



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

January 30, 2013

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 13, 23 & 33 and Section 401 Water Quality Certification** for the proposed southbound Rest Area impacting a UT to Richland Creek on US 23/74 in Haywood County, Federal Aid Project No.NHS-23(18); Division 14; TIP No K-5002, \$240.00 Debit Work Order WBS Element 41534.1.1.

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to construct a southbound rest area on US 23/74 in Haywood County. The entrance ramp to the rest area will cross an unnamed tributary to Richmond Creek which will necessitate the extension of an existing 60" CMP by 39 feet and 15 feet of bank stabilization will be required for a tail ditch entering the creek. There will be a total of 54 linear feet of permanent impacts to surface waters. In addition, 13 feet of temporary impacts to surface waters will result from dewatering during culvert installation.

Please see enclosed copies of the Pre-Construction Notification (PCN), North Carolina Wildlife Resource Commission Letter, EEP Acceptance Letter, stormwater management plan, permit drawings, and design plans for the above-referenced project. The Categorical Exclusion (CE) was completed in November 2009 and was 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

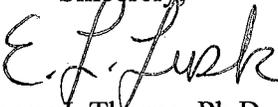
TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

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

Correspondence from the North Carolina Wildlife Resources Commission (NCWRC) dated March 4, 2009 states that a trout moratorium extending from October 15 to April 15 will be instituted for the project. By copy of this letter and attachment, NCDOT hereby requests NCWRC review and forward for any updated comments for this project to the Army Corps of Engineers and the NCDOT within 30 calendar days of receipt of this application. This project calls for a letting date of August 20, 2013 and a review date of July 2, 2013; 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: <https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx>. If you have any questions or need additional information, please e-mail Jeff Hemphill at jhemphill@ncdot.gov.

Sincerely,

for 

Gregory J. Thorpe, Ph.D., Manager

Project Development & Environmental Analysis Unit

Cc: NCDOT Permit Application Standard Distribution List
File



Office Use Only:
 Corps action ID no. _____
 DWQ project no. _____
 Form Version 1.3 Dec 10 2008

Pre-Construction Notification (PCN) Form

A. Applicant Information		
1. Processing		
1a. Type(s) of approval sought from the Corps:	<input checked="" type="checkbox"/> Section 404 Permit	<input type="checkbox"/> Section 10 Permit
1b. Specify Nationwide Permit (NWP) number: 13 23 33 or General Permit (GP) number:		
1c. Has the NWP or GP number been verified by the Corps?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1d. Type(s) of approval sought from the DWQ (check all that apply):		
<input checked="" type="checkbox"/> 401 Water Quality Certification – Regular <input type="checkbox"/> Non-404 Jurisdictional General Permit <input type="checkbox"/> 401 Water Quality Certification – Express <input type="checkbox"/> 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: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	For the record only for Corps Permit: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1g. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1h. Is the project located within a NC DCM Area of Environmental Concern (AEC)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Project Information		
2a. Name of project:	Construction of southbound rest area on US 23/74	
2b. County:	Haywood	
2c. Nearest municipality / town:	Waynesville	
2d. Subdivision name:	<i>not applicable</i>	
2e. NCDOT only, T.I.P. or state project no.:	K-5002	
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:	<input type="checkbox"/> Agent <input type="checkbox"/> 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: 35.4549 (DD.DDDDDD) Longitude: - 83.5290 (-DD.DDDDDD)
1c. Property size:	2.0 acres
2. Surface Waters	
2a. Name of nearest body of water (stream, river, etc.) to proposed project:	Richland Creek
2b. Water Quality Classification of nearest receiving water:	B;Tr
2c. River basin:	French Broad
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: Forestland interspersed with commercial and residential development	
3b. List the total estimated acreage of all existing wetlands on the property: 0	
3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: 110	
3d. Explain the purpose of the proposed project: To construct a new rest area on US 23/74 southbound as a companion to the rest area on US 23/74 northbound.	
3e. Describe the overall project in detail, including the type of equipment to be used: The construction of a new rest area will necessitate the extension of an existing culvert by 39 linear feet under the proposed entranceway to the site. 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:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
4b. If the Corps made the jurisdictional determination, what type of determination was made?	<input type="checkbox"/> Preliminary <input type="checkbox"/> Final
4c. If yes, who delineated the jurisdictional areas? Name (if known):	Agency/Consultant Company: Other:
4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation.	
5. Project History	
5a. Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown
5b. If yes, explain in detail according to "help file" instructions.	
6. Future Project Plans	
6a. Is this a phased project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 2 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 3 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 4 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 5 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
Site 6 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ	
2g. Total wetland impacts					

2h. Comments:

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 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Fill	UT to Richland Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	2	39
Site 1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Bank Stabilization	UT to Richland Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	2	15
Site 1 <input type="checkbox"/> P <input checked="" type="checkbox"/> T	Dewatering	UT to Richland Creek	<input checked="" type="checkbox"/> PER <input type="checkbox"/> INT	<input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ	2	13
Site 4 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
Site 5 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
Site 6 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> PER <input type="checkbox"/> INT	<input type="checkbox"/> Corps <input type="checkbox"/> DWQ		
3h. Total stream and tributary impacts						54 Perm 13 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 <input type="checkbox"/> P <input checked="" type="checkbox"/> T		Fill	Pond	0.07
O2 <input type="checkbox"/> P <input type="checkbox"/> T				
O3 <input type="checkbox"/> P <input type="checkbox"/> T				
O4 <input type="checkbox"/> P <input type="checkbox"/> T				
4f. Total open water impacts				0 Permanent 0.07 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?	<input type="checkbox"/> Yes	<input type="checkbox"/> 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?			<input type="checkbox"/> Neuse <input type="checkbox"/> Catawba	<input type="checkbox"/> Tar-Pamlico <input type="checkbox"/> Randleman	<input type="checkbox"/> 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 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No		
B2 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> No		
B3 <input type="checkbox"/> P <input type="checkbox"/> T			<input type="checkbox"/> Yes <input type="checkbox"/> 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.

A bioretention basin and a hazardous spill basin will be installed to protect the creek from any storm runoff or spills from the rest area. Due to the addition of the deceleration lane to the proposed rest area the fill slopes were moved out resulting in fill into a section of the UT to Richland's Creek. This resulted in the existing inlet of the 60" CMP cross-line having to be boxed and extended. The new section of pipe improved the inlet angle to be in line with the stream instead of the existing 90 degree turn. This also reduces the possible bank erosion associated with the existing 90 degree turn.

1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques.

