



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 13, 2007

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

ATTENTION: Mr. William Wescott
NCDOT Coordinator

Dear Sir:

Subject: **Application for Section 404 and 401 Individual Permits.** NC 55 Widening from US 17 in Bridgeton to NC 304 in Bayboro. Craven and Pamlico Counties. State Project No. 8.1170901. Federal Aid Project STP-55(1). WBS Element 34452.1.1, **TIP R-2539C.**

Reference: Section 404 Individual Permit issued May 9, 2003. USACE Action ID 199303531
Section 401 WQC No. 3415, issued March 17, 2003. DWQ Project No. 021232
CAMA Major Development Permit No. 55-03, issued April 22, 2003
Request for Permit Modification for R-2539 Section C, dated October 14, 2004 (amended November 4, 2004)
Section 404 and 401 Permit Modifications for Section C, dated January 18, 2005 and December 10, 2004, respectively.

The North Carolina Department of Transportation (NCDOT) is requesting an Individual Permit for the remaining Section 404 and 401 impacts on R-2539C. Section C begins just east of SR 1129 (Bennett Tingle Road) and extends 5.1 miles along NC 55 to NC 304. The three sections (A, B, & C) of R-2539 were originally permitted in 2003, when final jurisdictional impacts on Section A were approved. The permit also gave tentative approval for preliminary impacts on Sections B and C, pending submittal of the final design drawings and jurisdictional impact assessments for those sections. These sections were then permitted through two modifications of the original Individual Permit, dated September 29, 2003 (B) and January 18, 2005 (C). The attached permit drawings coincide with those attached to the permit modification request for Section C, dated October 14, 2004.

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:
2728 CAPITAL BLVD
SUITE 240
RALEIGH NC 27604

The original Individual Permit expired on December 31, 2006. All construction in jurisdictional areas on Sections A and B has been completed; however, impacts to jurisdictional resources on Section C are not complete. Since the original permit was not renewed before its expiration date, a new Individual Permit is needed to complete the jurisdictional impacts remaining on R-2539C. For this reason, all construction activities in jurisdictional areas have stopped.

Most of the general information contained in the original Individual Permit, such as Purpose and Need, FEMA compliance, and avoidance and minimization remains valid for this project and is not included here. In addition, the 2004 permit modification request for R-2539C contains specific information on the following:

- Utility impacts
- Indirect and cumulative effects
- Federally protected species
- Cultural resources

As none of this information has changed, please refer to the permit modification request for details.

Summary of Project Impacts

The remaining impacts for Section C are those resulting from the de-watering and extension of three culverts at permit sites 3 and 5:

- 247 linear feet (.05 acre) of permanent stream channel impacts (187 ft. at Site 3 and 60 ft. at Site 5)
- 121 linear feet (.04 acre) of temporary stream channel impacts (91 ft. at Site 3 and 30 ft. at Site 5)
- 24,725 square feet (sqft) of Neuse Buffer impacts (Site 3: 11,221 sqft of mitigable Zone 1 and 7,480 sqft. of mitigable Zone 2 impacts; Site 5: 3,614 sqft of allowable Zone 1 and 2,410 sqft of allowable Zone 2 impacts).

Compensatory Mitigation

Total impacts have not changed since the Section C permit modification, which was issued with the understanding that the NC Ecosystem Enhancement Program would cover compensatory mitigation needs on this project. Therefore, no additional mitigation is required.

Regulatory Approvals

Section 404 permit: Application is hereby made for a Department of the Army Individual 404 Permit as required for the above described activities.

Section 401 permit: We are also hereby requesting an Individual 401 Water Quality Certification from the NC DWQ. In accordance with 15A NCAC 2H, Section .0500(a) we are providing five copies of this application to the NCDWQ for their review and approval. The processing fee of \$100 was debited for processing of the CAMA renewal request (see below).

Neuse River Basin Buffer Authorization: NCDOT requests that the NC DWQ review this application and issue a written approval for a Neuse River Riparian Buffer Authorization.

CAMA Major Development permit: A renewal of the original CAMA permit was obtained on July 18, 2007.

A copy of this permit application will be posted on the NCDOT web-site at:
<http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>.

If there are any further questions, please contact Amy James at 919-715-7216.

Sincerely,



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

Cc:

W/attachment

Mr. John Hennessy, NCDWQ (5 Copies)

Mr. Travis Wilson, NCWRC

Ms. Kathy Matthews, USEPA

Mr. Clarence W. Coleman, P.E., FHWA

Mr. Gary Jordan, USFWS

Mr. Ron Sechler, NMFS

Mr. Michael Street, NCDMF

Mr. Steve Sollod, NCDCM

Mr. C. E. Lassiter, P.E., Div. 2 Engineer

Mr. Jay Johnson, Div. 2 Environmental Officer

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-003
Expires December 31, 2004

Public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME North Carolina Department of Transportation Project Development & Environmental Analysis	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
6. APPLICANT'S ADDRESS P.O. Box 25201 Raleigh, NC 27611	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business 919-733-3141	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business

11. STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION, AND DESCRIPTION OR PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) NC 55 Widenig from US 17 in Bridgeton to NC 304 in Bayboro, R-2539. Permit application for remaining impacts on Section C.	
13. NAME OF WATERBODY, IF KNOWN (if applicable) South Prong Bay River	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT Pamlico COUNTY NC STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) Section, Township, Range, Lat/Lon, and/or Accessors's Parcel Number, for example.

17. DIRECTIONS TO THE SITE

NC 55 from US 17 in Bridgeton to NC 304 in Bayboro.

18. Nature of Activity (Description of project, include all features)
Widening of NC 55 from a two-lane facility to a five-lane roadway. The entire project is 14.2 miles long and will provide a 60-foot roadway with 4 foot paved shoulders.

The remaining impacts on Section C of the project involve 3 stream crossings, impacting 247 linear feet of stream channels.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Public transportation. To increase traffic capacity and safety by widening the roadway. NC 55 is designated as a Major Thoroughfare on the New Bern Thoroughfare Plan and appears on the Pamlico County Thoroughfare Plan as a Major Collector.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

3 culvert extensions

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

Roadway fill and culvert material

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

247 linear feet of stream.

23. Is Any Portion of the Work Already Complete? Yes X No ___ IF YES, DESCRIBE THE COMPLETED WORK

All construction in jurisdictional areas on Sections A, B, and remaining parts of Section C not covered here are complete.

