



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

February 14, 2005

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

ATTENTION: Richard Spencer  
NCDOT Coordinator, Division 6

Dear Sir:

Subject: **Application for Modification to Section 404 permit and Section 401 Water Quality Certification** for the Owen Drive Extension from I-95 Business to NC 87 located southeast of Fayetteville, North Carolina in Cumberland County. Federal Aid No. STP-0620(1); State Project No. 8.2441101 TIP No. U-2912; \$475.00 Debit work order 8.2441101, WBS Element 34885.1.1. NCDOT Division 6. NCDENR-DWQ Water Quality Certification Project No. 041244 and USACE Action ID 200000913.

The North Carolina Department of Transportation (NCDOT) proposes to extend Owen Drive from I-95 Business to NC 87 on new location in Cumberland County, North Carolina. The project is located immediately southeast of Fayetteville along Wilkes Road between US 301/I-95 Business and Elizabethtown Road, and along East Mountain Drive between US 301/I-95 Business and NC 87. Currently, there is a temporary entrance to the Crown Coliseum that ties into Wilkes Road. This entrance will be replaced with a permanent entrance onto the proposed Owen Drive after construction of the project is complete. The proposed cross-section is a five-lane, 64-foot, face-to-face, curb-and-gutter roadway which includes a continuous center turn lane to support the anticipated turning movements. The typical cross-section would allow for the use of reversible lanes and provides traffic storage, both of which will help with event-generated congestion.

The North Carolina Department of Environment and Natural Resources, Division of Water Quality (NCDENR-DWQ) issued a Section 401 Water Quality Certificate on September 17, 2004 and The United States Army Corps of Engineers (USACE) issued a Section 404 permit on October 7, 2004. The project is scheduled to let January 18, 2005. Construction has not begun.

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

TELEPHONE: 919-715-1500  
FAX: 919-715-1501  
WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

**LOCATION:**  
2728 CAPITAL BLVD.  
PARKER LINCOLN BUILDING, SUITE 168  
RALEIGH NC 27604

The purpose of this submittal is to request a modification to the Section 404 Individual Permit and Section 401 Water Quality Certificate. The modification for the permit is for changes to the wetland delineation and stormwater design change at Site 3.

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 are in compliance with all previous issues, including the following:

- Protected Species
- Aquatic Life passage
- FEMA compliance
- Cultural Resources

### **Summary of Changes**

#### Permit Drawing 5 of 10/Site 11/ Plan Sheets 11 and 12

The original permit drawing contained an error in the wetland delineation at this site. The wetland line was extended to the north on November 22, 2004 by EcoScience biologists. The original stormwater design had a lateral V ditch in what is now part of the wetland system. The permit drawing and plan sheets were changed to show the stormwater now diverted to the lateral base ditch near Station 34+00. Additional riverine wetland impacts at this site for mechanized clearing is 0.07 acre. The amount of fill in wetlands at this site was reduced by 0.01 acre. This is a net of 0.06 acre of additional wetland impact.

### **Summary of Mitigation**

Compensatory mitigation will be required for the additional impacts to jurisdictional wetlands. Total additional jurisdictional riverine wetland impacts are 0.06 ac. The Ecosystem Enhancement Program (EEP) will provide the necessary mitigation. A copy of their acceptance letter is enclosed with this application.

### **Regulatory Approvals**

Application is hereby made for a Modification to Department of the Army Section 404 Individual Permit for the above-described activities. We are also hereby requesting modifications to the 401 Water Quality Certification from the Division of Water Quality. In compliance with Section 143-215.3D(e) of the NCAC we will provide \$475.00 to act as payment for processing the Section 401 permit application previously noted in this application (see Subject line). We are providing seven copies of this application to the NCDWQ for their review.

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

Sincerely,

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

cc: w/attachment

Mr. John Hennessy, NCDWQ (7 copies)  
Mr. Travis Wilson, NCWRC  
Ms. Becky Fox, USEPA – Whittier, NC  
Mr. Ronald Mikulak, USEPA – Atlanta, GA  
Mr. Gary Jordan, USFWS  
Dr. David Chang, P.E., Hydraulics  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. Terry Gibson, P.E., Division Engineer  
Mr. Jim Rerko, Division Environmental Officer

w/o attachment

Mr. Jay Bennett, P.E., Roadway Design  
Mr. Omar Sultan, Programming and TIP  
Mr. Art McMillan, P.E., Highway Design  
Mr. David Franklin, USACE, Wilmington  
Mr. Vince Rhea, PDEA Project Planning Engineer  
Mr. Carl Goode, PE  
Ms. Beth Harmon, EEP  
Ms. Laurie P. Smith, CPA, NCDOT, Program Management



February 14, 2005

Mr. Richard Spencer  
US Army Corps of Engineers  
Wilmington Regulatory Field Office  
Post Office Box 1890  
Wilmington, North Carolina 28403

Dear Mr. Spencer:

Subject: EEP Mitigation Acceptance Letter:

U-2912, Owen Drive, Cumberland County; Cape Fear River Basin  
(Cataloging Unit 03030004); Southern Inner Coastal Plain Eco-Region

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide an additional 0.60 acre of riverine wetland preservation as compensatory mitigation at a 10:1 ratio for the additional 0.06-acre of unavoidable riverine wetland impacts of the subject project. The preservation site that will be debited for this mitigation is:

Great Cohaire (Sampson County) 0.60 acres

The subject TIP project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The compensatory mitigation for the project will be provided in accordance with Section IX, EEP Transition Period, of the Agreement.

