



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 4, 2007

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

Mr. Stephen Lane
Division of Coastal Management
N. C. Dept. of Env. & Natural Resources
400 Commerce Avenue
Morehead City, NC 28557

Dear Sir:

Subject: **Request for Modification of 404 Individual Permit, 401 Water Quality Certification Permit, Tar-Pamlico Buffer Authorization, and CAMA Major Development Permit** for the proposed Washington Bypass. US 17 From South of SR 1149 (Price Road) to North of SR 1509 (Springs Road). TIP Number: R-2510B, Federal Aid Project MAF-75-3(26). Debit \$475 for WQC Modification from WBS Element No. 34440.1.1

Reference: USACE Action ID 199301143
DWQ Project No. 050785, WQC No. 3527
CAMA Permit No. 29-07

The North Carolina Department of Transportation (NCDOT) is requesting a modification to the above referenced permits for wetland impacts and a change in buffer accounting associated with R-2510B. Included in this package are the following: revised wetland impacts, Tar-Pamlico Riparian Buffer impacts, revised permit drawings and revised buffer drawings.

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

Summary of Changes

This application addresses impacts at Sites 4 and 9. There is no change in the amount of wetland impacts, however, there is a change to the types of impacts. Excavation in wetlands has increased by 0.03 acre and mechanized clearing has decreased by 0.03 acre. There is an increase of 1,522

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794
WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

sq. ft. of Tar-Pamlico Riparian Buffer impacts due to the wetlands no longer being jurisdictional. However, the area is accounted for as buffer impacts.

General Project Description

The NCDOT proposes to improve existing US 17 to a high speed, multi-lane highway that bypasses the City of Washington. R-2510B will include the widening of approximately 6.8 miles of US 17 from south of SR 1149 (Price Road) south of Chocowinity to North of SR 1509 (Springs Road) north of Washington. The proposed roadway will be a four-lane, divided highway, with grass shoulders and ditches, and a 46-foot wide grassed median.

Impacts to Waters of the U.S.

Proposed impacts to jurisdictional areas of R-2510B consist of 7.92 acres of wetlands (6.04 acres of riverine and 1.88 acres of non-riverine), 0.38 acre of surface waters, and 2,368 feet of streams. There are no additional proposed impacts. There is only a change in the type of wetland impacts.

Tar-Pamlico Buffer Impacts

The total Tar-Pamlico riparian buffer impacts associated with R-2510B are unchanged and consist of 230,368 sq. ft. in Zone 1 with 174,526 sq. ft. which are allowable with mitigation due to roadway fill and 142,372 sq. ft. in Zone 2 with 111,225 sq. ft. which are allowable with mitigation due to roadway fill. What has changed is the amount of wetlands within the riparian buffer due to the removal of jurisdictional status of the stormwater pond at Site 9. Zone 1 impacts requiring mitigation increased by 355 sq. ft. and Zone 2 impacts increased by 1,167 sq. ft.

PERMITTING ACTIVITY TO DATE

Clean Water Act Section 404 Individual Permit

The project received a Clean Water Act Section 404 Individual Permit (Action ID # 199301143) from the U.S. Army Corps of Engineers (USACE) Wilmington District on November 28, 2005. This permit authorized construction for Section R-2510A. A modification dated January 17, 2007 to the permit was received by NCDOT.

Section 401 Water Quality Certification

The project received a Section 401 Water Quality Certification (DWQ Project No. 050785, WQC No. 3527) from the North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDWQ) on September 6, 2005. A modification dated February 13, 2007 was received by NCDOT.

Tar-Pamlico Riparian Buffer Authorization

The project received a Tar-Pamlico Riparian Buffer Authorization (DWQ Project No. 050785, WQC No. 3527) from the North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDWQ) on September 6, 2005. A modification dated February 13, 2007 was received by NCDOT.

Coastal Area Management Act (CAMA) Consistency Certification and CAMA Major Permit

A Consistency Certification was issued by North Carolina Department of Environment and Natural Resources Division of Coastal Management on October 31, 2005 for the entire R-2510 project and a CAMA Major Development Permit was issued on March 6, 2007 for R-2510B.

