



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

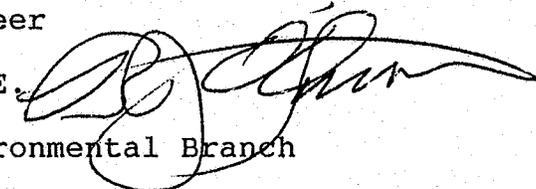
JAMES B. HUNT JR.
GOVERNOR

DIVISION OF HIGHWAYS
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.
SECRETARY

January 19, 1996

MEMORANDUM TO: Mr. W. E. Hoke, P.E.
Division 11 Engineer

FROM: B. J. O'Quinn, P.E. 
Assistant Manager
Planning and Environmental Branch

SUBJECT: Alleghany County, Construction of Sparta
Western Loop; State Project No. 9.8112515;
T.I.P. # R-3117

Attached are the U. S. Army Corps of Engineers Nationwide Permit No. 14 (Road Crossing) and the DEM 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

BJO/eah

Attachment

cc: Mr. G. T. Shearin, P.E.
Mr. Kelly Barger, P.E.
Mr. Don Morton, P.E.
Mr. A. L. Hankins, P.E.
Mr. Victor Barbour, P.E.
Mr. John Smith, P.E.
Mr. N. L. Graf, FHWA
Mr. W. D. Johnson
Mr. H. Franklin Vick, P.E. (cover only)
Mr. Gary Jessup (cover only)





DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



REPLY TO
ATTENTION OF

December 13, 1995

Regulatory Branch

Action ID. 199401753 and Nationwide Permit No. 14

Mr. Franklin Vick, P.E., Manager
North Carolina Department
of Transportation
Division of Highways
Planning and Environmental Branch
Post Office Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Vick:

Reference is made to your application of October 30, 1995, concerning the discharge of fill material within waters of the United States, causing adverse impacts to 0.88 acre (six individual sites, each of which with less than 0.33 acre of impacts) of wetlands adjacent to Bledsoe Creek, for the proposed construction of the Sparta Western Loop (TIP No. R-3117, State Project No. 9.8112515), located from SR 1172 (Grandview Drive) to U.S. 21 North, within the limits of the City of Sparta, in Alleghany County, North Carolina. Reference is also made to Ms. Stephanie E. Goudreau's letter of November 14, 1995, in which the North Carolina Wildlife Resources Commission expressed no objections to the planned road project, including the wetland mitigation plan provided the work is accomplished in accordance with the following recommendations:

a. The stream access site for cattle should be constructed so that cattle cannot walk up and down the stream; instead, access should be limited to the watering site. The land owner or the North Carolina Department of Transportation (NCDOT) may want to contact the Natural Resources Conservation Service (NRCS) for information on constructing an access site for cattle.

b. Buffer areas along Bledsoe Creek should be planted with woody vegetation where none exists to provide shade to the stream and bank stability. It is suggested that two rows of willows be planted along the toe of the bank on 2.5-foot centers and sycamores or river birch be planted along the top of the bank on 10-foot centers.

For the purposes of the Corps of Engineers' Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330.6, published in the Federal Register on November 22, 1991, lists nationwide permits. Authorization, pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, was provided for fills for roads crossing waters of the United States (including wetlands and other special aquatic sites) provided:

a. The width of the fill is limited to the minimum necessary for the actual crossing;

b. The fill placed in waters of the United States is limited to a filled area of no more than one-third acre. Furthermore, no more than a total of 200 linear feet of the fill for the roadway can occur in special aquatic sites, including wetlands;

c. The crossing is culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected highflows and the movement of aquatic organisms;

d. The crossing, including all attendant features, both temporary and permanent, is part of a single and complete project for crossing of a water of the United States; and

e. For fills in special aquatic sites, including wetlands, the permittee notifies the District Engineer (DE) in accordance with the "Notification" general condition.

Special conditions of this permit state that before discharging dredged or fill material into waters of the United States occurring within the 25 mountain counties of North Carolina that contain trout waters, the applicant will obtain a letter of approval from the North Carolina Wildlife Resource Commission. Review of the information you have provided, and the comments submitted by the North Carolina Wildlife Resources Commission, reveals that your proposed work is authorized by nationwide permit provided it is accomplished in strict accordance with your submitted plans, the recommendations set forth by the Wildlife Resources Commission, the enclosed conditions, any required State authorization, and the following special conditions:

a. The wetland mitigation plan for the Sparta Western Loop, Sparta, Alleghany County, North Carolina, dated October 30, 1995, incorporated herein by reference, must be implemented in its entirety.

b. The permittee shall maintain the mitigation area, shown on the attached plan, in its natural condition, as modified by work performed pursuant to the mitigation plan, in perpetuity. Prohibited activities within the mitigation area specifically include, but are not limited to: the construction of structures of any kind; the discharge of dredged or fill material; excavation; the cutting, damage, or removal of any vegetation; grading; leveling; or any earth moving activity, except as may be authorized by the mitigation plan.

c. The above condition (b.) runs with the land shown as the mitigation area. The permittee shall not sell or otherwise convey the property shown as the mitigation area to any third party, without including a restriction in such conveyance requiring that the grantee, his heirs and assigns, maintain the property in its natural state. The language of such restriction must be approved by the Corps of Engineers in writing, prior to any such conveyance.

d. The permittee shall cause this permit, including these conditions, to be recorded in the Alleghany County Register of Deeds, in such a manner that it will appear in the chain of title of the property making up the mitigation area, prior to beginning construction on the work authorized by this permit. The permittee shall provide a copy of the recorded permit to the Corps of Engineers as soon as possible.

A Section 401 Water Quality Certification is required from the North Carolina Division of Environmental Management. You should contact Mr. John Dorney, telephone (919) 733-1786 for this certification. This nationwide permit does not relieve you of the responsibility to obtain other required State or local approval.

This verification will be valid until the nationwide permit is modified, reissued or revoked, which will occur no later than January 21, 1997. It is incumbent upon you to remain informed of changes to the nationwide permits, which will be announced by public notice when they occur. If you commence, or are under contract to commence, this activity before the date the nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

Mr. John Thomas is the Regulatory Specialist responsible for jurisdictional activities within Alleghany County. Should you have questions, please contact him at our Raleigh Regulatory Field Office, telephone (919) 876-8441, ext 25.

