydraulics
- Mr. Mark Staley, Roadside Environmental
- Mr. Greg Perfetti, P.E., Structure Design
- Mr. Victor Barbour, P.E., Project Services Unit
- Mr. Tim Johnson, P.E., Division 8 Engineer
- Mr. Art King, Division 8 Environmental Officer

w/o attachment

- 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
- Ms. Jennifer Evans, P.E., PDEA Planning Engineer



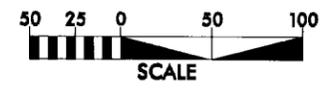




-L-			
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$D = 27^{\circ} 00' 00.0''$	$D = 10^{\circ} 40' 00.0''$	$D = 16^{\circ} 00' 00.0''$	$D = 19^{\circ} 59' 59.9''$
$L = 275.35'$	$L = 248.61'$	$L = 244.21'$	$L = 214.77'$
$T = 160.91'$	$T = 126.57'$	$T = 127.07'$	$T = 112.71'$
$R = 212.21'$	$R = 537.15'$	$R = 358.10'$	$R = 286.48'$
$e = \text{Existing}$	$e = \text{See Plans}$	$e = \text{See Plans}$	$e = \text{See Plans}$

\* DESIGN SPEED EXCEPTION REQUIRED

Denotes Permanent Surface Water Impact



JUNE 21, 2007

