



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

November 23, 2009

U. S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

ATTN: Ms. Kim Garvey
NCDOT Coordinator

Subject: **Application for Nationwide Permit 33** for the proposed replacement of Bridge No. 28 over Jordan Creek (also Juniper Creek) on SR 1433 (McGirts Bridge Road), Scotland County, Division 8. State Project No. 8.2590901, F.A. Project No. BRSTP – 1433(2), T.I.P. Project No. B-4642.

Reference: Section 404 Nationwide Permit No. 23 (Action ID No. SAW-2009-01543), issued September 17, 2009.
Section 401 Water Quality Certification No. 3701 (NCDWQ Project No. 090836), issued September 4, 2009.

Dear Madam:

The North Carolina Department of Transportation (NCDOT) proposes to replace Bridge No. 28 over Jordan Creek (also Juniper Creek) on SR 1433 (McGirts Bridge Road). A Nationwide Permit (NWP) 23 was issued by the Corps on September 17, 2009, authorizing <0.59 acres of permanent wetland impacts resulting from roadway fill, excavation, and mechanized clearing associated with the construction of the new bridge. A North Carolina Division of Water Quality (NCDWQ) Water Quality Certification No. 3701 was issued for these impacts on September 4, 2009. In the permit application, information regarding an additional 4 square feet of impacts and 0.28 acres of hand clearing in wetlands (from the relocation of two telephone poles and the associated aerial line) was also included.

Since the NWP 23 was issued, new impacts associated with utility work have been added to the project. These impacts include: 1) 3 square feet of impacts due to the placement of a telephone pole/guy pole combination into the wetland in the southwest quadrant of the project and 2) 8 square feet of temporary wetland impacts in the northwest quadrant (at Station -L- 10+90), resulting from the cutting of a trench to place an underground section of telephone line. The trench is necessary to run the telephone line to a telephone pole. Additionally, this trenching will occur in an area previously designated for hand clearing.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
NATURAL ENVIRONMENT UNIT

TELEPHONE: 919-431-2000
FAX: 919-431-2001

PHYSICAL ADDRESS:
4701 Atlantic Ave.
Suite 116
Raleigh, NC 27604

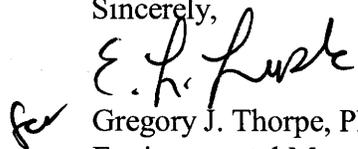
Trenching for a second underground section of telephone line (at Station -L- 17+(00)), totaling 17 square feet in size, will occur within the wetland in the northeast quadrant; however, the trench will be dug in an area already permitted as permanent mechanized clearing. This trench is also necessary to run a telephone line to a telephone pole. Since the area where the second trench is being cut is already permitted for permanent impacts under the initial NWP 23 (for which compensatory mitigation has already been approved), NCDOT is not requesting impacts associated with the second trench be permitted under the NWP 33.

Please see the enclosed copies of the permit drawings showing the new utility impacts and the restoration plan for the subject project. In addition to these items, a document answering questions provided by you in an email dated November 5, 2009 is also enclosed. Per your November 5, 2009 email, an updated Pre-Construction Notification (PCN) was not submitted with this new request. Due to the minimal amount of new impacts, we do not propose additional mitigation for this project.

This project is currently scheduled for letting on February 16, 2010 (review date of December 29, 2009). In order to keep this project on schedule and maintain the current let date, NCDOT will need to have this permit issued before February 16, 2010. If this is not possible, please contact us as soon as possible.

A copy of this permit application will be posted on the NCDOT website at: <http://www.ncdot.org/doh/preconstruct/pe/>. If you have any questions or need additional information, please contact Jim Mason at either (919) 431-1593 or jsmason@ncdot.gov.

Sincerely,



for Gregory J. Thorpe, Ph.D.

