



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 5, 2006

US Army Corps of Engineers
Raleigh Field Office
6508 Falls of Neuse Road, Suite 120
Raleigh, NC 27615-6814

ATTENTION: Eric Alsmeyer
NCDOT Coordinator, Division 5

Dear Sir:

Subject: **Application for Modification to Section 404 and Section 401 permits for Knightdale Bypass--** US 64 from I-440 (Raleigh Beltline) to existing US 64 near SR 1003, I-440 from 0.83 mile south of US 64 to Poole Road and a portion of the East Wake Expressway from existing US 64 to the proposed US 64 Bypass in Wake County. State Project No. 8.142202; Federal Aid Project No. NHF-DPI-0199 (004); TIP No. R-2547 and R-2641: \$475 Debit Work Order 8.142202, WBS Element 34455.1.7.

Reference: NCDENR-DWQ Water Quality Certification Project No. 011689 and USACE Action ID 200220819.

The North Carolina Department of Transportation (NCDOT) has constructed a new controlled-access six-lane, divided highway known as the Knightdale Bypass. This new location project consists of the Bypass (R-2547), which extends from I-440 (Raleigh Beltline) to existing US 64 near SR 1003, and a portion of the Eastern Wake Expressway (R-2641) from existing US 64 to the proposed Bypass. The project also includes the widening of I-440 from 0.83 miles south of US 64 to Poole Road. The R-2547 portion now has traffic on it and NCDOT is finalizing the project. The R-2641 project is currently under construction.

The R-2547 project is nearly complete. The intersection at Eagle Rock Road (SR 2501) in Section C of this project was never built. Impacts to streams, wetlands and buffers were calculated in the original Section 404 Individual permit from the United States Army Corps of Engineers (USACE) (dated April 25, 2002) and in the Section 401 Water Quality Certification and Neuse Buffer Certification (dated April 10, 2002) from the North Carolina Division of Water Quality (DWQ) based on preliminary plans and mitigation (where necessary) was obtained for these impacts. NCDOT bought Right-of-Way for the possibility of this future interchange.

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

TELEPHONE: 919-715-1534
FAX: 919-715-5501
WEBSITE: WWW.NCDOT.ORG

LOCATION:
2728 CAPITAL BLVD.
SUITE 240
RALEIGH NC 27604

NCDOT will not be constructing the interchange at Eagle Rock Road, therefore the purpose of this submittal is to request that the impacts associated with this interchange (Sites 8A, 9 and 11) be released from this permit and all associated mitigation be given back to NCDOT. A permit modification was issued by the USACE on May 4, 2006 and by NCDWQ on April 19, 2004 for Sites 8 and 9.

The following is a description of the modification that is proposed at each site. Impacts were determined from the most recent permitted drawing.

SECTION C

Site 8A (Revised Permit Drawings 22 of 34 dated 8/7/06)

Not all the impacts at this site are associated with the future interchange. Only the impacts associated with the interchange are addressed in this application which includes impacts for the 1800 mm pipe. At this site, the following permanent impacts were not constructed: 0.004 hectare (ha) of riverine wetland and 0.003 ha of buffer impact in Zone 1 and 0.003 ha in Zone 2.

Site 8B (Revised Permit Drawing 22 of 34 dated 8/7/06)

Not all the impacts at this site are associated with the future interchange. Only the impacts associated with the interchange are addressed in this application which include impacts for the 900 mm pipe. At this site, the following permanent impacts were not constructed: 0.016 ha of riverine wetland and 0.042 ha of buffer impacts in Zone 1 and 0.028 ha of buffer impacts in Zone 2.

Site 9 (Revised Permit Drawings 26 and 27 of 34 dated 8/25/06)

Not all the impacts at this site are associated with the future interchange. Only the impacts associated with the interchange are addressed in this application. At this site, the following permanent impacts were not constructed: 0.104 ha of riverine wetlands, 160 meters (m) of stream and 0.257 ha of buffer impact in Zone 1 and 0.144 ha in Zone 2

The original permit application (dated October 19, 2001) stated that this intermittent stream did not require mitigation from the USACE. The DWQ does not require mitigation for intermittent streams.

