



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 4, 2006

US Army Corps of Engineers
Raleigh Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, NC 27615-6814

Attn: Mr. Todd Tugwell
NCDOT Coordinator, Division 7

Subject: **Application for Modification to Section 404 permit** for the Western Outer Loop from North of I-85 near Groometown Road to North of High Point Road and from North of Norfolk Southern Railroad to I-40 Interchange; Greensboro, Guilford County, State Work Order Number 8.U492101; WBS Elements 34820.1.8 and 34820.1.10; TIP U-2524AB and AC, Division 7.

Reference: USACE Section 404 Individual Permit, Action ID No. 200321137

Dear Sir:

On October 30, 2003, the US Army Corps of Engineers (USACE) issued a Section 404 Individual Permit (Action ID No. 200321137) for the subject project. A Section 401 Water Quality General Certification No. 3435 was issued on October 24, 2003 from the N.C. Division of Water Quality (NCDWQ) with the Section 404 Permit.

Within the USACE Section 404 Individual Permit is the **Woodlyn Way Stream Mitigation Section aa** (pg. 5). This section (aa) reads as follows: The permittee shall mitigate for 381 linear feet of impacts to stream channel associated with this project with 1,150 linear feet of stream restoration and 45 linear feet of stream enhancement, as described in the "Woodlyn Way Stream Mitigation Plan, Guilford County, North Carolina", dated January 2002 (Action ID 200220514). The permittee shall complete the construction and planting at the Woodlyn Way Mitigation Site concurrently with the construction of TIP U-2524 AB and AC. Attached is a copy of page 5 of the Individual Permit with the Woodlyn Way Stream Mitigation Section aa.

MAILING ADDRESS:
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LOCATION:

2728 CAPITAL BLVD. SUITE 240
RALEIGH NC 27604

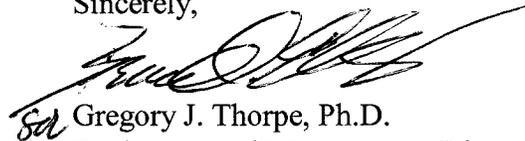
The North Carolina Department Of Transportation proposes to extend the expiration date of the U-2524 AB & AC Individual Permit (Action ID Number 200321137) to December 31, 2007. The current permit expires December 31, 2006. The request for extension is needed to construct the Woodlyn Way Stream Mitigation site per Special Condition aa. The Woodlyn Way Stream Mitigation Site is being constructed under a separate Purchase order (P.O.) contract. The P.O. contract has been awarded for construction. The completion date for the P.O. contract is February 1, 2007. The planting will be completed by March 15, 2007. The roadway is scheduled to be completed by July 1, 2007. NCDOT elected to wait until the end of the roadway construction to construct the Woodlyn Way site in order that the so adjacent roadway fill slopes could be stabilized with vegetation.

Regulatory Approvals

Application is hereby made for the modification of the Section 404 Permit from the USACE. We anticipate this project will retain the 401 General Water Quality Certification and are providing two copies of this application to NCDWQ, for their review.

If you have any questions or need additional information, please call Ms. Susan Thebert at (919) 715-1461.

Sincerely,



Gregory J. Thorpe, Ph.D.

Environmental Management Director, PDEA

Mr. John Hennessy, NCDWQ (2 Copies)
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
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. J. M. Mills, P.E., Division 7 Engineer
Mr. Jerry Parker, Division 7 Environmental Officer

w/o attachment

Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Drew Joyner, PDEA Project Planning Engineer
Mr. Scott McLendon, USACE, Wilmington

acceptable to the Corps of Engineers. The annual monitoring reports, as required, will include the status of the conveyance efforts.

y. The permittee shall not sell or otherwise convey any interest in the wetland mitigation properties used to satisfy mitigation requirements for this permit, to any third party, without 10 days prior notification to Wilmington District Corps of Engineers in writing, which writing shall reference this permit Action ID number.

z. Any sale, lease, or other conveyance of the wetland mitigation site properties shall include restrictions on the use of the properties as described in condition w. above, which conditions shall be enforced by the North Carolina Department of Transportation. Such restrictions shall include language providing for third party enforcement rights in favor of the Corps of Engineers. Such restrictions must be approved by the Corps of Engineers prior to conveyance.

WOODLYN WAY STREAM MITIGATION

aa. The permittee shall mitigate for 381 linear feet of impacts to stream channel associated with this project with 1,150 linear feet of stream restoration and 45 linear feet of stream enhancement, as described in the "Woodlyn Way Stream Mitigation Plan, Guilford County, North Carolina", dated January 2002 (Action ID. 200220514). The permittee shall complete the construction and planting at the Woodlyn Way Mitigation Site concurrently with the construction of TIP U-2524AB and AC.

TICK CREEK STREAM MITIGATION

bb. The permittee shall mitigate for 2,095 linear feet of impacts to stream channel associated with this project with 2,946 linear feet of stream restoration and 3,733 linear feet of stream preservation, as described in the "Stream Mitigation Plan, Tick Creek, Condoret Property, Chatham County, North Carolina", dated September 2002 (Action ID. 200320295). The permittee shall complete the construction and planting at the Tick Creek Mitigation Site by December 31, 2004.

UT BEAR CREEK STREAM MITIGATION

cc. The permittee shall mitigate for 1,145 linear feet of impacts to stream channel associated with this project with 1,806 linear feet of stream restoration, as described in the "UT Bear Creek Mitigation Plan, Chatham County, North Carolina", dated June 2003 (Action ID. 200320314), to the extent necessary to provide the required mitigation. The permittee shall complete all the construction and planting at the UT Bear Creek Mitigation Site, by December 31, 2004.