

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE  
GOVERNOR

EUGENE CONTI  
SECRETARY

December 22, 2011

U.S. Army Corps of Engineers  
Regulatory Field Office  
3331 Heritage Trade Drive Suite 105  
Wake Forest, NC 27587

ATTN: Mr. Monte Matthews  
NCDOT Coordinator

Subject: **Request for Modification to Individual Section 404 Permit and to Individual Section 401 Certification** for Improvements to the NC 88 (West Main Street) from NC 194 to US 221 Business (South Main Street), Ashe County, NC (TIP No. U-3812, State Project No. 81711501, Federal Aid Project No. STP-0088(6)) Debit \$570.00 from WBS Element 34977.1.1

Reference: Individual 401 Water Quality Certification No. 3862 issued July 20, 2011  
Individual 404 Permit SAW-2001-20061 issued October 28, 2011.

Dear Mr. Matthews:

The North Carolina Department of Transportation (NCDOT) proposes a modification to the existing Individual Section 404 Permit and Section 401 Water Quality Certification for the above referenced project. A revised impact summary table, revised permit drawings, modified EEP acceptance letter, and a modified SHPO concurrence letter are included with this letter. The purpose of this letter is to request a modification to the original permit due to a recent design change at Permit Impact Site # 4. The revised design does not compromise NCDOT's compliance with the existing permit conditions.

During the course of preconstruction activities, NCDOT found an error in the original field notes that changed some stream elevations. NCDOT has redesigned the culvert at Site 4 based on the revised stream profile. The new culvert design is the same size, but 0.6' higher at the centerline of the roadway and on a slightly flatter grade than the previously approved design. The proposed construction revision will include a rock cross vane upstream of the culvert inlet. The purpose of the rock cross vane is to stabilize the

**MAILING ADDRESS:**  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS  
1598 MAIL SERVICE CENTER  
RALEIGH NC 27699-1598

TELEPHONE: 919-707-6100  
FAX: 919-212-5785

WEBSITE: [WWW.NCDOT.GOV](http://WWW.NCDOT.GOV)

**LOCATION:**  
NCDOT CENTURY CENTER  
1020 BIRCH RIDGE DRIVE  
RALEIGH, NC 27610

stream and avoid a potential head cut upstream and to allow for a stable transition of the main channel and the tributary into the box culvert.

In order to maintain adequate cover between the top of the culvert and the roadway, either the roadway elevation would need to be raised or the above mentioned culvert revision would be required. Raising the elevation of the proposed roadway was determined not to be feasible because Site 4 is too close to the beginning of the project and existing buildings. The design revisions will increase permanent stream impacts by 13 feet due to the culvert revision and decrease temporary stream impacts by 13 feet.

#### Historic Architecture

The construction revision does occur within the proposed National Historic Boundary for the Joseph Benjamin Neal House. A meeting was held with representatives from NCDOT and SHPO on November 29, 2011 to review the proposed construction revision. The SHPO concurred that the construction revision will have no adverse effect on the historic property. A copy of the SHPO concurrence form is included with this letter.

#### Compensatory Mitigation

Permanent stream impacts requiring mitigation have increased by 13 feet. Attached to this letter is a modified EEP acceptance letter to cover the additional stream mitigation.

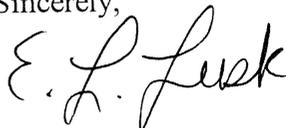
### **REGULATORY APPROVALS SUMMARY**

Section 404 Permit: Application is hereby made for a modification to the Department of the Army Section 404 Individual Permit issued October 28, 2011 for the above-described activities.

Section 401 Permit: Application is hereby made for a modification to the 401 Water Quality Certification issued July 20, 2011 for the above-described activities. In compliance with Section 143-215.3D(e) of the NCAC, we will provide \$570 to act as payment for the processing of the Section 401 Permit modification. We are providing five copies of this modification to the NCDWQ for their review and approval.