Sincerely,



Michael D. Smith
Chief, Northern Regulatory Section

Enclosure

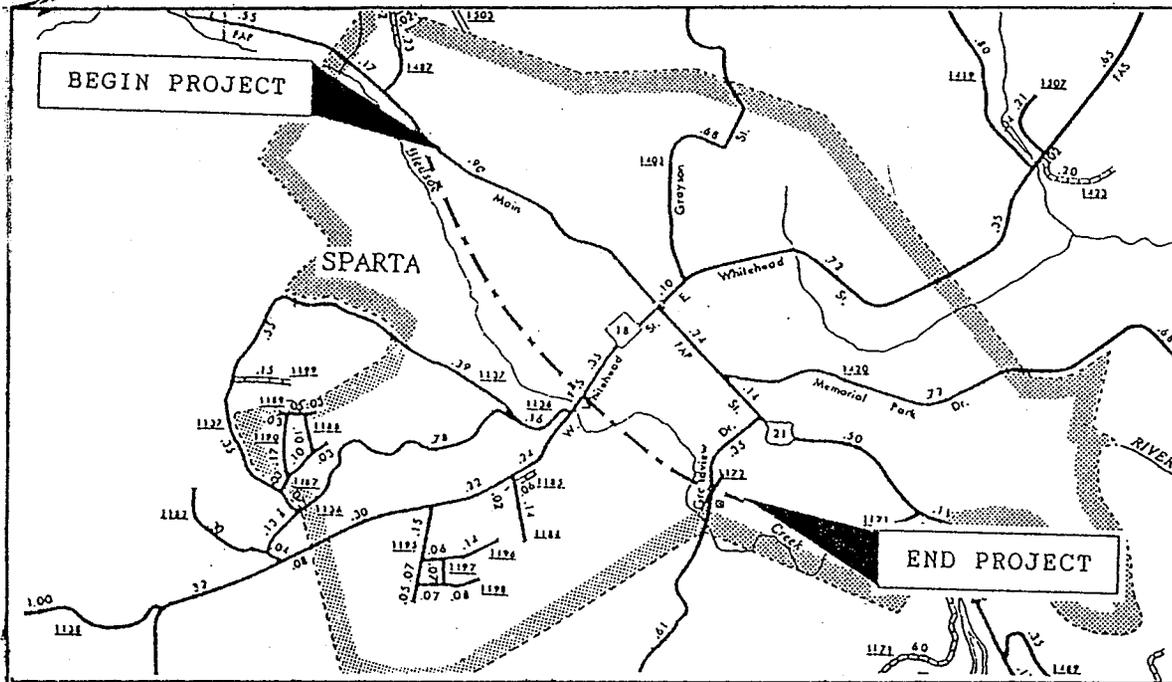
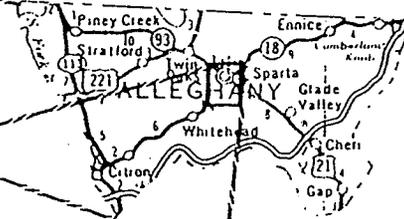
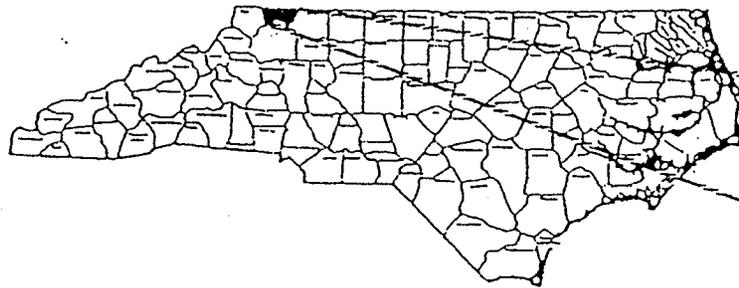
Copies Furnished (without enclosure):

Mrs. Stephanie Briggs
Planning and Environmental Branch
North Carolina Department of
Transportation
Post Office Box 25201
Raleigh, NC 27611

Regional Office Manager
North Carolina Department of
Environment, Health, and Natural
Resources
585 Waughton Street
Winston-Salem, NC 27107

Mr. Joe Mickey, Jr.
North Carolina Wildlife
Resources Commission
Division of Boating & Inland
Fisheries
Route 2, Box 278
State Road, NC 28676

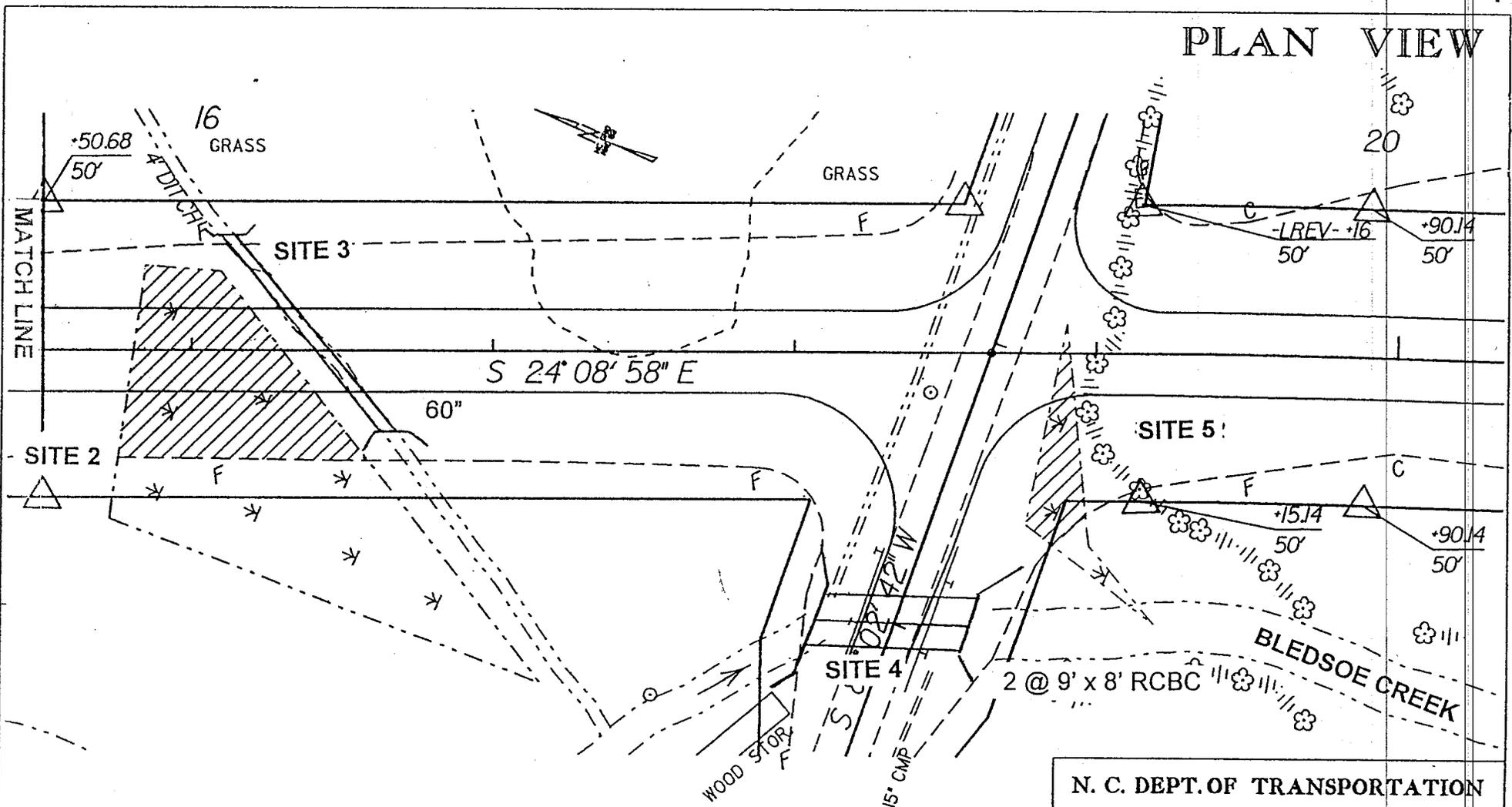
Ms. Stephanie Goudreau
North Carolina Wildlife
Resources Commission
Mountain Region Coordinator
320 South Garden Street
Marion, NC 28752