Environmental Management Director, PDEA

w/attachment

Mr. Brian Wrenn, NCDWQ (2 Copies)

w/o attachment (see website for attachments)

Dr. David Chang, P.E., Hydraulics
Mr. Mark Staley, Roadside Environmental
Mr. Greg Perfetti, P.E., Structure Design
Mr. Victor Barbour, P.E., Project Services Unit
Mr. Tim Johnson, P.E., Division 8 Engineer
Mr. Art King, Division 8 Environmental Officer
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Mr. Travis Wilson, NCWRC
Mr. Gary Jordan, USFWS
Mr. Tracy Walter, PDEA Project Planning Engineer

RESTORATION PLAN

TIP Project No.: B-4642 (proposed replacement of Bridge No. 28 over Jordan Creek (also Juniper Creek) on SR 1433 (McGirts Bridge Road), Scotland County, Division 8)

State Project No.: 8.2590901

Federal Aid Project No.: BRSTP – 1433(2)

Restoration Plan

All trenched soil will be temporarily sidecast onto matting that will be placed adjacent to the area to be trenched prior to commencement of work. This soil will remain sidecast while utility work is being performed. The sidecast soil will be returned to trenched areas upon completion of work and matting will be removed. Backfilled areas will be restored to their pre-project grade, elevation, and contours. These areas will also be re-vegetated, if necessary.

ANSWERS TO QUESTIONS FROM NOVEMBER 5, 2009 EMAIL

Date: November 18, 2009

TIP Project No.: B-4642 (proposed replacement of Bridge No. 28 over Jordan Creek (also Juniper Creek) on SR 1433 (McGirts Bridge Road), Scotland County, Division 8)

State Project No.: 8.2590901

Federal Aid Project No.: BRSTP – 1433(2)

1) Type of utility: The utility impacts for this project are associated with telephone line work.

2) Why you can't directionally drill/bore: Regarding the new temporary wetland impacts resulting from trenching, if we bored or drilled, we would need a receiving pit at least as big as the total trench. Drilling/boring would, therefore, result in a larger impact.

3) Specific sediment and erosion control plan: NCDOT's Standard BMPs for Erosion Control will be employed for this project, except for the utility work. Since utility work for this project will be handled by the telephone company, an erosion control plan for the utility impacts will be developed by them.

4) Size of work corridor: Based on the permit drawings and roadway plans, the work corridor for the entire project is approximately 825 feet long by a maximum of 110 feet wide (including utility work). The corridor for utility work associated with this project (roughly defined by the hand clearing limits provided in the initial NWP 23 application) will be approximately 680 feet long by a maximum of 31 feet wide. The work area for the temporary trench in the Northwest Quad (at Station -L- 10+90) will be large enough to accommodate the digging of the trench and storage of the temporarily sidecast soil associated with it.

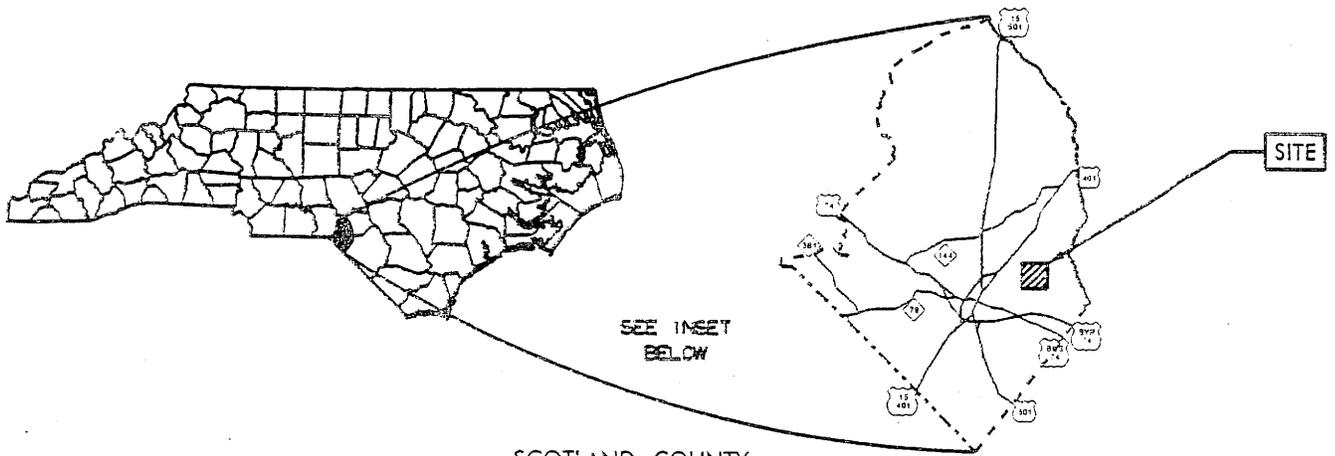
5) Size of utility easement: The existing utility easement extends to the east and west well beyond the project limits. Based on the permit drawings and roadway plans, the width of the proposed utility easement associated with the project (shown on the plans as the area between the northern ROW boundary and the Permanent Utility Easement (PUE) boundary) ranges between zero (on the eastern end) and 20 feet (on the western end).

