



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 26, 2007

Polly Lespinasse
NCDENR-DWQ
Surface Water Section
610 East Center Ave., Suite 301
Mooreville, NC 28115

ATTN: Ms. Lespinasse
DWQ Coordinator

Subject: **Application for Modification to Section 401 Water Quality Certification** for NC 16 from north of SR 1386 in Lincoln County to North of SR 1895 in Catawba County. Federal Aid Project No. STP-F-24-1(34) State Project No. 8.1830501. TIP Project No. R-2206B/C. \$475.00 Debit from WBS Element No. 34383.1.5.

Reference: NCDENR-DWQ Water Quality Certification No. 3476 (DWQ Project No. 04-1024).

Dear Ms. Lespinasse:

The purpose of this letter is to request a modification to the 401 Water Quality Certification issued by the North Carolina Department of Environment and Natural Resources (NCDENR-DWQ). This project is currently under construction, and the work associated with the modification has been completed. The North Carolina Department of Transportation (NCDOT) is requesting an after the fact modification for the work that was completed on Y-13 line, between Station 14+80 and 15+40 (see Sheet 1, attached).

Pre-Modification Conditions:

The original orientation of an unnamed tributary (UT) to Killian Creek, and the 200-foot pipe through which it flowed, were located completely outside of the fill slope of the proposed realigned Mundy Road (SR 1349), as depicted on Plan Sheet 36 of drawings submitted with the original application (Sheet 1). As such, this area had not been included as an impact site in the original application. During construction, NCDOT determined that the UT to Killian Creek did not exist as depicted on Plan Sheet 36. An adjacent property owner had removed 74 feet of the 200-foot pipe through which the UT to Killian Creek flowed, and diverted the flow to a non-jurisdictional roadside ditch located adjacent to the pre-construction orientation of Mundy Road. The diversion was via a 90-foot section of pipe that connected to the remaining 126-foot section of the original 200-foot pipe (see Sheet 2, attached).

Modification Conditions:

The existing ditch to which the UT to Killian Creek had been diverted was located within the proposed fill slope of the realigned Mundy Road. To address this, NCDOT relocated 156 feet of the "stream/ditch" into the newly constructed roadside ditch, located adjacent to the as-built realigned Mundy Road, and connected it to the existing 146-foot section of the original 200-foot pipe, via a 41-foot pipe (see Sheet 3, attached).

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 relocated UT to Killian Creek connects downstream to its original channel, avoiding a 6+-foot headcut that formed at the end of the old ditch channel (Sheet 2). The confluence point with the stream has been armored with a rock ladder (see Sheet 3, attached) and (Sheet 4 – cross-section, attached).

Ms. Trish Simon, Division 12 Environmental Officer, held an on-site field meeting with Ms. Polly Lespinasse, DWQ representative, on May 17, 2007, to address the site issues. Ms. Lespinasse requested that a formal Section 401 modification application be submitted. Due to the stream having been diverted by the property owner, stream mitigation was not requested. Mr. Steve Lund, USACE representative, was contacted on May 18, 2007, regarding the site issues. Mr. Lund stated that the activities do not warrant a modification of the Section 404 permit.

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

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

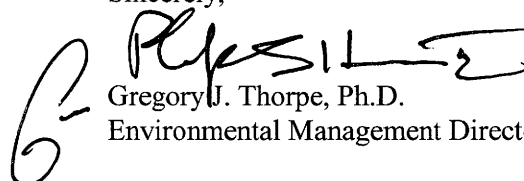
REGULATORY APPROVALS

The original DWQ 401 Water Quality Certification was issued on September 21, 2004, with the most recent modification issued on September 13, 2006. The original 404 USACE Permit was issued on October 7, 2004, with the most recent modification to the permit issued on October 10, 2006.

The NCDOT respectfully requests that the referenced 401 Water Quality Certification be modified to reflect the revision outlined in this letter. In compliance with Section 143-215.3D(e) of the NCAC, NCDOT will provide \$475 to act as payment for processing the Section 401 certification modification application previously noted in this application (see Subject line).

If you have any questions or need additional information please contact Mr. Bill Barrett at (919) 715-1426 or wabarrett@dot.state.nc.us, or contact Ms. Trish Simon at (704) 480-9044 or tsimon@dot.state.nc.us.