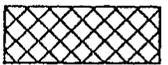


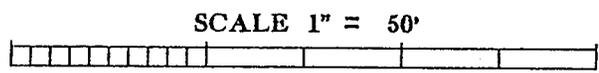
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ALLEGHANY COUNTY
PROJECT: 9.8112515 (R-3117)
SPARTA WESTERN LOOP
FROM SR1172 (GRANDVIEW DRIVE)
TO US 21 NORTH

SHEET 1 OF 10

PLAN VIEW



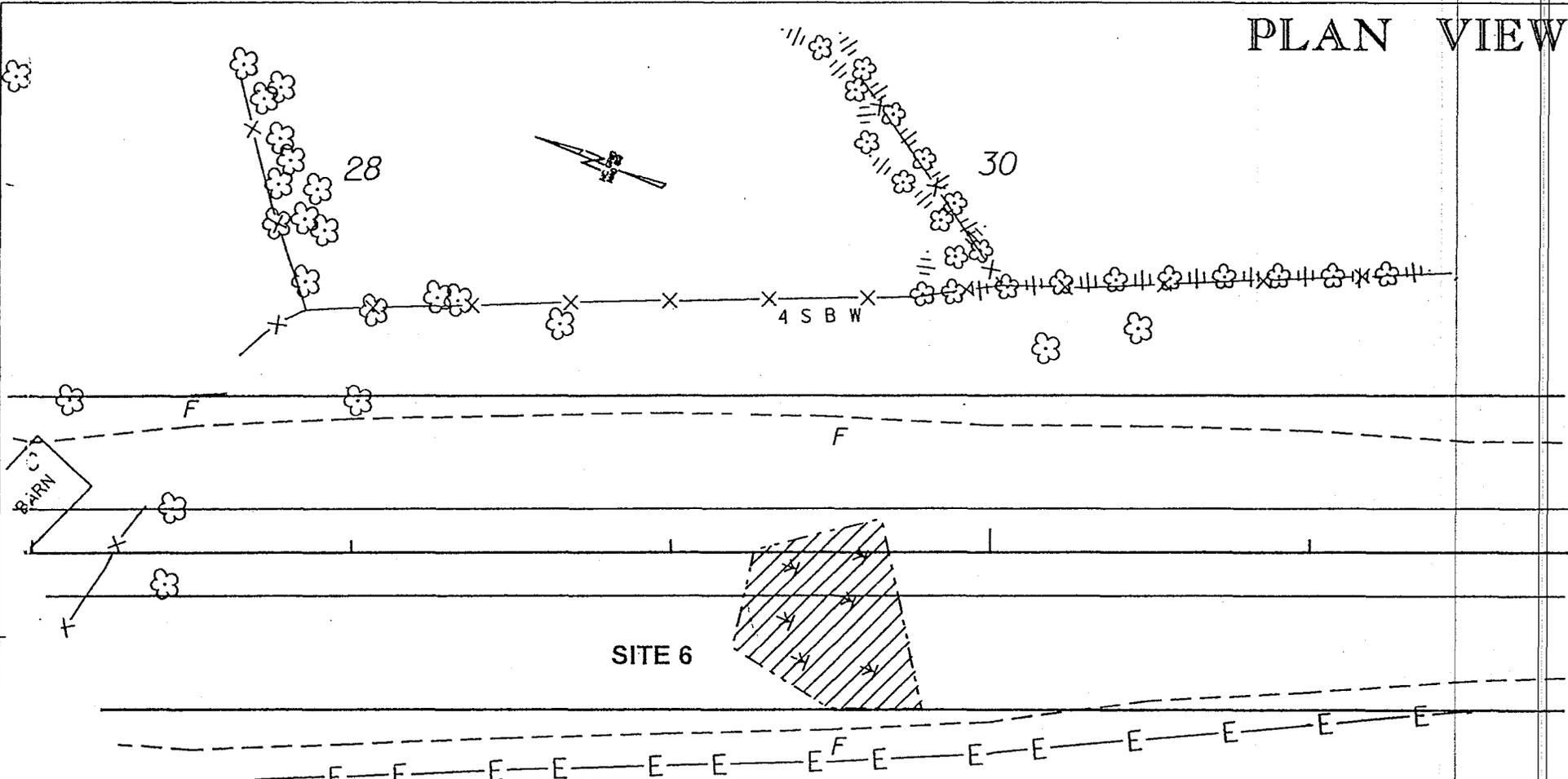
-  DENOTES FILL IN WETLANDS
-  DENOTES FILL BELOW ORDINARY HIGH WATER

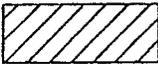


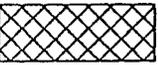
N. C. DEPT. OF TRANSPORTATION
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 ALLEGHANY COUNTY
 PROJECT: 9.8112515 (R-3117)
 SPARTA WESTERN LOOP
 FROM SR1172 (GRANDVIEW DRIVE)
 TO US 21 NORTH