MITIGATION

Jurisdictional Wetland Mitigation: NCDOT does not propose mitigation for these impacts due to there being no net change in permanent wetland impacts.

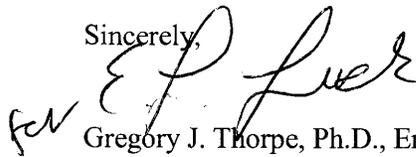
Tar-Pamlico Buffer Mitigation: NCDOT proposes to use the North Carolina Ecosystem Enhancement Program (EEP) to mitigate for permanent impacts associated with this project. The attached EEP request has been forwarded to EEP. A copy of the EEP acceptance letter will be forwarded when received.

REGULATORY APPROVALS

The NCDOT respectfully requests that the referenced Section 404 Permit be modified to reflect the changes in jurisdictional impacts as outlined in this letter and presented in the attached drawings. The NCDOT is also requesting a modification to the 401 Water Quality Certification and Tar-Pamlico Buffer Authorization from the NCDWQ. In compliance with Section 143-215.3D(e) of the NCAC, we have provided a method of debiting \$475, as noted in the subject line of this application, as payment for processing the Section 401 permit modification application. We are providing five copies of this modification application to the NCDWQ for their review and approval. The NCDOT respectfully requests that the referenced CAMA Major Development Permit be modified to reflect the changes in jurisdictional impacts as outlined in this letter and presented in the attached drawings. Please find the attached updated permit drawings.

If you have any questions or need additional information, please call Mr. Chris Underwood at (919) 715-1451.

Sincerely,

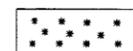


Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch

Cc: W/attachment
Mr. John Hennessy, NCDWQ (5 Copies)
Mr. Travis Wilson, NCWRC
Ms. Kathy Matthews, USEPA
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
Mr. Gary Jordan, USFWS
Mr. Ron Sechler, NMFS
Mr. Michael Street, NCDMF
Mr. Steve Sollod, NCDCEM
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Victor Barbour, P.E., Project Services Unit
Mr. Mark Staley, Roadside Environmental
Mr. C. E. Lassiter, P.E., Division 2 Engineer
Mr. Jay Johnson, Division 2 Environmental Officer

W/o attachment

Mr. Scott McLendon, USACE, Wilmington
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P.E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Ms. Beth Harmon, EEP
Mr. Todd Jones, NCDOT External Audit Branch
Mr. Brian Yamamoto, P.E., PDEA
Mr. Carl Goode, P.E., Human Environment Unit