If you have any questions or need additional information please call Mr. Brett Feulner, at (919) 707-6116. A copy of this permit application and its distribution list will be posted on the NCDOT website at <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>

Sincerely,



for

Gregory J. Thorpe, Ph.D., Manger  
Project Development and Environmental Analysis

cc: NCDOT Permit Application Standard Distribution List



**Ecosystem  
Enhancement**  
PROGRAM

November 22, 2011

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

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

U-3812, Jefferson – NC 88 Widening from NC 194 to US 221 Business, Ashe County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream and riparian wetland mitigation for the subject project. Based on the information supplied by you on November 16, 2011, the impacts are located in CU 05050001 of the New River Basin in the Northern Mountains (NM) Eco-Region, and are as follows:

New 05050001 NM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non- Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	636	0	0	0.13	0.06	0	0	0

**This mitigation acceptance letter replaces the mitigation acceptance letters issued on March 1 and April 21, 2011.** In accordance with the directive from the February 8, 2011 IRT meeting, non-riparian wetland impacts located in the mountains and piedmont areas of North Carolina will be accepted as requested but mitigated utilizing riparian wetland mitigation credits. EEP commits to implementing sufficient compensatory stream and riparian wetland mitigation credits to offset the impacts associated with this project in accordance with the N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from EEP.

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

Sincerely,



Michael Ellison  
EEP Deputy Director