SHEET 3 OF 10

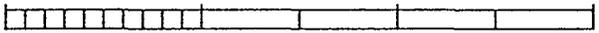
PLAN VIEW



 DENOTES FILL IN WETLANDS

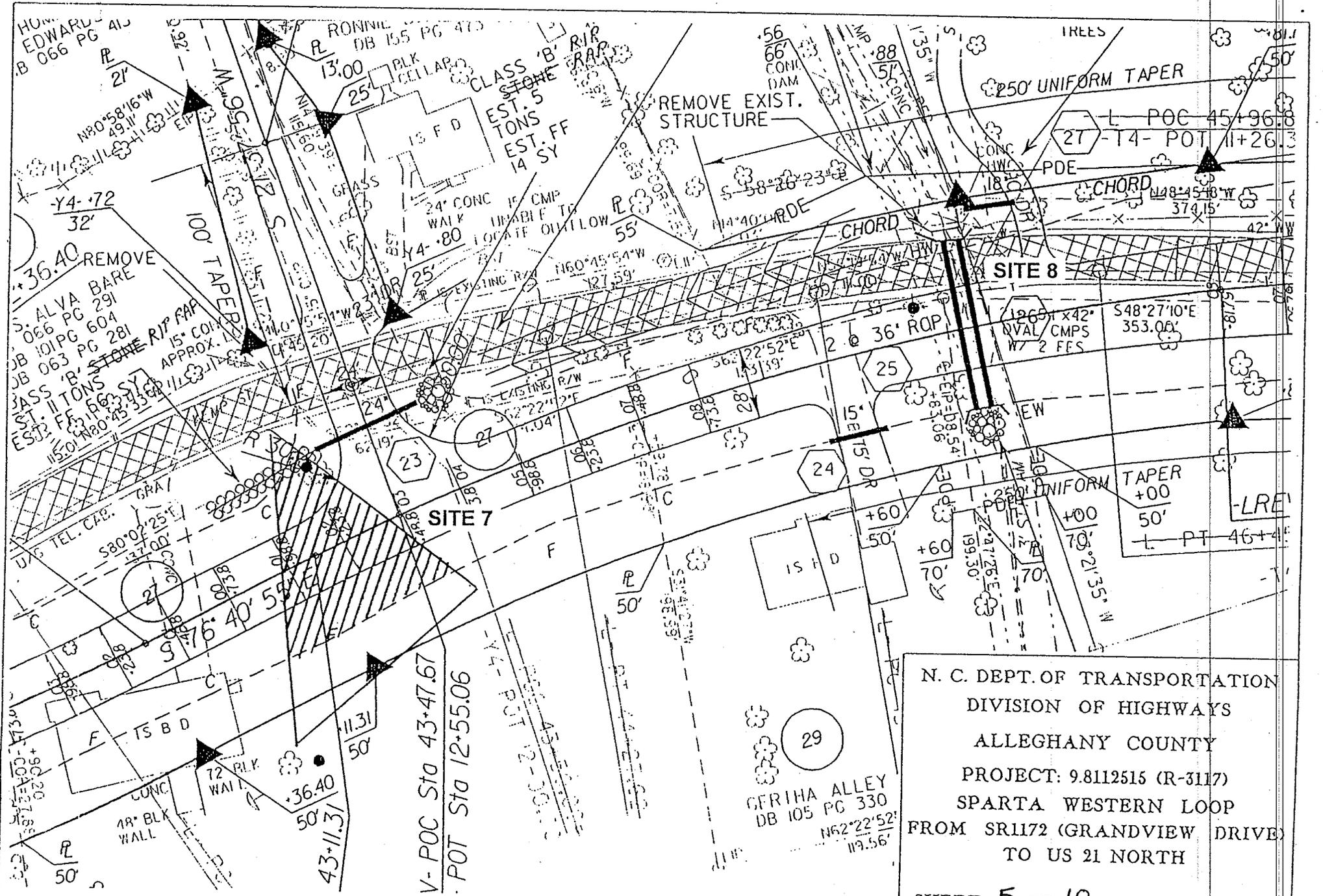
 DENOTES FILL BELOW ORDINARY HIGH WATER

SCALE 1" = 50'



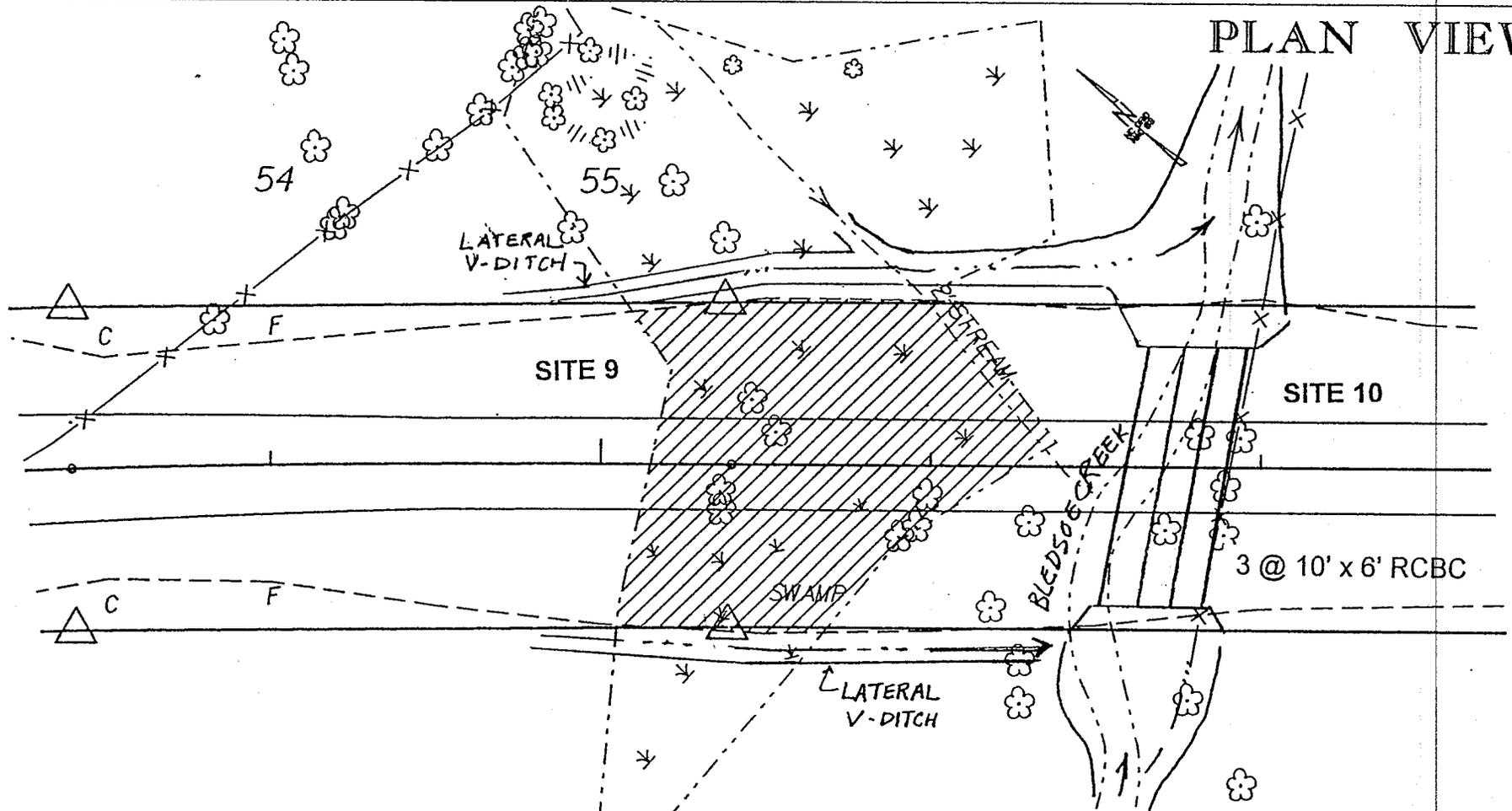
N. C. DEPT. OF TRANSPORTATION
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 ALLEGHANY COUNTY
 PROJECT: 9.8112515 (R-3117)
 SPARTA WESTERN LOOP
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 TO US 21 NORTH