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

See Attached List

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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* Would include but is not restricted to zoning, building, and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.



SIGNATURE OF APPLICANT

9.12.07

DATE

SIGNATURE OF AGENT

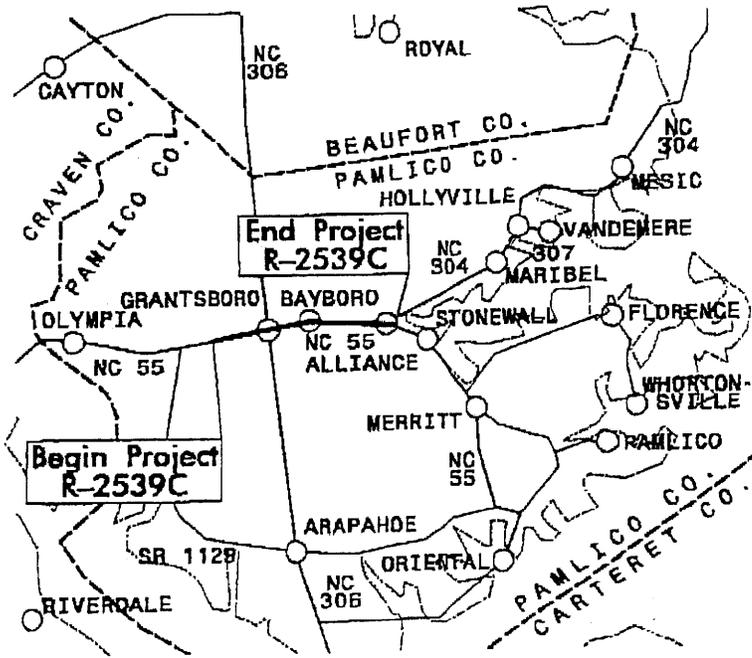
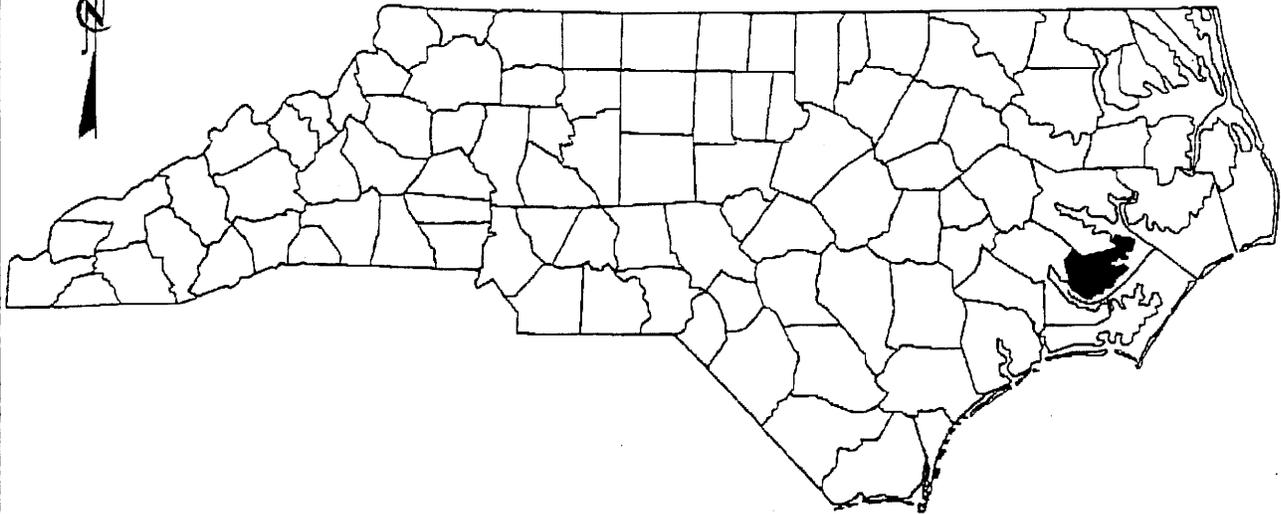
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

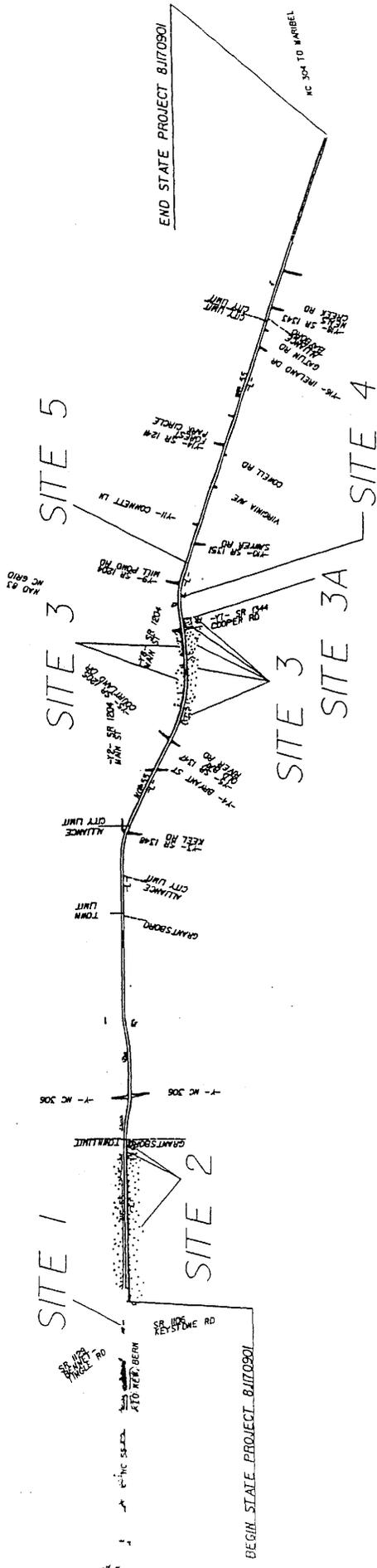
Permit Drawing
Sheet 1 of 9

NORTH CAROLINA



VICINITY MAPS

NCDOT
DIVISION OF HIGHWAYS
PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

