



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 29, 2006

U. S. Army Corps of Engineers
Regulatory Field Office
Post Office Box 1890
Wilmington, NC 28402-1890

ATTN: Mr. Richard Spencer
NCDOT Coordinator

Dear Mr. Spencer:

SUBJECT: Permit Modification Request of the existing Individual 404 and Individual 401 Permits for the Relocation of US 74. US 74 relocation from Maxton Bypass in Maxton to NC 41 in Lumberton, Robeson County. TIP No. R-0513; State Project No. 6.469002T. Debit \$475.00 from WBS Element 34336.1.5

Please reference Section 404 Individual Permit, USACE Action ID 2003-00999, dated March 31, 2005, and Section 401 Individual Permit, Certificate DWQ ID 040734, WQC No. 3468, dated April 19, 2005. Compensatory mitigation needed to offset the impacts from the relocation of US 74 was to be provided entirely by the NCDENR Ecosystem Enhancement Program (EEP). A copy of the EEP acceptance letter is included with this letter.

Per an on-site discussion between the U.S. Fish and Wildlife Service (USFWS), N.C. Wildlife Resource Commission (NCWRC), U.S. Army Corps of Engineers (USACE) and NCDOT on March 7, 2006, it was agreed upon that NCDOT would provide on-site mitigation. This meeting date was to review the potential sites that had previously been chosen. NCDOT now has an opportunity to provide some of the necessary mitigation on-site at the Maxton site (R-0513A) and the UT Little Jacob site (R-0513C). The unavoidable impacts include 62.87 acres of wetlands (5.53 acres of riverine and 57.34 acres of non-riverine wetlands) and 9,101 linear feet of stream associated with the proposed project.

The Maxton site would provide 3,260 linear feet of Priority II stream restoration at a 1:1 ratio, 48.6 acres of riverine wetland preservation at a 5:1 ratio, and 1.4 acres of non-riverine wetland preservation at a 5:1 ratio. An excess of 20.95 acres for riverine wetland will result from this preservation. The site is located in Robeson County, approximately 2 miles southeast of Maxton. The site is located in USGS Hydrologic Unit Code 03040203 and NCDWQ 03-07-51 sub-basin.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.DOH.DOT.STATE.NC.US

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

The UT Little Jacob site would provide 3,337 linear feet of Priority II stream restoration at a 1:1 ratio and 0.94 acre of non-riverine wetland preservation at a 5:1 ratio. The site is located in Robeson County, approximately 2 miles south of the Lumberton Airport, east of SR 2418 Lumberton Road and south of the existing US 74 right of way. The site is located in USGS Hydrologic Unit Code 03040203 and NCDWQ 03-07-51 sub-basin.

Copies of the mitigation plans and 60% designs for the sites have been provided to NCWRC, USFWS, NCDWQ, USEPA, and USACE. Additional copies are available upon request.

NCDOT will coordinate with EEP to reduce the amount of mitigation needed to the following:

Non-riverine wetland preservation	284.36 ac
Stream preservation	25,040 ft

If you have any questions or need additional information please contact Mr. John Merritt at (919) 715-5536.

Sincerely,



fej

Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch

Cc: Mr. John Hennessy, NCDWQ
Mr. Travis Wilson, NCWRC
Ms. Kathy Matthews, USEPA
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
Mr. Gary Jordan, USFWS
Mr. Michael Street, NCDMF
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mrs. Beth Harmon, EEP
Mr. Terry Gibson, P.E., Division 6 Engineer
Mr. Jim Rerko, Division 6 Environmental Officer
Mr. Todd Jones, External Audit Branch

Enclosure



Mr. Richard Spencer
U. S. Army Corps of Engineers
Wilmington Regulatory Field Office
Post Office Box 1890
Wilmington, North Carolina 28403

Dear Mr. Spencer:

Subject: EEP Mitigation Acceptance Letter

R-0513, US 74 (Maxton Bypass), Robeson County; Lumber River Basin
(Cataloging Unit 03040203); Southern Inner Coastal Plain (SICP) Eco-Region

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) proposes to provide preservation to compensate for the unavoidable 5.53 acres of riverine wetland, 57.34 acres of non-riverine wetland, and 9,101 feet of stream impacts of the subject project in the following manner:

Wetland Preservation (10:1) in Same Eco-Region (62.87 acres wetlands)

Great Cohaire (Sampson County) 628.70 acres

Stream Preservation (10:1) in Same Eco-Region (12,040 feet stream)

Great Cohaire (Sampson County) 91,010 feet

This letter replaces the mitigation acceptance letter issued on May 20, 2004. The subject TIP project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The compensatory mitigation for the project will be provided in accordance with Section IX, EEP Transition Period, of the Agreement.

If you have any questions or need additional information, please contact Ms. Beth Harmon at (919) 715-1929.

Sincerely,

William D. Gilmore, P.E.
EEP Director

cc: Mr. Phil Harris, Office of Natural Environment, NCDOT
Mr. John Hennessey, Division of Water Quality, Wetlands/401 Unit
File: R-0513 Revised

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North Carolina Ecosystem Enhancement Program, 1652 Mail Service Center, Raleigh, NC 27699-1652 / 919-715-0476 / www.nceep.net





March 8, 2005

Mr. Gregory J. Thorpe, Ph.D., Manager,
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

R-0513A/B/C, US 74 Relocation (Maxton Bypass), Robeson County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide compensatory mitigation for the subject project. Based on the information supplied by you in a letter dated April 30, 2004, and revised letter dated March 8, 2005, the impacts requiring EEP mitigation are located in Cataloging Unit 03040203 of the Lumber River Basin in the Southern Inner Coastal Plain Eco-Region, and are summarized below.

Wetland Impacts: 5.53 acres Riverine; 57.34 acres Non-Riverine
Stream Impacts: 9,101 feet

This letter replaces the mitigation acceptance letter issued on May 20, 2004. As stated in your letter, the subject project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The compensatory mitigation for the subject project will be provided in accordance with Section IX, EEP Transition Period, of this agreement.

If you have any questions or need additional information, please contact Ms. Beth Harmon at (919) 715-1929

Sincerely,

A handwritten signature in black ink that reads "James B. Standell, Jr." in a cursive script.

William D. Gilmore, P.E.
EEP Director

cc: Mr. Richard Spencer, USACE - Wilmington
Mr. John Hennessy, Division of Water Quality, Wetlands/401 Unit
File No. R-0513 Revised

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