




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

September 12, 2005

MEMORANDUM TO: Mr. Michael A. Pettyjohn, P.E.  
Division 11 Engineer

FROM: Philip S. Harris, III, P.E.   
Natural Environment Unit Head  
Project Development and  
Environmental Analysis Branch

SUBJECT: Wilkes County, Replace Bridge Number 264 on SR 1567 over  
North Fork Reddies River; State Work Order Number  
8.2761001; TIP Number B-3266

Attached is the U. S. Army Corps of Engineers Nationwide Permit Numbers 23 and 33 for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.  
Mr. Omar Sultan  
Mr. Jay Bennett, P.E.  
Mr. David Chang, P.E.  
Mr. Randy Garris, P.E.  
Mr. Greg Perfetti, P.E.  
Mr. Mark Staley  
Mr. John F. Sullivan, FHWA  
Mr. Heath Slaughter, Division 11 DEO

## **PROJECT COMMITMENTS:**

Wilkes County  
Bridge No. 264, on SR 1567  
Over North Fork Reddies River  
Federal Aid Project No. MABRZ-1567(1)  
State Project 8.2761001  
TIP Project B-3266

All standard procedures and measures, including NCDOT's Best Management Practices for Protection of Surface Waters and Design Standards in Sensitive Watersheds, will be implemented, as applicable, to avoid or minimize environmental impacts. In addition to the standard Section 404 Nationwide Permit Nos. 23 and 33 General Conditions, Section 401 Water Quality Certification Conditions, the following special commitments have been agreed to by NCDOT:

### **Commitments Developed Through Project Development and Design**

*Hydraulics Unit, Division 11 Construction, Structure Design Unit, Roadside Environmental Unit*

Trout county coordination: PD&EA (Natural Resources Section) will coordinate specific requirements with NCWRC and the Corps of Engineers.

A moratorium on any in-water work and on any land disturbance within the 25 foot buffer zone on each side of the stream will be observed during the brown trout spawning season of November 1 through April 1 of any year.

Because the project area is located along DWQ designated Water Supply II and Trout Waters, the NCDOT will also follow Design Standards in Sensitive Watersheds (formerly High Quality Water Guidelines).

Revegetation: The existing bridge and approaches will be removed after the new bridge is completed, and the area will be revegetated with appropriate plant species.

Bridge Demolition: The bridge consists of an asphalt overlay wearing surface on a timber deck on steel I-beams. The abutments and the single pier are reinforced concrete. The asphalt overlay will be removed prior to demolition without dropping into the water. The timber and steel components will be removed without dropping into the water. The abutments are normally out of the water, and thus will be removed without dropping into the water. The center concrete pier will contribute approximately 1.5 cubic yards of temporary fill into the water. During construction, Best Management Practices for Bridge Demolition and Removal will be followed.

### **Commitments Developed Through Permitting**

*Division 11 Construction, Roadside Environmental Unit, O.N.E.*

In-water work and land disturbance within the 25-foot wide buffer zone are prohibited during the trout spawning seasons of November 1 through April 1 to protect the egg and fry states of trout.

*Division 11 Construction, Roadside Environmental Unit*

Sediment and erosion control measures shall adhere to the design standards for sensitive watersheds (15A NCAC 4B .0124 (a)-(d)) and be strictly maintained until project completion to avoid impacts to downstream aquatic resources. Temporary or permanent herbaceous vegetation should be planted on all bare soil as soon as possible and within 10 days of ground disturbing activities to provide long-term erosion control. Tall fescue should not be used in riparian areas. We encourage NCDOT to utilize onsite vegetation and materials for bank stabilization when practicable. Erosion control matting should be used in riparian area, instead of straw mulch and well anchored with 12" staples or 12" wooden survey stakes.

The existing roadway that is to be eliminated should be removed back to original ground elevations and the natural floodplain elevations and functions should be restored. Disturbed areas should be seeded or mulched to stabilize the soil and native tree species should be planted with a spacing of not more than 10'x10'.