cc: Mr. Monte Matthews, USACE – Raleigh Regulatory Field Office  
Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit  
File: U-3812 Revised 2

*Restoring... Enhancing... Protecting Our State*



**CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS**

Project Description: **Widen NC 88 from US 221 Business to NC 194**

On **November 29, 2011\*** representatives of the

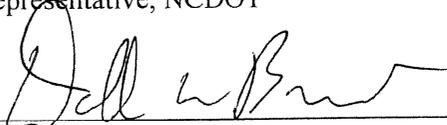
- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other

Reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

**\*This form consolidates effects findings determined on June 27, 2006; July 11, 2006; July 21, 2008; July 14, 2009; September 9, 2011; and November 29, 2011.**

Signed:

  
 Representative, NCDOT 12-13-11  
 Date

  
 FHWA, for the Division Administrator, or other Federal Agency 12-13-11  
 Date

\_\_\_\_\_  
 Representative, HPO Date

  
 State Historic Preservation Officer 12-13-11  
 Date

Federal Aid #: **STP-88(2)**

TIP#: **U-3812**

County: **Ashe**

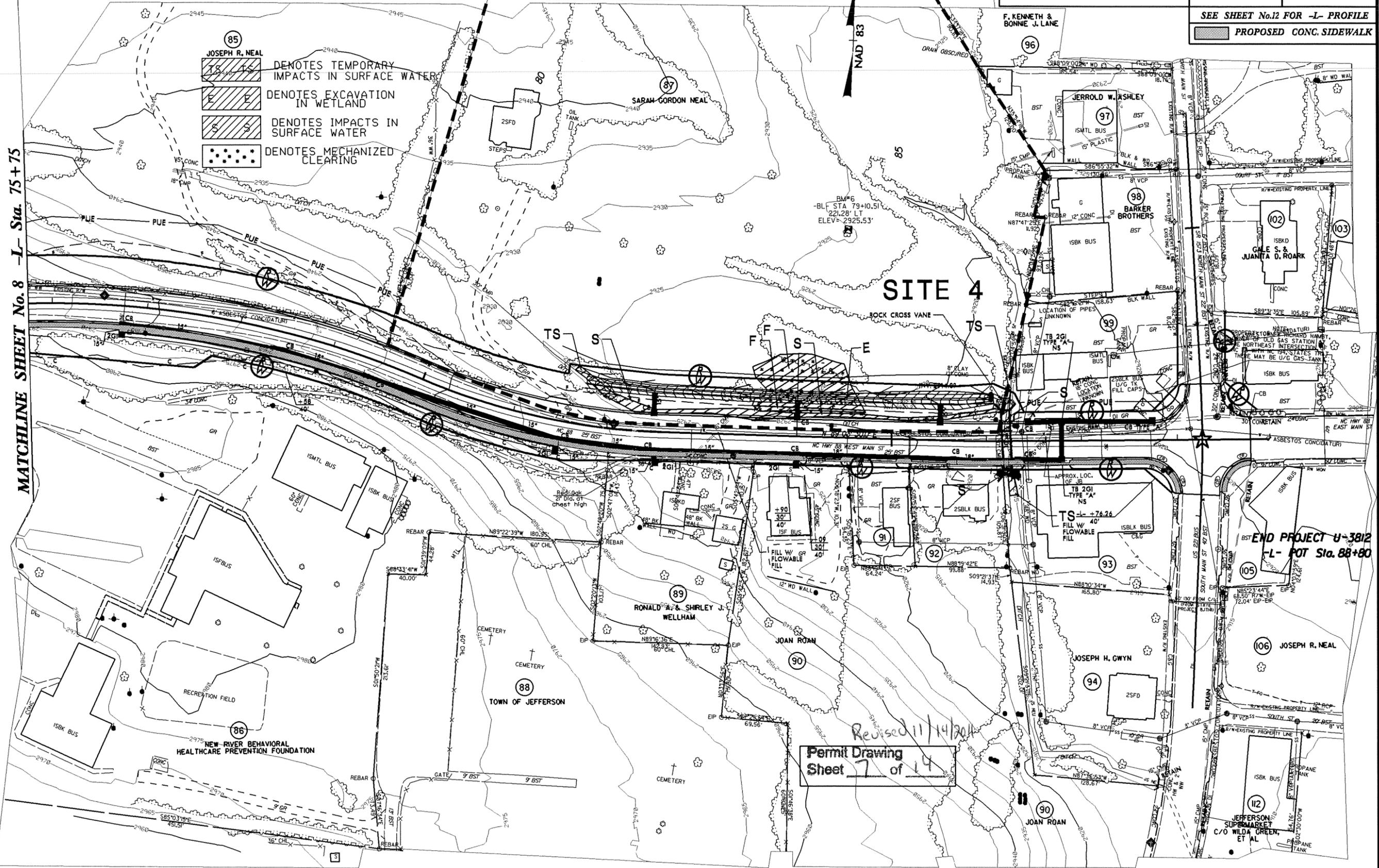
Property and Status	Alternative	Effect Finding	Reasons
Joseph Benjamin Neal House (DOE)		No Adverse Effect with commitments	Minimal impact of property will be achieved by: 1) realigning driveway to maintain existing access; 2) refraining from a significant reduction of historic vegetation; 3) finishing the retaining wall across NC 88 from the property with a simulated rock surface treatment and black vinyl chain-link fence, and eliminating the companion Jersey barrier; and 4) confining any permanent utility easements and construction west of the new drainage ditch to the proposed ROW (that is, outside the historic property boundary). November 2011 design change: culvert with rock cross vane located within ROW at eastern boundary of Neal House constitutes no significant impact on historic property.