Site 11 (Revised Permit Drawing 32 of 34 dated 8/7/06)

All impacts at this site are associated with the future interchange. This site was the proposed bridge over Mark's Creek along the future Eagle Rock Road extension. At this site, the following permanent impacts were not constructed: 0.312 ha of riverine wetlands, 0.022 ha of buffer impact in Zone 1 and 0.039 ha in Zone 2.

Buffers at this site were not mitigated for because the site contained a bridge and under the Neuse Buffer Rules, impacts for the construction of bridges are allowable with no mitigation required.

SUMMARY

The sites and impacts described above are currently a part of the Individual Section 404 and Section 401 permits. These impacts were calculated for our permit as part of the future Eagle Rock Road interchange and mitigated as necessary. NCDOT will **not** be constructing this interchange and requests these impacts be released from our permit through this permit modification. Total riverine wetlands we did not impact are 0.44 ha (1.09 acres). The amount of intermittent stream we did not impact totals 160 m (525 feet). Total buffers we did not impact are 0.324 ha (34,874 square feet) in Zone 1 and 0.214 ha (23,034 square feet) in Zone 2.

MITIGATION

Since no mitigation was required for the intermittent stream impacts, NCDOT does not request to receive back any mitigation for this stream.

NCDOT requests that the riverine wetland impacts be credited to the Marks Creek Mitigation Site. The Marks Creek Mitigation Site was developed as onsite mitigation for riverine wetland impacts associated with the Knightdale Bypass (R-2547/R-2641) (from permit application dated October 19, 2001). Since the sites mentioned in this permit modification are in close proximity to the Marks Creek Mitigation Site, NCDOT believes that 1.09 acres should be credited to the Marks Creek Mitigation Site, owned by NCDOT, for use with future mitigation needs.

Payment was made to the Wetlands Restoration Program (WRP) (now the Ecosystem Enhancement Program, (EEP)) for compensatory mitigation for Neuse Buffer impacts (receipt letter dated July 11, 2002, enclosed). NCDOT would like credit back for these buffer impacts. At the sites mentioned above, wetlands and buffer impacts overlapped. The permit application (October 19, 2001) stated that wetland acreage within the buffer area was subtracted from the buffer acreage total from each buffer zone. The resulting impacts were then multiplied by the appropriate ratio. Site 11 did not require mitigation (it is a bridge and impacts were allowable) and thus not calculated in credited amount. NCDOT requests that 0.230 ha (24,757 square feet) of buffer impacts in Zone 1 and 0.142 ha (15,285 square feet) of buffer impacts in Zone 2 be credited to NCDOT from EEP. These are only impact numbers and have **not** been multiplied by the appropriate ratio.

REGULATORY APPROVALS

Application is hereby made for the modification of the Individual Section 404 Permit from the USACE and Section 401 Water Quality Certification and Neuse Buffer Certification from the NCDENR-DWQ. This project 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 Modification request, we respectfully request that the NCDENR-DWQ issue an Authorization Certificate pursuant to 15A NCAC 2B .0233 for the proposed use. In compliance with Section 143-215.3D(e) of the NCAA we have provided a

method of debiting \$475, as noted in the subject line of this application, as payment for processing the Section 401 Water Quality Certification modification application. We are providing five copies of this application to NCDENR-DWQ, for their use.