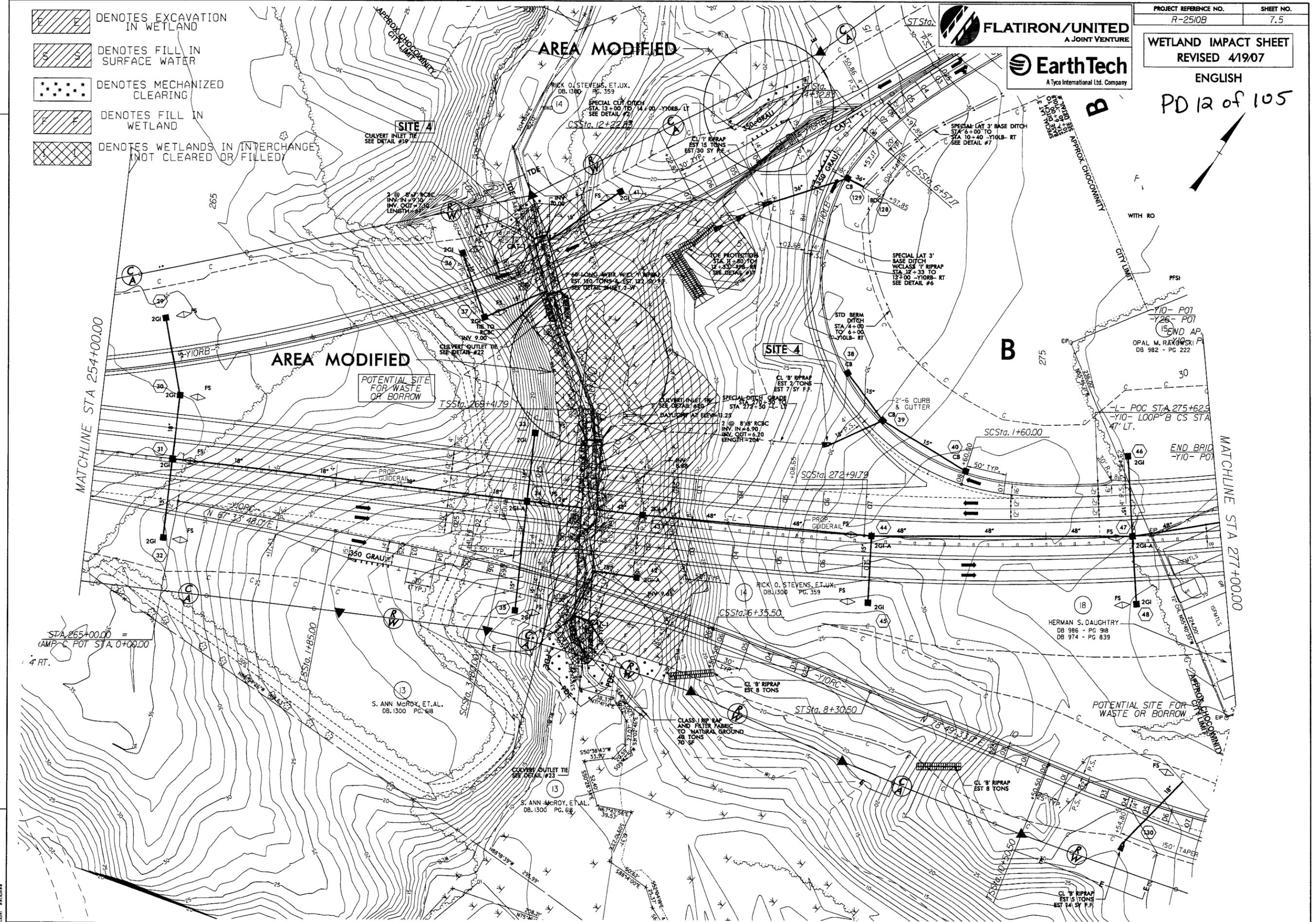
-  DENOTES EXCAVATION IN WETLAND
-  DENOTES FILL IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN WETLAND
-  DENOTES WETLANDS IN INTERCHANGE (NOT CLEARED OR FILLED)

FLATIRON/UNITED
A JOINT VENTURE

EarthTech
A Tyco International Ltd. Company

PROJECT REFERENCE NO. R-2510B	SHEET NO. 7.5
WETLAND IMPACT SHEET REVISED 4/19/07	
ENGLISH	

PD 12 of 105



REVISIONS

1) Added small wetland impact left of station 13+50 -Y10RFB- 4/19/07 - JGD

2) Revised hatching of wetland impact inside buffers to "isolated wetlands - not cleared" - 4/19/07 - JGD