Initialed: NCDOT VEP FHWA DB HPO RJA

FHWA Intends to use the SHPO's concurrence as a basis for a "de minimis" finding for the following properties, pursuant to Section 4(f): **the Joseph Benjamin Neal House.**

PROPERTY OWNERS			
91	THOMAS D. & VICTORIA HERMAN	99	DARREL & DARLENE POE, RICHARD & MICHELLE HAMBY
92	JOHN CHRISTOPHER BARR ET AL	105	GEORGE TIMOTHY & SANDRA W. SHATLEY
93	E. TRUETT JR. & MAREA B. WEAVER	103	JEFFERSON UNITED METHODIST CHURCH TRUSTEES

--- PROPERTY DETERMINED ELIGIBLE FOR THE NATIONAL REGISTER



LETTER DATED JUNE 08, 2010 BY: S. MEADOWS

RAW REVISION:

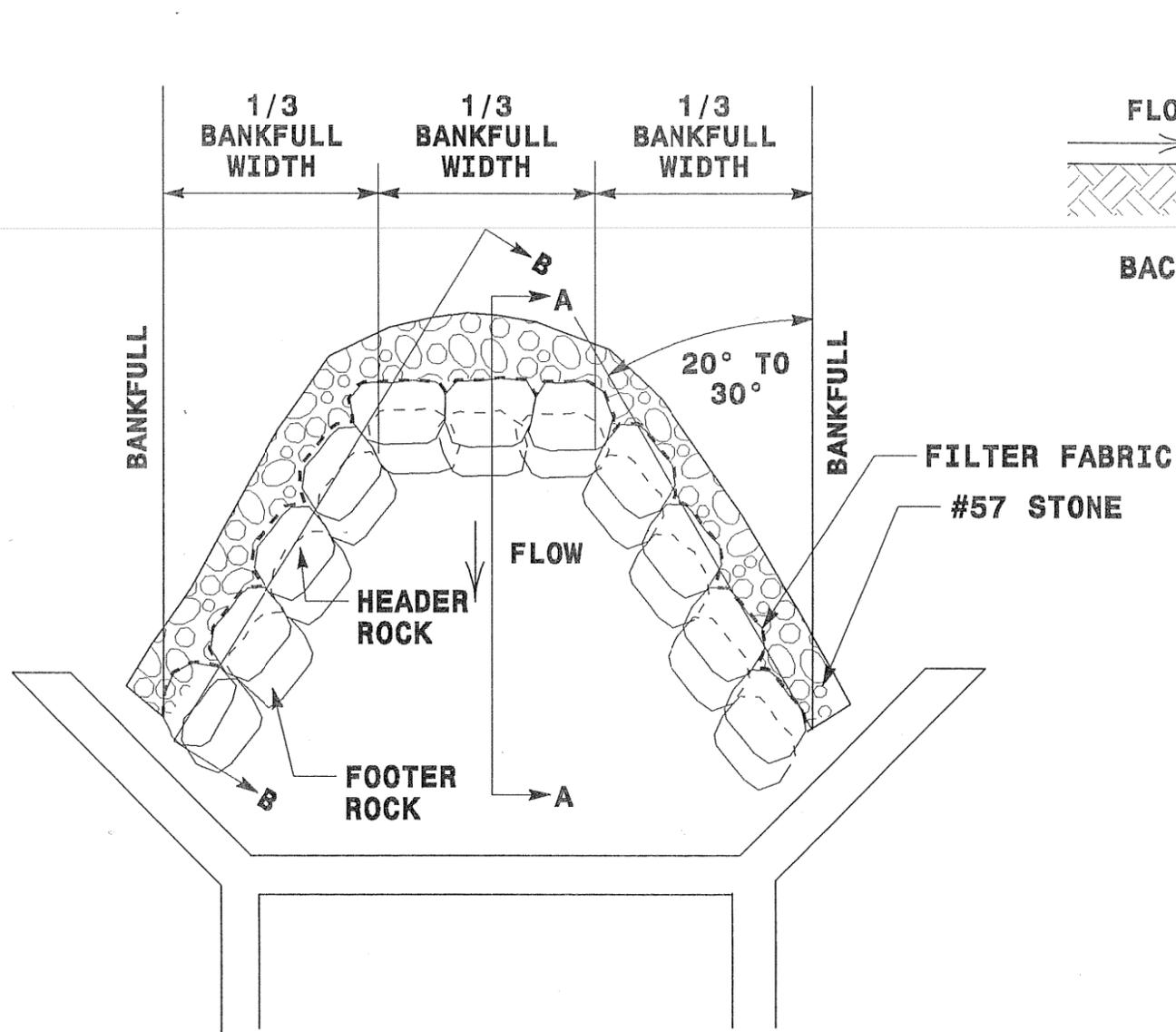
1. Changed name and DBFG info from John Christopher Barr, DB 297 PG 2281, and DB 254 PG 1250 to John Christopher Barr, et al, DB 405 PG 1039, Parcel No. 092.

