



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

January 31, 2013

MEMORANDUM TO: Monte Matthews, USACE

FROM: Gregory J. Thorpe, Ph.D.  
Project Development and Environmental Analysis Unit  
Don Lee, P.E., Roadside Environmental Unit  
David Chang, Ph.D., P.E., Hydraulics Unit

SUBJECT: Comments on Draft revised Regional General Permit 198200031  
(PCN required).

*E. J. Fuchs*  
*for*

The NCDOT appreciates the Corps' work on this revised permit, as well as the early comment opportunity. We respectfully submit the following. The commenting party is indicated at the end of each comment, should you need clarification.  
*Onsite* is Leilani Paugh, *REU* is Ken Pace, *Hydraulics* is Jay Twisdale, *PMG* is Elizabeth Lusk.

Activities authorized paragraph a.

Will a series of GP31's be needed if there are several streams with less than 500 feet of impact per stream, but total project impact is more than 500 (similar to the Nationwide 14)? A situation like this could be the case for 2 or 3 bridges in a project.

Activities authorized paragraph d.

Language needs to be clarified in terms of stream relocation lengths are not subject to thresholds listed above, i.e., stream relocation length should not be counted in the 500 lf of permanent impact. The GP intends to say that this GP can be listed for the project types listed above with less than 500 lf of permanent impact, with this 500lf threshold not including the length of stream relocation (as defined in special condition s.). *Onsite*

Special Condition i.

This condition discusses fill to be minimized and then includes in-culvert baffles to minimize impacts to waters. Although somewhat related, these are different issues. One is avoidance of physical fill and the other is reducing the effect of the culvert on aquatic movement. The baffles statement may fit better elsewhere such as in either conditions "g" or "j". *REU*

Special Condition j.

There may be certain situations where installing a rock vane below a culvert outlet could be helpful in maintaining aquatic passage. We suggest including that a rock vane at culvert outlet for this purpose in special condition "j" is acceptable under Regional General Permit. This condition touches on installing culverts at floodplain elevation in respect to greater than

bank full flows. Multi-cPMG culverts should have floodplain benches installed to maintain flow less than bank full through a single cPMG. There is no mention of these in the permit; however, they are being included on every recent multi-cPMG culvert design. It may be beneficial to clarify that floodplain benches can be used under this permit because this sometimes requires widening and excavation in near-bank areas to construct these benches. REU

Special Condition j.

3<sup>rd</sup> sentence: Strike “pre-formed scour holes” in favor of “*Natural rock energy dissipators* are acceptable when designed for velocity reduction.” Hydraulics

Special Condition k.

Temporary fills to be completely removed within 30 days, including reestablishing vegetation or seeded with native mix needs a longer timeframe (60 days?) and requires restoration plan with PCN, which is probably feasible if addressed in PCN and followed through by coordination between DEO and FOE. Suggest rewording to include the use of non-invasive annual small grains (e.g., millet and rye grain) appropriate for season as a requirement when needed to get vegetation established. Many of the desirable native grasses often recommended are slow to establish. REU

Special Condition l.

Suggest rewording sentence 1 from “. . . to protect that habitat from cement and other pollutants” to . . . to protect that habitat from sediment, concrete and other pollutants. Suggest rewording last sentence to the effect that all water that has been in contact with uncured concrete shall be disposed of in an upland area away from the stream or by another approved method (e.g., municipal wastewater treatment plant) and shall not be discharged to surface waters. REU

Special Condition m.

“Abandoned fill shall be removed and area restored to preexisting conditions” within 60 days of completion of construction and restoration plan included in PCN. Tight schedule may need to be expanded to 90 days. On occasions there may be situations where a length of stream could be restored that could be the equivalent of a significant value in mitigation terms. For example if a 200-foot section of a good quality stream could be restored from removal of fill material there should be a mechanism to get mitigation credit since there will be considerable expense in removing this material and restoring the channel. If there will be a similar NW or RGP that will allow this, it may not be a big deal. However, if other permit options disappear and it would require going to an individual permit to obtain mitigation credit, then this would be a concern. Concerning stabilization with native mix, see comment above for special condition “k”. REU

Special Condition m.

Clarify which construction, “. . .within 60 days of completion of *project* construction.” PMG

Special Condition n.

“Maintain preconstruction, course, condition, capacity and location of open waters”, “ unless it benefits the aquatic environment” is very vague and needs to be more clearly stated. Does this apply to all open waters? REU

Special Condition n.

Previous renditions contained a distance a tributary flowed to the trout stream. We recommend a distance guide, e.g. 300 feet.

Suggested verbage: "...located less than 300 lf upstream of the confluence with a trout stream." PMG

Special Condition o.

"All reasonable and practicable measures to ensure equipment, structures, fill pads and work associated with project do not adversely affect upstream and/or downstream reaches" – define adverse, reasonable and practicable. Define "during construction, routinely monitor", seems to apply to "actively eroding areas" during construction only. REU

Special Condition p.

It will be difficult to provide maps and drawings showing location of structures since this is normally fine-tuned later than the permit application is submitted. NCDOT's current process is to provide estimated impacts *outside* of the project impacts, if needed. REU and PMG

Special Condition q.

Reword 1<sup>st</sup> sentence to be consistent with USFWS in condition p., "...North Carolina, the applicant will submit a PCN to the NCWRC, as wPMG as to the Corps. must provide a copy of the PCN to the NCWRC. This PCN must be sent concurrently to the appropriate NCWRC representative and the Corps PM."

Last sentence: "...NCWRC will respond...to the Corps *within 2 weeks of receipt of the PCN.*" PMG

Special Condition s.(1)

Language should be revised to say the new channel should have the appropriate pattern, profile, and dimension based on natural stream design. It should not require the new channel to be similar to the old channel. The old channel could be, and many times is, degraded and unstable, and we shouldn't build the new channel to match it. Onsite

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Last sentence of asterisked (\*) paragraph, "...project by project basis *prior to PCN submittal.*" PMG

General Condition C.

Compliance with 401 WQC required and if written notification is required, it would negate any benefit of using this RGP. REU

General Condition E.

Define "free navigation" and "full and free use" of navigable waters. REU

General Condition o.

1<sup>st</sup> sentence, "...endangered species ~~or a species proposed for such designation,~~ ..." PMG

General Condition P.

"Minimize any adverse impact to fish, wildlife and natural environmental values" – vague language needs clarification. REU

General Condition Q.

Riprap for bank stabilization: The requirement for filter cloth requirement may be problem on slopes over 10%. REU

General Condition s.(1)

*“The use of geotextile fabric Filter cloth must be placed underneath...waters should be determined by the design engineer.”* Hydraulics

General Condition T.

Clean fill only - needs definition, will sampling or documentation be required? REU

General Condition W.

Define “unreasonable interference with navigation or the right of the public to riparian access” REU

**General Comment:**

In several places, the acronym PM is used. This acronym needs to be defined as Project Manager. REU

Cc:

Phil Harris, Natural Environment Section  
Randy Griffin, P.E., NES Engineering Group  
Elizabeth Lusk, NES Project Management Group  
Leilani Paugh, NES Onsite Mitigation Group  
Neil Medlin, NES Biological Surveys Group  
Ken Pace, P.E., Roadside Environmental Unit  
Jay Twisdale, P.E., Hydraulics Unit  
Jay Bennett, P.E., Roadway Design Unit