



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 23, 2006

NC Department of Environment and Natural Resources
Division of Water Quality
1650 Mail Service Center
Raleigh, NC 27699-1650

Attn: Ms. Nicole Thomson
NCDOT Coordinator, Division 5

Dear Madam:

Subject: Revised Application for Modification to Neuse Riparian Buffer Certification:
Widening of Interstate 85 from west of US 15-501 to west of Broad Street,
Durham County, Division 5; TIP No. I-0306C; State Project No. 8.1414801;
Federal Aid Project No. I-85-4(49)174. USACE Action ID No. 20220949;
NCDENR-DWQ Water Quality Certification Project No. 021677.

The North Carolina Department of Transportation (NCDOT) is currently widening Interstate 85 in Durham County from west of US 15-501 to west of Broad Street (I-306C). The United States Army Corps of Engineers (USACE) originally issued an Individual Permit for this project on April 7, 2003. The North Carolina Division of Environment and Natural Resources, Division of Water Quality (DWQ) issued the 401 Water Quality Certification and Neuse River Buffer Certificate No. 3411 (NCDENR-DWQ Project No. 021677) for this project on February 5, 2003. The DWQ issued a modification to the 401 Water Quality Certification and Neuse River Buffer Certificate on August 12, 2003 and November 12, 2005.

NCDOT submitted an application for modification to the Neuse Riparian Buffer Certification in a letter dated September 21, 2005. The DWQ sent a letter, dated October 10, 2005, to inform NCDOT that the application was deficient. The DWQ letter stated that the excavation in the Neuse Riparian Buffer at Site 1 appears to be prohibited and this area is an Ecosystem Enhancement Program (EEP) mitigation site. A field site meeting was held on October 10, 2005 with NCDOT and DWQ personnel to discuss the issues. Since then, NCDOT has revised the design of the level spreader to remove the excavation from Zone 1 and reduce the amount of buffer impact in Zone 2 from the original permit modification application. It was also determined that NCDOT obtained a construction easement at this site before EEP obtained a conservation easement at this site, thus allowing NCDOT to perform our work at this site. There

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

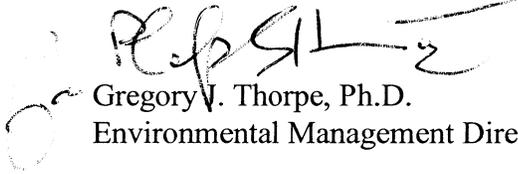
TELEPHONE: 919-715-1500
FAX: 919-715-1501
WEBSITE: WWW.NCDOT.ORG

LOCATION:
2728 CAPITAL BLVD.
PARKER LINCOLN BUILDING, SUITE 168
RALEIGH NC 27604

Modification request, we respectfully request that the NCDENR-DWQ issue an Authorization Certificate pursuant to 15A NCAC 2B .0233 for the proposed use. We are providing seven copies of this application to NCDENR-DWQ for their use.

If you have any questions or need additional information, please call Rachelle Beauregard at (919) 715-1383.

Sincerely,



Gregory V. Thorpe, Ph.D.

Environmental Management Director, PDEA

w/attachments

Mr. John Hennessy, NCDWQ (7 Copies)
Mr. Travis Wilson, NCWRC
Mr. Gary Jordan, USFWS
Dr. David Chang, P.E., Hydraulics
Mr. Mark Staley, Roadside Environmental
Mr. Greg Perfetti, P.E., Structure Design
Mr. Jon Nance, P.E, Division Engineer
Mr. Chris Murray, DEO

w/o attachment

Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design

are no mature trees or shrubs within this area of the buffer and NCDOT has agreed to replant any trees previously planted by the EEP that are harmed during the construction.

This modification is for changes to buffer impacts through the change in a level spreader design. 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 are in compliance with all previous issues, including the following:

- Non-Erosive Velocities in Buffers
- Protected Species
- Aquatic Life passage
- FEMA compliance
- Cultural Resources

Permit Drawing 7 of 21/Site 1

The riparian buffers in this area have recently been disturbed by the Ellerbe Creek stream restoration project conducted by the EEP (DWQ Project No. 030368). The floodplain was excavated by this EEP project causing a redesign of the level spreader. It has been redesigned so that water will adequately flow through the natural stream design floodplain buffer at nonerosive velocities. The redesign will involve excavating and grubbing within the Buffer Zone 2.