USER: #JGDFSS
DATE: #04/19/07
TIME: #11:00 AM
DGN: #JGDFSS

 MITIGABLE IMPACTS ZONE 1

 MITIGABLE IMPACTS ZONE 2



87
LOWES INVESTMENT CORPORATION
DB 905 - PG 607
DB 841 - PG 991
PC D - SLIDE 376
5676-36-7990
Parcel B

97
DALTON G. LILLEY
DB 1055 - PG 843
DB 939 - PG 323
MB 18 - PG 71
5676-28-7817

97
DALTON G. LILLEY
DB 1007 - PG 789
MB 18 - PG 71
FIRST TRACT
5676-37-8970

105
VERNA L. BROTCHE
DB 475 - PG 418
DESC. FROM 475-418
5676-47-9401

106
RANDALL S. HARRIS
DB 1191 - PG 181
5676-27-8684

107
JUNE W. WHITAKER
DB 830 - PG 40
MB 17 - PG 31
MB 24 - PG 84 & 85
5676-57-3013

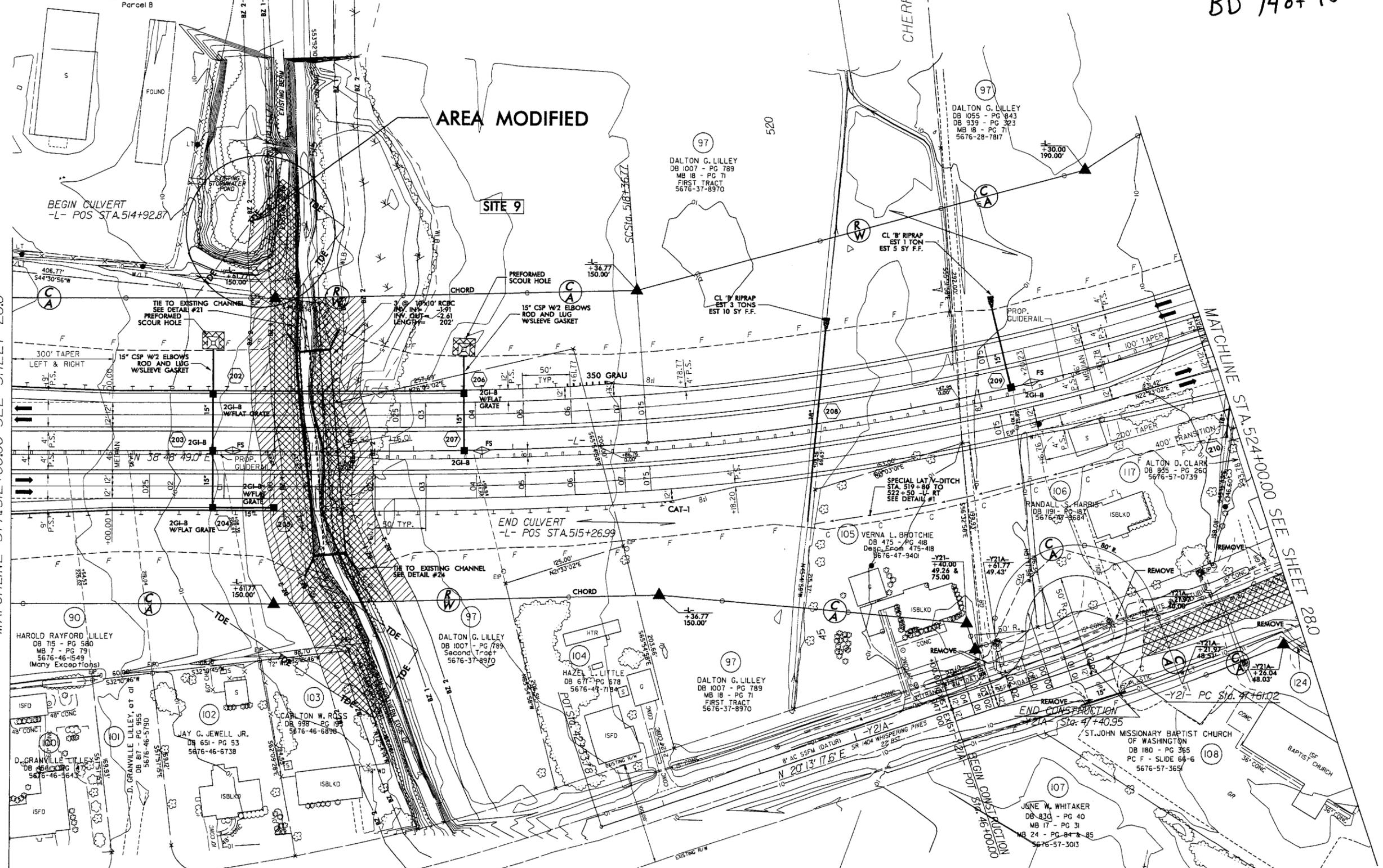
108
ST. JOHN MISSIONARY BAPTIST CHURCH
OF WASHINGTON
DB 1180 - PG 365
PC F - SLIDE 68-6
5676-57-3651