SHEET 4 OF 10



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ALLEGHANY COUNTY
 PROJECT: 9.8112515 (R-3117)
 SPARTA WESTERN LOOP
 FROM SR1172 (GRANDVIEW DRIVE)
 TO US 21 NORTH
 SHEET 5 OF 10

PLAN VIEW

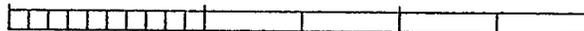


DENOTES FILL IN WETLANDS



DENOTES FILL BELOW
ORDINARY HIGH WATER

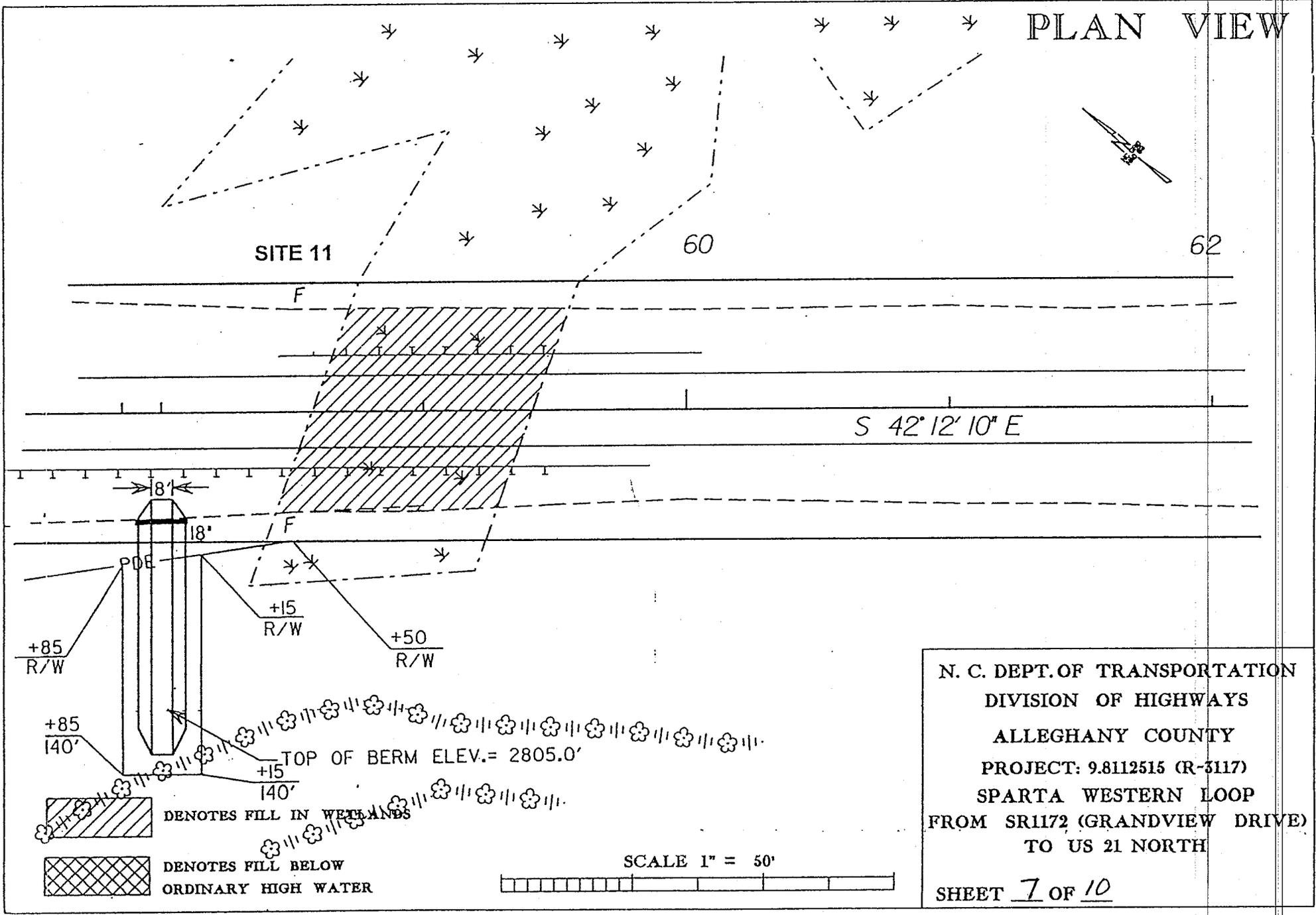
SCALE 1" = 50'



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ALLEGHANY COUNTY
PROJECT: 9.8112515 (R-3117)
SPARTA WESTERN LOOP
FROM SR1172 (GRANDVIEW DRIVE)
TO US 21 NORTH