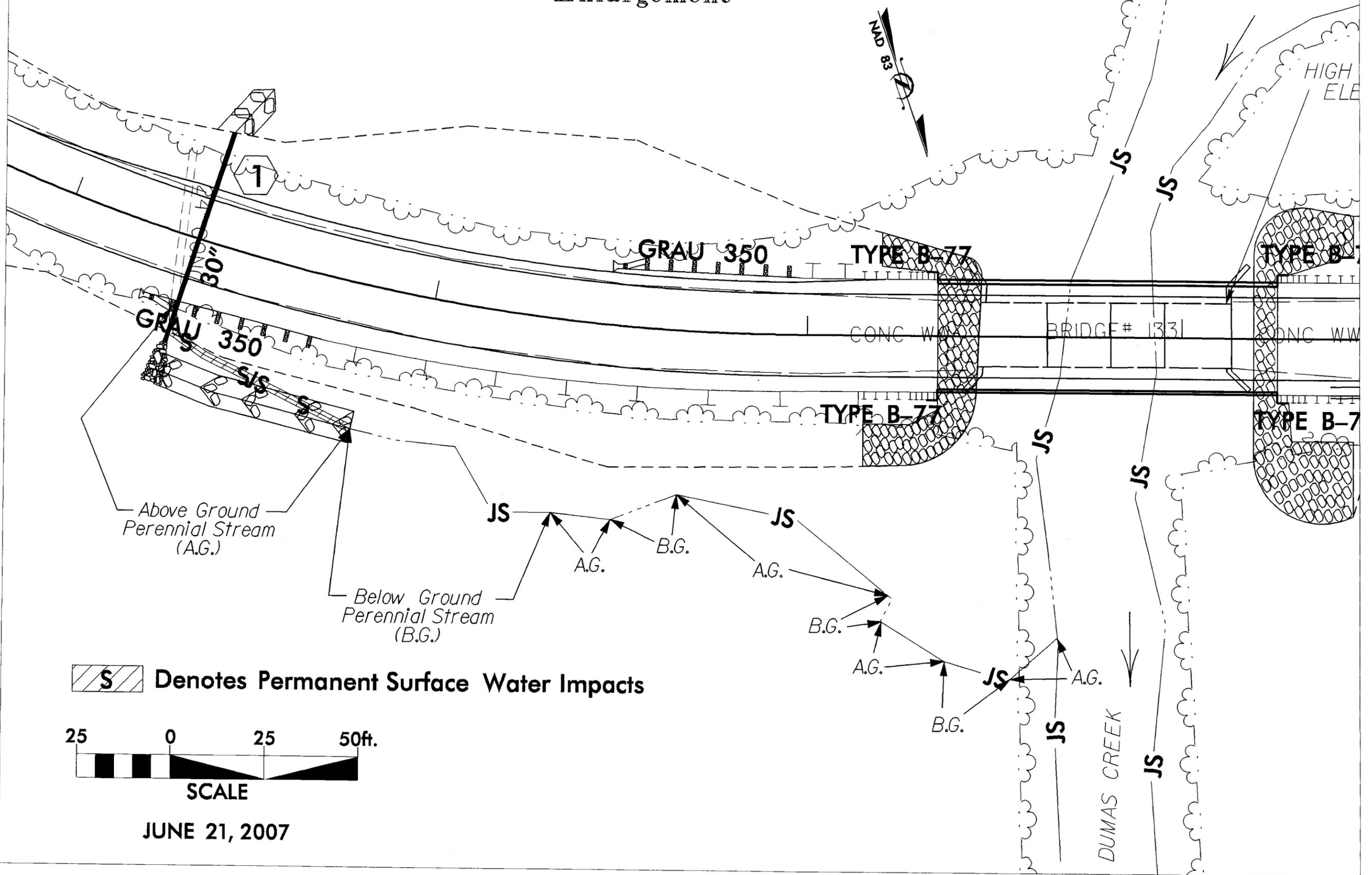
SEE SHEET 5 FOR PROFILE

SEE SHEETS S-1 THRU S-5 FOR STRUCTURE PLANS

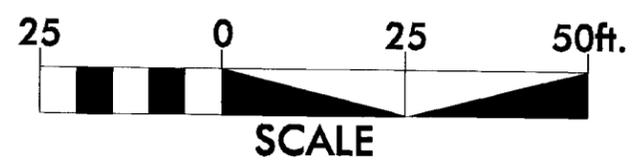
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Sheet 3 of 6

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# Enlargement



**S** Denotes Permanent Surface Water Impacts



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8/17/99

**Adjacent Property Owners**

<u>Owner/ Business</u>	<u>Address</u>
Eddie Hall	1549 Love Joy Rd. Troy NC 27371
Triple A Enterprises	PO Box 699 Biscoe NC 27209
Lowell and Rebecca Russell	1680 Love Joy Rd. Troy NC 27371
Clyde Green Estate	1825 Love Joy Rd. Troy NC 27371

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

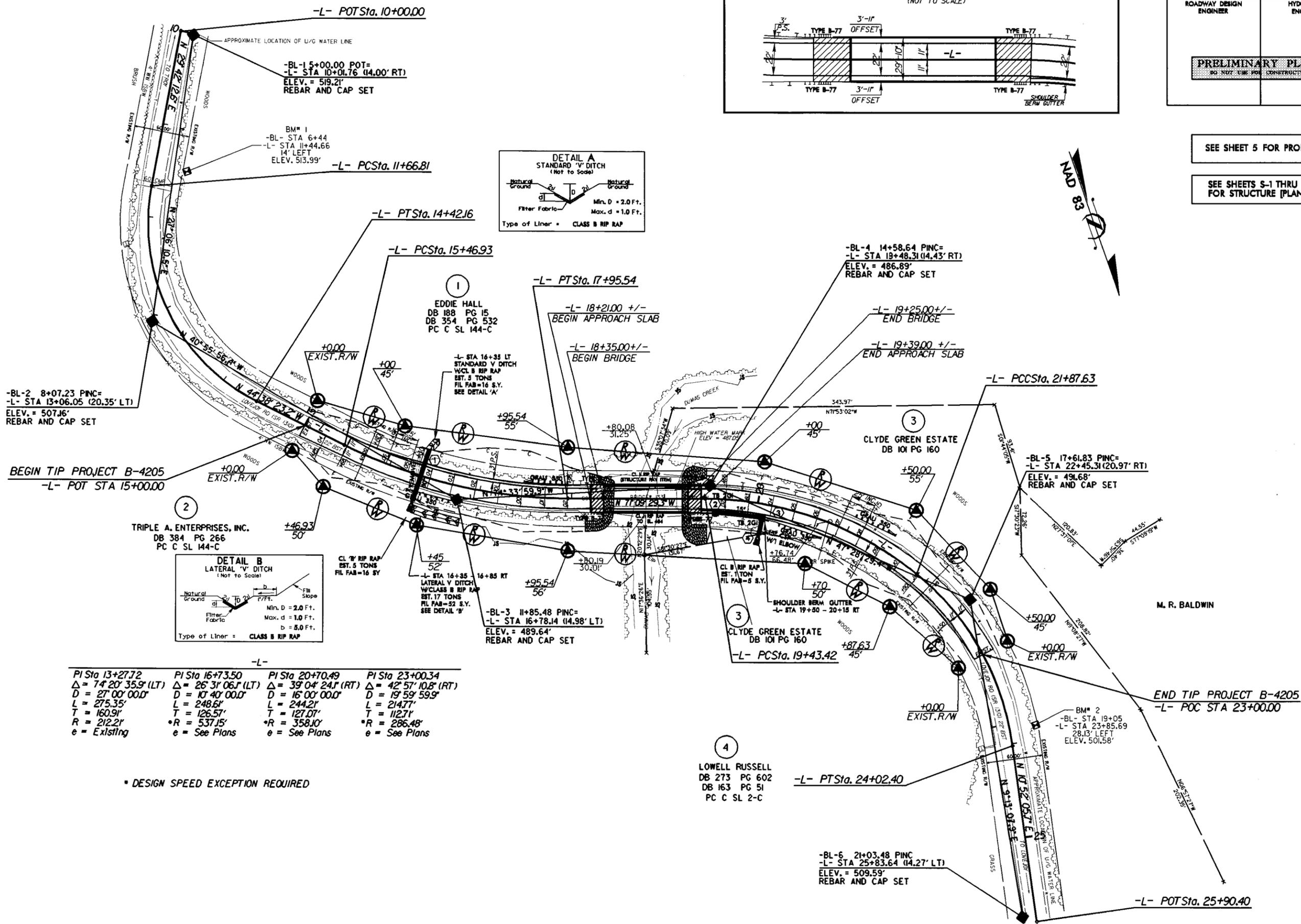
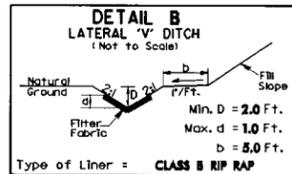
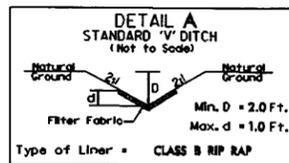
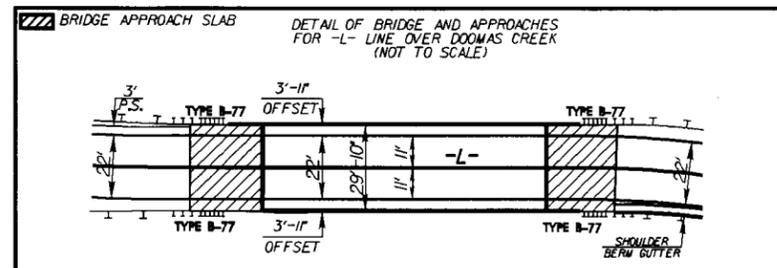
MONTGOMERY COUNTY  
PROJ - 33552.11 (B-4205)