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

Sincerely,

William D. Gilmore, P.E.  
EEP Director

cc: Phil Harris, Office of Natural Environment, NCDOT  
John Hennessy, Division of Water Quality, Wetlands/401 Unit  
File: U-2912 Additional

*Restoring... Enhancing... Protecting Our State*





February 14, 2005

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

Dear Dr. Thorpe:

Subject: EEP Mitigation Acceptance Letter:  
  
U-2912, Owen Drive, Cumberland County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the additional riverine wetland mitigation for the subject project. Based on the information supplied by you in a letter dated January 25, 2005, the impacts are located in CU 03030004 of the Cape Fear River Basin in the Southern Inner Coastal Plain (SICP) Eco-Region, and are as follows:

Riverine Wetland Impacts: 0.06 acre

As stated in your letter, the subject project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003. The mitigation for the subject project will be provided in accordance with this agreement.

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

Sincerely,

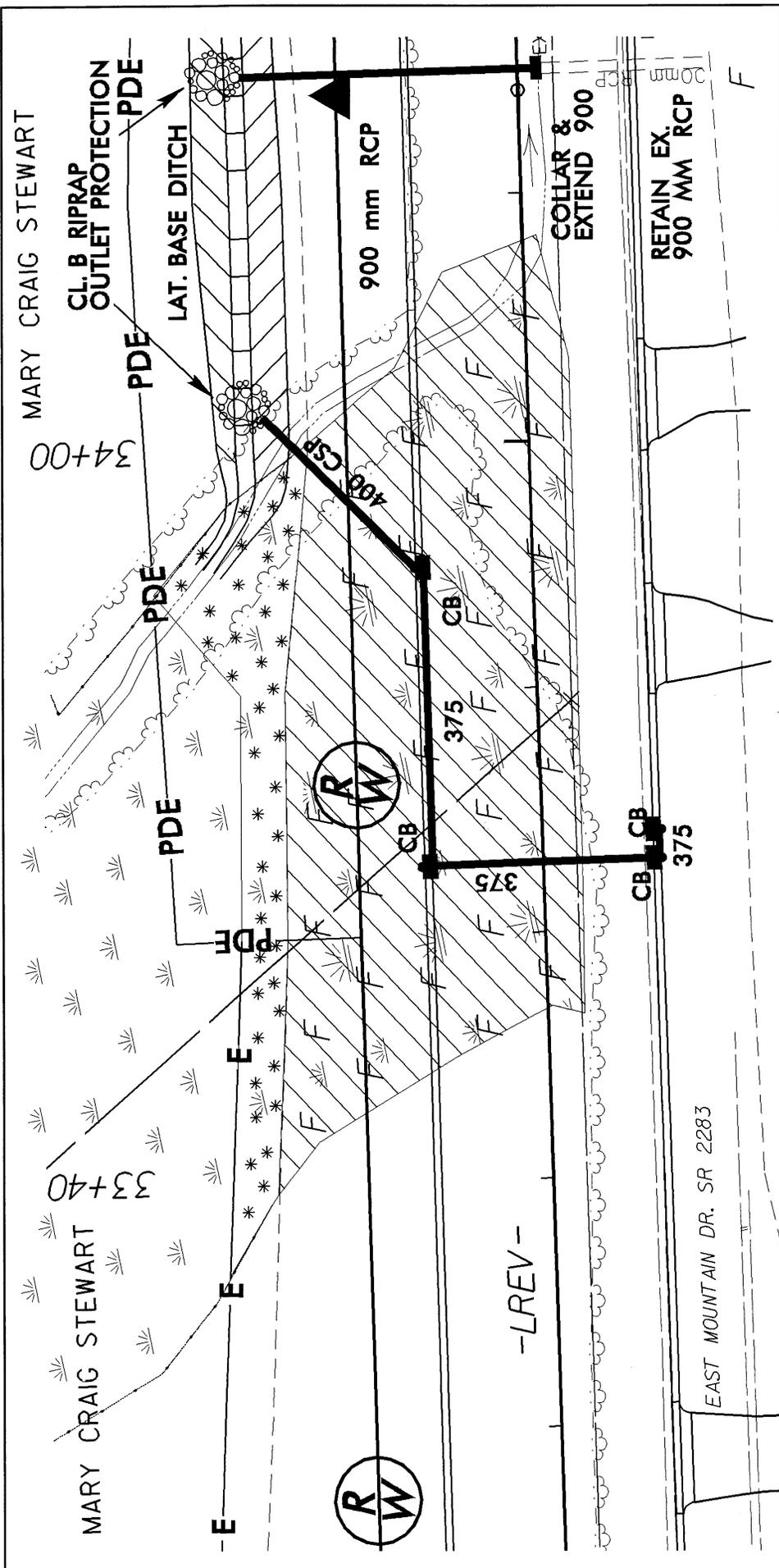
A handwritten signature in black ink that reads "James B. Stanfill Jr".