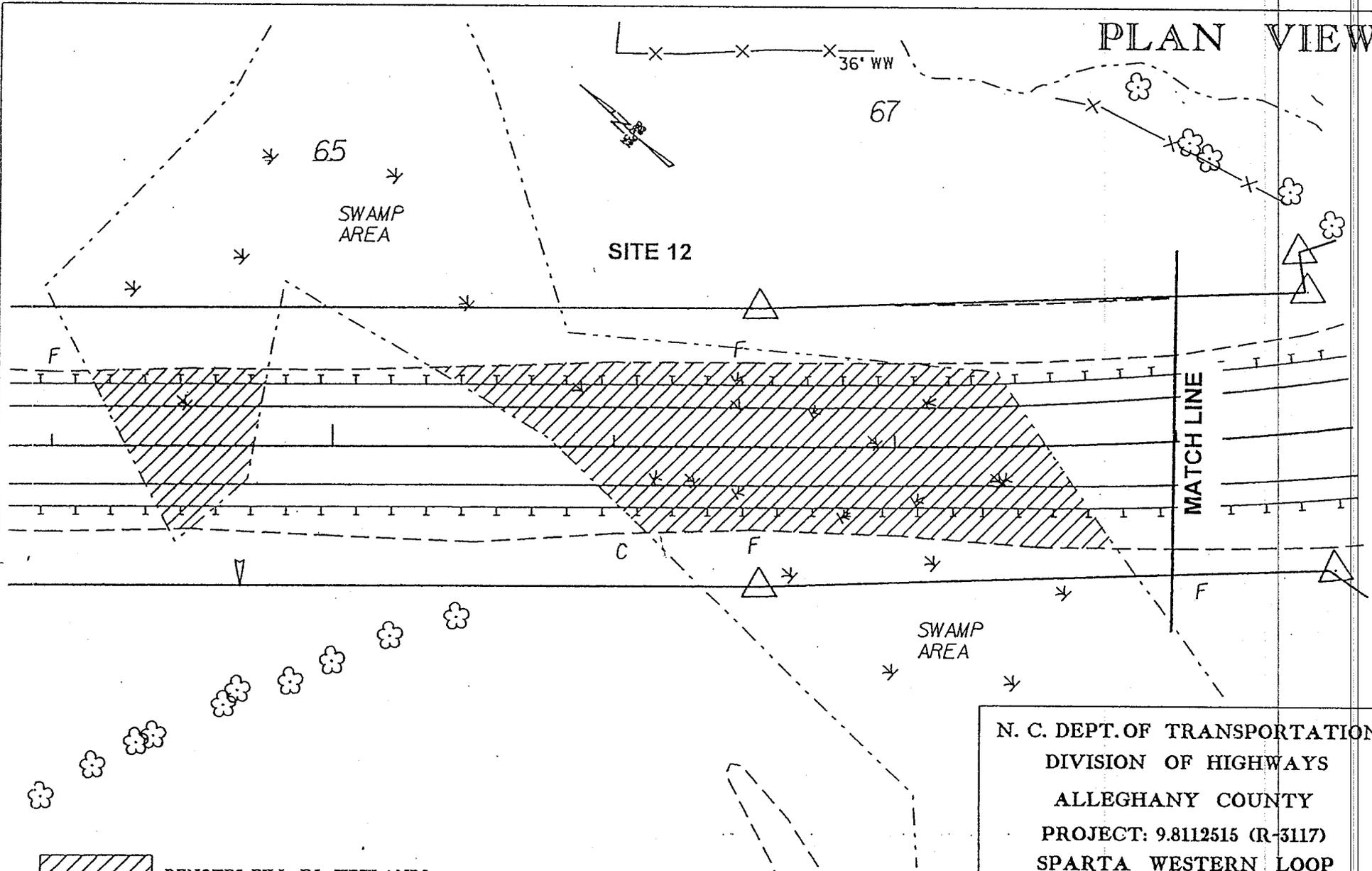
SHEET 6 OF 10

PLAN VIEW

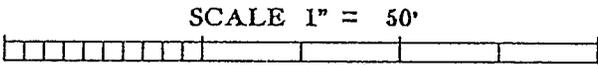


N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ALLEGHANY COUNTY
 PROJECT: 9.8112515 (R-3117)
 SPARTA WESTERN LOOP
 FROM SR1172 (GRANDVIEW DRIVE)
 TO US 21 NORTH
 SHEET 7 OF 10