SHEET 5 OF 6 JUNE 21, 2007





PROJECT REFERENCE NO.	SHEET NO.
B-4205	4
RW SHEET NO.	
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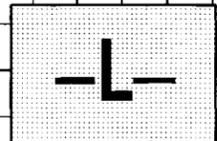


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$D = 27' 00'' 00.0''$	$D = 10' 40'' 00.0''$	$D = 16' 00'' 00.0''$	$D = 19' 59'' 59.9''$
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$R = 212.21'$	$\bullet R = 537.15'$	$\bullet R = 358.10'$	$\bullet R = 286.48'$
$e = \text{Existing}$	$e = \text{See Plans}$	$e = \text{See Plans}$	$e = \text{See Plans}$

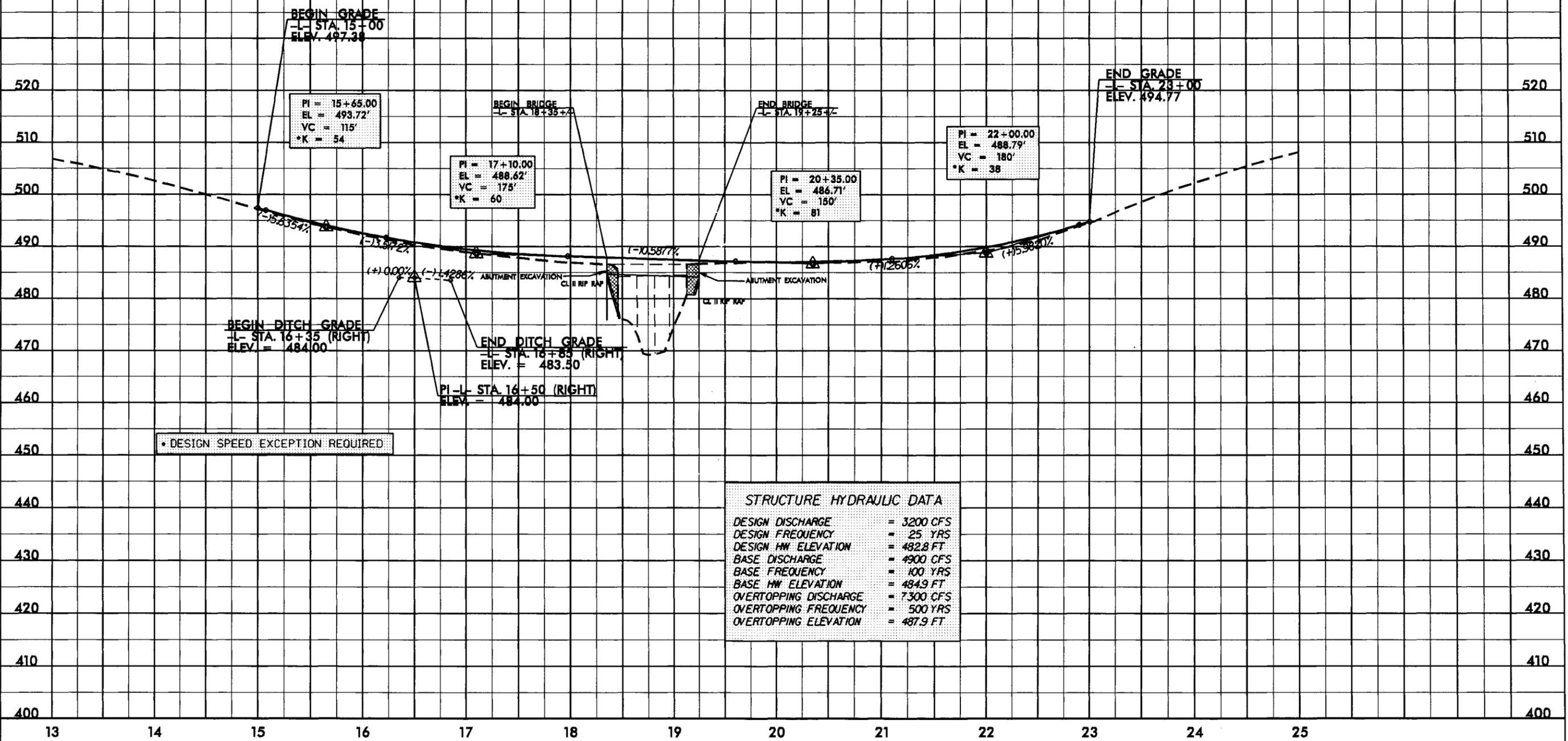
• DESIGN SPEED EXCEPTION REQUIRED

5/14/99

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 ELEV. 513.99'



B.M.#2 - RR SPIKE IN BASE OF 20" OAK  
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 ELEV. 501.58'