Impacts in previous permits by NCDOT at this specific site did not require riparian buffer mitigation because impacts were below 150 ft; therefore, impacts were allowable with no mitigation required. EEP excavated through the entire riparian buffer at this site and then revegetated with floodplain species. The project was finished in May 2004. NCDOT is not requesting mitigation for impacts at this site because we feel that the redesign is necessary for the level spreader to function properly, but most importantly, because the riparian buffers in this area have already been recently permitted as an impact and disturbed by the EEP project. The NCDOT and EEP apparently share a construction easement at the permit site although NCDOT acquired their easement first.

The level spreader construction should only take a couple days and will be graded and seeded with native species after construction. There are no mature trees or shrubs within this area of the buffer and NCDOT has agreed to replant any trees previously planted by the EEP that are harmed during the construction. See the impact summary sheet for impacts from the previous permits and to the redesign of the level spreader.

Regulatory Approvals

Application is hereby made for the modification of the Neuse Buffer Certification from the NCDENR-DWQ. The modification of the permit site on this project (I-306C) has been designed to comply with the Riparian Buffer Mitigation Program (15A NCAC 2B .0242) and the Neuse River Basin Riparian Buffer Rules (15A NCAC 2B .0233). Therefore, as part of the

PLAN VIEW 1 SITE 1 BUFFER IMPACTS

(2)



