



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

March 19, 2008

U. S. Army Corps of Engineers
Regulatory Field Office
151 Patton Ave, Room 208
Asheville, NC 28801

ATTN: Mr. David Baker
NCDOT Coordinator

SUBJECT: Request for NW 33 Re-issuance and 401 Water Quality Certification and Catawba River Buffer Authorization for TIP project B-3872 in McDowell County State Project No. 8.2872001, Federal Aid Project No. BRZ-1552(8), WBS Element 33316.1.1

REFERENCE: 1) B-3872 Nationwide Permit Application dated August 10, 2005
2) B-3872 401 Water Quality Certification and Catawba River Buffer Authorization, DWQ Project No. 05-1544

Dear Sir:

The North Carolina Department of Transportation (NCDOT) was issued a Nationwide Permit from the U.S. Army Corps of Engineers (USACE) for project B-3872 which expired on March 18, 2007. Project construction in jurisdictional areas is not complete. Therefore, we are requesting a permit, certification, and buffer authorization re-issuance.

Table 1. Project Information

TIP	Permit Action ID #	NW #	DOT Div	County	Stream Name	Location
B-3872	Permit by default	23 & 33	13	McDowell	Bear Creek	SR 1552

Table 2. Project Impacts

TIP	Perm Wetland Impacts	Perm Stream Impacts	Temp Wetland Impacts	Temp Stream Impacts	Temp Existing Channel	Perm Existing Channel	Mechanized Clearing
B-3872	0	0	0	0.082 acre	0	0	0

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

TELEPHONE: 919-715-1334 or
919-715-1335

FAX: 919-715-5501

WEBSITE: WWW.NCDOT.ORG

LOCATION:
PARKER LINCOLN BUILDING
2728 CAPITAL BLVD, SUITE 240
RALEIGH NC 27604

Table 3. Buffer Impacts

TIP	Buffer Zone 1	Buffer Zone 2	Total
B-3872	910 sq.ft.	4187 sq.ft.	5,097 sq.ft.

Application is hereby made for re-issue of the USACE 404 Permit, DWQ 401 Certification, and Riparian Buffer Authorization. All permit drawings and plan sheets submitted with the original applications are current and do account for the entire scope of the projects. All environmental commitments and special conditions referenced in the NW Permit Applications will continue to be followed throughout project construction.

Catawba Buffer Rules: According to the Catawba Riparian Buffer Rules, bridges are allowable. Uses designated as allowable may proceed within the riparian buffer provided that there are no practical alternatives to the requested use pursuant to Sub-Item (8)(a) of the Rule. These uses require written authorization from the Division or local government with an approved riparian buffer ordinance. Therefore, NCDOT is hereby requesting written authorization for a re-issue of the DWQ Buffer Certification.

The NCDOT will also continue to adhere to all general conditions set forth in the 401 General Water Quality Certifications (WQC) 3688. All general conditions of the Water Quality Certifications will be met. In accordance with 15A NCAC 2H, Section .0500(a) and 15A NCAC 2B.0200, we are providing five copies of this application to the North Carolina Department of Environmental and Natural Resources, Division of Water Quality for their approval.

Thank you for your time and assistance with these projects. If you have any questions or need any additional information, please contact Carla Dagnino at 919-715-1456.

Sincerely,



for

Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA

cc: W/attachment
Mr. Brian Wrenn, NCDWQ (5 Copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Mr. Harold Draper, TVA

W/o attachment (see website for attachments)
Dr. David Chang, P.E., Hydraulics
Mr. Victor Barbour, P.E., Project Serv. Unit

Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. J.J. Swain, P.E.
Mr. Roger Bryan, DEO
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Program. TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Mr. John Williams, P.E., PDEA
Mr. Drew Joyner, P.E., PDEA