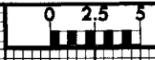
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BASE FREQUENCY	= 100 YRS
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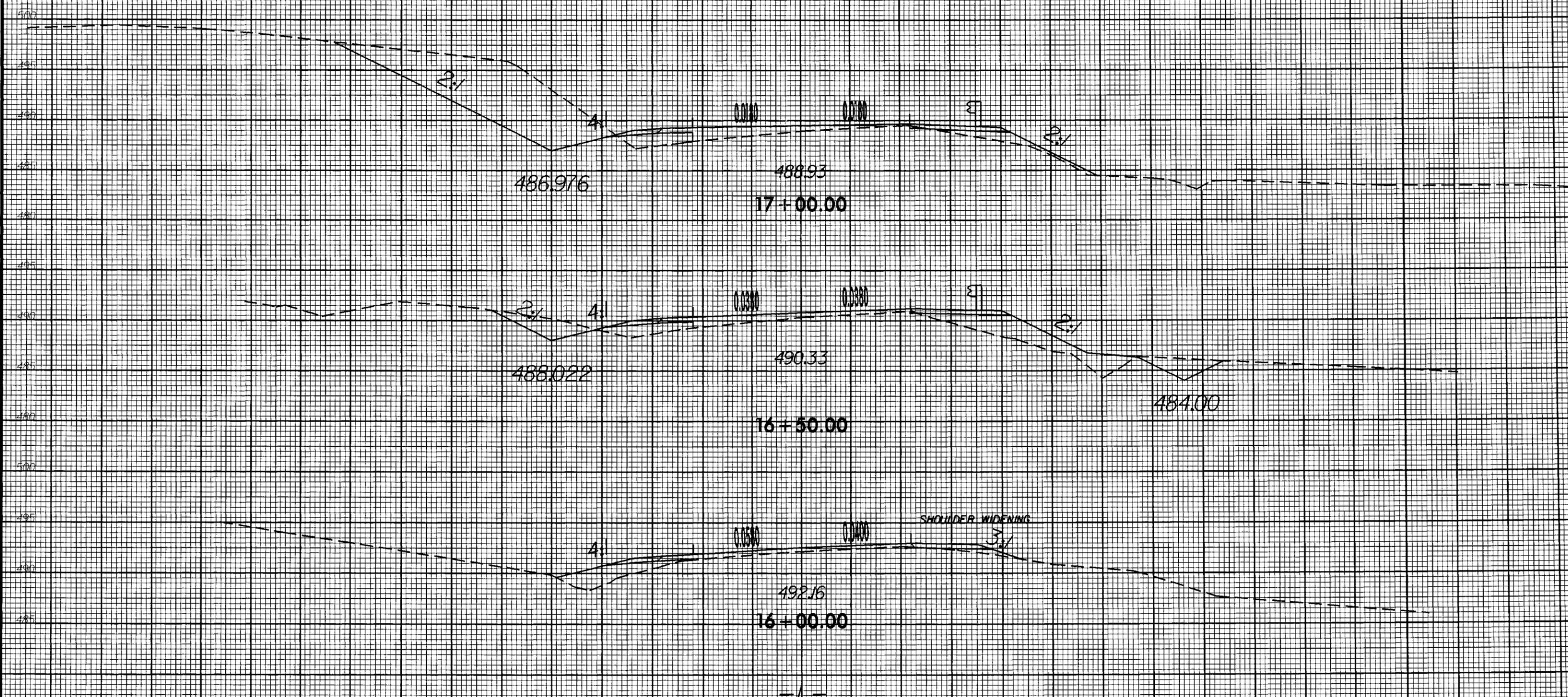