6) Specifically address Special Condition 20 (h): This condition, as it pertains to the hand clearing associated with this project, was addressed in an email sent to you on September 8, 2009. This email was sent in response to several questions you had regarding the initial NWP 23 permit application. In that email response, we outlined that hand clearing impacts will not result in the permanent conversion of the currently forested wetland to a persistent emergent herbaceous wetland. In a conference call between you, Rachele Beauregard, and me on September 17, 2009, you stated that you were satisfied with our explanation and would not require compensatory mitigation for the hand clearing. Additionally, mitigation for the hand clearing was not required by any of the conditions of the original NWP 23 permit issued by you on September 17, 2009.

In regards to the temporary wetland impacts in the Northwest Quad of the project, it is highly unlikely that a permanent conversion will occur. Although minimal disturbance to the root system of some plants will likely occur from the trenching, the area of impact is only 8 square feet (8 feet long by 1 foot wide). The above-ground growth in the area of impact will not be disturbed any further by the trenching (excluding possible minor stump impacts), since the trench will be dug in an area already designated for hand clearing. The trenched area may be seeded, if necessary, with a native wetland seed mix for erosion control measures; however, due to this area's proximity to forested communities, re-population of woody species from this nearby forest into this impacted area via seed dispersal is highly likely. There is no doubt that persistent emergents will also populate the area, but they will not overtake the woody species as the dominant vegetation in the temporarily impacted area or the areas adjacent to it.

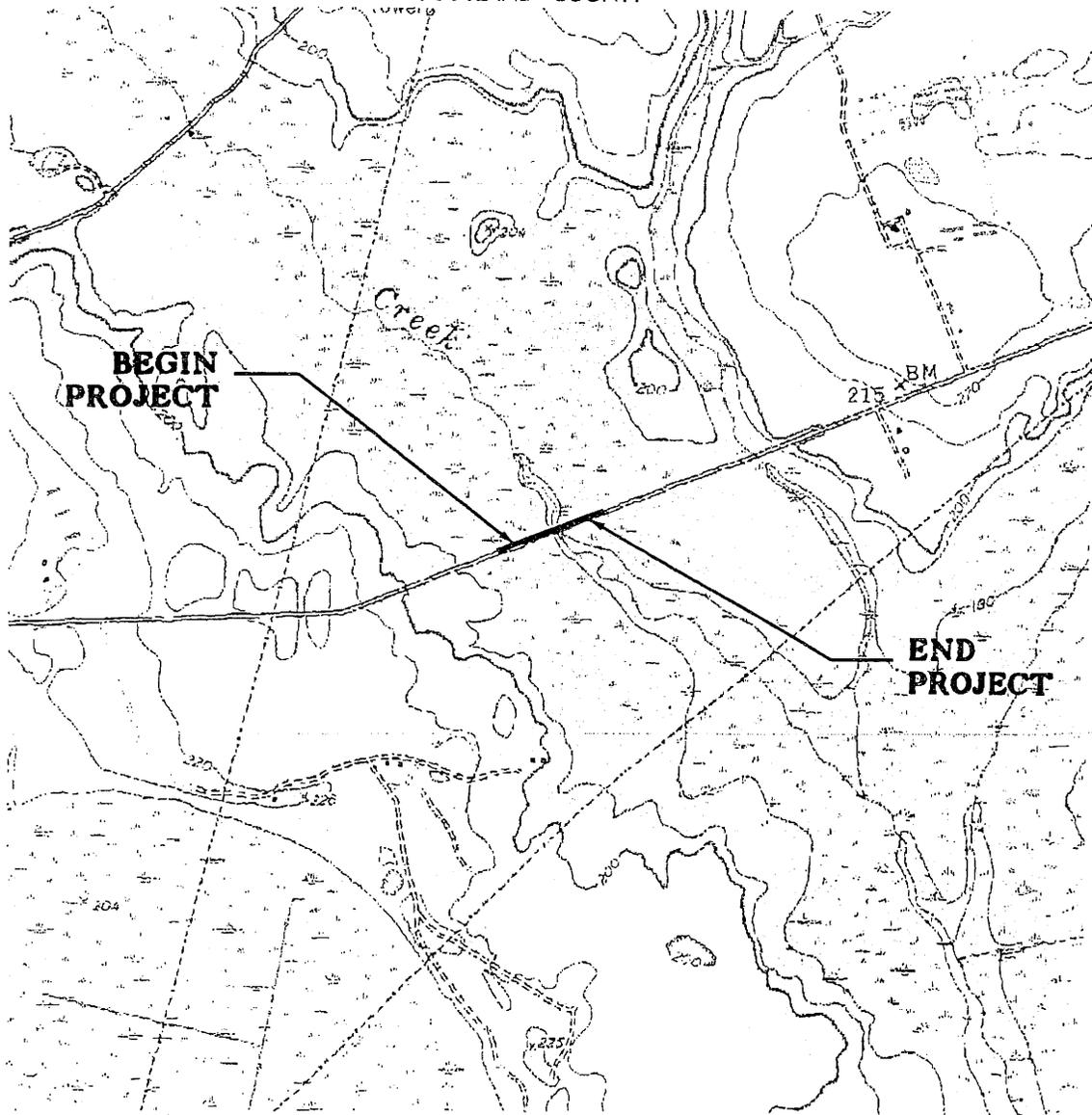
7) Specific restoration plan: See enclosed restoration plan for temporary wetland impacts resulting from trenching.

