



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI
SECRETARY

October 16, 2012

U. S. Army Corps of Engineers
Regulatory Field Office
Post Office Box 1000
Washington, NC 27889-1000

ATTN: Mr. Tom Steffens
NCDOT Coordinator

Dear Sir:

Subject: **Application Withdrawal of the Section 404 Nationwide Permit 23** for the Replacement of Bridge No. 147 on SR 1525 (Cornwallis Rd.) over Swift Creek in Johnston County, North Carolina. TIP No. B-4561. WBS Element 33722.1.1.

Reference: Section 404 NW 23 Permit Application dated August 9, 2012

The final Biological Assessment for the dwarf wedgemussel was completed on October 10, 2012 however a Biological Opinion (BO) has not been issued by the U.S. Fish and Wildlife Service (USFWS). For this reason and at the U.S. Army Corps of Engineers' request, NCDOT is hereby withdrawing the Section 404 Nationwide Permit 23 application until a BO has been issued. At that time, NCDOT will resubmit an application for the Section 404 permit along with the BO.

The N.C. Division of Water Quality (NCDWQ) issued a 401 Water Quality Certification and Buffer Authorization for this project on August 20, 2012. The Department feels that this withdrawal has no effect on these approvals and they remain valid.

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Amy James at aejames@ncdot.gov or (919) 707-6129.

Sincerely,

E. L. Lusk
for

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

cc: NCDOT Permit Application Standard Distribution List