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## ⊠ North Carolina Wildlife Resources Commission ⊠

Gordon Myers, Executive Director

### MEMORANDUM

TO: Amanda Jones, USACOE  
Asheville Regulatory Field Office

Gray Hauser, NC Division of Land Resources  
NC Department of Environment and Natural Resources

FROM: Ron Linville, Regional Coordinator  
Habitat Conservation Program

DATE: October 7, 2008

SUBJECT: Avery County C&D Landfill Expansion, Headwater Tributary Brushy Creek,  
Avery County

The applicant proposes to expand an existing landfill. Biologists with the North Carolina Wildlife Resources Commission are familiar with habitat values in the area. These comments are provided in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d) and the North Carolina Environmental Policy Act (G.S. 113A-1 through 113A-10; NCAC 25).

The expansion project will impact 408 linear feet of intermittent jurisdictional stream and 0.01 (0.004) acres of headwater forest wetland. Removal of waste and restoration of a 50' buffer will be provided to enhance buffer functions. Current site conditions are poor and no trout are known for these waters. Mitigation is proposed through on-site perennial buffer restoration and sediment removal within the same reach. The total mitigation package includes 5,045 linear feet of preservation, 569 linear feet of sediment removal (enhancement) plus 40 linear feet of crossing removal (daylighting). In addition to this Clean Water Act mitigation, the project's proponents indicate that trout buffer impact mitigation will be provided for 0.524 acres of impact. This mitigation includes 4.20 acres of preservation, future preservation of 7.4 acres and restoration of 0.66 acres of buffer on perennial waters. Project proponents are requesting our concurrence with Clean Water Act permits and certifications as well as concurrence with a trout buffer waiver.

Based on our review of the submittal, we will not object to the project as proposed. We believe the project as proposed should improve aquatic ecosystems below the site. It is possible that repopulation by aquatic life could occur once the project is completed and stabilized. Accordingly, 404 Permits and 401 Certifications should include the proposed mitigation measures. Additionally, we recommend that the NCDLR allow a trout waiver for the project.

The following non-prioritized recommendations are provided for permit and certification considerations:

1. Stringent erosion control measures should be installed where soil is disturbed and maintained until project completion. If appropriate, sediment and erosion control measures should adhere to the design standards for sensitive watersheds (15A NCAC 4B .0024).
2. If any concrete will be used, work must be accomplished so that wet concrete does not contact stream water.
3. Heavy equipment should be operated from banks rather than in the stream channel in order to minimize sedimentation/turbidity and to reduce potential introduction of petroleum pollutants into area streams. If practicable, suction dredging and filter bags should be used for sedimentation removal. If this is not practicable or feasible, appropriate erosion control measures should be used.
4. Native plants should be used for stream buffer vegetation. Temporary or permanent native herbaceous vegetation should be established on all bare soil within five (5) days of ground disturbing activities in the twenty-five (25) foot trout buffer to provide long-term erosion control. In addition to the trees and shrubs proposed, we recommend using annual oats or wheat for temporary vegetation. Natural fiber matting is recommended over plastic matting that can impinge and entrap small animals.
5. Stormwater and infiltration management should be provided to intercept landfill drainage using bio-filters or similar devices such as Low Impact Development (LID) measures and techniques. Information on LID practices and techniques can be found at [www.lowimpactdevelopment.org](http://www.lowimpactdevelopment.org), <http://www.epa.gov/owow/nps/lid/lidnatl.pdf> and <http://www.stormwatercenter.net/>.

Thank you for the opportunity to review and comment on this project during the early planning stages. If you have any questions regarding these comments, please contact me at 336/769-9453.

E-copy: Kevin Barnett, Linda Wiggs, DWQ-ARO