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

Sincerely,

for Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA

cc: Mr. John Hennessy, NCDWQ (5 Copies)
Mr. Travis Wilson, NCWRC
Mr. Gary Jordan, USFWS
Ms. Kathy Matthews, USEPA
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
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
Ms. Linda Fitzpatrick, Natural Environment Unit
Mr. Randy Griffin, Natural Environment Unit
Mr. Todd Jones, NCDOT External Audit Branch
Mr. Steve Dewitt, P.E., Director of Construction
Mr. Ellis Powell, P.E., State Construction Engineer
Mr. Scott McLendon, USACE, Wilmington
Ms. Beth Harmon, EEP



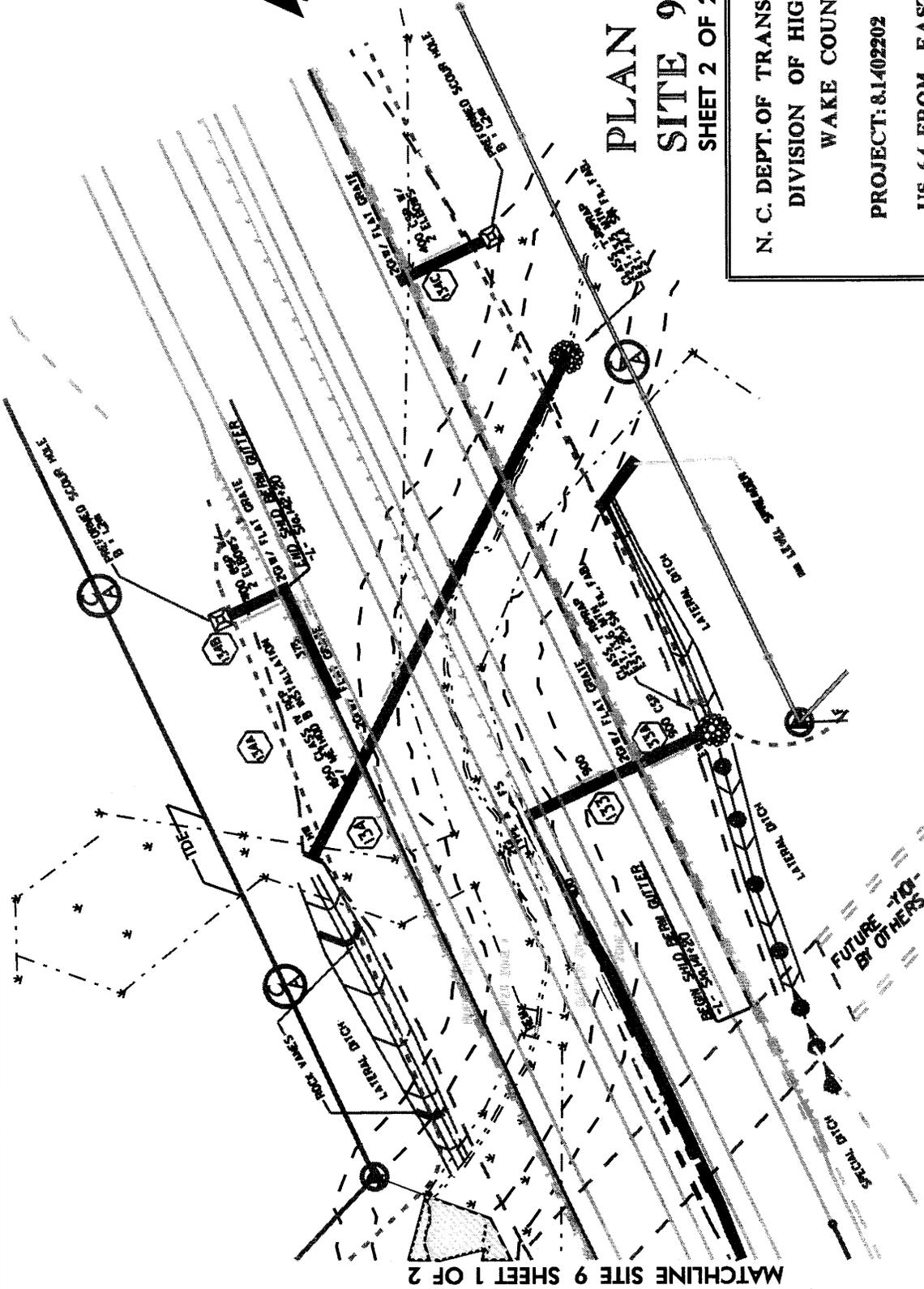
PLAN VIEW SITE 9 SHEET 2 OF 2

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WAKE COUNTY

PROJECT: 8.1402202 (R-2547C)

