



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 13, 2006

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

ATTN:Mr. Steve Lund
NCDOT Coordinator

Subject: **Modification Request for Section 404 and Section 401 Individual Permits** for the widening of NC 49 from Harrisburg to Zion Church Road, Cabarrus County, NCDOT Division 10, State Project No. 8.1661001, Federal Aid Project NHF-28-1(5), Debit \$475 from WBS Element 34448.1.1. TIP R-2533 A&B.

Reference: USACE Section 404 Individual Permit, Action ID #199702364, issued November 19, 2001
NCDWQ Section 401 Individual Certification, DWQ Project #011274, issued October 11, 2001
NCDOT Permit extension request dated July 28, 2004. (attached)

The North Carolina Department of Transportation (NCDOT) is currently widening NC 49 from Harrisburg to Zion Church Road in Cabarrus County. On July 28, 2004, the NCDOT submitted a request to extend the permits to December 31, 2006. The purpose of this letter is to request a permit modification for a proposed change in the mitigation strategy.

The original Section 404 Permit and Section 401 Certification required mitigation for 4,072 feet of unavoidable stream impacts as follows:

- 1,936 feet of onsite relocation utilizing Natural Stream Design
- 2,160 feet of offsite perennial stream restoration (Shepherd's Tree Mitigation Site)
- 2,540 feet of offsite intermittent stream restoration (Shepherd's Tree Mitigation Site)
- 2,223 feet of offsite perennial stream enhancement (Shepherd's Tree Mitigation Site)

Through construction of the Shepherd Tree Mitigation Site, the NCDOT has provided more restoration of perennial stream than was anticipated. Therefore, we propose to revise our mitigation strategy for the 4,072 feet of stream impacts as follows:

- 1,936 feet of onsite relocation utilizing Natural Stream Design
- 4,272 feet of offsite perennial stream restoration (Shepherd's Tree Mitigation Site)

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

TELEPHONE: 919-715-1334
FAX: 919-715-5501
WEBSITE: WWW.NCDOT.ORG

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

This allows for 1,936 feet of onsite mitigation at a 1:1 ratio and 4,272 feet of offsite mitigation at a 2:1 ratio (for 2,136 feet of impacts) to cover the total impacts of 4,072 feet.

REGULATORY APPROVALS

Application is hereby made for the modification and extension of the Department of Army Individual 404 Permit and NCDWQ Individual 401 Certification as required for the above-described revision. Refer to the subject line for payment.

If you have any questions or need additional information, please call Ms. Carla Dagnino at (919) 715-1456.

Sincerely,


for Gregory J. Thorpe, Ph.D., Manager

Project Development and Environmental Analysis Branch

Cc:

Mr. John Hennessy, NCDWQ (5 Copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Ms. Kathy Matthews, USEPA
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
Mr. Barry Moose, PE Division 10 Engineer
Mr. Larry Thompson, PWS, DEO
Mr. Scott McLendon, USACE, Wilmington



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July 28, 2004

US Army Corps of Engineers
6508 Falls of the Neuse Road, Suite 120
Raleigh, North Carolina 27615-6814

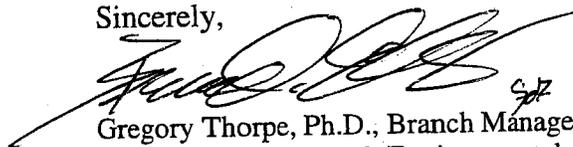
ATTN: Ms. Jean Manuele
NCDOT Coordinator

SUBJECT: **Permit extension request for 404 Permit No. 199702364**
for the widening of NC 49 from Harrisburg to Zion Church Road, Cabarrus
County; State Project No. 8.1661001, Federal Aid Project No. NHF-28-1(5),
State TIP Nos. R-2533A and R-2533B

The NCDOT requests that the permit expiration date be extended for this project. Weather related delays as well as construction and engineering delays have altered the construction schedule. It is no longer anticipated that construction of this project will be complete by December 31, 2004. Therefore, the Department requests that the expiration date for Department of the Army Permit No. 199707161 be moved to December 2006.

By copy of this letter, the Department also requests that the Division of Water Quality extend the expiration date of the 401 Water Quality Certification. If you have any further questions or would like additional information, please don't hesitate to call. Thank you for your time and consideration.

Sincerely,



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

cc: Mr. John Hennessy, NCDWQ
Ms. Marla Chambers, NCWRC
Ms. Marella Buncick, USFWS
Mr. B. G. Payne, P.E., Division Engineer
Mr. Larry Thompson, DEO
Mr. David Franklin, USACE, Wilmington

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