The North Carolina Wildlife Resource Commission (WRC) issued a Trout Moratorium on March 4, 2009 for in stream construction covering the trout-spawning period from October 15 to April 15. The North Carolina Division of Water Quality (NCDWQ) has designated Richland Creek as trout waters; therefore, Design Standards in Sensitive Watersheds will be implemented for this project. Encroachment into the trout buffer was minimized and grass shoulders for runoff treatment were used where possible.

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

If no, explain:

2b. If yes, mitigation is required by (check all that apply):

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:

39 linear feet

4c. If using stream mitigation, stream temperature:

warm cool cold

4d. Buffer mitigation requested (DWQ only):

square feet

4e. Riparian wetland mitigation requested:

acres

4f. Non-riparian wetland mitigation requested:

acres

4g. Coastal (tidal) wetland mitigation requested:

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			3 (2 for Catawba)	
Zone 2			1.5	
6f. Total buffer mitigation required:				

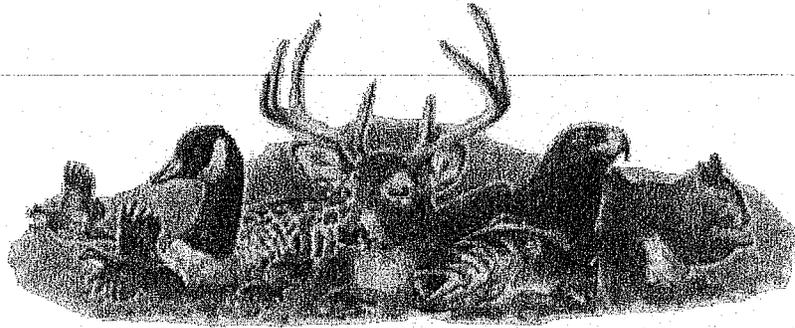
6g. If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., payment to private mitigation bank, permittee responsible riparian buffer restoration, payment into an approved in-lieu fee fund).

6h. 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1b. If yes, then is a diffuse flow plan included? If not, explain why. Comments: If required from 1a, see attached buffer permit drawings.	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 permit drawings.	
2e. Who will be responsible for the review of the Stormwater Management Plan?	<input type="checkbox"/> Certified Local Government <input type="checkbox"/> DWQ Stormwater Program <input checked="" type="checkbox"/> 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):	<input type="checkbox"/> Phase II <input type="checkbox"/> NSW <input type="checkbox"/> USMP <input type="checkbox"/> Water Supply Watershed <input type="checkbox"/> Other:
3c. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. DWQ Stormwater Program Review	
4a. Which of the following state-implemented stormwater management programs apply (check all that apply):	<input type="checkbox"/> Coastal counties <input type="checkbox"/> HQW <input type="checkbox"/> ORW <input type="checkbox"/> Session Law 2006-246 <input type="checkbox"/> Other:
4b. Has the approved Stormwater Management Plan with proof of approval been attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. DWQ 401 Unit Stormwater Review	
5a. Does the Stormwater Management Plan meet the appropriate requirements?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
5b. Have all of the 401 Unit submittal requirements been met?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2b. Is this an after-the-fact permit application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5b. Have you checked with the USFWS concerning Endangered Species Act impacts?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5c. If yes, indicate the USFWS Field Office you have contacted.	<input type="checkbox"/> Raleigh <input type="checkbox"/> Asheville	
5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? NCDOT field surveys on 8/13/08 found no suitable habitat gray bat, Indiana bat, Carolina northern flying squirrel, eastern cougar, rock gnome lichen, small whorled pogonia and spruce-fir moss spider, and a review of the North Carolina Natural Heritage database on 9/11/12 revealed nospecimens. A 2008 screening for Appalachian elktoe did not find any suitable habitat in the project study area.		
6. Essential Fish Habitat (Corps Requirement)		
6a. Will this project occur in or near an area designated as essential fish habitat?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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		
Dr. Gregory J. Thorpe, Ph D Applicant/Agent's Printed Name	 Applicant/Agent's Signature (Agent's signature is valid only if an authorization letter from the applicant is provided.)	2.1.13 Date



☒ North Carolina Wildlife Resources Commission ☒

TO: Ryan L. White, P.E., Project Planning Engineer
Project Development and Environmental Analysis Branch, NCDOT

FROM: Marla Chambers, Western NCDOT Permit Coordinator *Marla Chambers*
Habitat Conservation Program, NCWRC

DATE: March 4, 2009

SUBJECT: Review of NCDOT scoping sheets for the proposed construction of a new southbound rest area and upgrade existing rest area on US 23-74, Haywood County. TIP No. K-5002.

North Carolina Department of Transportation (NCDOT) is requesting comments from the North Carolina Wildlife Resources Commission (NCWRC) regarding impacts to fish and wildlife resources resulting from the subject project. Staff biologists have reviewed the information provided on the scoping sheets and have the following preliminary comments. These comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The NCDOT proposes to construct a new southbound rest area and upgrade the existing rest area on US 23-74. A related project, to extend sewer service from Waynesville to the site, may be required. We agree with the Town of Waynesville that development should not be encouraged along US 23-74 without a land-use plan and agree with NCDOT that access to the sewer line should be restricted and should be a force main along NCDOT right-of-way, as opposed to a gravity main along Richland Creek.

Richland Creek, Class B - Trout waters and on the 303(d) list of impaired waters, supports brown and rainbow trout. A tributary, Drift Branch, Class C - Trout waters, may also support brook trout. The project may cross Drift Branch and another tributary. We recommend impacts to the waterways and area natural communities be avoided and minimized to the maximum extent practicable. A moratorium prohibiting in-stream work and land disturbance within the 25-foot

trout buffer is recommended from October 15 to April 15. Sediment and erosion control measures should adhere to the design standards for sensitive watersheds.

In addition, to help facilitate document preparation and the review process, our general information needs are outlined below:

1. Description of fishery and wildlife resources within the project area, including a listing of federally or state designated threatened, endangered, or special concern species. Potential borrow areas to be used for project construction should be included in the inventories. A listing of designated plant species can be developed through consultation with the following programs:

The Natural Heritage Program
<http://www.ncnhp.org>
1601 Mail Service Center
Raleigh, N. C. 27699-1601

and,

NCDA Plant Conservation Program
P. O. Box 27647
Raleigh, N. C. 27611
(919) 733-3610

2. Description of any streams or wetlands affected by the project. If applicable, include the linear feet of stream that will be channelized or relocated.
3. Cover type maps showing wetland acreage impacted by the project. Wetland acreage should include all project-related areas that may undergo hydrologic change as a result of ditching, other drainage, or filling for project construction. Wetland identification may be accomplished through coordination with the U. S. Army Corps of Engineers (USACE). If the USACE is not consulted, the person delineating wetlands should be identified and criteria listed.
4. Cover type maps showing acreage of upland wildlife habitat impacted by the proposed project. Potential borrow sites and waste areas should be included.
5. Show the extent to which the project will result in loss, degradation, or fragmentation of wildlife habitat (wetlands or uplands).
6. Include the mitigation plan for avoiding, minimizing or compensating for direct and indirect degradation in habitat quality as well as quantitative losses.
7. Address the overall environmental effects of the project construction and quantify the contribution of this individual project to environmental degradation.