US 64 FROM EAST WAKE
EXPRESSWAY TO SR 2502

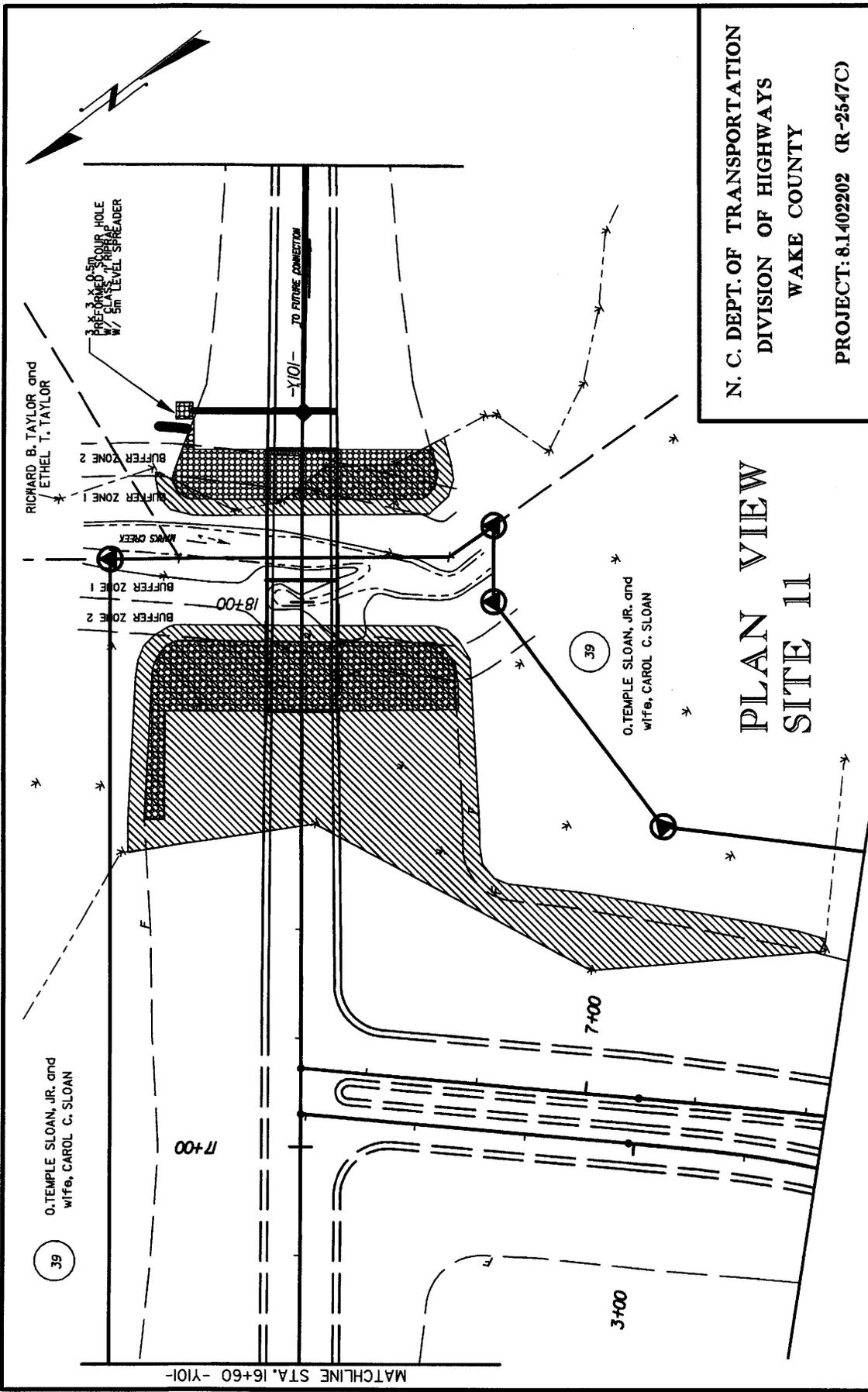
SHEET 27 OF 34 REV 8/25/06



DENOTES PERMITTED IMPACTS
THAT WERE NOT CONSTRUCTED



MATCHLINE SITE 9 SHEET 1 OF 2



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WAKE COUNTY

PROJECT: 8.1.402202 (R-2547C)

US 64 FROM EAST WAKE
 EXPRESSWAY TO SR 2502

SHEET OF REVISED 8/7/06

PLAN VIEW
 SITE 11

10m 0 20m SCALE

DENOTES PERMITTED IMPACTS
 THAT WERE NOT CONSTRUCTED

39
 O. TEMPLE SLOAN, JR. and
 wife, CAROL C. SLOAN

RICHARD B. TAYLOR and
 ETHEL T. TAYLOR

39
 O. TEMPLE SLOAN, JR. and
 wife, CAROL C. SLOAN

MATCHLINE STA. 16+60 -Y101-

IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size	WETLAND IMPACTS				SURFACE WATER IMPACTS					BUFFER IMPACTS						
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Relocated Channel (m)	Enclosed Channel (m)	Zone 1 (ha)	Zone 2 (ha)				
8A	134+00 -L-	1800 RCP	0.002			0.002												
8B	134+40/137-L-	1500 RCP, 900 RCP	0.007			0.009												
9	140/143 -L-	1650 RCP	0.104				0.01						160					
11	17/18+40 -Y101	1 @ 24m, 2 @ 17m BRIDG	0.253			0.059												
TOTALS:			0.366	0.000	0.000	0.070	0.010	0.000	0.000	0.000	0.00	0	160	0	0	0.324	0.214	
			0.904	0.000	0.000	0.173	0.025	0.000	0.000	0.00	0.00	525	0	0	0	34874	23034	

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

SUMMARY OF PERMITTED IMPACTS FOR EAGLE ROCK ROAD INTERCHANGE
THAT WERE NOT CONSTRUCTED.

ZONE 1 WETLANDS IN BUFFERS = 0.072 HA (7750 SF)
ZONE 2 WETLANDS IN BUFFERS = 0.033 HA (3584 SF)

WAKE COUNTY
PROJECT: 8.1402202 (R-2547C)