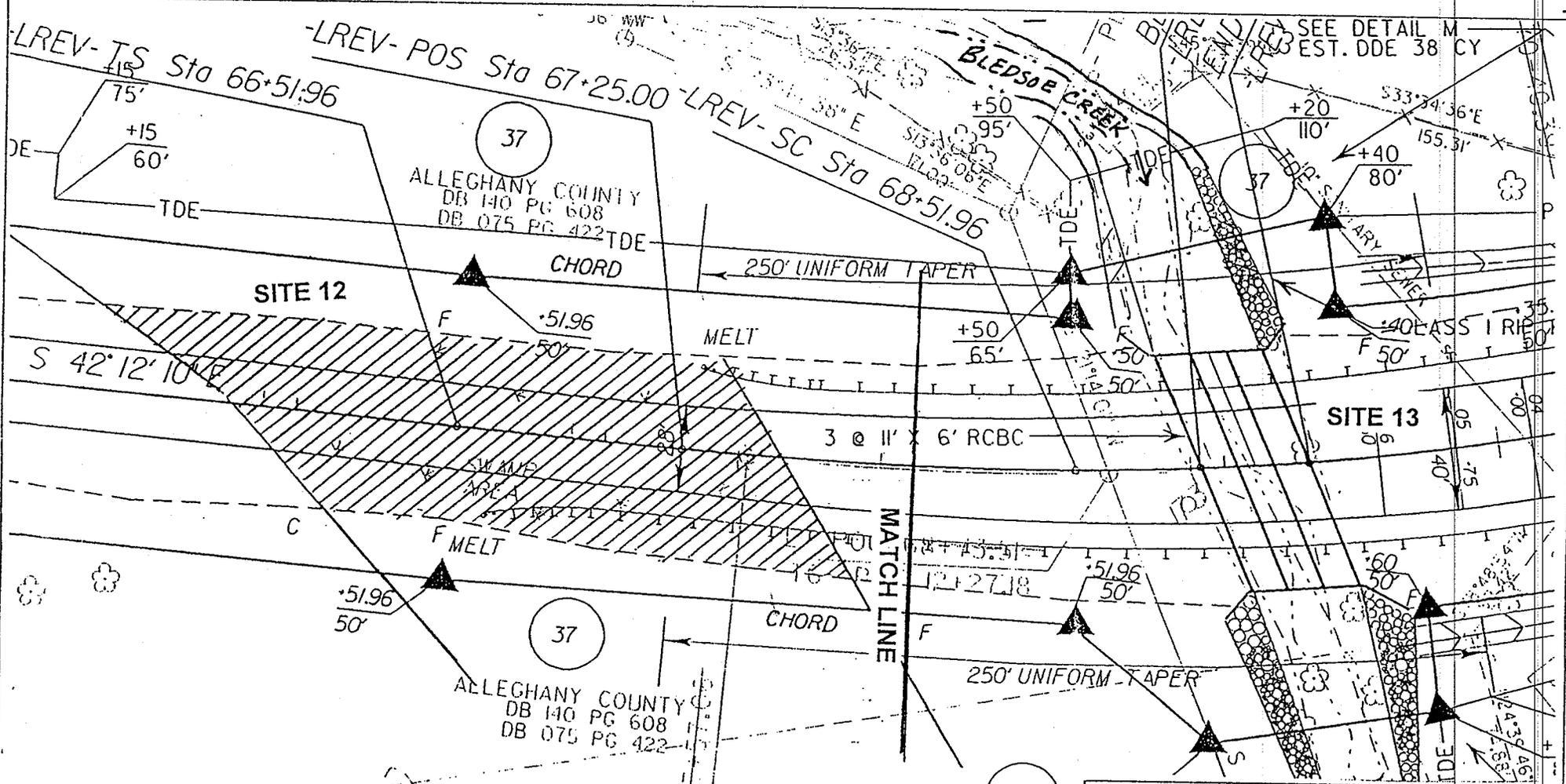
PLAN VIEW



-  DENOTES FILL IN WETLANDS
-  DENOTES FILL BELOW ORDINARY HIGH WATER



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ALLEGHANY COUNTY
PROJECT: 9.8112515 (R-3117)
SPARTA WESTERN LOOP
FROM SR1172 (GRANDVIEW DRIVE)
TO US 21 NORTH
SHEET 8 OF 10



RCBC QUANTITIES:
 EXCAVATION=500 C.Y.
 CLASS 1 RIP RAP=160 TONS
 FILTER FABRIC=220 S.Y

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ALLEGHANY COUNTY
 PROJECT: 9.8112515 (R-3117)
 SPARTA WESTERN LOOP
 CL, FROM SR1172 (GRANDVIEW DRIVE)
 TO US 21 NORTH
 SHEET 9 OF 10

WETLAND IMPACTS

SITE	AREA (AC) IMPACTED	ADJACENT PROPERTY OWNERS/ ADDRESSES
2	0.08	BAYS E. PARSONS Rt. 2, Box 298 A, Sparta NC 28675
5	0.01	JIMMY ATWOOD Rt. 1 Box 205, Ennice NC 28623
6	0.07	ROBERT ANDREWS et. al. P.O. Box 111, Sparta 28675
7	0.07	JIMMY ATWOOD Rt. 1 Box 205, Ennice NC 28623
9	0.24	ALLEGHANY COUNTY P.O. Box 366, Sparta NC 28675
11	0.15	ALLEGHANY COUNTY P.O. Box 366, Sparta NC 28675
12	0.26	ALLEGHANY COUNTY P.O. Box 366, Sparta NC 28675
TOTAL	0.88	

Note: All other sites have no wetland impacts

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ALLEGHANY COUNTY
PROJECT: 9.8112515 (R-3117)
SPARTA WESTERN LOOP
FROM SR1172 (GRANDVIEW DRIVE)
TO US 21 NORTH



RECEIVED

NOV 5 1995

REGULATORY BRANCH

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DIVISION OF HIGHWAYS
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.
SECRETARY

November 1, 1995

Regulatory Branch
U. S. Army Corps of Engineers
Wilmington Field Office
P. O. Box 1890
Wilmington, North Carolina 28402-1890

Dear Sir:

SUBJECT: Alleghany County, TIP No. R-3117, State Project No. 9.8112515,
Proposed Sparta Western Loop, from SR 1172 to US 21 North.

As you are aware, the North Carolina Department of Transportation (NCDOT) proposes to construct the Sparta Western Loop, a 2-lane facility on new location, from SR 1172 to US 21 north of Sparta. The NCDOT applied for permit authorization for this project on January 31, 1995. This cover letter in this application included extensive information on the wetland impacts of the project and a copy of this letter is attached. A great deal of coordination has taken place since the submittal of the application.

The State Environmental Assessment/Finding of No Significant Impact for this project was approved by the NCDOT in September 1994. The document was then distributed through the State Clearinghouse for comments. The agencies that commented through the State Clearinghouse felt that the NCDOT did not adequately address viable alternatives, including wetland avoidance alternatives. Consequently, the NCDOT submitted additional information to the Clearinghouse on March 20, 1995 which addressed these concerns. The Clearinghouse notified the NCDOT on April 12, 1995 that no further review was needed for compliance with the North Carolina Environmental Policy Act.

As part of this coordination, the NCDOT has lowered the grade of the project in order to further minimize wetland impacts. Consequently, the total wetland impact was reduced from 0.99 acres to 0.88 acres. The permit drawings have been revised to show



pipes and culverts along the project as well as the wetland impacts. A revised permit application and permit drawings are enclosed. The impact sites have been re-numbered to include the culverts and pipes.

The NCDOT has investigated mitigation opportunities along the subject project in accordance with agency comments. A great deal of emphasis was given to the recommendations of Dr. Dennis Herman. Dr. Herman submitted a report to the NCDOT on July 10, 1995 which evaluated the general habitat quality of the wetlands in the project area and the potential of those wetlands to support the bog turtle (*Clemmys muhlenbergii*). The report also identified a rare plant, Gray's lily (*Lilium grayi*), in the project area. The report discussed 12 sites, and concluded that only four sites had high potential as mitigation sites. Acquisition of the third ranked site was found to be infeasible. The NCDOT has pursued the acquisition of the three other sites.

The NCDOT has obtained an option on the two best sites identified by Dr. Herman's analysis. These sites are currently owned by Allegheny County. The highest ranked site is the only location where the Gray's lily was identified. This wetland area will not be directly impacted by the road project, and consequently the population of Gray's lily will be preserved in place. The NCDOT will evaluate the feasibility of blocking old drainage ditches on this property. This site consists of about 1.3 acres of wetlands. The site is contained in Wetland Parcel No. 1 depicted in the attached Figure 1. This parcel is 4.38 acres in size, and also contains one of the remnants of the second ranked site.