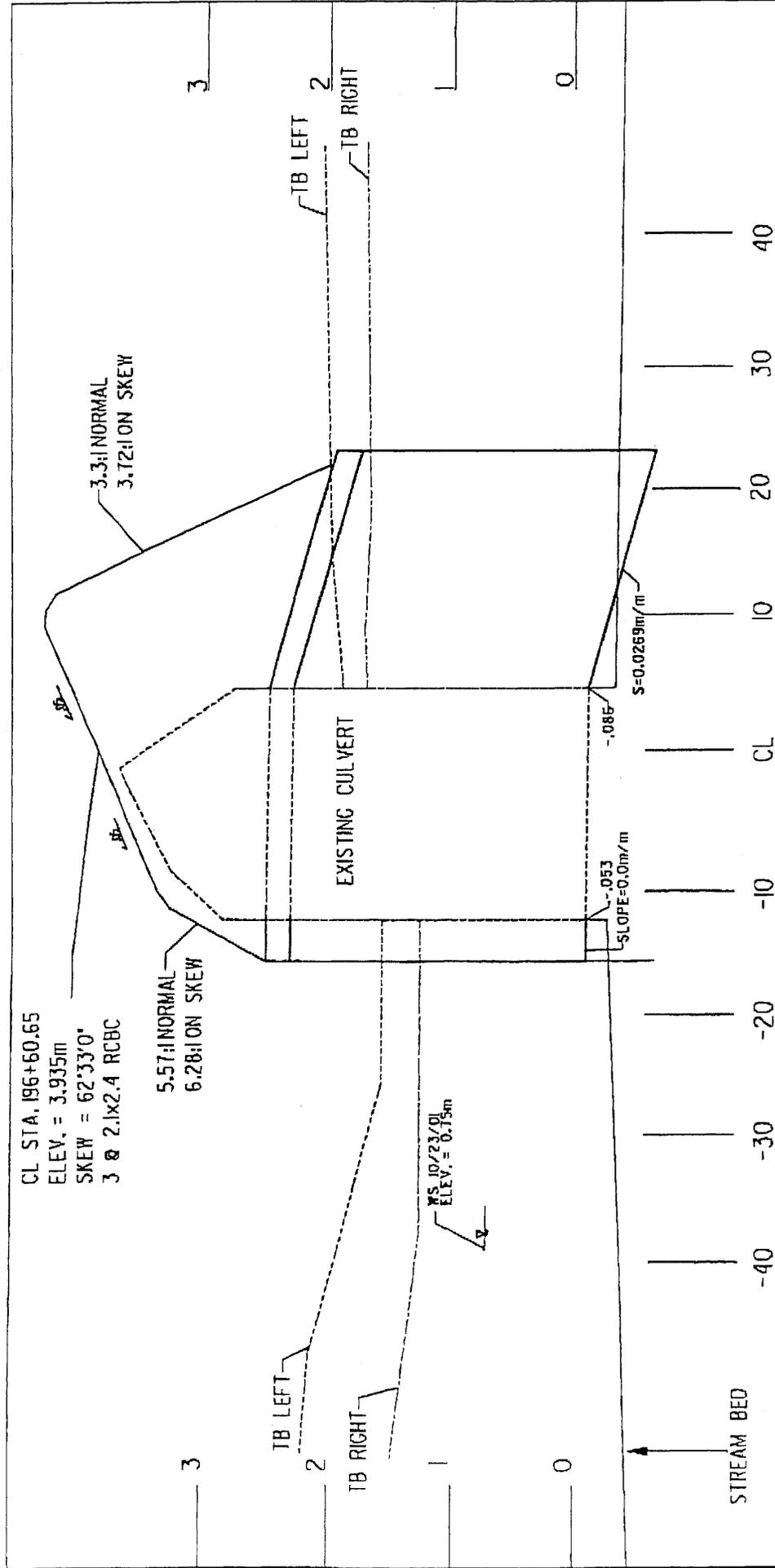


NCDOT

DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

SITE MAP

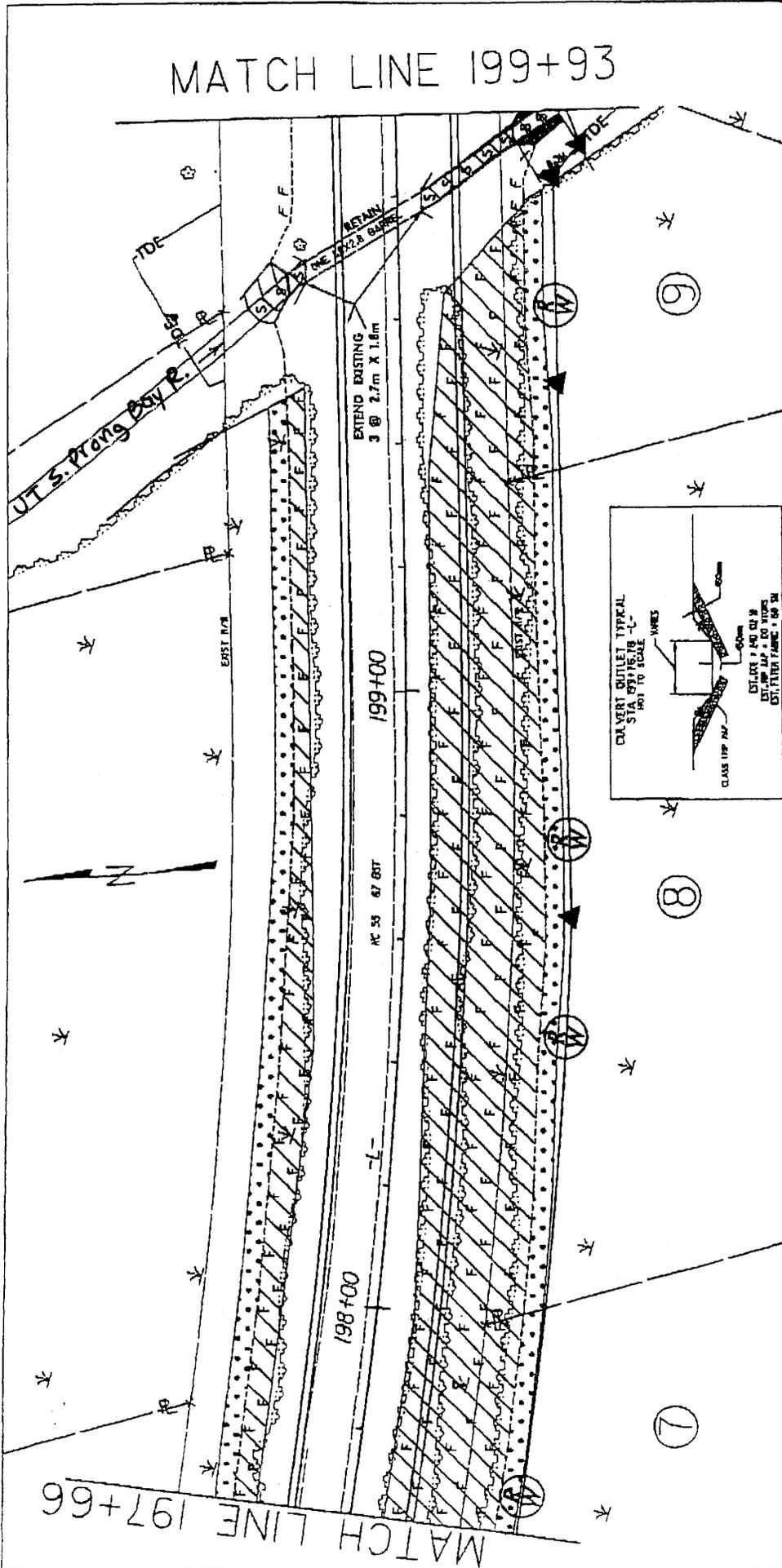
Permit Drawing
Sheet 4 of 9



NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

CULVERT 1 PROFILE
STA 196 + 60.65
SITE 3