8. Provide a discussion of the probable impacts on natural resources, which will result from secondary development, facilitated by the improved road access.
9. If construction of this facility is to be coordinated with other state, municipal, or private development projects, a description of these projects should be included in the environmental document, and all project sponsors should be identified.

Thank you for the opportunity to provide input in the early planning stages of this project. If you have any questions regarding these comments, please contact me at (704) 485-8291.

cc: Brian Wrenn, NCDWQ
Mike Parker, NCDWQ
Marella Buncick, USFWS



December 18, 2012

Mr. Gregory J. Thorpe, Ph.D.
 Manager, Project Development and Environmental Analysis Unit
 North Carolina Department of Transportation
 1548 Mail Service Center
 Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

K-5002, US 23 / 74, Add New Southbound Rest Area on New Location, Haywood County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream mitigation for the subject project. Based on the information supplied by you on December 17, 2012, the impacts are located in CU 06010106 of the French Broad River basin in the Southern Mountains (SM) Eco-Region, and are as follows:

French Broad 06010106 SM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	39	0	0	0	0	0	0	0

This impact and associated mitigation need were under projected by the NCDOT in the 2012 impact data. EEP will commit to implement sufficient compensatory stream 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 N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program 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 EEP.

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

Sincerely,

Suzanne Klimek
 EEP Acting Director

cc: Ms. Lori Beckwith, USACE – Asheville Regulatory Field Office
 Ms. Amy Chapman, Division of Water Quality, Wetlands/401 Unit
 File: K-5002

Restoring... Enhancing... Protecting Our State





North Carolina Department of Transportation
 Highway Stormwater Program
STORMWATER MANAGEMENT PLAN
 FOR LINEAR ROADWAY PROJECTS



(Version 1.2; Released July 2012)

Project/TIP No.: K-5002

County(ies): Haywood

Page 1 of 3

General Project Information

Project No.:	K-5002	Project Type:	New Location	Date:	9/19/2012
NCDOT Contact:	Galen Cail	Contractor / Designer:	Ryan Mullins		
Address:	1590 Mail Service Center (Mail) Raleigh, NC 27699-1590	Address:	1590 Mail Service Center (Mail) Raleigh, NC 27699-1590		
	Phone: 919-707-6711		Phone: 919-707-6740		
	Email: gcaill@ncdot.gov		Email: rmullins@ncdot.gov		
City/Town:	Waynesville	County(ies):	Haywood		
River Basin(s):	French Broad	CAMA County?	No		
Primary Receiving Water:	UT to Richland Creek	NCDWQ Stream Index No.:	5-16-(1)b		
NCDWQ Surface Water Classification for Primary Receiving Water	Primary:	Class B			
	Supplemental:	Trout Waters (Tr)			
Other Stream Classification:	None				
303(d) Impairments:	fecal coliform	biological impairment			
Buffer Rules in Effect	Other				

Project Description

Project Length (lin. Miles or feet):	Surrounding Land Use:		Commercial Property on two sides, residential with pastures on one side, Highway on fourth side.		
	Proposed Project		Existing Site		
Project Built-Upon Area (ac.)	2.00	ac.	0.80	ac.	
Typical Cross Section Description:					
Average Daily Traffic (veh/hr/day):	Design/Future:	760/1160	Existing:		

General Project Narrative: Project consists of construction of Rest Area on new location along US 23-74 in Haywood County.

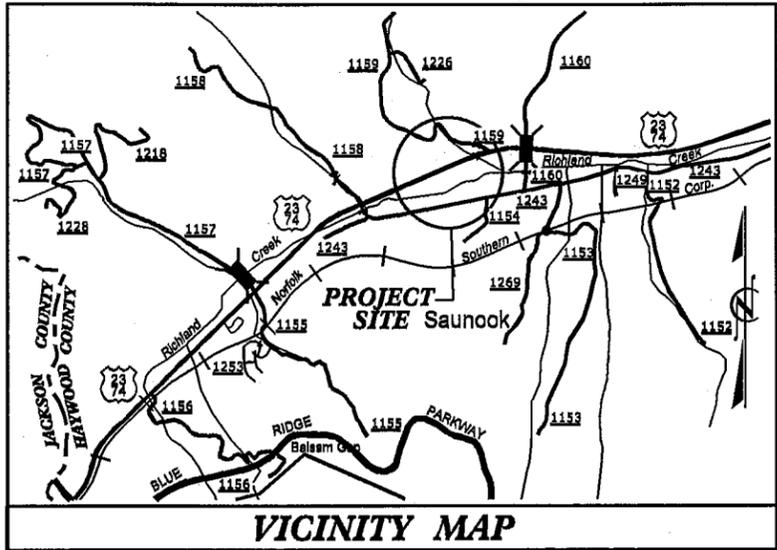
Proposed stormwater controls for Rest Area: Hazardous Spill Basin and Bioretention Basin. Further avoidance and minimization of impacts was accomplished by minimizing encroachment into trout buffer. In addition, the Bioretention Basin was designed for the 10yr, 24hr Pre versus Post discharge (cfs) which discharges into the existing 60" CMP which crosses under US 23-74. Grass shoulders were used where possible.