Sincerely,


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

cc:

w/ attachments

Mr. John Hennessy, NCDWQ (5 Copies)
Mr. Steve Lund, USACE
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

w/o attachments

Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Victor Barbour, P.E., Project Services Unit
Mr. Mark Staley, Roadside Environmental
Mr. M.L. Holder, P.E., Division Engineer
Ms. Trish Simon, DEO
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Carl Goode, PE, Human Environment Unit Head
Mr. Ahmad Al-Sharawneh, PDEA Planning Engineer

METRIC

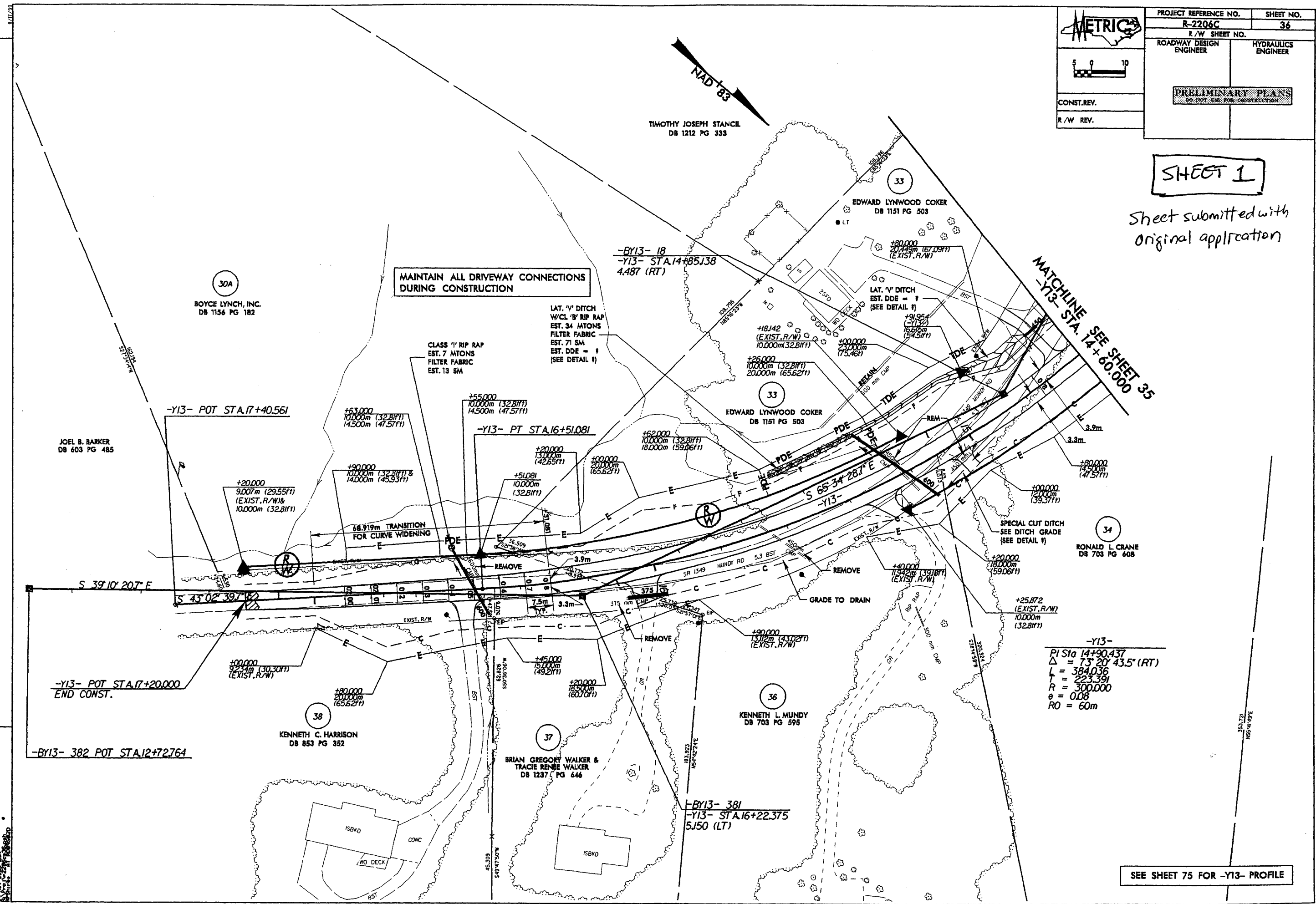
CONST. REV.
R/W REV.

