



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

January 30, 2009

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

Attn: Mr. David Baker
NCDOT Coordinator

Subject: **Request for Section 404 Nationwide 23 Permit Modification and Nationwide 13 Permit Issuance** for the replacement of Bridge No. 56 on SR 1763 over the North Muddy Creek, McDowell County. Federal Aid Project No. BRZ-1763(1), WBS No. 33108.1.1, TIP Project No. B-3492.

Reference: USACE Nationwide Permit Nos. 23 and 33 Action ID SAW-2008-0362, dated April 8, 2008.

Dear Mr. Baker:

The purpose of this letter is to request a modification to the United States Army Corps of Engineers (USACE) Nationwide Permit Number 23 and issuance of a Nationwide Permit Number 13 for the above referenced project. The requested modification addresses the need to extend the current 18-inch pipe that carries an unnamed tributary (UT) under SR 1763 to North Muddy Creek. Please see the attached, revised permit drawings (Sheets 5, 6, 7 and 11) that replace the original drawings.

The 18-inch CMP will be extended 16 feet from the outlet of the existing pipe. Class II rip rap will be used as bank stabilization along the UT from the outfall of the pipe extension to the bank of North Muddy Creek equaling a distance of 9 feet. This work will result in a total of 25 feet of permanent impact (Sheet 3 of 12). The pipe needs to be extended because the existing pipe does not extend beyond the edge of road pavement and is 8-10 feet below the roadway grade. By extending this pipe, it allows this area to be filled and provide a safe shoulder for what will eventually become a driveway.

Permanent impacts for this project total 25 feet (16 feet due to pipe extension and 9 feet due to bank stabilization). All previous permanent impacts for this project were due to

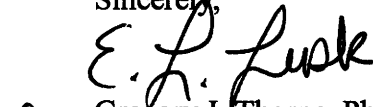
bridge piers. Because the minimal impacts associated with this project and no special aquatic classifications, no mitigation is proposed.

Temporary impacts for this project will not change from what was originally presented.

The North Carolina Department of Transportation requests that the referenced Nationwide 23 Permit and Section 401 Water Quality 23 Certification be modified to reflect the new impacts. NCDOT also requests that a Nationwide 13 Permit be issued to address the use of rip rap for bank stabilization on the UT to North Muddy Creek.

If you have any questions, concerns, or need any additional information, please contact Jason Dilday at jldilday@ncdot.gov or (919) 413-6693.

Sincerely,



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

Project Development and Environmental Analysis Branch

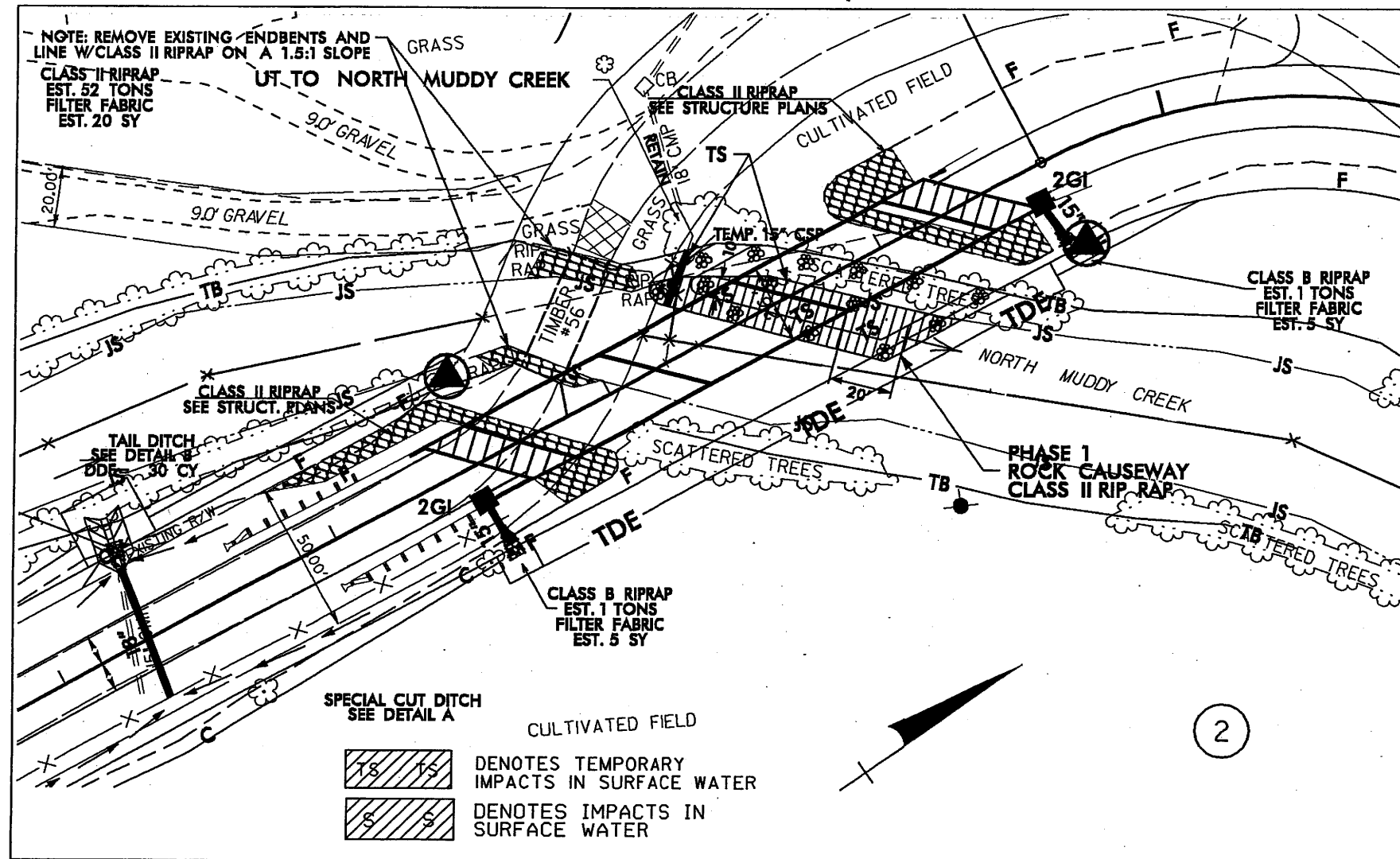
W/attachment

Mr. Brian Wrenn, NCDWQ (2 Copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC

W/o attachment (see website for attachments)

Dr. David Chang, P.E., Hydraulics
Mr. Victor Barbour, P.E., Project Services Unit
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. J.J. Swain, P.E. (Div. 13), Division Engineer
Mr. Roger Bryan (Div. 13), DEO
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Scott McLendon, USACE, Wilmington
Ms. Natalie Lockhart, PDEA Project Planning Engineer

ENLARGEMENT PHASE 1 – ROCK CAUSEWAY, CLASS II RIP RAP

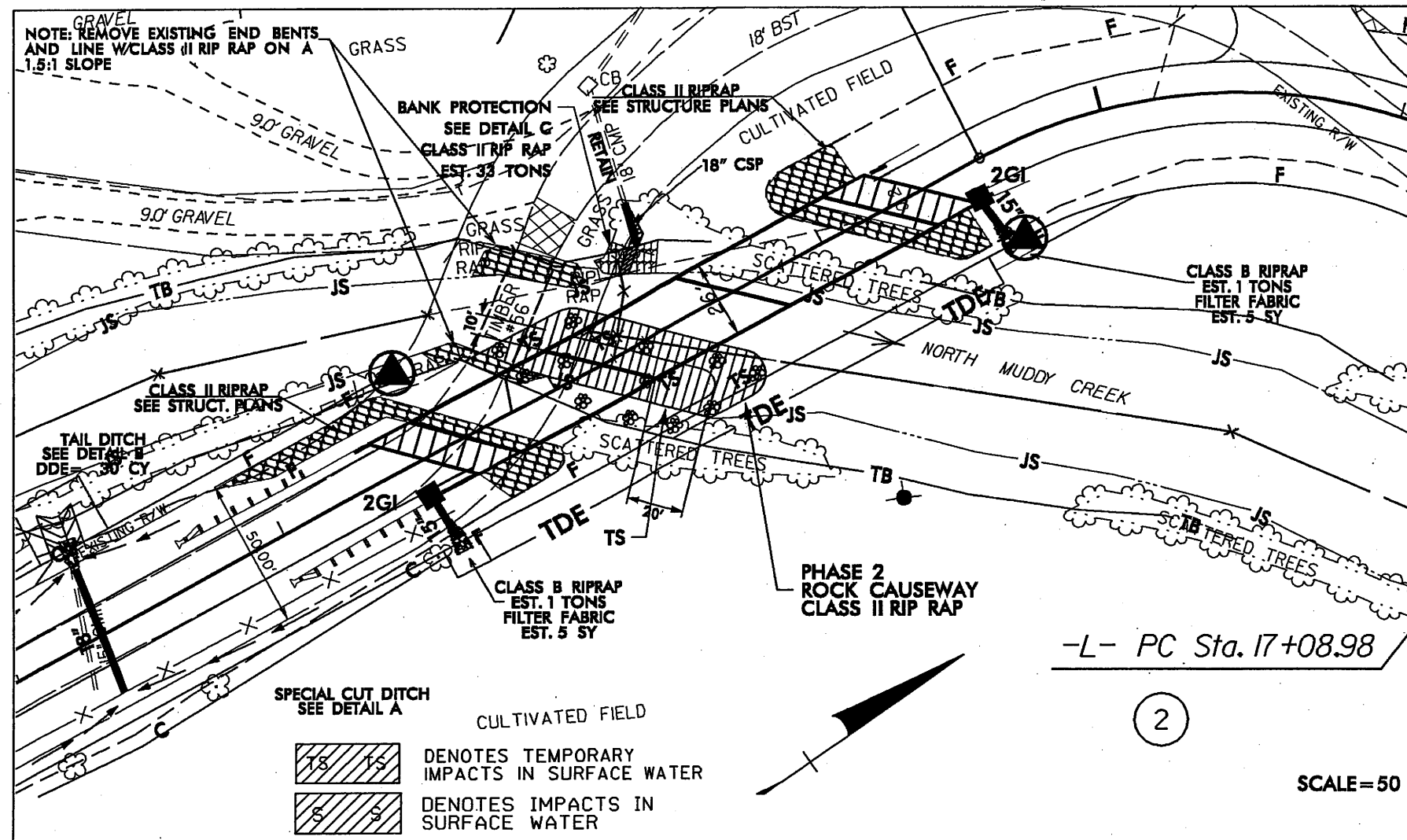


INSTALL ROCK CAUSEWAY AT BENT #2 AND CONSTRUCT BENT. REMOVE ROCK CAUSEWAY.



Permit Drawing
 Sheet 1 of 12
 revised 1/16/09

ENLARGEMENT PHASE 2 – ROCK CAUSEWAY, CLASS II RIP RAP



INSTALL ROCK CAUSEWAY AT BENT #1 AND CONSTRUCT BENT. USE ROCK CAUSEWAY TO SET GIRDERS. REMOVE ROCK CAUSEWAY.



Permit Drawing
Sheet 11 of 12
Revised 1/16/09