William D. Gilmore, P.E.  
EEP Director

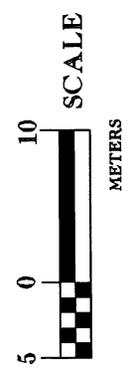
cc: Mr. Richard Spencer, USACE-Wilmington  
Mr. John Hennessy, Division of Water Quality, Wetlands/401 Unit  
File: U-2912 Additional

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PLAN VIEW  
SITE 3

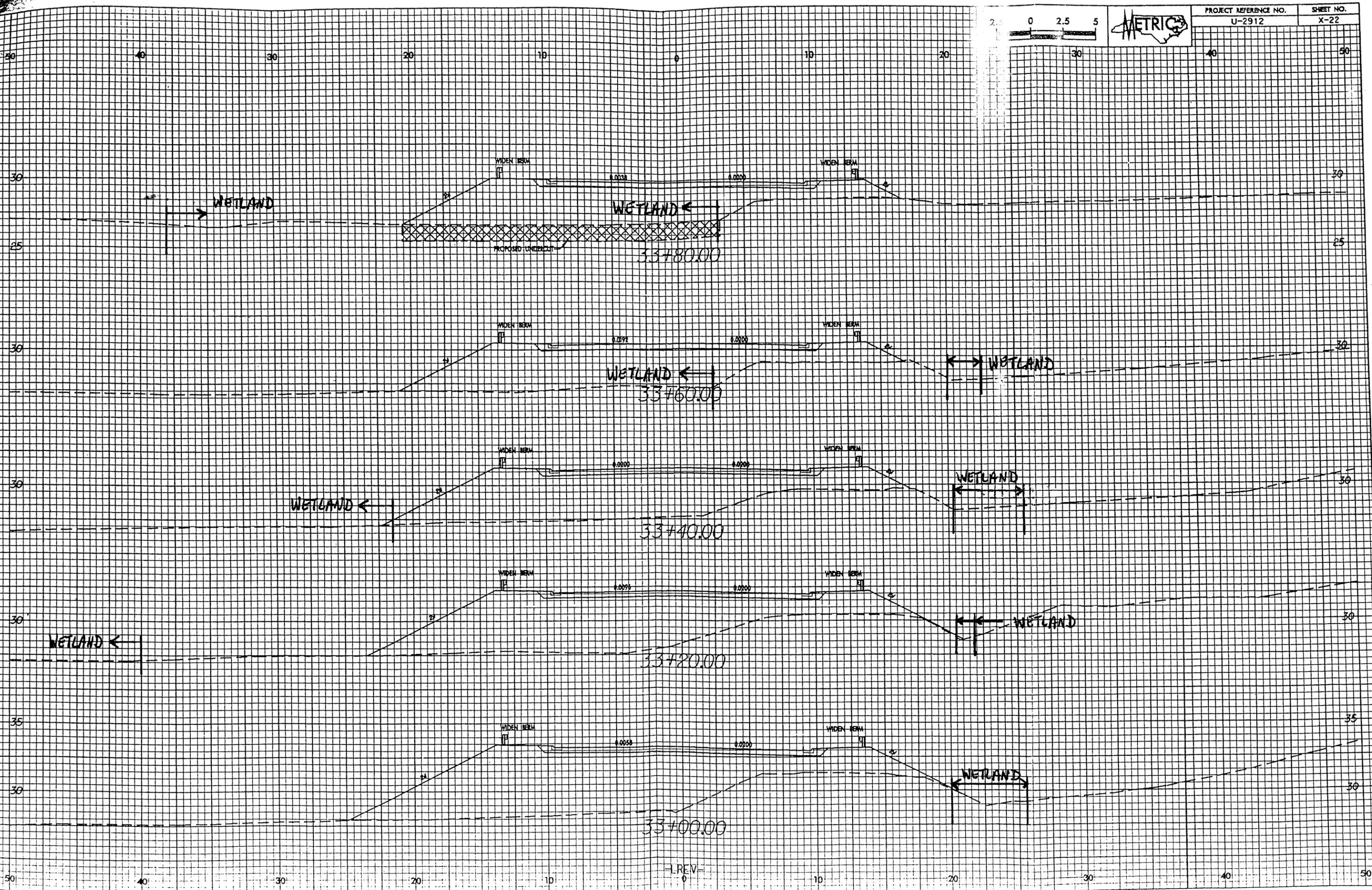
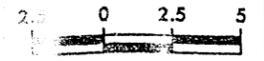


DENOTES FILL IN WETLANDS

DENOTES MECHANIZED CLEARING

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CUMBERLAND COUNTY  
PROJECT: 34885.1.1 (U-2912)  
OWEN DRIVE EXTENSION  
SHEET 5 OF 10 REV 1/05





RE: U.S. 2912, 1/24/12, (Project)  
 (Scale: as shown)

-1 REV-