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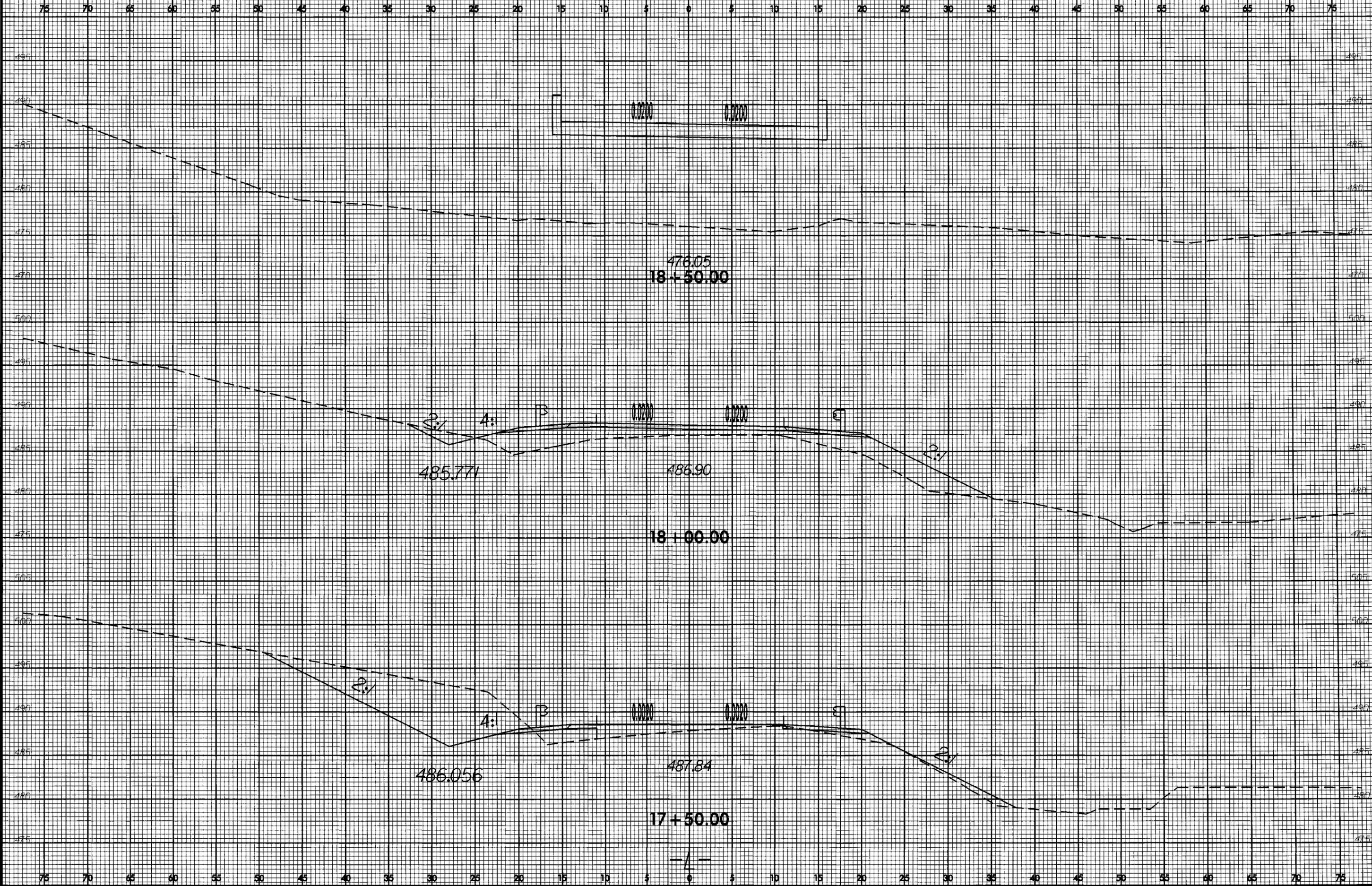