8) Compensatory mitigation plan if the new ROW for the utility will be maintained and result in a conversion of forested wetlands to either a shrub-scrub or emergent wetland: See answer to Question 6. Additionally, due to the minimal amount of impact and the strong likelihood that the area will naturally re-vegetate and recover, NCDOT does not propose mitigation for the 8 square feet of temporary wetland impact resulting from trenching.



SEE INSET
BELOW

SCOTLAND COUNTY



**BEGIN
PROJECT**

**END
PROJECT**

UTILITIES
WETLAND/STREAM
IMPACTS -
Additional Impacts

**N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS**
SCOTLAND COUNTY
PROJECT: 33810.1.1 (B-4642)
BRIDGE NO. 28
OVER JORDAN CREEK
ON SR 1433
SHEET 1 OF 5 5-28-09

PROPERTY OWNERS
NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
1	EDGAR JOHNSON	P.O. BOX 699 ROSE HILL, NC 28458
2	FULTON HEWITT, III	P.O. BOX 1348 LAURINBURG, NC 28352

NCDOT

DIVISION OF HIGHWAYS

SCOTLAND COUNTY

PROJECT:33810.1.1 (B-4642)

BRIDGE NO. 28

OVER JORDAN CREEK

ON SR 1433

09/08/99
 28-MAY-2009 12:23
 C:\utilities\rdy\ut\proj\B4642_ut_ul_psh_env_permit.dgn
 \$\$\$USERNAME\$\$\$