MATCHLINE SHEET No. 8 -L- Sta. 75+75

Permit Drawing Sheet 7 of 14

END PROJECT U-3812 -L- POT Sta. 88+80

8/17/09

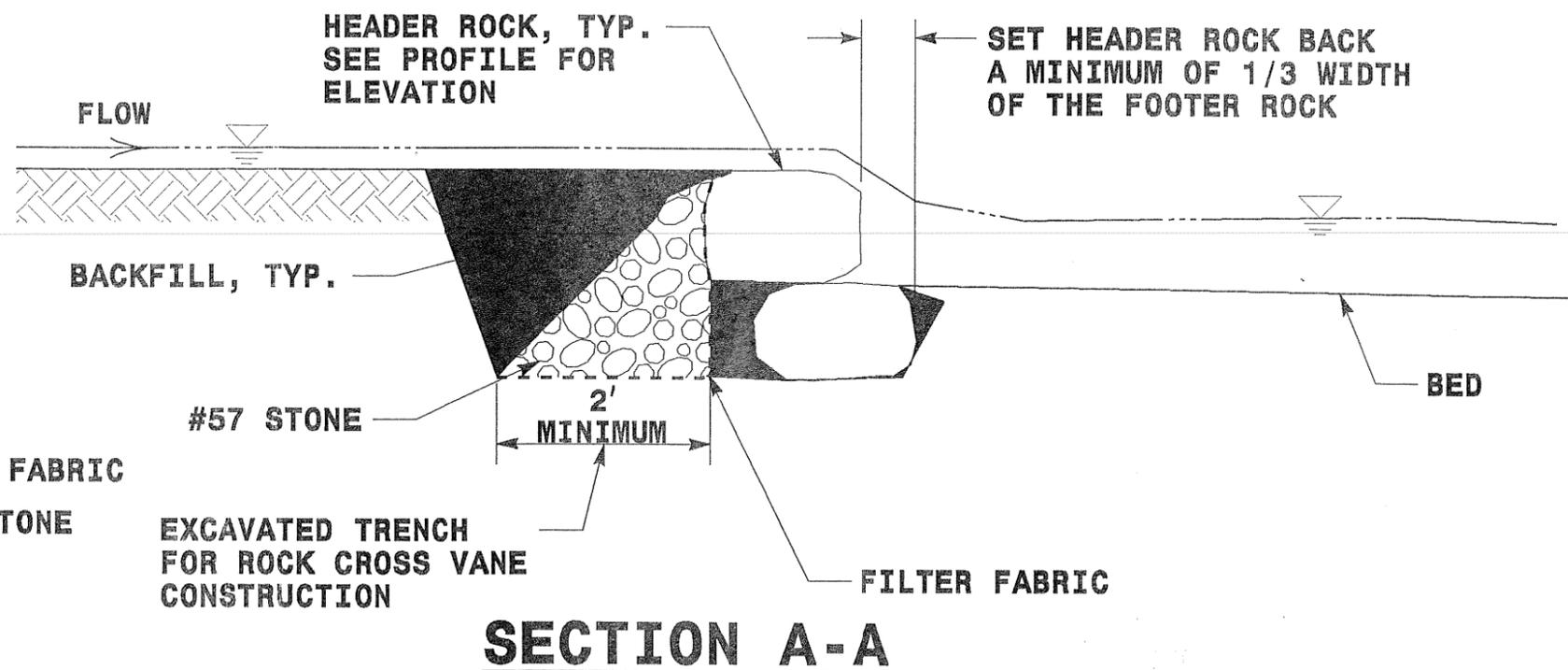


**PLAN VIEW**

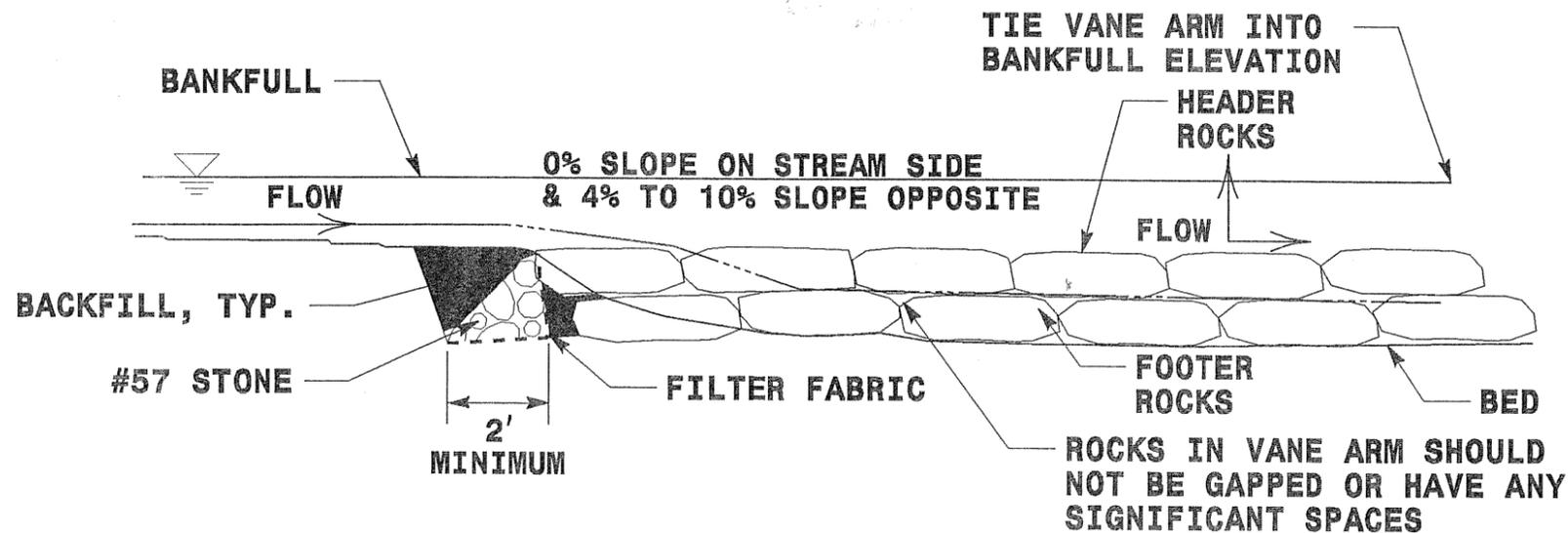
BOULDER DIMENSIONS (FT)		
HEIGHT	LENGTH	WIDTH
1	3	2

**ROCK CROSS VANE DETAIL**

NOT TO SCALE