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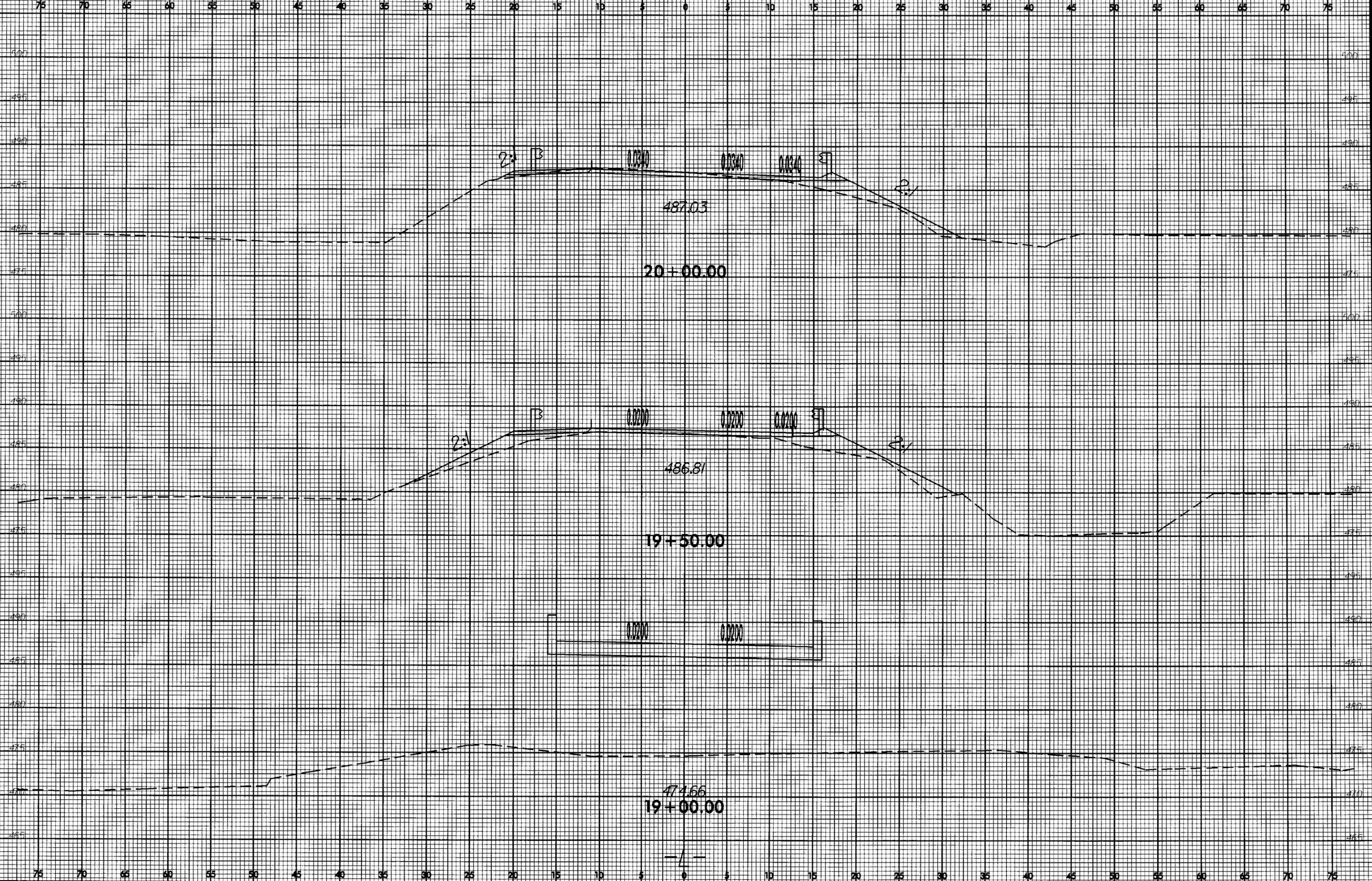