References

TIP PROJECT: K-5002

CONTRACT:

See Sheet I-A For Index of Sheets
See Sheet I-B For Conventional Symbols



VICINITY MAP

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

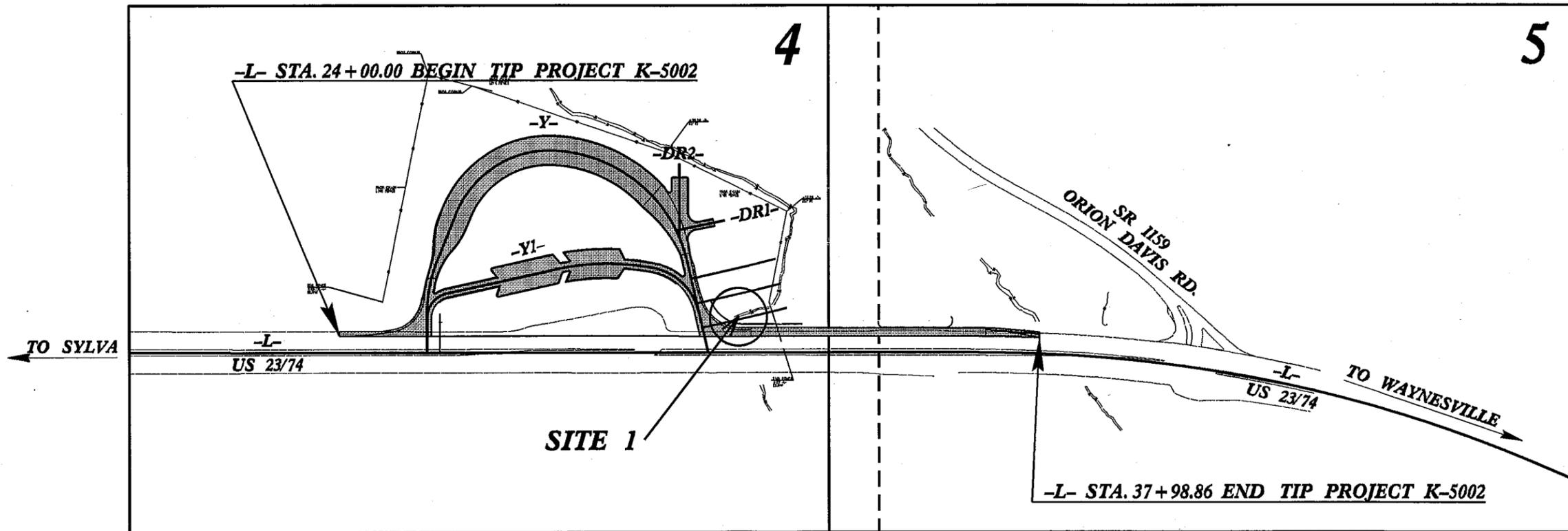
HAYWOOD COUNTY

LOCATION: US 23/74 - SOUTHBOUND REST AREA ON NEW LOCATION AS A COMPANION TO THE EXISTING NORTHBOUND REST AREA

TYPE OF WORK: GRADING, PAVING, DRAINAGE, TRAFFIC CONTROL AND SIGNING

WETLAND AND SURFACE WATER IMPACTS

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	K-5002	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
41534.1.1	NHS-0023(18)	P.E.	
41534.2.1	NHS-0023(18)	RW	



THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

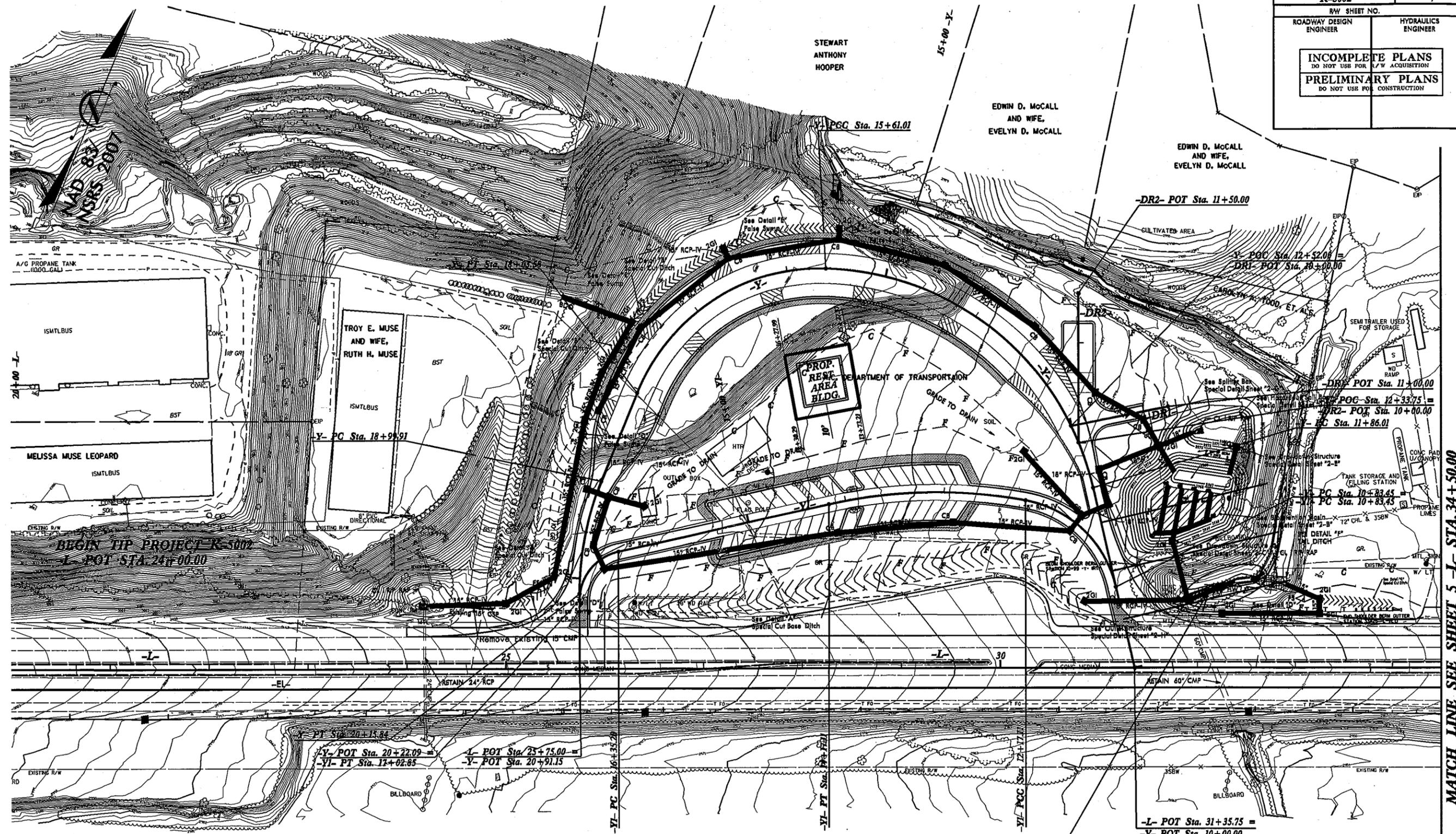
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.

THIS IS A PARTIAL CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO POINTS AS SHOWN ON THE PLANS.