TIP PROJECT: B-4642

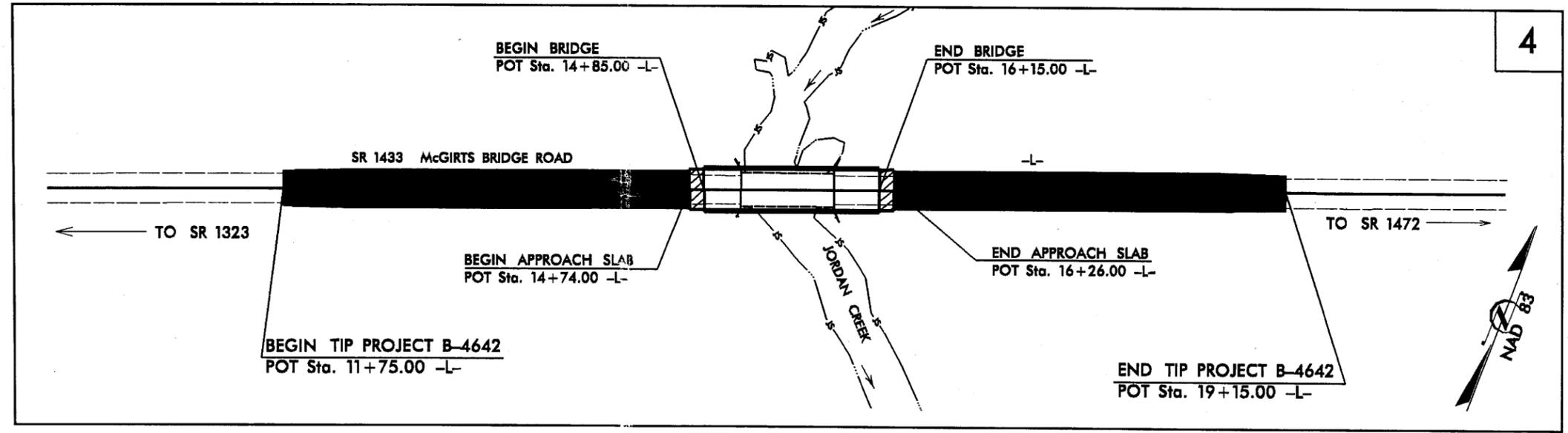
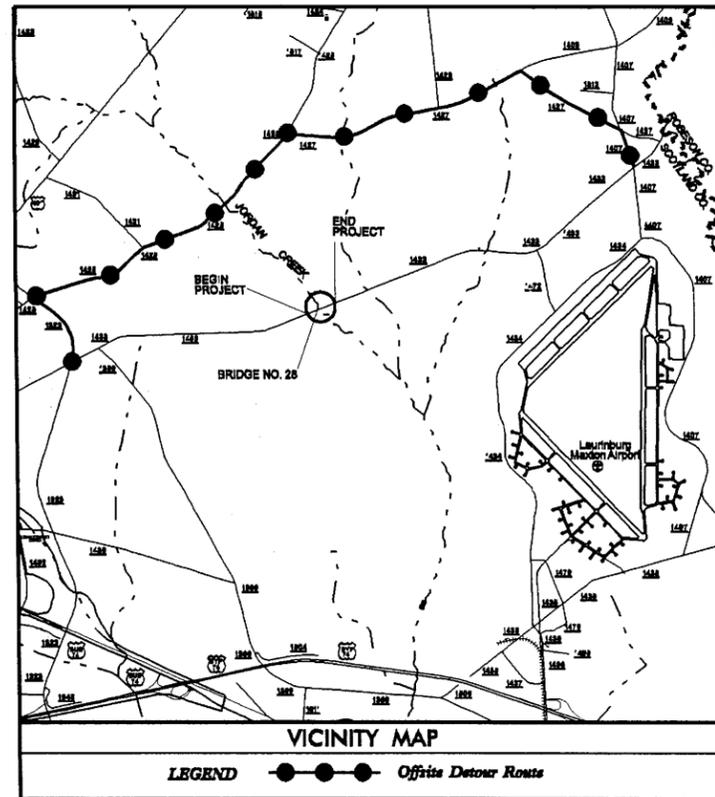
T.I.P. NO.	SHEET NO.
B-4642	4 of 5

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

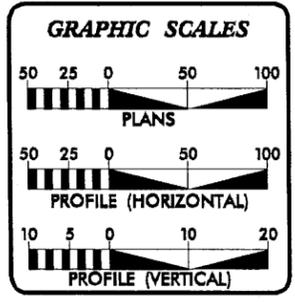
**UTILITIES BY OTHERS PLANS
SCOTLAND COUNTY**

LOCATION: BRIDGE NO. 28 OVER JORDAN CREEK ON SR 1433

**TYPE OF WORK: POWER, TELEPHONE,
FIBER OPTIC COMMUNICATIONS CABLE**



PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



SHEET NO.	DESCRIPTION
UO-1	TITLE SHEET
UO-2	UTILITIES BY OTHERS PLAN SHEET

- UTILITY OWNERS ON PROJECT**
- (1) POWER - LUMBEE RIVER EMC
 - (2) TELEPHONE - AT&T
 - (3) FIBER OPTIC COMM. - CITY OF LAURINBURG