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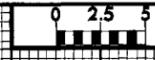


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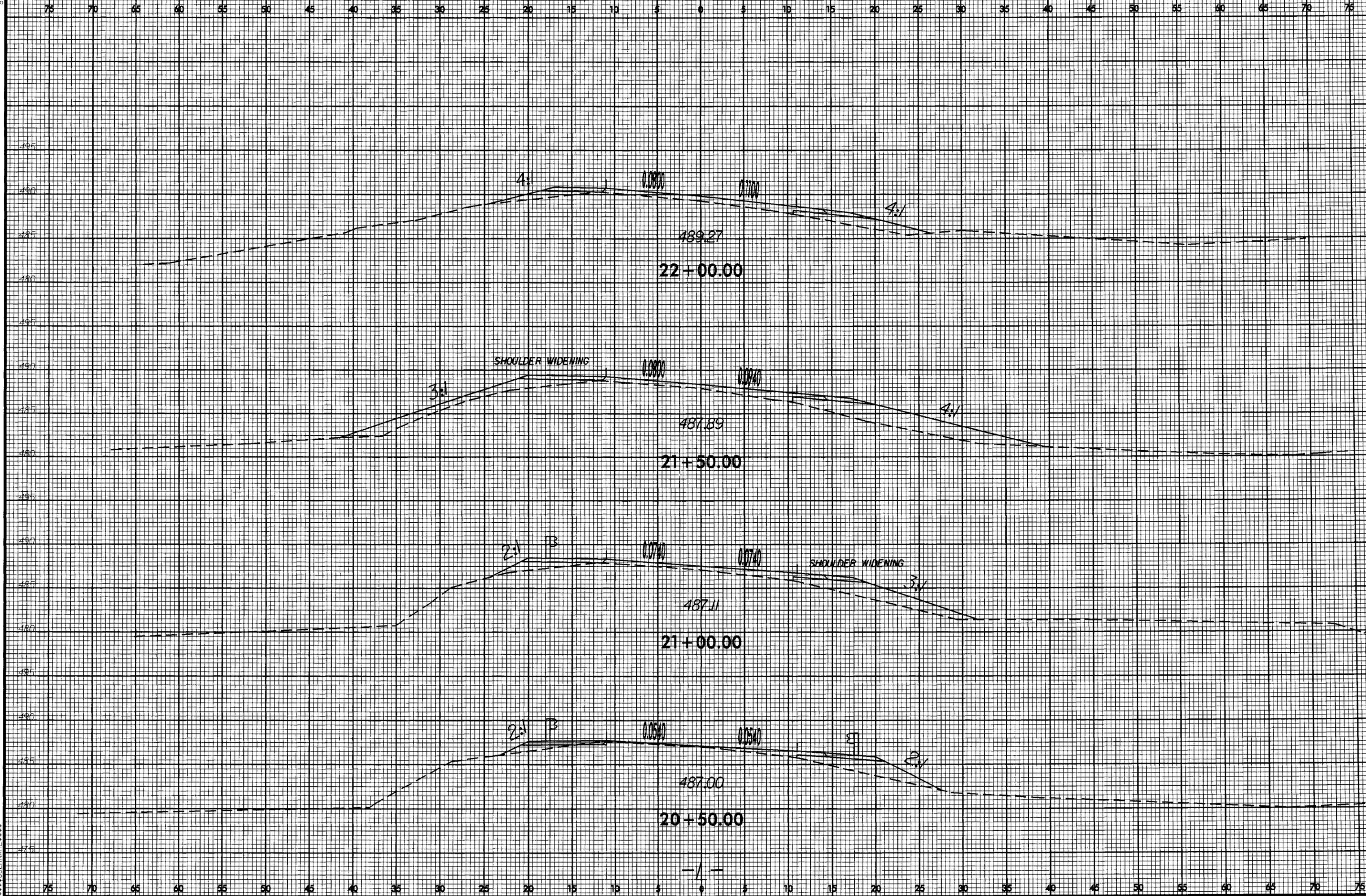