**SECTION A-A**



**SECTION B-B**

Permit Drawing  
Sheet 7A of 14

Drawing Added  
11/14/2011

**NOTES:**

- 1) CLASS "A" STONE CAN BE USED TO REDUCE VOIDS BETWEEN HEADERS AND FOOTERS.
- 2) COMPACT BACKFILL TO EXTENT POSSIBLE OR AT THE DIRECTION OF THE ENGINEER.

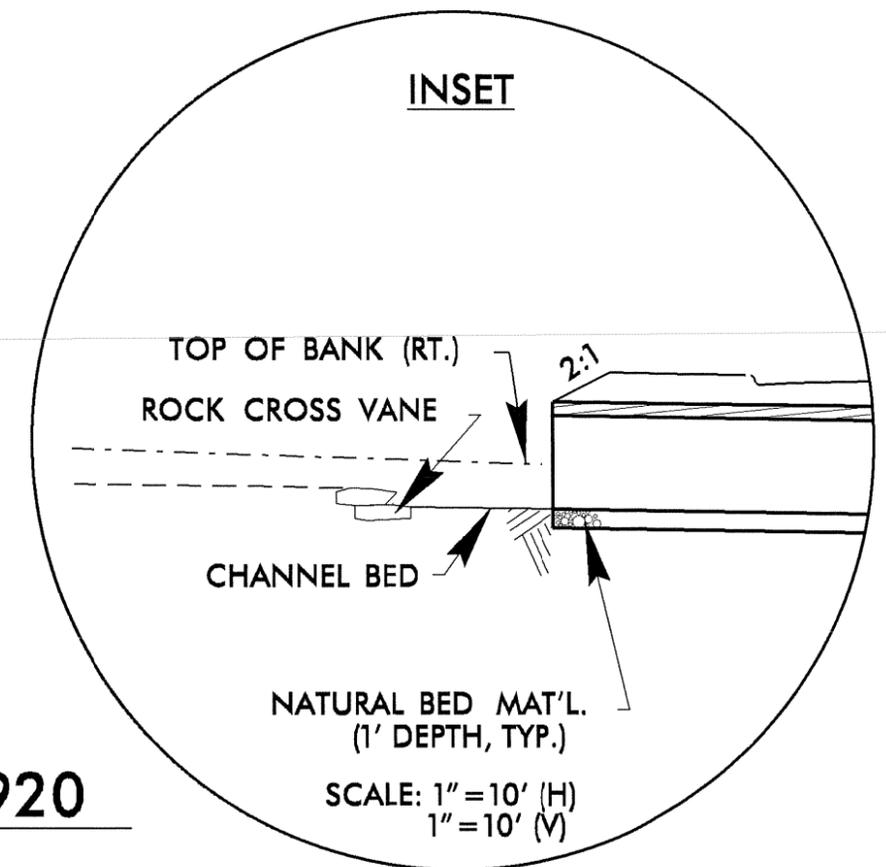
# PROFILE ALONG THE STRUCTURE

100' LT.