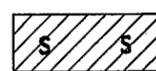
PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

<p>GRAPHIC SCALES</p> <p>50 25 0 50 100 PLANS</p> <p>50 25 0 50 100 PROFILE (HORIZONTAL)</p> <p>10 5 0 10 20 PROFILE (VERTICAL)</p>	<p>DESIGN DATA</p> <p>ADT 2013 = 760 ADT 2033 = 1,160 DHV = 13% D = 55% T = N/A% V = 20 MPH</p>	<p>PROJECT LENGTH</p> <p>LENGTH ROADWAY TIP PROJECT K-5002 = 0.265 MILES TOTAL LENGTH TIP PROJECT K-5002 = 0.265 MILES</p>	<p>Prepared In the Office of: DIVISION OF HIGHWAYS 1000 Birch Ridge Dr., Raleigh NC, 27610</p>		<p>HYDRAULICS ENGINEER</p> <p>SIGNATURE: _____ P.E.</p> <p>ROADWAY DESIGN ENGINEER</p> <p>SIGNATURE: _____ P.E.</p>	<p>DIVISION OF HIGHWAYS STATE OF NORTH CAROLINA</p>  <p>STATE HIGHWAY DESIGN ENGINEER</p>
			<p>2012 STANDARD SPECIFICATIONS</p> <p>RIGHT OF WAY DATE: AUGUST 29, 2012</p> <p>LETTING DATE: AUGUST 20, 2013</p>	<p>JIMMY GOODNIGHT, P.E. PROJECT ENGINEER</p> <p>MARK HUSSEY PROJECT DESIGN ENGINEER</p>		

PROJECT REFERENCE NO. K-5002	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



MATCH LINE SEE SHEET 5 - L- STA. 34+50.00

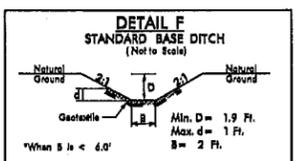


S DENOTES IMPACTS IN SURFACE WATER



TS DENOTES TEMPORARY IMPACTS IN SURFACE WATER

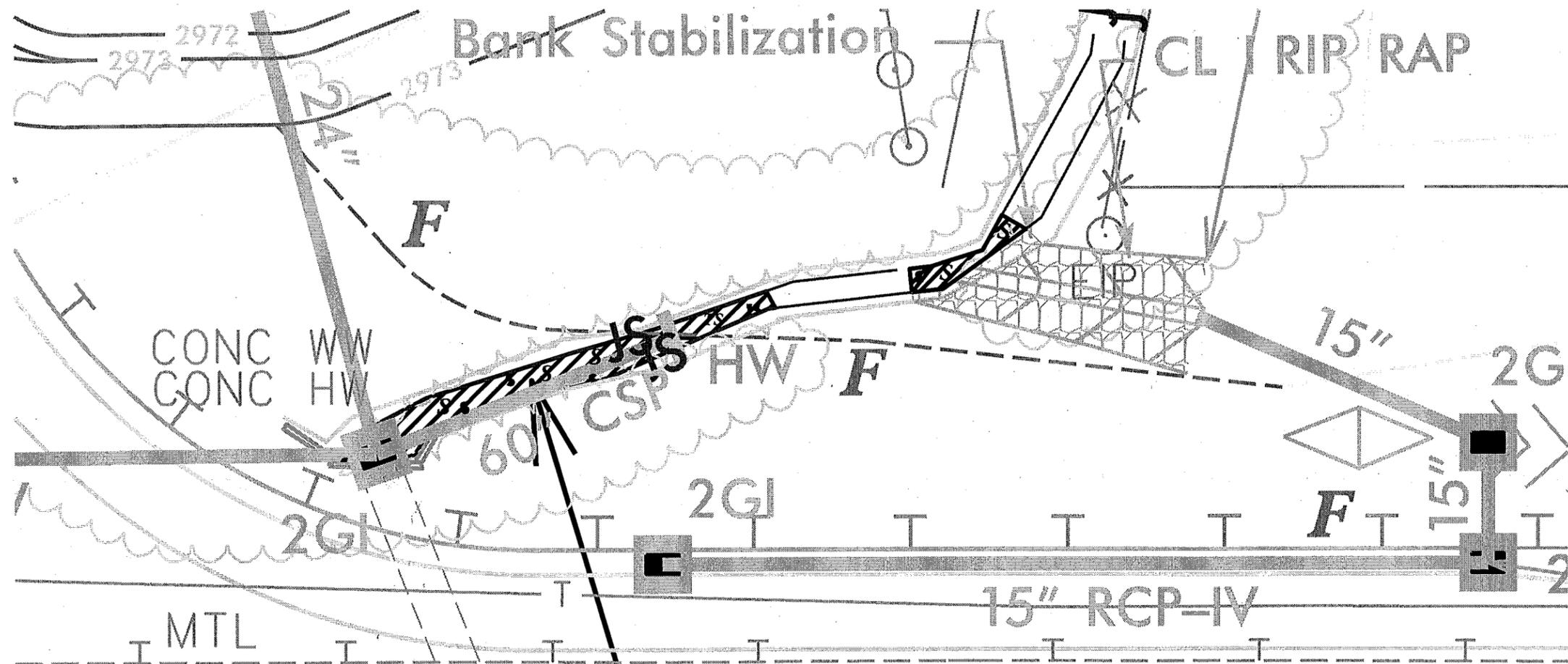
SITE 1



Type of Liner = CL I Rip-Rap
 FROM STA. 32+55 TO STA. 32+90 -L- (L)
 Slope = 3.0% and Length = 30 ft
 DDE = 20 cy
 CL I = 18.0 tons and Filter Fabric = 22.0 sy

- NOTES:**
- 1.) FOR -Y-, -YI-, -DR1-, AND -DR2- PROFILES SEE SHEET 6.
 - 2.) NO PROFILE PROVIDED FOR -L- WIDEN OFF THE EXISTING.
 - 3.) ALL CONC. ISLAND RADII ARE 2' UNLESS OTHERWISE NOTED.

