




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

August 4, 2008

MEMORANDUM TO: Mr. Michael A. Pettyjohn, PE  
Division Eleven Engineer

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

SUBJECT: Ashe County, Replace Bridge No. 85 on SR 1106 over Mill  
Creek; T.I.P. Number B-4011; Federal Aid Project No.  
BRZ-1106(4); WBS No. 33379.1.1

Attached is the DWQ State Stormwater Permit for the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

Cc:

Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design  
Dr. David Chang, P.E., Hydraulics  
Mr. Randy Garris, P.E. State Contract Officer  
Mr. Art McMillan, P.E., Highway Design  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. John F. Sullivan, FHWA  
Ms. Beth Harmon, EEP  
Ms. Teresa Hart, P.E., PDEA Western Region Unit Head  
Mr. Heath Slaughter, Division Environmental Officer

# PROJECT COMMITMENTS

**Ashe County**  
**Bridge No. 85 over Mill Creek on SR 1106 (Railroad Grade Road)**  
**Federal Project BRZ-1106 (4), WBS No. 33379.1.1**  
**TIP No. B-4011**

Commitments Developed through Project Development and Design

Division 11 Construction Unit:

Mill Creek is Designated Public Mountain Trout Water. Wild brown trout are found in this stream; therefore, in-stream construction is prohibited from November 1 to April 15 to avoid impacts on trout reproduction.

Since Mill Creek is classified as trout waters, the NCWRC will be given the opportunity to review the project for additional measures to protect trout and trout habitat prior to the issuance of the Section 404 permit.

*Mill Creek will not be impacted for this project. No in-stream construction or environmental permits will be required for this replacement.*

Roadside Environmental, Design Services and Division 11:

Sedimentation and Erosion Control for Sensitive Watersheds (15A NCAC 4B.0124) will be incorporated into the design and followed during the construction of this projects.

*Sedimentation and Erosion Control for Sensitive Watersheds has been adhered to for this project.*

Hydraulics and Structure Design:

The bridge deck drains will be designed and constructed so that no discharge will go directly into the stream.

*The bridge has been designed not to discharge water directly into Mill Creek.*

Project Development and Environmental Analysis:

US Fish and Wildlife Service has requested that a survey for green floater be conducted prior to project letting. They have also requested that an assessment for bog turtle habitat be conducted prior to project letting.

*As no federally listed mussels are listed for Ashe County, mussel surveys were not required for this project. Therefore, a survey for green floater was not conducted.*

Commitments Developed during Permitting

No additional conditions have been developed during project permitting.



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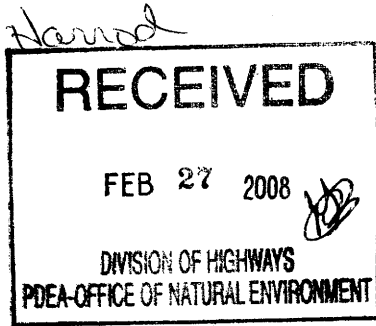
July 31, 2008

To: File

From: Jennifer Harrod, Permit Specialist

Subject: B-4011 Water Quality (401 and 404) Certification

A 401 or 404 certification is not required for this project as there will be no temporary or permanent impacts to Mill Creek. A Division of Water Quality State Stormwater permit is included in this package.



B.4011

Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director

February 21, 2008

Mr. Greg Thorpe, PhD  
North Carolina Department of Transportation  
Project Development and Environmental Analysis  
1598 Mail Service Center  
Raleigh, NC 27699-1598

**Subject: Permit No. SW4 08-0102  
Replacement of Bridge No. 85 of SR 1106  
Other Stormwater Permit  
Linear Public Road / Bridge Project  
Ashe County**

Dear Mr. Greg Thorpe:

The Winston-Salem Regional Office received a complete Stormwater Management Permit Application for Replacement of Bridge No. 85 of SR 1106 on February 21, 2008. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H .1000. We are forwarding Permit No. SW4 08-0102 dated February 21, 2008, for the construction of the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact either Amy Euliss at (336) 771-4959.

Sincerely,

Coleen Sullins, Director  
NC Division of Water Quality

cc: Monte Matthews, USACE Raleigh Field Office  
Heath Slaughter, Division 11, Division Environmental Officer  
DWQ, Winston-Salem Regional Office  
DWQ Wetlands/ 401 Transportation Unit  
DWQ Central Files

**STATE OF NORTH CAROLINA**  
**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**DIVISION OF WATER QUALITY**  
**STATE STORMWATER MANAGEMENT PERMIT**  
**OTHER PERMIT**

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO  
*Mr. Greg Thorpe and NC Department of Transportation*  
*Replacement of Bridge No. 85 of SR 1106*  
*Ashe County*  
FOR THE

construction of a public road / bridge in compliance with the provisions of 15A NCAC 2H .1000 (hereafter referred to as the "*stormwater rules*") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

**I. DESIGN STANDARDS**

1. The runoff from the impervious surfaces has been directed away from surface waters to the extent practical.
2. The amount of built-upon area has been minimized as much as possible.
3. Best Management Practices (BMPs) are employed which minimize water quality impacts. The Division understands that Structural Stormwater BMPs were not practical due to topographical constraints.
4. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.

**II. SCHEDULE OF COMPLIANCE**

1. The permittee shall at all times provide adequate erosion control measures in conformance with the approved Erosion Control Plan.
2. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
3. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

4. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction for the following items:
  - a. Major revisions to the approved plans, such as road realignment, deletion of any proposed BMP, changes to the drainage area or scope of the project, etc.
  - b. Project name change.
  - c. Redesign of, addition to, or deletion of the approved amount of built-upon area, regardless of size.
  - d. Alteration of the proposed drainage.
5. The Director may determine that other revisions to the project should require a modification to the permit.

### III. GENERAL CONDITIONS

1. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143-215.6C.
2. The permit issued shall continue in force and effect until revoked or terminated.
3. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance, or termination does not stay any permit condition.
4. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
5. The permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirements as may be necessary. A formal permit request must be submitted to the Division of Water Quality accompanied by the appropriate fee, documentation from both parties involved, and other supporting materials as may be appropriate. The approval of this request will be considered on its merits, and may or may not be approved. The permittee is responsible for compliance with the terms and conditions of this permit until such time as the Director approves the transfer.
6. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state and federal) which have jurisdiction.
7. The permittee shall notify the Division of any name, ownership or mailing address changes within 30 days.

Permit issued this, the 21 day of February 2008.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

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Coleen Sullins, Director  
Division of Water Quality  
By Authority of the Environmental Management Commission