SCALE = HORIZ. 1:500 VERT. 1:50

SHEET 14 OF 24 7/15/03

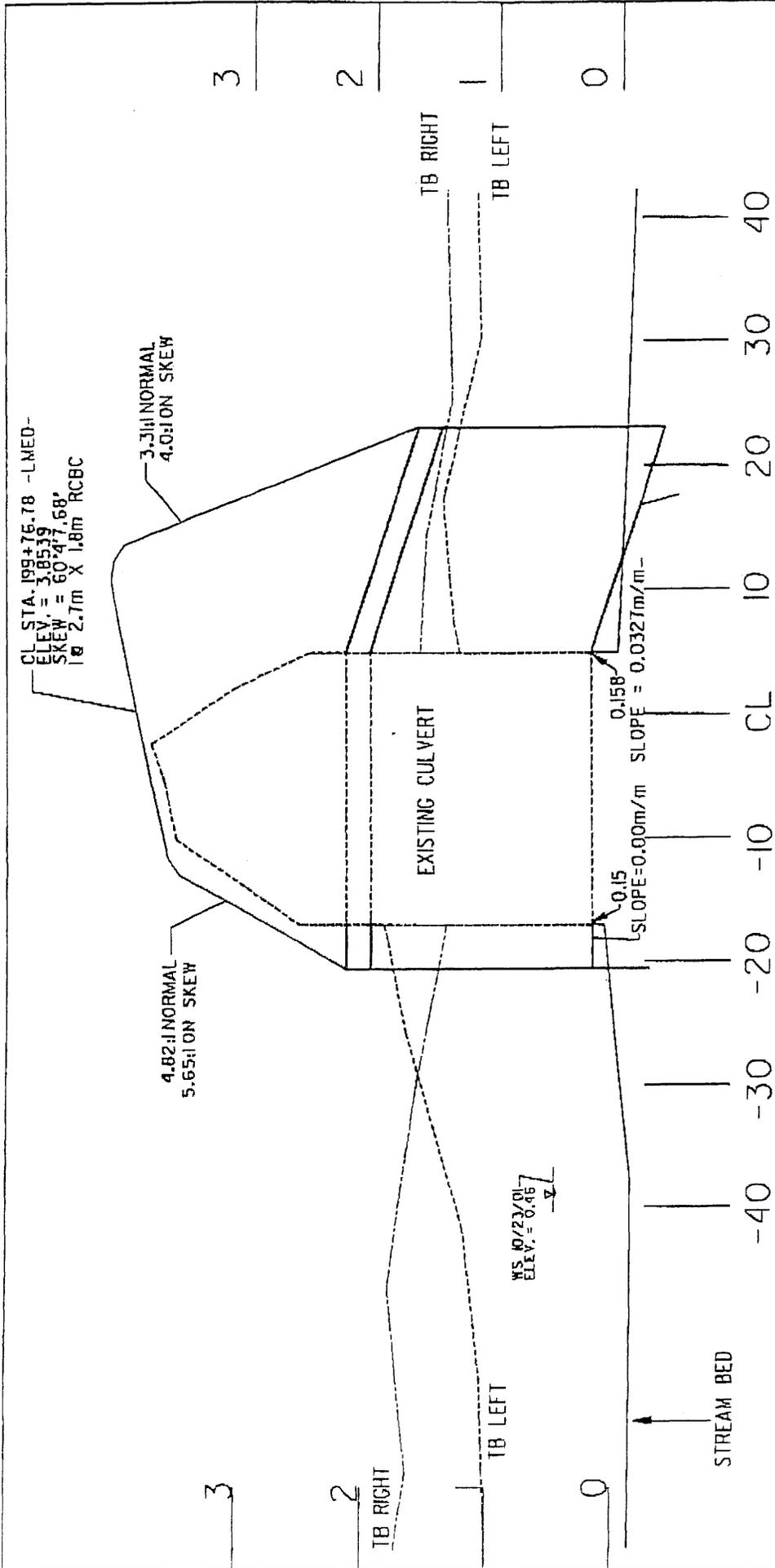


NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

SHEET 15 OF 24 2/6/04

PLAN VIEW
STREAM & WETLAND
IMPACTS
 SITE 3
 SCALE = 1:1000

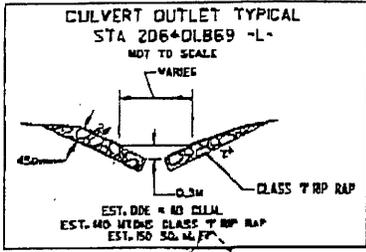
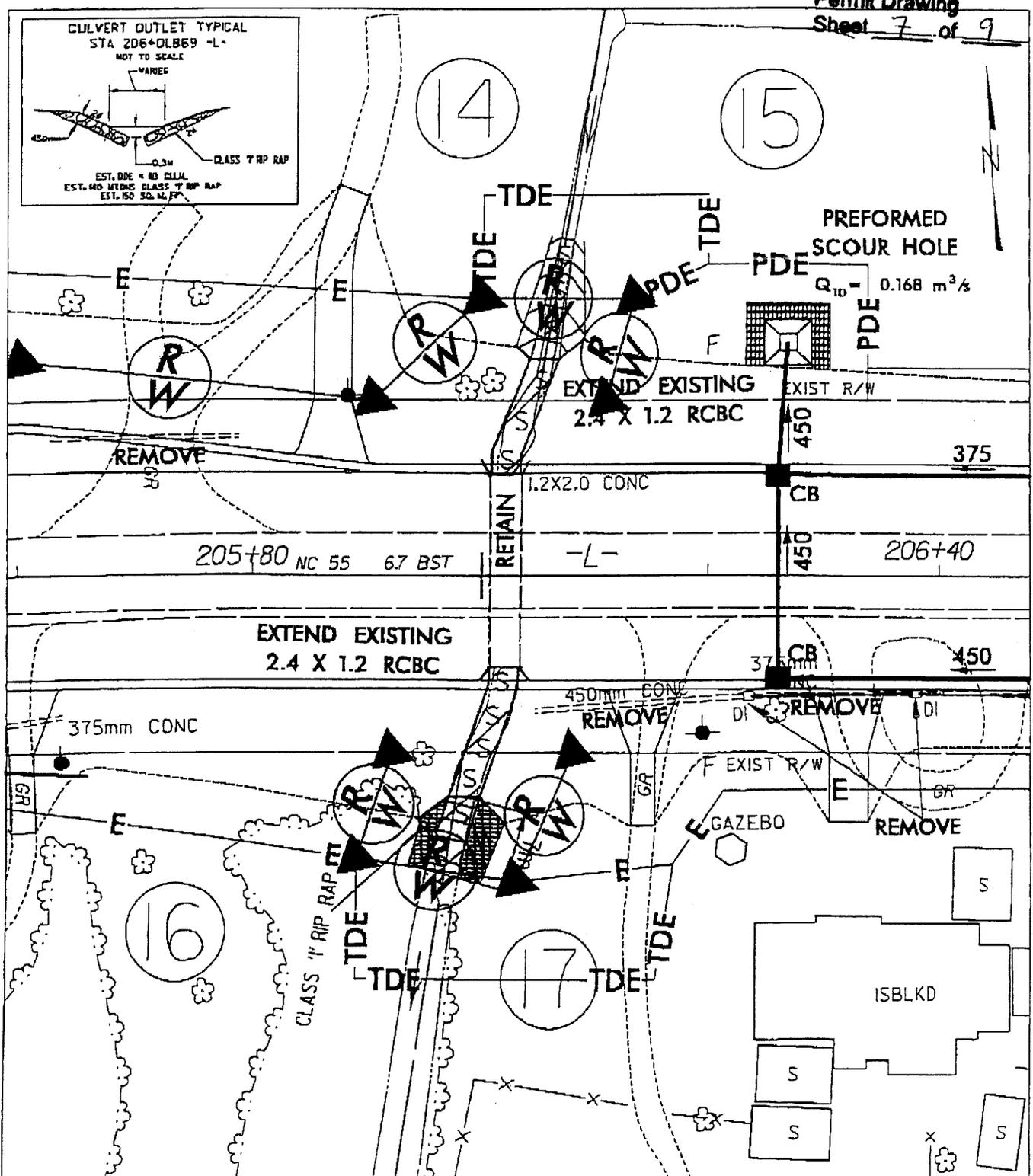