SCALE 1:1000

NCDOT

DIVISION OF HIGHWAYS

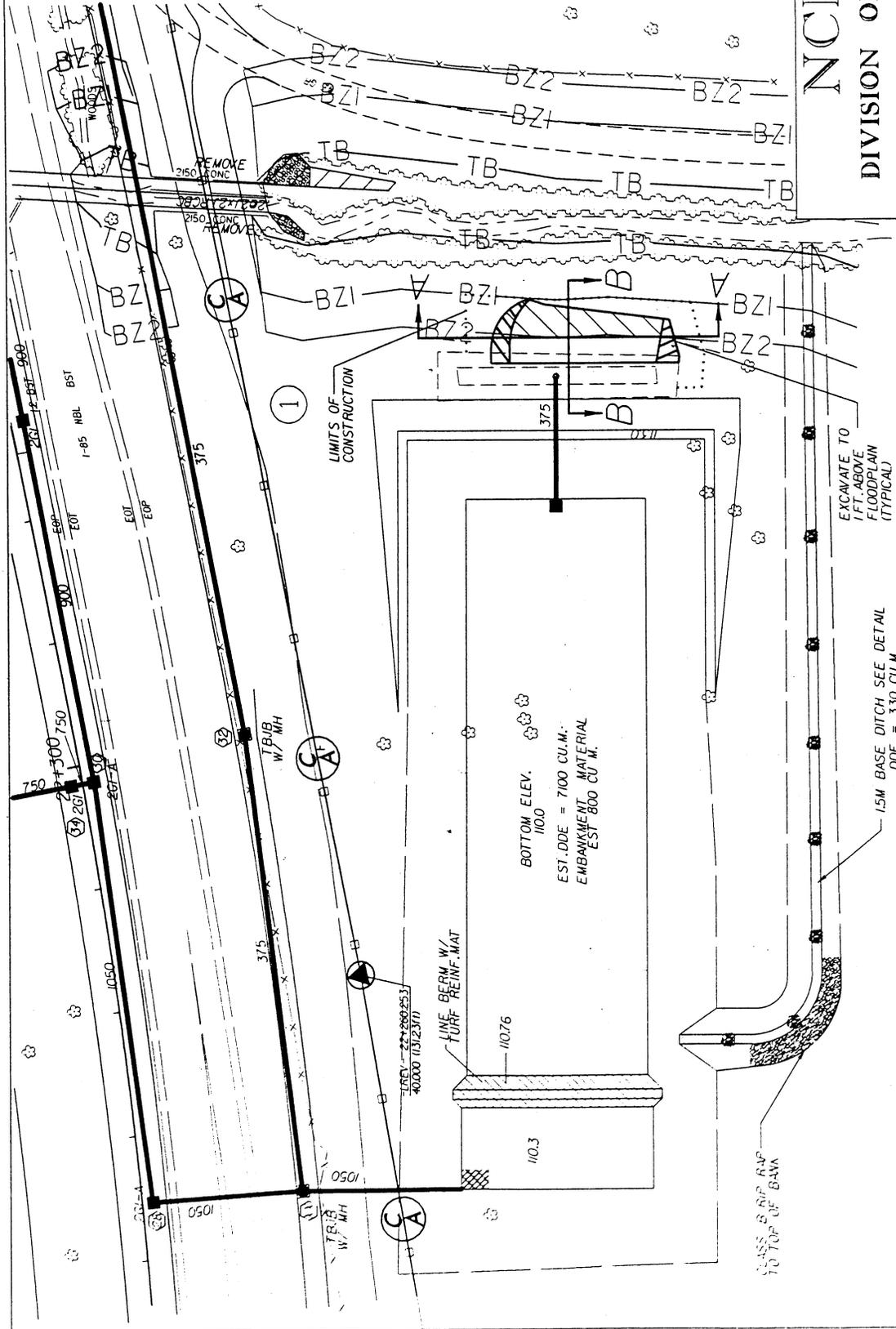
DURHAM COUNTY

PROJECT: 8.1414801 (I-306C)

I-85 FROM WEST OF US 15-501

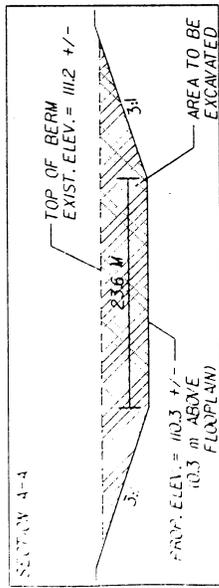
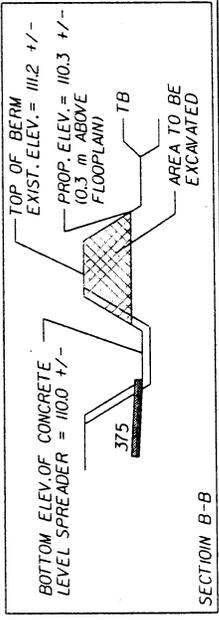
TO WEST OF BROAD STREET

SHEET 7 OF 21 12/19/05



EXCAVATE TO 1 FT. ABOVE FLOODPLAIN (TYPICAL)

1.5M BASE DITCH SEE DETAIL
DDE = 350 CU.M.
EST. 1720 MTONS CLASS 1B RIP RAP
EST. 3450 SQ.M.F.F.



BUFFER IMPACTS SUMMARY

SITE NO.	STRUCTURE SIZE / TYPE	STATION (FROM/TO)	PERMANENT IMPACTS			WETLANDS IN BUFFER			BUFFER REPLACEMENT	
			ZONE 1 (ft²)	ZONE 2 (ft²)	TOTAL (ft²)	LINEAR (ft)	ZONE 1 (ft²)	ZONE 2 (ft²)	ZONE 1 (ft²)	ZONE 2 (ft²)
1	2 @ 2.1 x 2.1 RCBC	22+380/22+520-L-								
	Approved site	22+360 -L-	2265	1742	4007	44		0	0	0
	additional impacts from 9/28/04	22+360 -L-	688	441	1129	23		0	0	0
1/1/2006	Level Spreader	22+360 -L-	0	2493	2493	20		0	0	0
	TOTAL IMPACTS		2953	4676	7629	87		0	0	0
2	1200mm RCP	23+287 -L-	0	0	0	0		0	0	0
3	1050mm RCP	23+680 -L-	4090	2691	6781			0	0	0
4	1200mm RCP	24+460/24+740-L-	49514	5059	54573	1033				
5	2 @ 3.7 x 3.0 RCBC	24+720/24+737-L-	1507	969	2476	52		0	0	0
6	NOT ON SOILS MAP OR USGS TOPO MAP									
7	2 @ 2.4 x 2.7 RCBC	1+269 -USNBD-	7642	4628	12270	212		0	0	0
TOTAL:			65706	18023	83729	1384		0	0	0

1/11/06: Impacts includes everything inside the Limits of Construction in Zone 2

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

DURHAM COUNTY
PROJECT: 8.1414801 (I-306C)

REV. 1/11/06
September 6, 2005
SHEET 21 OF 21