



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

December 2, 2010

US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Dr., Suite 105
Wake Forest, NC 27587

Attention: Mr. John Thomas
NCDOT Coordinator, Division 9

Subject: **Application for a Modification to Section 404 Individual Permit and Individual Section 401 Water Quality Certification** for the widening of I-85 from north of SR 2120 (Long Ferry Road) in Rowan County to south of NC 150 in Davidson County. Federal Aid Project No. NHFIMF-85-3(197)81, WBS 34156.3.GV3, Division 9, TIP No. I-2304AC.

Debit \$570 from WBS 34156.3.GV3

Reference: Individual 401 Certification No. 3455 issued March 19, 2004
Individual 401 Certification No. 3455 Modification issued November 22, 2004
Individual 404 Permit USACE Action ID 1998-21203 issued December 16, 2004
Individual 404 Permit Extension issued April 1, 2009
Individual 404 Permit Modification issued October 7, 2010
Individual 401 Certification Modification issued October 15, 2010

Dear Sir:

This letter replaces the letter dated November 30, 2010.

The North Carolina Department of Transportation (NCDOT) proposes a modification to the existing Individual Section 404 Permit and Section 401 Water Quality Certification for Permit Impact Site 2 of the above referenced project. The initial Site 2 permit modification was received on October 18, 2010. Based on the plan drawings, only 10 feet of hand clearing is allowed from the end of the bent cap into the wetlands. Due to future maintenance issues with de-icing, the encroaching canopy vegetation, and the safety of the travelling public, NCDOT is requesting an additional 20 feet of hand clearing on the outside of the bridges for a total of 30 feet on each side. Enclosed with this application is the Ecosystem Enhancement Program (EEP) confirmation letter and revised permit drawings.

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

TELEPHONE: 919-431-2000
FAX: 919-431-2001 or
919-431-2002

WEBSITE: WWW.NCDOT.ORG

LOCATION:
4701 ATLANTIC AVE.
SUITE 116
RALEIGH NC 27604

The revised design does not compromise NCDOT's compliance with the existing permit conditions. The revision has been evaluated for compliance with the avoidance/minimization criteria and is in compliance with all previous issues, including the following:

- Protected Species
- Aquatic life passage
- FEMA compliance
- Cultural resources

Permit Site 2

The project is located in HUC 03040103 of the Yadkin River Basin. This modification application is specific to Site 2 for which a 404 Permit Modification was issued on October 7, 2010 and a Section 401 Permit Modification was issued on October 15, 2010. This modification will result in 1.28 acres of additional hand clearing impacts in riparian wetlands at Site 2. Revised total hand clearing impacts at Site 2 are 7.87 acres.

Mitigation

The NCDOT does not believe mitigation for hand clearing is warranted because the hand cleared areas will not lose Clean Water Act Jurisdiction status nor decline in quality. However, the USACE has indicated that any 404 permit issued for this project will require hand clearing mitigation.

Compensatory mitigation for these additional hand clearing impacts of 1.28 acres will be mitigated at 1:5 as done in the previous Site 2 modification. Mitigation needed is 0.26 acres and 0.16 acres will be debited from the Yadkin River Bridge Site. The remaining 0.10 acres of required riparian wetland mitigation will be provided by the EEP based on their letter dated April 30, 2004.

The Yadkin River Bridge Site is located with HUC 03040103 in Rowan County. The mitigation site occurs within Transportation Improvement Program (TIP) project I-2304AA.

In order to offset unavoidable wetland impacts associated with T.I.P. I-2304AA and I-2304 AC, the Yadkin River Bridge Site will be debited 1.07 acres of riverine wetland restoration for I-2304AA and 0.21 acres of wetland restoration for I-2304AC section. This debit is reflected in the debit ledger below. An additional 1.28 acres of wetland impacts due to hand clearing for Site 2 are debited below at a 1:5 ratio.

I-2304AC								
Debit Ledger_ONEID	Site Name	Site TIP	HUC	River Basin	Division	R_W_Rest Quan	Debit Amount	Debit Type
WM 080-005	Yadkin River Bridge	I-2304AA	3040103	Yadkin	9	2.74	0.21	RW_Restoration (SITE 2)(i-2304AC)
WM 080-005	Yadkin River Bridge	I-2304AA	3040103	Yadkin	9	2.74	1.07	RW_Restoration (Revised Modal of total imp. AA)
WM 080-005	Yadkin River Bridge	I-2304AA	3040103	Yadkin	9	2.74	1.3	RW_Restoration (hand Clearing)
WM 080-005	Yadkin River Bridge	I-2304AA	3040103	Yadkin	9	2.74	0.16	RW_Restoration(I-2304AC)

REGULATORY APPROVAL

Section 404

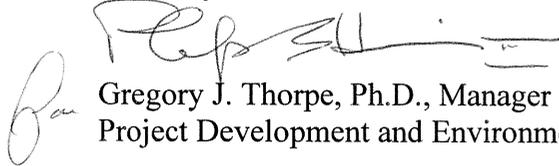
Request is hereby made for a modification to the USACE Individual 404 Permit as required for the above-described activities.

Section 401

We are hereby requesting a modification to the Section 401 Water Quality Certification from the N.C. Division of Water Quality. In compliance with the NCAC Section 143 215.3D(e), we will provide \$570.00 to act as payment for processing the Section 401 permit modification previously noted in this application (See Subject line). We are providing five (5) copies of this modification request to the NCDWQ for their review and approval.

A copy of this permit modification application will be posted on the DOT website at: <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>. If you have any questions or need additional information, please contact Sara Easterly at seasterly@ncdot.gov or (919) 431-1605.

Sincerely,



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

w/attachment

Mr. Brian Wrenn, NCDWQ (5 Copies)

Ms. Marla Chambers, NCWRC

Ms. Jennifer Derby, USEPA

Ms. Marella Buncick, USFWS

W/o attachment (see website for attachments)
Dr. David Chang, P.E., Hydraulics
Mr. Mark Staley, Roadside Environmental
Mr. Dewayne Sykes, P.E., Utilities Unit
Mr. Greg Perfetti, P.E., Structure Design
Mr. S.P. Ivey, P.E., Division Engineer
Mr. Kent Boyer, DEO
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Progr. and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Ms. Beth Harmon, EEP
Mr. Phillip Ayscue, NCDOT Ext. Audit Br.
Mr. Drew Joyner, P.E., HEU Head
Mr. Clarence W. Coleman, P.E., FHWA
Ms. LeiLani Paugh, NEU
Mr. Randy Griffin, NEU
Mr. Eric Midkiff, P.E., PDEA