Permit Drawing
Sheet 6 of 9



NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2559C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

SHEET 6 OF 24 7/15/03

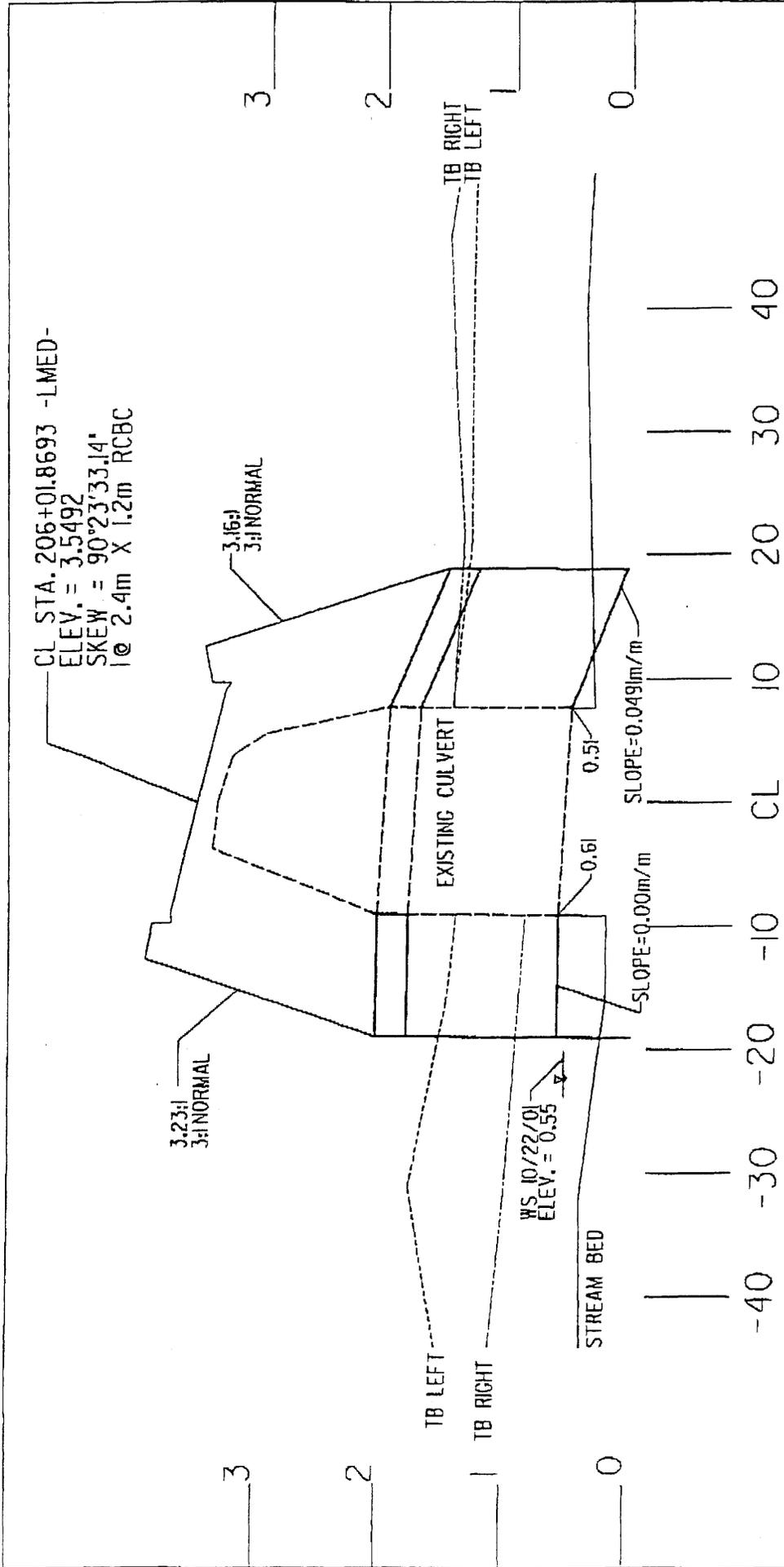
CULVERT 2 PROFILE
STA 199 + 76.78
SITE 3
SCALE = HORIZ. 1:500 VERT. 1:50