PREPARED IN THE OFFICE OF:
**DIVISION OF HIGHWAYS
UTILITIES ENGINEERING
SECTION**

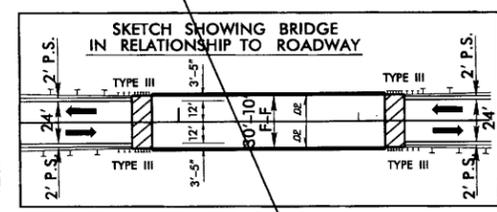
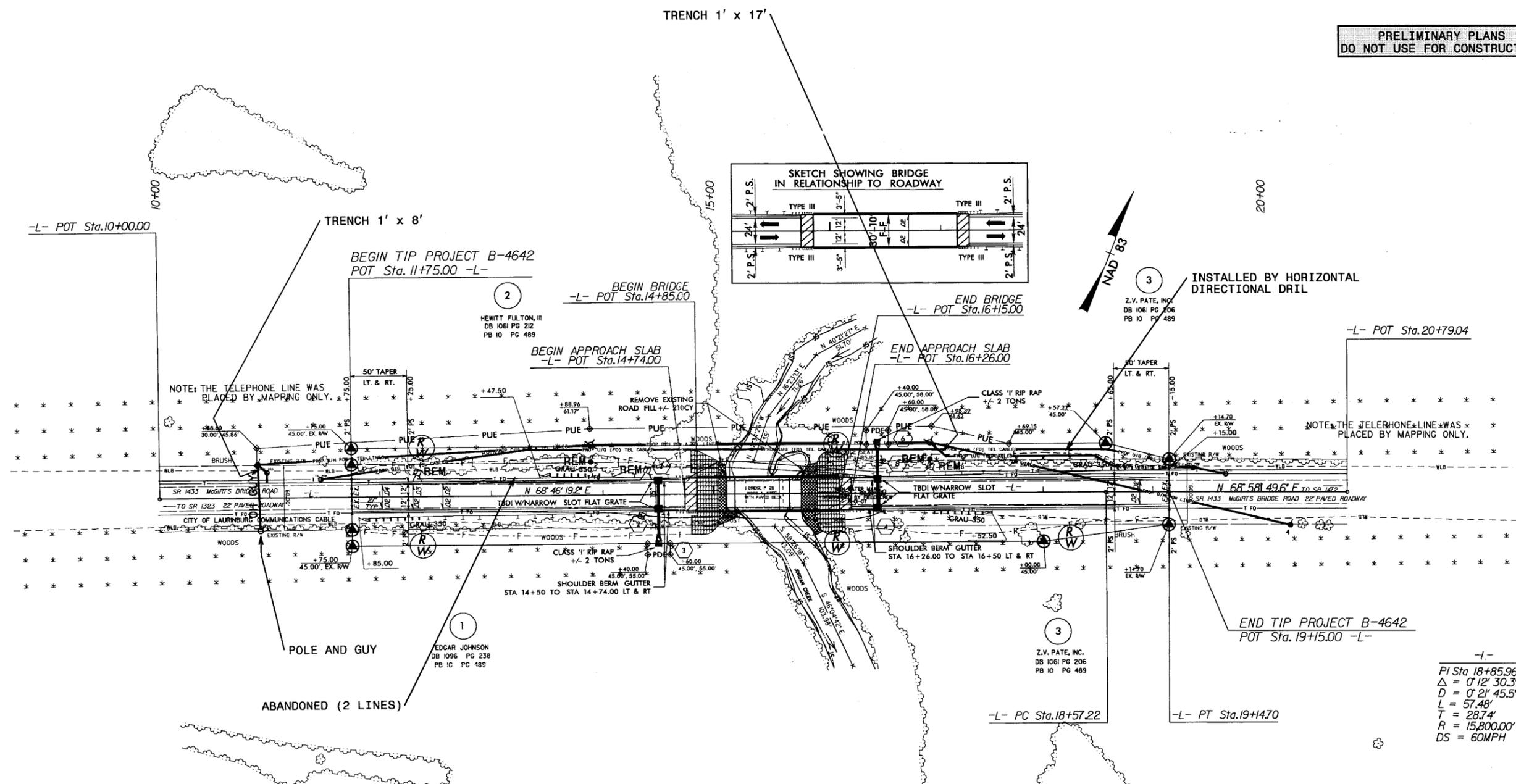
1501 MAIL SERVICES CENTER
RALEIGH NC 27699-1501
PHONE (919) 258-4128
FAX (919) 258-4119

Roger Worthington, P.E. UTILITIES SECTION ENGINEER
Carl Barclay, P.E. UTILITIES SQUAD LEADER PROJECT ENGINEER
Bo Hemphill, P.E. UTILITIES PROJECT DESIGNER

UTILITIES BY OTHERS

NOTE:
 ALL PROPOSED UTILITY WORK
 SHOWN ON THIS SHEET WILL
 BE DONE BY OTHERS

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION



-I-
 PI Sta 18+85.96
 $\Delta = 0' 12' 30.3\" (RT)$
 $D = 0' 21' 45.5\"$
 $L = 57.48'$
 $T = 28.74'$
 $R = 15,800.00'$
 $DS = 60MPH$

5/14/99
 04-NOV-2009 13:48
 d:\1\REF\B\4642\ut_04_u02_psh_env_permit.t_mod.dgn
 \$\$\$RENAME\$\$\$