**Commitments Developed Through Permit Modification**

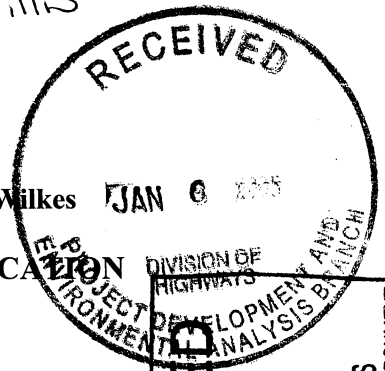
An additional 37 feet of stream impacts is to be provided by EEP.

m.willis

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID: 200520079 200520080

County: Wilkes JAN 6 2005



GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

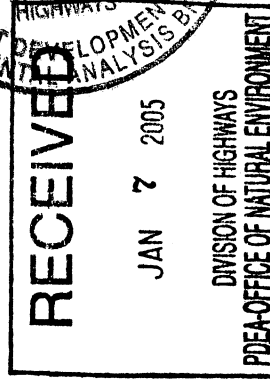
Property Owner: NCDOT  
Attn: Gregory J. Thorpe  
Mailing Address: 1548 Mail Service Center  
Raleigh, North Carolina 27699

Telephone No.: (919) 733-3141

Authorized Agent:

Mailing Address:

Telephone No.:



Location of property (road name/number, town, etc.): SR 1567 located south of the intersection with SR 1575, south of Vannoy, North Carolina. The project is located adjacent to North Fork Reddies River . TIP B-3266

Site Coordinates: 361708.14 °N 811624.78 °W

USGS Quad: Horse Gap

Waterway: North Fork Reddies River

River Basin: Yadkin Pee Dee

HUC:

Description of projects area and activity (see page 2 for a summary of authorized impacts): Mechanized landclearing, excavation and the discharge of fill material associated with the replacement of Bridge No. 264 with a new bridge at approximately 60 feet east of the existing location (new bridge approximately 190 feet in length). Traffic will be maintained on the existing bridge during construction. This project will require two temporary work bridges during the replacement of the bridge resulting in approximately 0.05 acre of temporary impact to the jurisdictional waters of North Fork Reddies River. Construction of the new bridge will result in 48 linear feet of stream and 0.02 acre of wetland (riverine wetland) impact to the jurisdictional waters of North Fork Reddies River. Note: This verification does not include impacts to waters of the United States, including wetlands, from any spoil disposal or borrow sites. These impacts would have to be permitted separately if they become necessary. NCDOT shall follow the current version of the Best Management Practices for Bridge Demolition and Removal for the existing bridge. **CONDITION: All recommendations in the attached letter, from the North Carolina Wildlife Resources Commission (WRC) dated December 16, 2004, are hereby incorporated as special conditions of this permit.**

Applicable Law:  Section 404 (Clean Water Act, 33 USC 1344)  
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Nationwide or Regional General Permit Number(s): 23 33

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

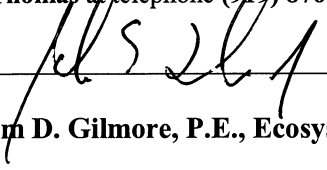
This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management .

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **John Thomas** at telephone (919) 876-8441, ext 25.

Corps Regulatory Official  Date: **01/03/2005** Verification Expiration Date: **01/03/2007**

Copy Furnished: **Mr. William D. Gilmore, P.E., Ecosystem Enhancement Program, 1652 Mail Service Center, Raleigh, NC 27699-1652.**

**WILMINGTON DISTRICT  
POST-CONSTRUCTION COMPLIANCE FORM**

**Action ID Number: 200520079 200520080**

**County: Wilkes**

**Permittee: NCDOT Attn: Gregory J. Thorpe**

**Date Permit Issued: 01/03/2005**

**Project Manager: John Thomas**

**Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

**US Army Corps Of Engineers  
Wilmington District  
Raleigh Regulatory Field Office  
6508 Falls Of The Neuse Road  
Suite 120  
Raleigh, North Carolina 27615**

**Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.**

**I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.**

\_\_\_\_\_  
**Signature of Permittee**

\_\_\_\_\_  
**Date**

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

Applicant: <b>NCDOT Attn: Gregory J. Thorpe</b>		File Number: <b>200520079</b>	Date: <b>01/03/2005</b>
Attached is:			See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/>	PERMIT DENIAL		C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION		E

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.**

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:  
John Thomas  
Raleigh Regulatory Field Office  
US Army Corps of Engineers  
6508 Falls of the Neuse Road, Suite 120  
Raleigh, North Carolina 27615

If you only have questions regarding the appeal process you may also contact:  
Mr. Arthur Middleton, Administrative Appeal Review Officer  
CESAD-ET-CO-R  
U.S. Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 9M15  
Atlanta, Georgia 30303-8801

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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**DIVISION ENGINEER:**  
**Commander**  
**U.S. Army Engineer Division, South Atlantic**  
**60 Forsyth Street, Room 9M15**  
**Atlanta, Georgia 30303-3490**





**COPY**

☒ **North Carolina Wildlife Resources Commission** ☒

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Richard B. Hamilton, Executive Director

**TO:** John T. Thomas, Jr., NCDOT Coordinator  
Raleigh Regulatory Field Office, USACE

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

**DATE:** December 16, 2004

**SUBJECT:** Review of the Categorical Exclusion document and Section 404 and 401 permit application by NCDOT to replace Bridge No. 264 on SR 1567 over North Fork Reddies River, Wilkes Co., North Carolina. TIP No. B-3266.