PLAN VIEW
 STREAM
 IMPACTS
 SITE 5
 SCALE = 1:500

NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

Permit Drawing
Sheet 8 of 9



NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8J170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

SHEET 21 OF 24 8/6/03

CULVERT 3 PROFILE

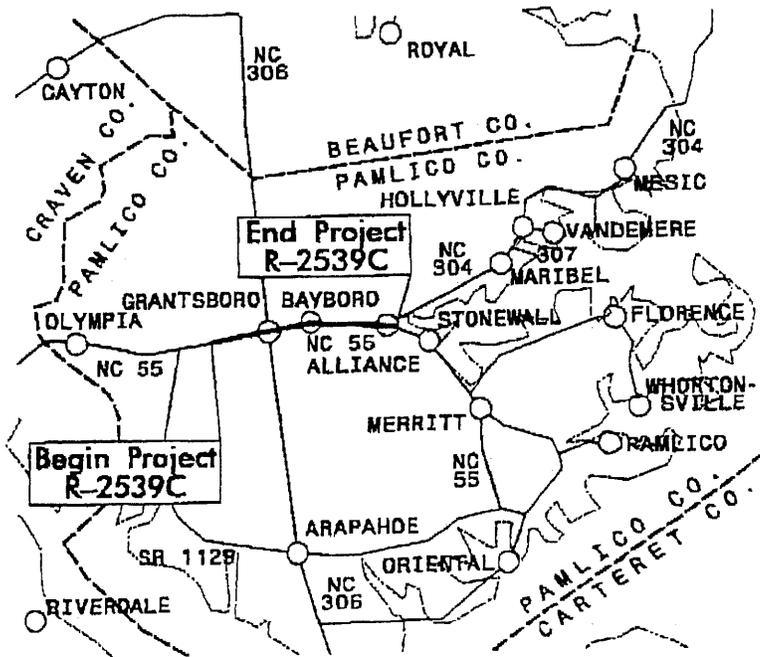
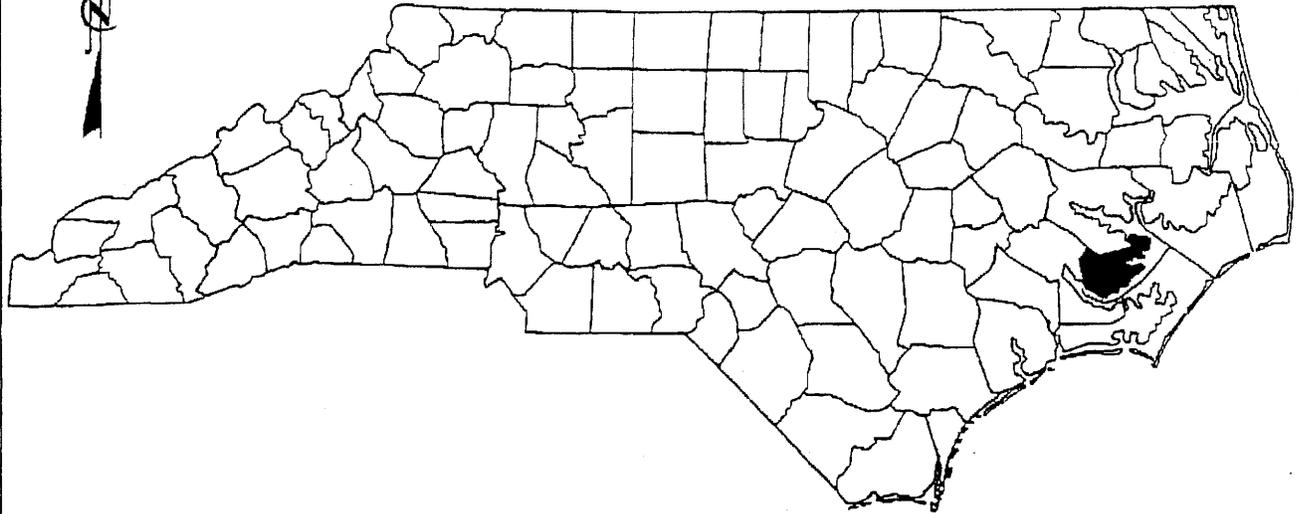
STA 206 + 01.87