Michael F. Easley, Governor
William G. Ross Jr., Secretary

RECEIPT
July 11, 2002

Mr. Phil Harris
NC Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: TIP #: R-2547 and R-2641
DWQ #: 011689
County: Wake
COE #: 200220819

The North Carolina Wetlands Restoration Program (NCWRP) has received a check in the amount of \$ 4,283,974.00 check number 1317036, as payment for the compensatory mitigation requirements of the 401 Water Quality Certification and/or Section 404 Permit issued for the subject project. This receipt serves as notification that the compensatory mitigation requirements for this project have been satisfied. Please note that you must also comply with all other conditions of this certification and any other state, federal or local government permits or authorization associated with this activity.

The NCWRP, by acceptance of this payment, acknowledges that the NCWRP is responsible for the compensatory mitigation requirements associated with the subject permit and agrees to provide the compensatory mitigation as specified in the permit. The NCWRP will restore 6,254 linear feet of stream and 3,648,150 square feet of riparian buffers in the upper portion of Cataloging Unit 03020201 of the Neuse River basin.

If you have any questions or need additional information, please contact Crystal Braswell at (919) 733-5208.

Sincerely,


Ronald E. Ferrell
Program Manager

cc: Rob Ridings, Wetlands/401 Unit
Eric Alsmeyer, USACOE
file

Wetlands Restoration Program 1619 Mail Service Center Raleigh, NC 27699-1619
(919) 733-5208 Fax: (919) 733-5321