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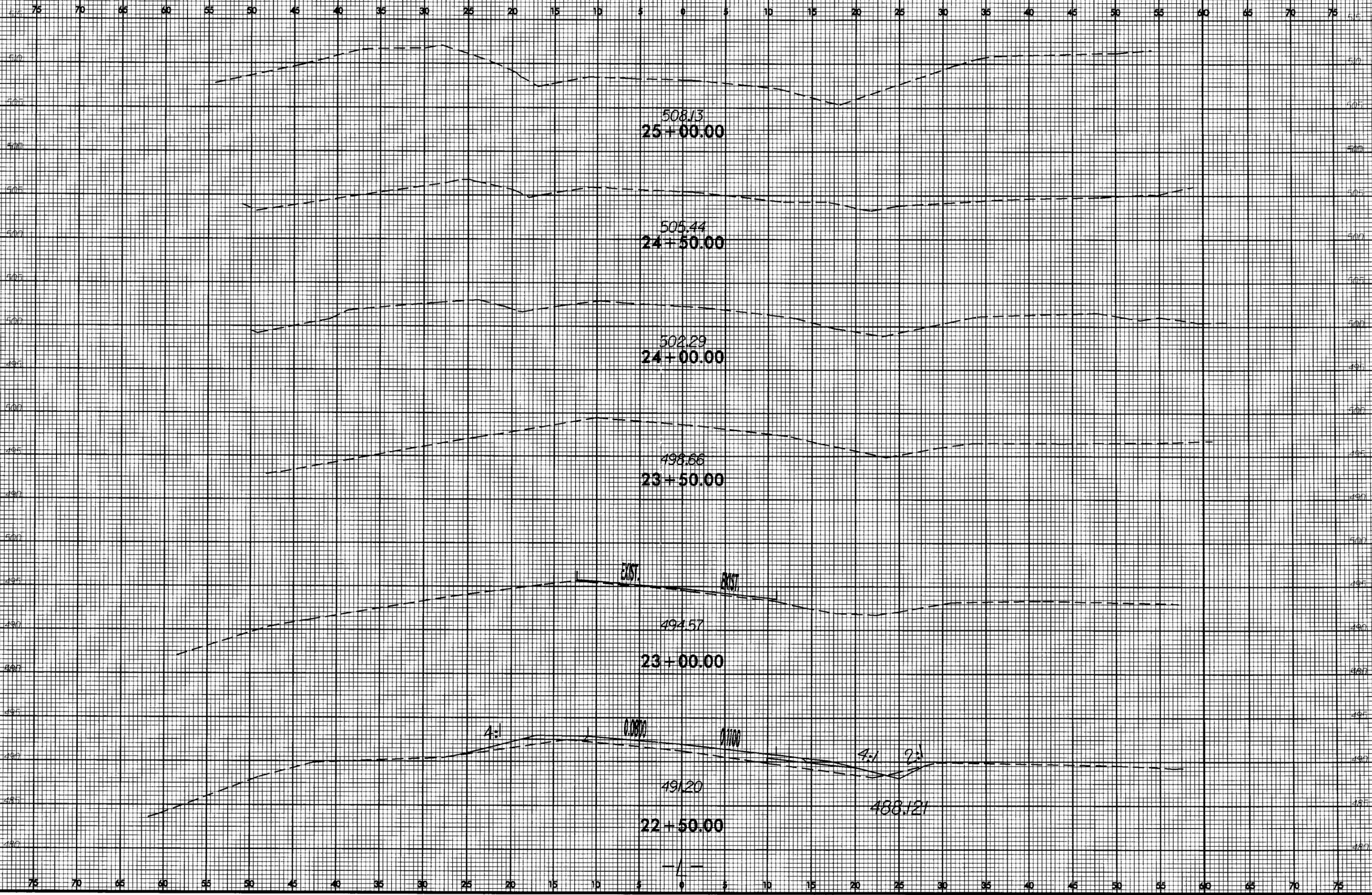
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