North Carolina Department of Transportation (NCDOT) has submitted an application to obtain a Section 404 Permit from the U.S. Army Corps of Engineers (USACE) and a 401 Water Quality Certification from the Division of Water Quality (NCDWQ). Staff biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the Categorical Exclusion and information provided. 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).

NCDOT proposes to replace Bridge No. 264 on SR 1567 over North Fork Reddies River with a new bridge approximately 60 feet east of the existing structure, restoring some of the original floodplain at the existing crossing. There will be one bent placed in the water. A man-made pond (0.03 acres) will be drained and filled, which will result in 0.02 acres of permanently drained wetlands, located at the northern tip of the pond, and 42 linear feet of permanent impacts to the unnamed tributary (UT) that was dammed to create the pond, by placing it in a 30-inch reinforced concrete pipe under the road. Temporary impacts consist of 0.05 acres of fill due to the use of work pads. North Fork Reddies River, classified as WS-II Tr, supports wild brown trout populations and is Hatchery Supported Designated Public Mountain Trout Water. NCDOT indicates Design Standards for Sensitive Watersheds will be followed and they will adhere to the trout moratorium from November 1 through April 1 for this project, as NCWRC had recommended prior to development of our current standard moratorium dates of October 15 to

April 15. We concur with and appreciate the efforts and commitments made by NCDOT to protect these valuable resources.

NCWRC can concur with the issuance of Section 404 and 401 permits provided that the following conditions are implemented:

1. In-water work and land disturbance within the 25-foot wide buffer zone are prohibited during the trout spawning seasons of November 1 through April 1 to protect the egg and fry stages of trout.
2. Sediment and erosion control measures shall adhere to the design standards for sensitive watersheds (15A NCAC 4B .0124 (a)-(d)) and be strictly maintained until project completion to avoid impacts to downstream aquatic resources. Temporary or permanent herbaceous vegetation should be planted on all bare soil as soon as possible and within 10 days of ground disturbing activities to provide long-term erosion control. Tall fescue should not be used in riparian areas. We encourage NCDOT to utilize onsite vegetation and materials for bank stabilization when practicable. Erosion control matting should be used in riparian areas, instead of straw mulch and well anchored with 12" staples or 12" wooden survey stakes.
3. Discharge of materials into the river from demolition of the old bridge should be avoided as much as practicable. Any materials that inadvertently reach the river should be removed.
4. Under no circumstances should rock, sand, or other materials be dredged from the river channel, except in the immediate vicinity of bridge supports, if applicable.
5. Removal of vegetation in riparian areas should be minimized. Native trees and shrubs should be planted along the banks to reestablish the riparian zone and to provide long-term erosion control.
6. Grading and backfilling should be minimized, and tree and shrub growth should be retained if possible to ensure long term availability of shoreline cover for fish and wildlife. Backfill materials should be obtained from upland sites.
7. Only clean, sediment-free rock should be used as temporary fill (work pads), and should be removed without excessive disturbance of the natural river bottom when construction is completed. The work pads should not block fish passage.
8. Riprap placed for bank stabilization should be limited to the bank below the high water mark, and vegetation should be used for stabilization above the high water elevation.
9. Stormwater, including deck drainage, should be directed to buffer areas or retention basins and should not be routed directly into the river or stream.

10. If concrete will be used during construction, work must be accomplished so that wet (uncured) concrete does not contact surface waters. This will lessen the chance of altering the water chemistry and causing a fish kill.
11. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
12. Heavy equipment should be operated from the bank rather than in the stream or river channel whenever possible in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into the stream. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids or other toxic materials.
13. The existing roadway that is to be eliminated should be removed back to original ground elevations and the natural floodplain elevations and functions should be restored. Disturbed areas should be seeded or mulched to stabilize the soil and native tree species should be planted with a spacing of not more than 10'x10'.

Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at (704) 485-2384.

cc: Marella Buncick, USFWS  
Brian Wrenn, NCDWQ