SITE 5

SCALE = HORIZ. 1:500 VERT. 1:50

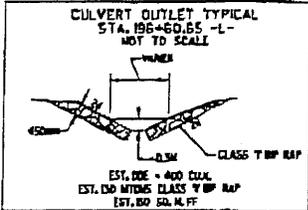
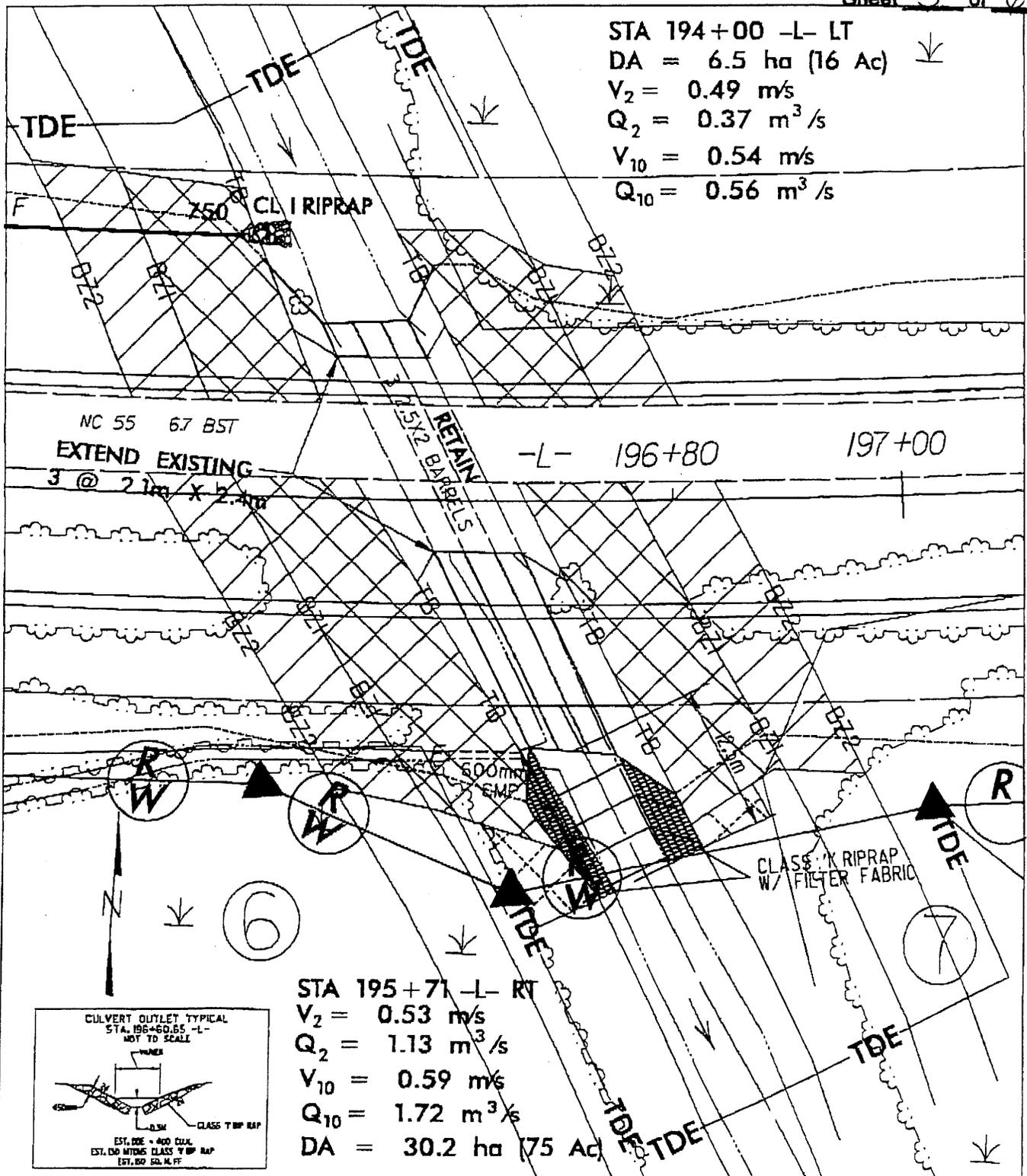
Buffer Drawing
Sheet 1 of 6