8/17/99
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SITE 1

-  DENOTES IMPACTS IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS IN SURFACE WATER

PLAN VIEW

SCALE 1" = 20'

NCDOT
 DIVISION OF HIGHWAYS
 HAYWOOD COUNTY
 PROJECT: 41634.1.1 (K-6002)
 WAYNESVILLE
 US23/74 - SOUTHBOUND REST AREA
 NEW LOCATION

SHEET 1 OF 1 09/21/12

PROPERTY OWNERS
NAMES AND ADDRESSES

SITE NO.	PARCEL NO.	NAMES	ADDRESSES
1		NC DOT	

NCDOT
DIVISION OF HIGHWAYS
HAYWOOD COUNTY
PROJECT: 41534.1.1 (K-5002)
WAYNESVILLE
US23/74 - SOUTHBOUND REST AREA
NEW LOCATION

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	31+86 to 32+39 -L- (Lt)	60" CMP						<0.01	<0.01	39	13	
	32+55 to 32+71 -L- (Lt)	Bank Stabilization						<0.01		15		
TOTALS:								<0.01	<0.01	54.000	13.000	

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS

 Haywood
 WBS - 41534.1.1 (K-5002)

SHEET 1 #####

ATN Revised 3/31/05

09/08/09

See Sheet I-A For Index of Sheets
See Sheet I-B For Conventional Symbols

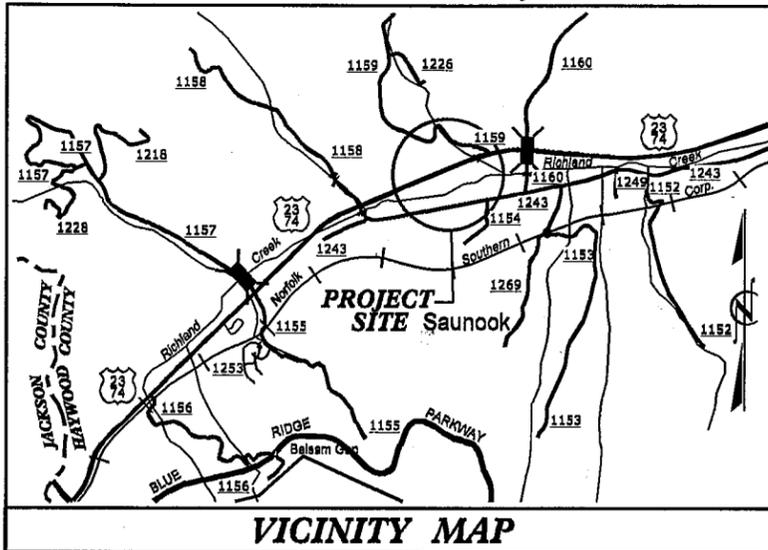
STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

HAYWOOD COUNTY

LOCATION: US 23/74 - SOUTHBOUND REST AREA ON NEW
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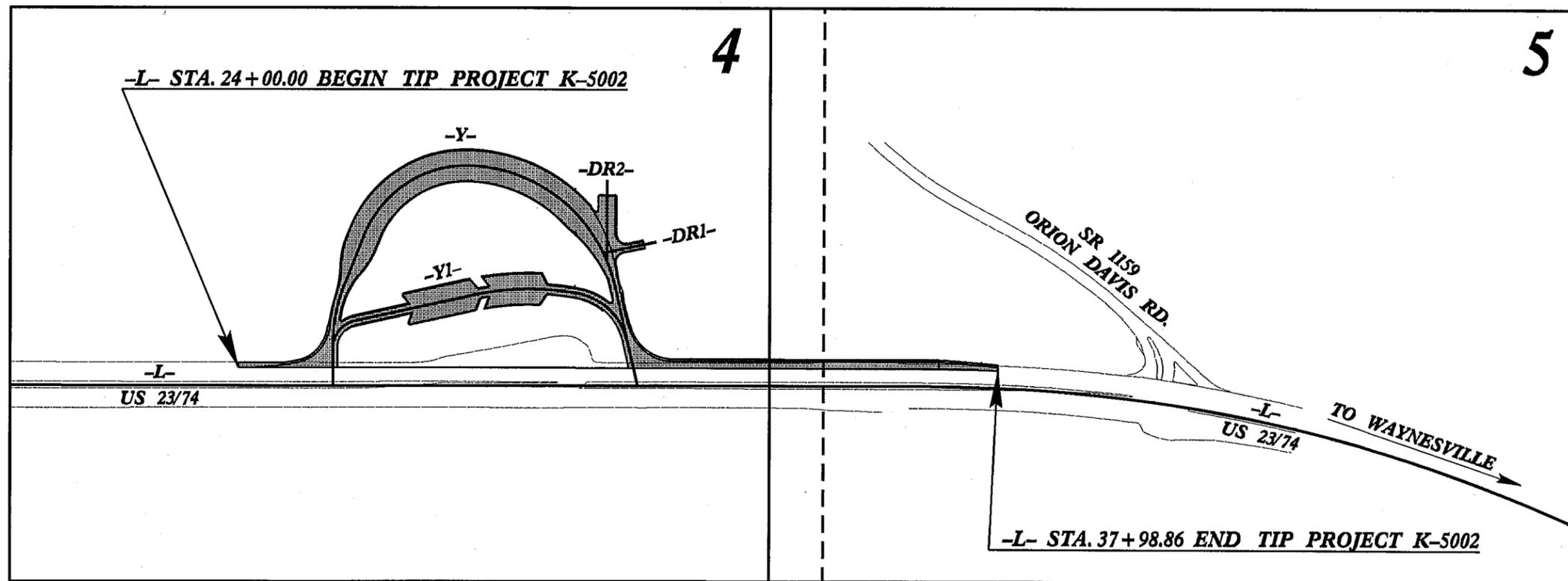
STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
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STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
41534.1.1	NHS-0023(18)	P.E.	
41534.2.1	NHS-0023(18)	R/W	



VICINITY MAP

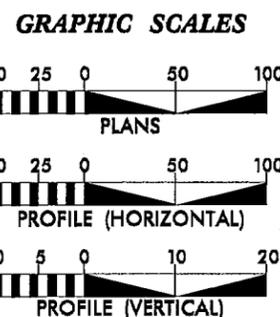


CONTRACT: TIP PROJECT: K-5002



THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.
 CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.
 THIS IS A PARTIAL CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO POINTS AS SHOWN ON THE PLANS.

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



DESIGN DATA

ADT 2013 =	760
ADT 2033 =	1,160
DHV =	13%
D =	55%
T =	N/A%
V =	20 MPH

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT K-5002 = 0.265 MILES
 TOTAL LENGTH TIP PROJECT K-5002 = 0.265 MILES

Prepared in the Office of:
DIVISION OF HIGHWAYS
 1000 Birch Ridge Dr., Raleigh NC, 27610

2012 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: **AUGUST 29, 2012**

LETTING DATE: **AUGUST 20, 2013**

JIMMY GOODNIGHT, P.E.
PROJECT ENGINEER

MARK HUSSEY
PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE: _____ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: _____ P.E.

**DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA**

STATE HIGHWAY DESIGN ENGINEER

12-DEC-2012 09:51 R:\Roadway\Proj\K5002_rdy_tsh.dgn \$\$\$USERNAME\$\$\$

Note: Not to Scale

*S.U.E. = Subsurface Utility Engineering

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

CONVENTIONAL PLAN SHEET SYMBOLS

BOUNDARIES AND PROPERTY:

State Line	-----
County Line	-----
Township Line	-----
City Line	-----
Reservation Line	-----
Property Line	-----
Existing Iron Pin	○ EP
Property Corner	-----
Property Monument	□ EPM
Parcel/Sequence Number	⑫③
Existing Fence Line	-x-x-x-
Proposed Woven Wire Fence	○
Proposed Chain Link Fence	□
Proposed Barbed Wire Fence	◇
Existing Wetland Boundary	----- WLB
Proposed Wetland Boundary	----- WLB
Existing Endangered Animal Boundary	----- EAB
Existing Endangered Plant Boundary	----- EPB
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	----- JS
Buffer Zone 1	----- BZ 1
Buffer Zone 2	----- BZ 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	----- TDE
Proposed Permanent Drainage Easement	----- PDE
Proposed Permanent Drainage / Utility Easement	----- DUE
Proposed Permanent Utility Easement	----- PUE
Proposed Temporary Utility Easement	----- TUE
Proposed Aerial Utility Easement	----- AUE
Proposed Permanent Easement with Iron Pin and Cap Marker	-----

ROADS AND RELATED FEATURES:

Existing Edge of Pavement	-----
Existing Curb	-----
Proposed Slope Stakes Cut	----- C
Proposed Slope Stakes Fill	----- F
Proposed Curb Ramp	-----
Existing Metal Guardrail	-----
Proposed Guardrail	-----
Existing Cable Guiderail	-----
Proposed Cable Guiderail	-----
Equality Symbol	⊕
Pavement Removal	-----
Single Tree	○
Single Shrub	○
Hedge	-----
Woods Line	-----

VEGETATION:

Orchard	-----
Vineyard	-----

EXISTING STRUCTURES:

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

UTILITIES:

POWER:	
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	----- A/G Water

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	----- A/G Gas

SANITARY SEWER:

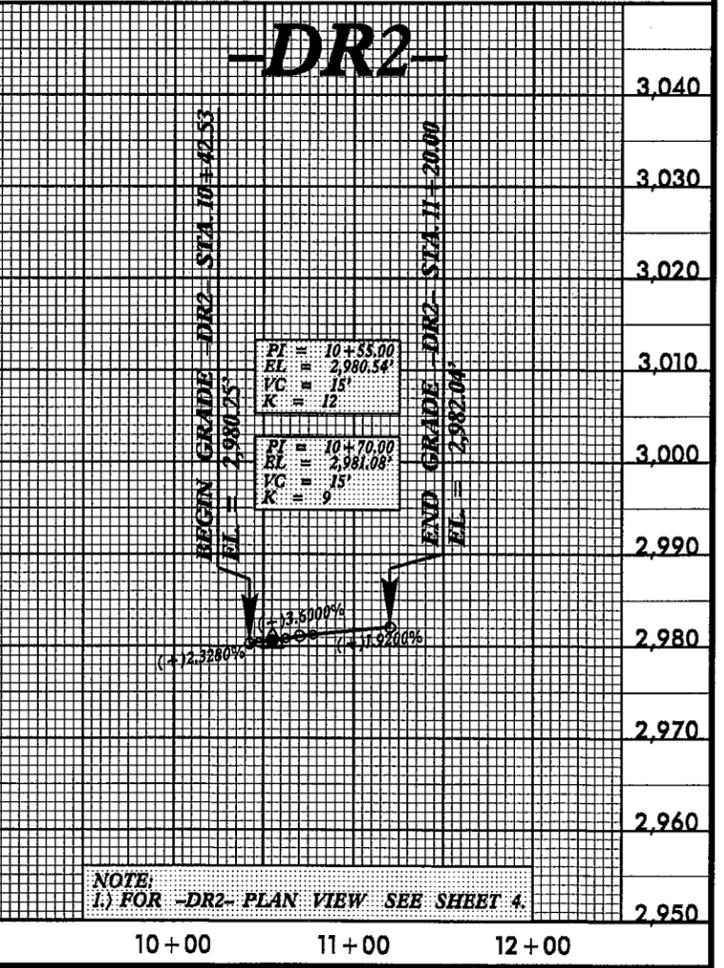
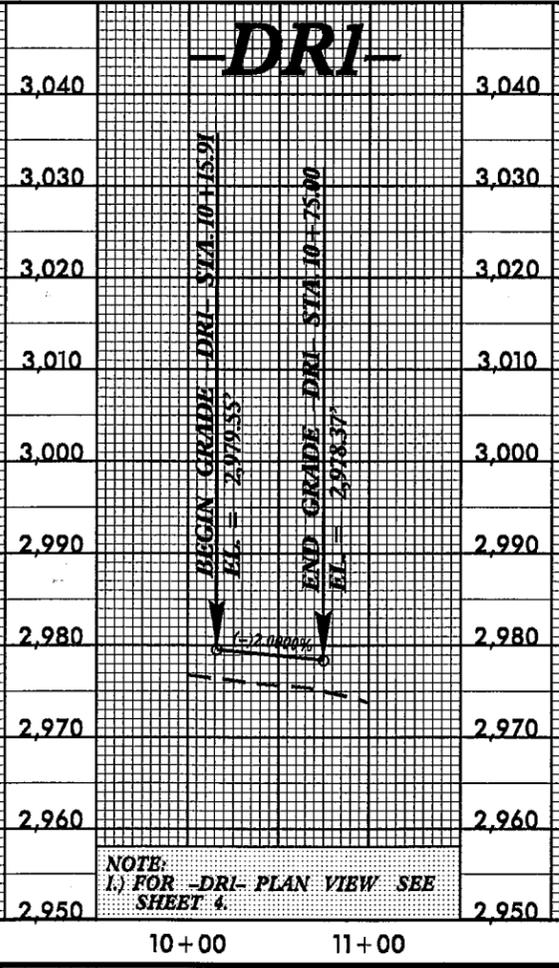
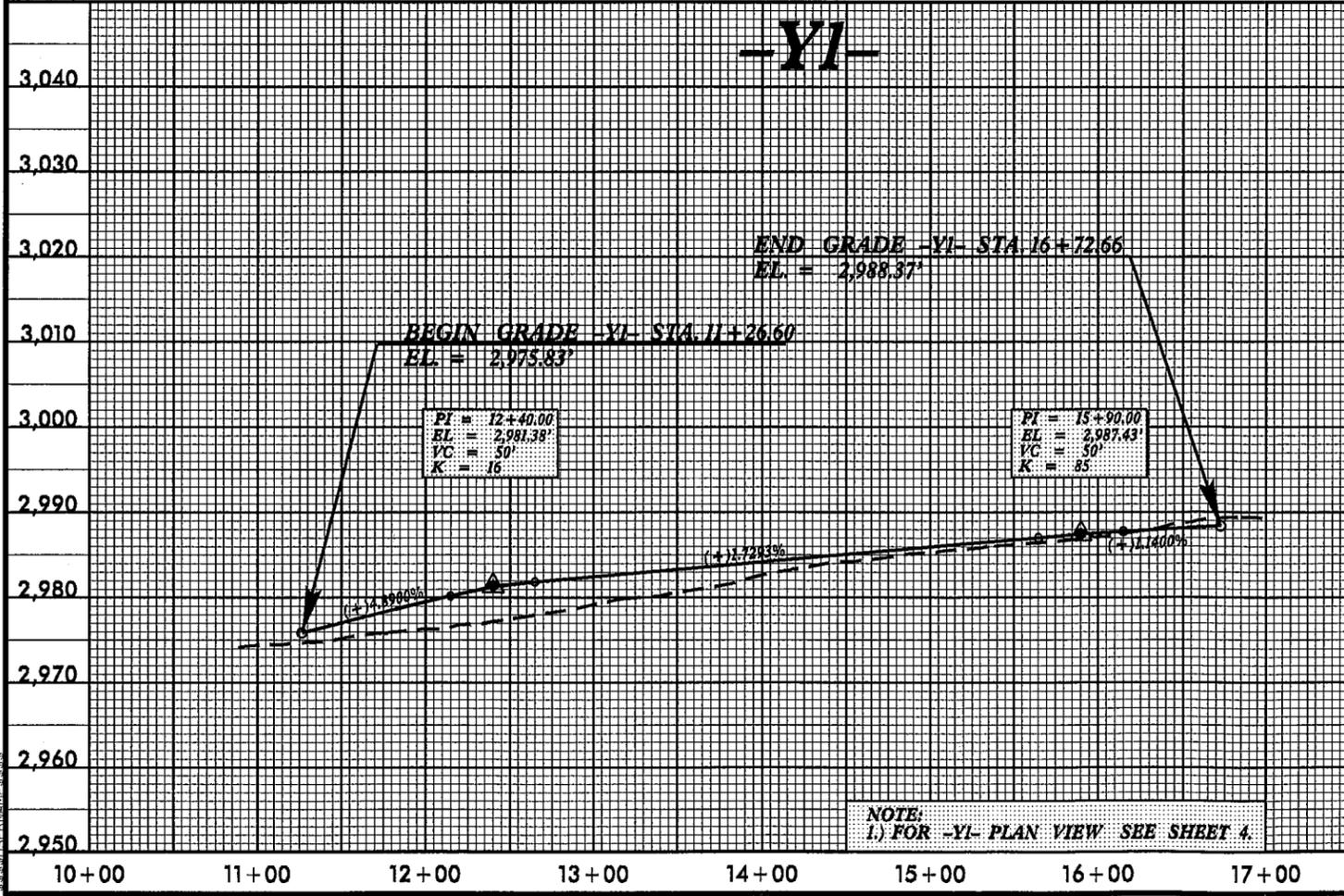
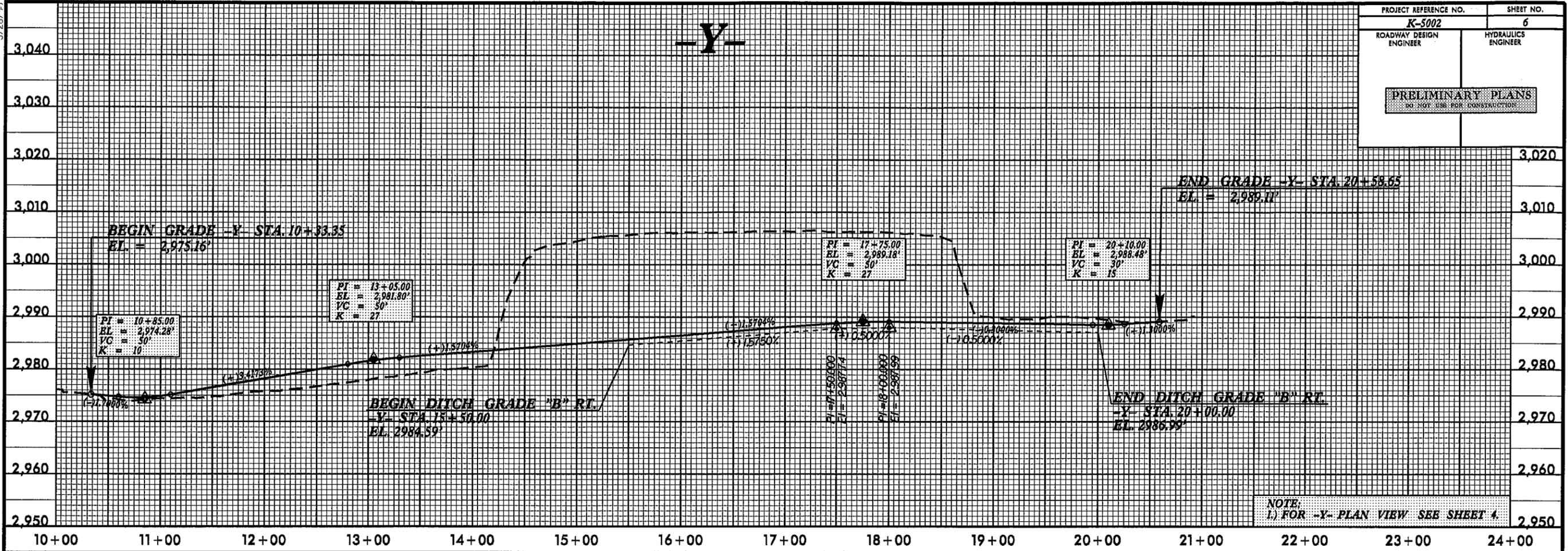
Sanitary Sewer Manhole	⊕
Sanitary Sewer Cleanout	⊕
U/G Sanitary Sewer Line	-----
Above Ground Sanitary Sewer	----- A/G Sanitary Sewer
Recorded SS Forced Main Line	-----
Designated SS Forced Main Line (S.U.E.*)	-----

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	AATUR
End of Information	E.O.I.

5/28/99

PROJECT REFERENCE NO. K-5002	SHEET NO. 6
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS <small>DO NOT USE FOR CONSTRUCTION</small>	



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