



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

June 8, 2012

U.S. Army Corps of Engineers
Regulatory Field Office
151 Patton Avenue, Room 208
Asheville, NC 28801-5006

ATTN: Ms. Loretta Beckwith
NCDOT Coordinator

Subject: **Request for Modification to Individual Permit and 401 Water Quality Certification** for the US 64 Relocation from US 19/74/129 in Murphy to east of NC 141 in Peachtree, Cherokee County. State Project No. 8.1910203.
Federal Aid Project FR-14-1(1).
TIP No. R-0977A. NCDOT Division 14.
Debit \$570.00 from WBS Element 34357.1.1

Reference: - USACE Individual Permit, Action ID No. 200530150 (February 2, 2005),
and Modifications (July 3, 2006 and May 2, 2008)
- DWQ WQC No. 3487, DWQ Project No. 20041594 (December 21, 2004),
and Modifications (November 22, 2005, June 16, 2006 and June 30, 2008)

Dear Ms. Beckwith:

The purpose of this letter is to request a modification to the mitigation requirements for the project at Permit Sites 11 and 19.

Permit Site 11:

Pursuant to the original 404 permit and 401 certification (dated February 2, 2005, and December 21, 2004, respectively), NCDOT was to provide 801 linear feet (LF) of on-site stream mitigation with a 50-foot vegetated and wooded buffer at this site. NCDOT was only able to provide 730 LF of stream mitigation with only partial buffer, due to utility easements, the necessity to provide safe sight distances for driveways, and encroachments by adjacent landowners. Pursuant to a meeting between NCDOT, USACE and NCDWQ on April 26, 2012, it was determined that the NCDOT will need 449 LF of additional stream mitigation at this site to maintain compliance with the original permit conditions. The 449 LF was

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PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
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FAX: 919-212-5785
WEBSITE: WWW.NCDOT.ORG

LOCATION:
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610-4328

calculated by determining whether any buffer is present, and if present, how sufficient or deficient (and if deficient, by how much) the existing buffer is. Therefore, NCDOT has secured through EEP the 449 LF of mitigation that is deficit at this site.

Permit Site 19:

Pursuant to the 404 Permit Modification and 401 Certification Modification (dated May 2, 2008, and June 30, 2008, respectively), NCDOT was to remove a 115-foot section of pipe from an unnamed tributary to McCombs Branch and restore the channel. During the realignment of Y9, NCDOT was unable to secure the property on which the stream to be restored is located. Therefore, NCDOT has secured through EEP 115 LF of mitigation that is deficit at this site.

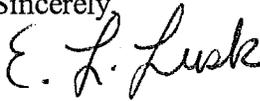
In an e.mail dated June 4, 2012, Ms. Beckwith with the USACE confirmed that the required mitigation is at a 1:1 ratio. An EEP Acceptance letter, dated May 31, 2012, confirms that the requested combined mitigation of 564 LF (449 LF + 115 LF = 564 LF) will be provided by EEP.

The total impacts for the R-0977A project have not changed. Due to the issues described above, the means of mitigation for impacts at Site 11 and Site 19 have been modified to include additional mitigation from EEP.

A copy of this permit modification application and its distribution list will be posted on the NCDOT website at <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>

If you have any questions or need additional information please contact Mr. Bill Barrett by telephone at (919) 707-6103 or by e.mail at wabarrett@ncdot.gov.

Sincerely,


for

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

cc: NCDOT Permit Application Standard Distribution List



May 31, 2012

Mr. Gregory J. Thorpe, Ph.D.
 Manager, Project Development and Environmental Analysis Unit
 North Carolina Department of Transportation
 1548 Mail Service Center
 Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:

R-0977A, US 64 Relocation, Cherokee County

USACE Action ID Number 2005-30150
 NCDWQ Number 3487

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream mitigation for the subject project. Based on the information supplied by you on May 22, 2012, the impacts are located in CU 06020002 of the Hiwassee River basin in the Southern Mountains (SM) Eco-Region, and are as follows:

Hiwassee 06020002 SM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non- Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	564	0	0	0	0	0	0

The stream mitigation credits currently available in the cataloging unit consist of cold temperature streams. EEP commits to providing sufficient compensatory stream mitigation credits (cold) to offset the impacts associated with this project as determined by the regulatory agencies in accordance with the N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from EEP.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-715-1929.

Sincerely,

Michael Ellison
 EEP Deputy Director

cc: Mr. Lori Beckwith, USACE – Asheville Regulatory Field Office
 Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit
 File: R-0977A

Restoring... Enhancing... Protecting Our State