NORTH CAROLINA



BUFFER VICINITY MAPS

NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO

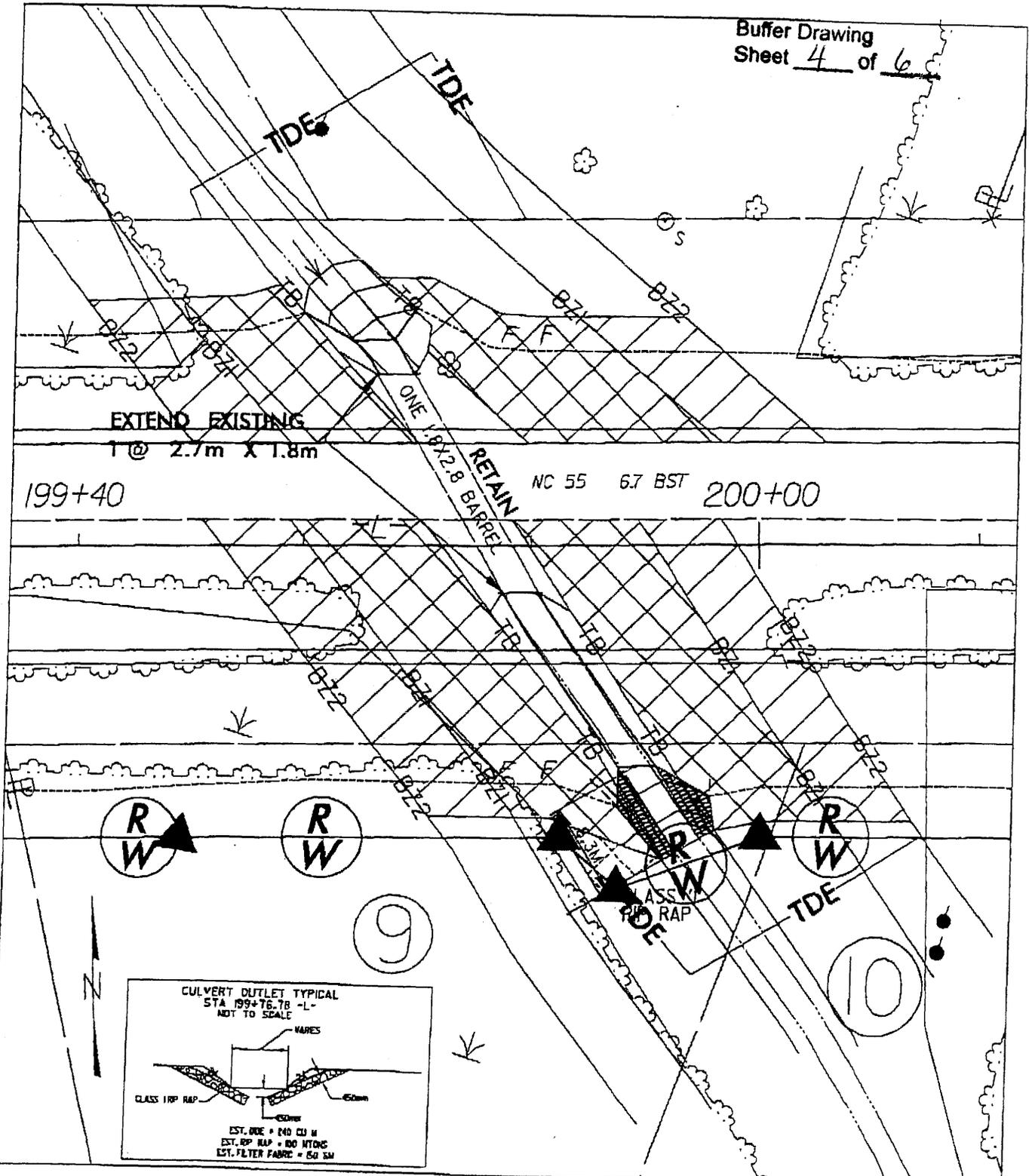


PLAN VIEW
BUFFER
IMPACTS
SITE 3

SCALE = 1:500

NCDOT
DIVISION OF HIGHWAYS
PAMLICO COUNTY
PROJECT: 8.1170901 (R-2539C)
NC 55 FROM EAST OF SR 1129
TO NC 304 IN BAYBORO

Buffer Drawing
Sheet 4 of 6



EXTEND EXISTING
1 @ 2.7m X 1.8m

199+40

NC 55 6.7 BST 200+00

RETAIN

ONE 1.8X2.8 BARREL

R/W

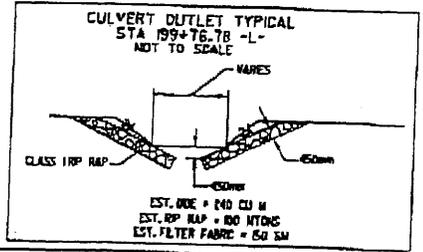
R/W

9

R/W

R/W

10

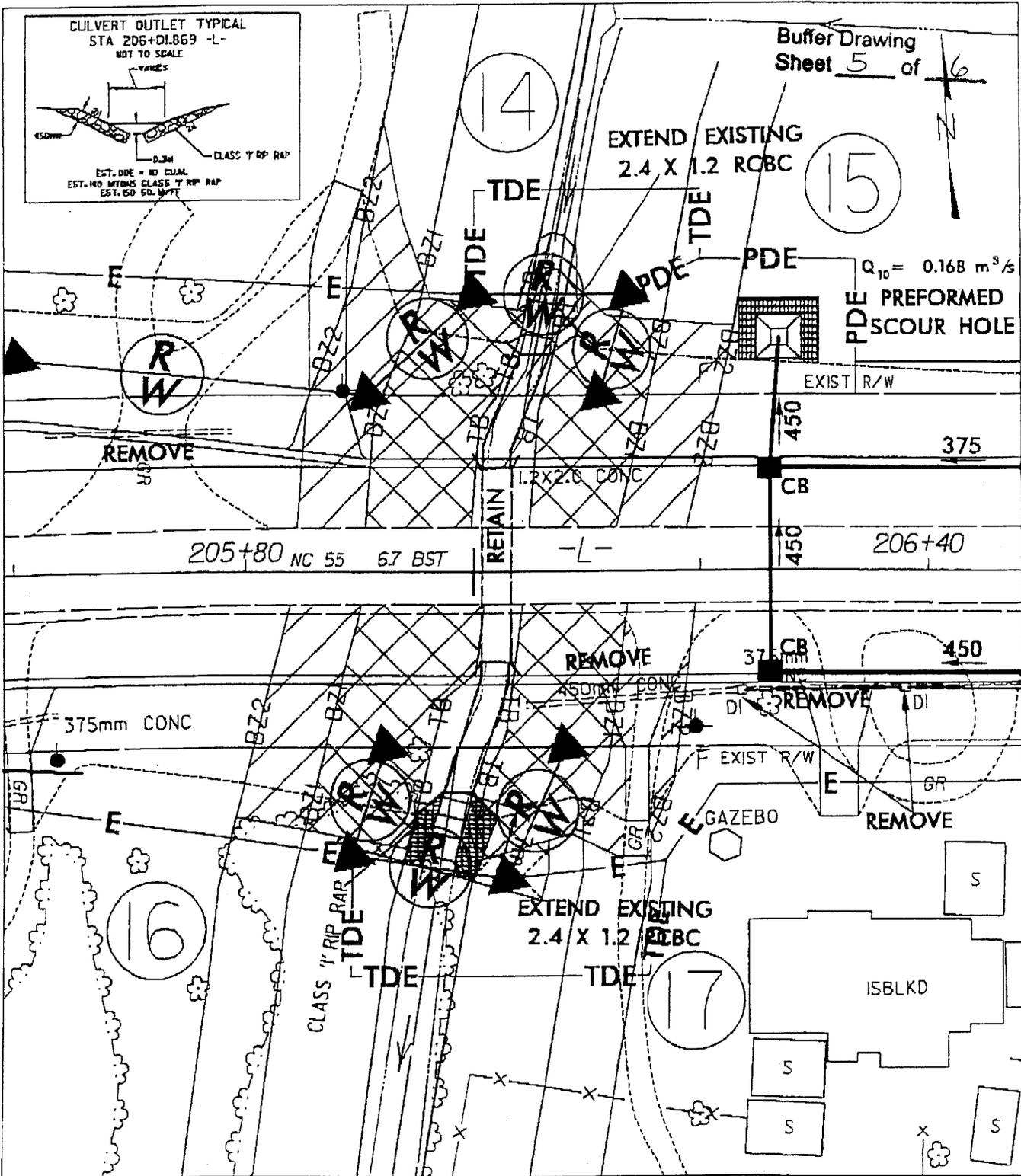


PLAN VIEW
BUFFER
IMPACTS
SITE 3
SCALE = 1:500

NCDOT
DIVISION OF HIGHWAYS
PAMLICO COUNTY
PROJECT: 8.1170901 (R-2539C)
NC 55 FROM EAST OF SR 1129
TO NC 304 IN BAYBORO

SHEET 6 OF 9

2/6/04



PLAN VIEW
 BUFFER
 IMPACTS
 SITE 5
 SCALE = 1:500

NCDOT
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT: 8.1170901 (R-2539C)
 NC 55 FROM EAST OF SR 1129
 TO NC 304 IN BAYBORO
 SHEET 8 OF 9
 2/6/04