The second highest ranked site will be divided by the road project, and is identified as Site 9 in the permit drawings. Lateral v-ditches will be constructed at the edge of the roadway fill to convey roadway runoff during storm events. However, these ditches have been designed to avoid draining the adjacent wetland remnants. Consequently, it is expected that the remnants will retain wetland status as shown on Sheet 6. The existing site consists of 0.57 acres, of which 0.33 acres will remain. The second remnant of the site has also been secured by option as part of Wetland Parcel No. 2 in Figure 1. This parcel includes 0.72 acres.

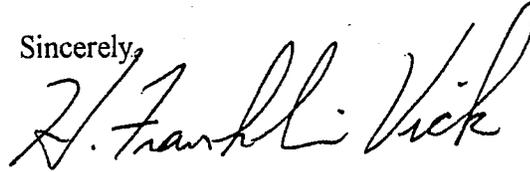
The fourth ranked site is privately owned, and occurs across Bledsoe Creek from the project. An option has been obtained for a 5.61 acre parcel which contains the site. This wetland site is about 1.4 acres in size, and will not be directly affected by the road project. The NCDOT will also evaluate the possibility of filling old drainage ditches at this site. This site is included in Wetland Parcel No. 3 in Figure 1. The NCDOT granted the property owner an Easement for Access to provide a means of access to water for cattle from the remainder of their land to Bledsoe Creek. This easement will be 20 feet wide, and will be fenced along with the property line to prevent cattle from straying onto the remainder of Wetland Parcel No. 3.

In addition, the NCDOT has identified four parcels of land adjacent to Bledsoe Creek which were purchased during the right of way acquisition for the project. These parcels are also shown in Figure 1. Although these parcels do not contain wetlands, they

will be protected as a buffer for Bledsoe Creek. It is the NCDOT's intention that all of the protected parcels of land will remain in NCDOT right of way unless a suitable agent is found to receive title and management responsibilities who will ensure their long-term preservation. This will preserve 16.16 acres of habitat along Bledsoe Creek, including about 2.94 acres of wetlands.

A revised permit application for the project is enclosed. The NCDOT hereby requests that you continue to review this project for authorization under the Clean Water Act. Copies of this letter have been sent to the N.C. Wildlife Resources Commission and the N.C. Division of Environmental Management for their review. If you have any questions or need any additional information, please contact Mr. Gordon Cashin at (919) 733-3141, Extension 315.

Sincerely,



H. Franklin Vick, PE, Manager
Planning and Environmental Branch

HFV/plr

Attachments

cc: Ms. Stephanie Goudreau, NCWRC, Marion
Mr. David Cox, NCWRC, Raleigh
Mr. John Thomas, COE, Raleigh
Mr. John Dorney, NCEHNR, DEM
Mr. N. L. Graf, FHWA, attn: Mr. Roy Shelton
Mr. Kelly Barger, PE, Program Development Branch
Mr. Don Morton, State Highway Engineer - Design
Mr. A. L. Hankins, Hydraulics Unit
Mr. Tom Shearin, PE, State Roadway Design Engineer
Mr. W. E. Hoke, PE, Division 11 Engineer

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Environmental Management

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director



November 30, 1995
Alleghany County
DEM Project # 95100
TIP No. R-3117
State Project # 9.8112515
COE # 199401753

APPROVAL of 401 Water Quality Certification and ADDITIONAL CONDITIONS

Mr. Franklin Vick
Planning and Environmental Branch
NC DOT
P. O. Box 25201
Raleigh, N.C. 27611-5201



Dear Mr. Vick:

You have our approval to place fill material in 0.88 acres of wetlands or waters for the purpose of constructing the proposed Sparta Western Loop From SR 1172 to US 21 N, as you described in your application dated 1 November 1995. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 2733. This certification allows you to use Nationwide Permit Number 14 when it is issued by the Corps of Engineers.

This approval is only valid for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. For this approval to be valid, you must follow the conditions listed in the attached certification. The mitigation as described in your 1 November 1995 letter shall be completed. In addition, 1) the access site for cattle shall be constructed so that cattle cannot walk up and down the stream channel and 2) stream banks shall be planted with woody vegetation. Two rows of willows shall be planted along the toe of the bank on 2.5 foot centers with sycamore and river birch planted along the top of the bank on 10 centers. In addition, you should get any other federal, state or local permits before you go ahead with your project.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Environmental Management under Section 401 of the Clean Water Act. If you have any questions, please telephone John Dorney at 919-733-1786.

Sincerely,

A. Preston Howard, Jr. P.E.

Attachment

cc: Wilmington District Corps of Engineers
Corps of Engineers Raleigh Field Office
Winston-Salem DEM Regional Office
Mr. John Dorney
Central Files
Stephanie Briggs; DOT
Stephanie Goudreau; WRC

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GENERAL CERTIFICATION FOR PROJECTS REGISTERED
FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 18 (MINOR
DISCHARGES)

This General Certification is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Environmental Management Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0109 and .0201 for the discharge of fill material to navigable waters and adjacent wetland areas tributary to interstate waters or navigable waters of the United States (i.e., isolated wetlands) as described in 33 CFR 330 Appendix A (B) (18). This certification replaces Water Quality Certification Number 2669 issued on January 21, 1992.

The State of North Carolina certifies that the specified category of activity will not violate Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. Proposed discharge of greater than 10 cubic yards of fill material or discharges into special aquatic sites including wetlands requires written concurrence from the Division of Environmental Management;
2. Proposed fill or substantial modification of waters or wetlands for this General Certification of any amount in Primary Nursery Areas (PNAs) and Outstanding Resource Waters (ORWs) requires written concurrence from the Division of Environmental Management;
3. If written concurrence is not issued by the Division of Environmental Management within 45 days from receipt of a complete application by the Division's 401 Certification Office in Raleigh, then 401 Certification is deemed to be issued as long as the applicant follows all other conditions of this General Certification unless additional information is requested in writing by the Director or his designee;
4. That established sediment and erosion control practices are utilized to prevent violations of the appropriate turbidity water quality standard (50 NTUs in streams and rivers not designated as trout waters by DEM; 25 NTUs in all slatwater classes, and all lakes and reservoirs; and 10 NTUs in trout waters);
5. That additional site-specific conditions may be added to projects proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened.,
7. Concurrence from DEM that this Certification applies to an individual project shall expire three years from the date of the cover letter from DEM.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of