AREA MODIFIED

SITE 9

MATCHLINE STA. 512+00.00 SEE SHEET 26.0

MATCHLINE STA. 524+00.00 SEE SHEET 28.0



REVISIONS

- 1) Added "AREA MODIFIED" note and circle 5807 JGD
- 2) Removed wetland symbology from existing stormwater pond. 5607 JGD

USER: #K05E#
DATE: #04/05/07
DWN: #04/05/07

FOR -L- PROFILE, SEE SHEET 54.0
FOR -Y21- PROFILE, SEE SHEET 70.0



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 1, 2007

Mr. William D. Gilmore, P.E., Director
Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, NC 27699-1652

Dear Sir:

Subject: **Revised Compensatory Mitigation Request** for the proposed improvements to US 17 (Washington Bypass) From South of SR 1127 (Possum Track Road) to North of SR 1418 (Roberson Road). Beaufort County; Federal Aid No. MAF-75-3(26); State Project No. 8.T150601; TIP No. R-2510.

Reference: EEP Acceptance letter dated October 27, 2006

The purpose of this letter is to revise the Department's original request for the North Carolina Ecosystem Enhancement Program (EEP) to provide compensatory mitigation for the project in accordance with the Memorandum of Agreement (MOA) signed July 22, 2003 by the U. S. Army Corps of Engineers (USACE), the North Carolina Department of Environment and Natural Resources (NCDENR) and the North Carolina Department of Transportation (NCDOT).

RESOURCES UNDER THE JURISDICTION OF SECTION 404 AND 401 OF THE CLEAN WATER ACT

We have avoided and minimized the impacts to jurisdictional resources to the greatest extent possible as described in the permit application. A permit modification is currently being finalized for this project. NCDOT is requesting a credit for the amount of 0.05 acre of riverine wetlands. The amount was accounted for in the original permit and EEP acceptance letter. The site was a pond with wetlands that was being impacted. The pond has since been determined to be non-jurisdictional. Therefore, NCDOT is requesting a credit in the above amount.

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

TELEPHONE: 919-715-1334 or
919-715-1335

FAX: 919-715-5501

WEBSITE: WWW.NCDOT.ORG

LOCATION:
PARKER LINCOLN BUILDING
2728 CAPITAL BLVD. SUITE 240
RALEIGH NC 27604

**RESOURCES UNDER THE JURISDICTION OF THE NORTH CAROLINA RIPARIAN
BUFFER PROGRAM**

NCDOT proposes to impact the Tar-Pamlico Buffer Zone 1 for the amount of 355 ft² and Zone 2 for the amount of 1,167 ft² due to the modifications. This is in addition to the previous amount that EEP has promised already to provide.

Please send the revised letter of confirmation to Mr. John Hennessy of NCDWQ, with copies submitted to NCDOT.

Please also send the revised letter of confirmation to Mr. William Wescott (USACE Coordinator) at U. S. Army Corps of Engineers Washington Regulatory Field Office (P.O. Box 1000, Washington, North Carolina 27889-1000). Mr. Wescott's FAX number is (252) 975-1616, ext. 31. This project has already let.

If you have any questions or need additional information, please call Mr. Chris Underwood at (919) 715-1451.

Sincerely,

for Linda Fitzpatrick

Gregory J. Thorpe, Ph.D.,
Environmental Management Director
Project Development & Environmental Analysis Branch

CC

Mr. John Hennessy, NCDWQ
Mr. Brian Wrenn, NCDWQ
Mr. Bill Biddlecome, USACE
Mr. Steve Sollod, NCDCM
Mr. Stephen Lane, NCDCM
Ms. Linda Fitzpatrick, NCDOT Natural Environment Unit
Mr. Majed Alghandour, P. E., NCDOT Project Management/Scheduling Unit
Mr. Todd Jones, NCDOT External Audit Branch
File-R-2510