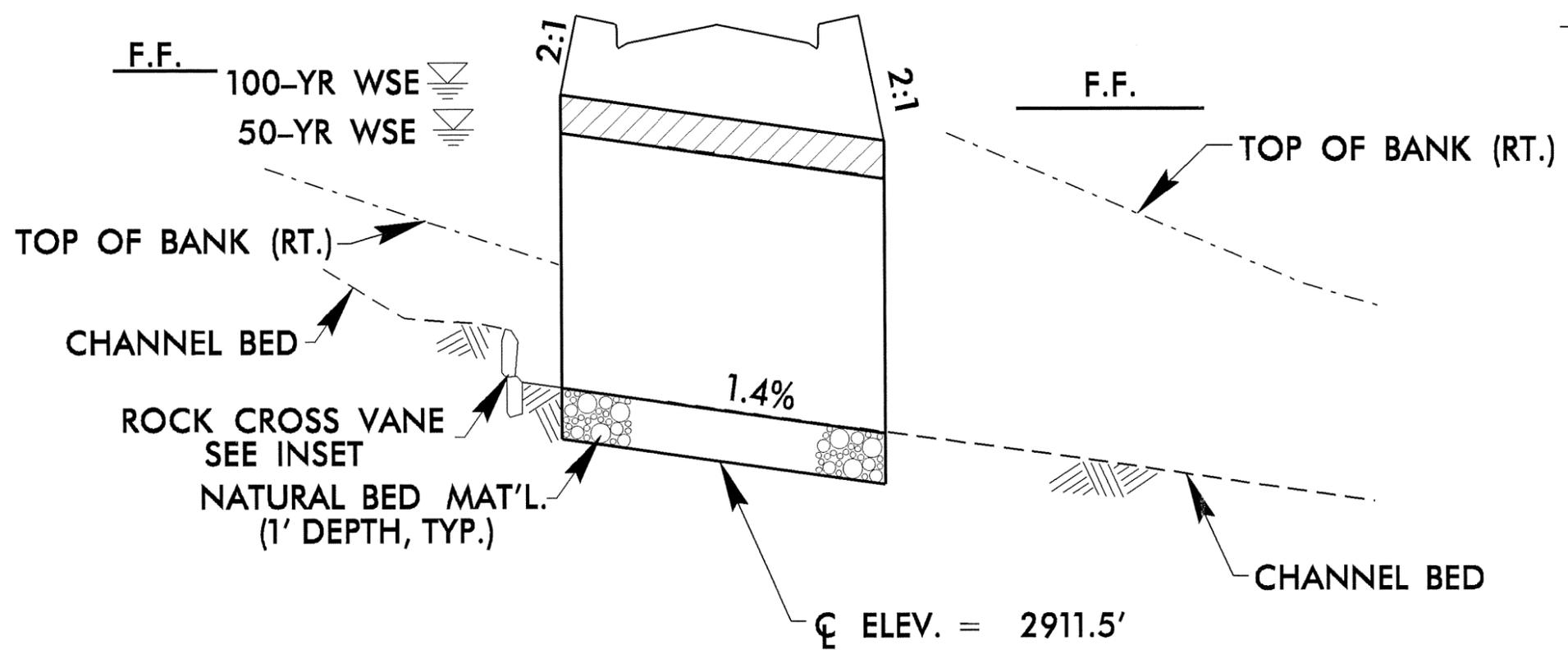
0'

100' RT.

1 @ 10' x 6' RCBC (1' BURY)  
 C STA. 86+21.00 -L-  
 GRADE PT. ELEV. = 2920.04  
 SKEW = 87-30' DEGREES



2920



2915

2910

NOTE: NWS = 2918' (@ BOX INLET)

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 ASHE COUNTY  
 WBS: 34977.1.1 (U3812)  
 NC 88 (WEST MAIN ST.) FROM  
 NC 194 TO US 221 IN JEFFERSON  
*Revised 11/14/2011*  
 SHEET 10 OF 14

**WETLAND PERMIT IMPACT SUMMARY**

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	14+12 to 14+89 -Y-	24"/36" RCP						<0.01	<0.01	86	15	
2	12+78 -L- (RT)	2 @ 60" CSP						0.01	<0.01	67	15	
3	58+75 -L- (RT)	PSH *	0.04		0.01	0.01						
4	81+53 to 86+20 -L-	** 10' x 6" RCBC	0.09		0.04			0.06	0.01	483	67	
<b>TOTALS:</b>			0.13		0.05	0.01		0.07	0.01	636	97	

\* PREFORMED SCOUR HOLE

\*\* RELOCATE CHANNEL AND REPLACE 30" AND 60" CMP'S

WETLANDS CONSIDERED A COMPLETE TAKE FOR BOTH SITE 3 & SITE 4.

AREA OUTSIDE OF RIGHT-OF-WAY CONSIDERED "PERMANENT FILL IN WETLANDS" FOR BOTH SITE 3 & SITE 4.

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

ASHE COUNTY  
WBS - 34977.1.1 (U-3812)

SHEET

*14 of 14*  
*Revised*  
11/14/2011