

U.S. ARMY CORPS OF ENGINEERS

151 Patton Avenue, Room 143
Asheville, North Carolina 28801-5006
(828) 271-4854
Fax: (828) 271-4858

FAX TRANSMISSION COVER SHEET

Date: April 7, 2000

To: Shannon Simpson, NCDOT, PD&EA, Natural Systems Unit

Fax:

Re: A-9WM, Tulula Creek Mitigation Site

Sender: Steven Lund

YOU SHOULD RECEIVE 5 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (828) 271-4854.

REMARKS: Copy of NW 27 verification attached. Finally got it done.

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. **200030062**County: **Graham**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property owner: North Carolina Department of Transportation

Address: Project Development and Environmental Analysis Branch, Attn: William D. Gilmore, Manager, Post Office
Box 25201, Raleigh, North Carolina 27611-5201

Telephone No.: (919) 733-7844

Size and Location of project (water body, road name/number, town, etc.):

**Tulula Creek Wetland and Stream Mitigation Site consisting of a 222-acre tract adjacent to
Tulula Creek off US Highway 129, north of Topton, TIP No. A-9WM**

Description of Activity:

**Restoration of approximately 9080 linear feet of stream and 101 acres of wetland by
restoring natural channel dimension, pattern and profile, the removal of fill from wetlands,
placement of impervious ditch plugs, backfilling of ditches, excavated ponds and channels,
clearing of nuisance vegetation and active planting and management of native vegetation.
SEE ATTACHED SHEET FOR SPECIAL CONDITIONS.**

Applicable Law: X Section 404 (Clean Water Act, 33 U.S.C.1344).(check all that apply) Section 10 (River and Harbor Act of 1899).Authorization: Regional General Permit Number. 27 Nationwide Permit Numbers.

Your work is authorized by this Regional General (RGP) or Nationwide Permit (NWP) provided it is accomplished in strict accordance with the attached conditions and your submitted plans. If your activity is subject to Section 404 (if Section 404 block above is checked), before beginning work you must also receive a Section 401 water quality certification from the N.C. Division of Environmental Management, telephone (919) 733-1786.

Please read and carefully comply with the attached conditions of the RGP or NWP. Any violation of the conditions of the RGP or the NWP referenced above may subject the permittee to a stop work order, a restoration order, and/or appropriate legal action.

This Department of the Army RGP or NWP verification does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

If there are any questions regarding this authorization or any of the conditions of the General Permit or Nationwide Permit, please contact the Corps Regulatory Official specified below.

Date April 7, 2000 Corps Regulatory Official Steven Lund Telephone No. (828) 271-4857 Expiration Date of Verification February 11, 2002

**SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST
BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.**

SPECIAL CONDITIONS FOR NATIONWIDE PERMITS 27**North Carolina Department of Transportation****Action ID 200030062, TIP A-9WM****April 7, 2000**

- a. All conditions of the attached North Carolina Wildlife Resources Commission letter of August 31, 1999 are hereby incorporated as special conditions of this permit.
- b. All work authorized by this permit must be in strict accordance with the permittee's construction plans dated July 20, 1999.
- c. Non-native perennial plant species will not be utilized in any wetland restoration areas.
- d. A specific plan to monitor the success of wetland and stream restoration activities at this site will be submitted to the Corps of Engineers, Asheville Regulatory Field Office, for review and approval within 6 months of the date of this permit. No mitigation credit will be granted until a monitoring plan is approved by the Corps.



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North Carolina Wildlife Resources Commission

512 N. Salisbury Street, Raleigh, North Carolina 27604-1188, 919-733-3391
Charles R. Fullwood, Executive Director

MEMORANDUM

TO: Steve Lund, NCDOT Permit Coordinator
Asheville Office, U.S. Army Corps of Engineers

FROM: Mark S. Davis, Mountain Region Coordinator
Habitat Conservation Program

DATE: August 31, 1999

SUBJECT: NCDOT 404 Permit Modification Request
Action ID No. 199505335 - TIP No. A-9 DB/DC
Tulula Creek Wetlands Mitigation Site
Graham County, North Carolina

Mr. William D. Gilmore, P.E., of the North Carolina Department of Transportation (NCDOT) is requesting a letter of concurrence from the North Carolina Wildlife Resources Commission (NCWRC) to modify the U.S. Army Corps of Engineers (COE) 404 individual permit (Action ID No. 199505335). I have reviewed the information provided by the applicant, and I am familiar with habitat values of the project area. These comments are provided in accordance with provisions of the Clean Water Act of 1977 (33 U.S.C. 466 et. seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The COE issued a permit for the subject project on May 26, 1998. According to condition No. 8 which states "specific wetland mitigation success criteria, monitoring and reporting requirements, and the like will be incorporated into this permit as a modification upon completion of the mitigation banking agreement for the Tulula Creek site". The NCDOT requests a modification of the subject permit in order to commence with the restoration of the Tulula Creek Wetlands Mitigation Site.

The NCWRC has no objection to the subject permit modification provided the applicant meets the following conditions:

1. Adequate sedimentation and erosion control measures must be implemented prior to any ground-disturbing activities to minimize impacts to downstream aquatic resources.
2. Riparian vegetation and root mats should be preserved as much as possible when excavating the new stream channel. If overhanging trees and shrubs must be removed, they should be cut near ground level, leaving the stump and roots in the bank for stability and to possibly sprout.

Action ID No. 199505335

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3. The new channel should be constructed in a dry work area and stabilized before water is diverted. Native trees and shrubs should be planted along the stream bank to provide cover for fish and wildlife and protect the banks from erosion.
4. Fish in the old stream channel should be removed by electrofishing and placed upstream of the project area before water is diverted into the new stream channel.
5. Environmentally sensitive areas must be flagged and/or fenced to protect these areas during construction.
6. Trees and shrubs may be transplanted from nearby areas using a trackhoe to provide immediate cover along the new stream channel.
7. All mechanized equipment operated near surface waters should be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.

Thank you for the opportunity to review and comment on this project. If there are any questions regarding these comments, please contact me at (828) 452-2546.

cc: Mr. William D. Gilmore, P.E., Manager PD&EA Branch, NCDOT