PROJECT REFERENCE NO. R-2206C	SHEET NO. 36
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS <small>DO NOT USE FOR CONSTRUCTION</small>	

SHEET 1

Sheet submitted with original application

REVISIONS
R/W REV. - ADDED STATION AND OFFSET TO EASEMENT BREAK AT -Y13- STA. 15+20.000 LT. PARCEL 30 HAS BEEN SUBDIVIDED. ADDED PARCEL 30A. NAME CHANGES ON PARCELS 33 & 37. 10-27-03 JT



MAINTAIN ALL DRIVEWAY CONNECTIONS DURING CONSTRUCTION

-BY13- 18
-Y13- STA. 14+85.138
4.487 (RT)

MATCHLINE SEE SHEET 35
-Y13- STA. 14+60.000

-Y13-
PI Sta 14+90.437
 $\Delta = 73^{\circ} 20' 43.5''$ (RT)
L = 384.036
T = 223.391
R = 300.000
e = 0.08
RO = 60m

SEE SHEET 75 FOR -Y13- PROFILE

EXISTING SCENARIO
ON PROPOSED ROADWAY
PLANS

DB 1524 PG 507

LT

LAT. 'V' DITCH
EST. DDE = 92
(SEE DETAIL 2)

BOYCE LYNCH INC.
DB 1524 PG. 507

33

Existing Stream
from pipe to
headcut = 156 ft
(47.55 m)

Total ft of stream piped = 216 ft

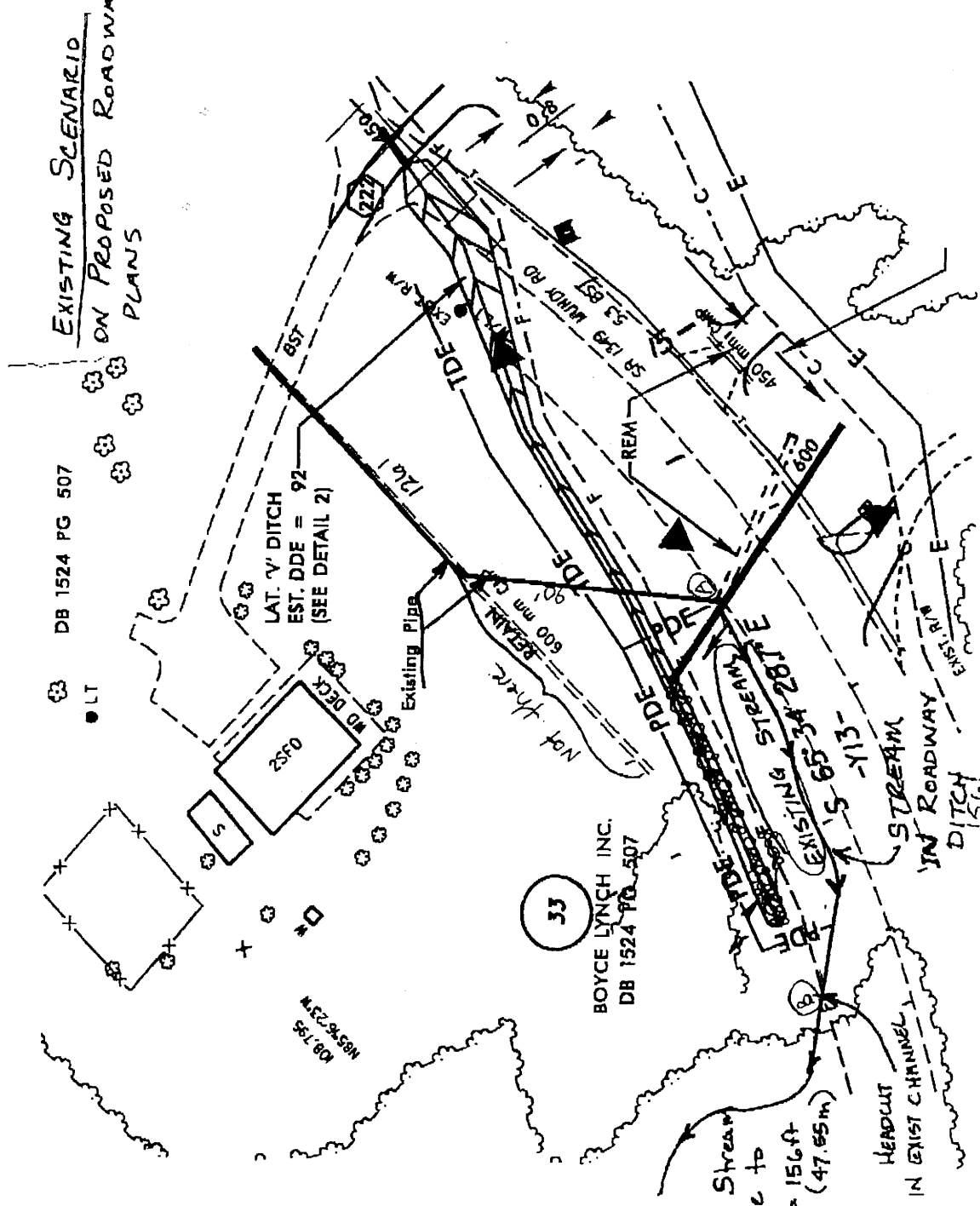
Total ft. of stream in roadway ditch = 156.

Y-13, Between St. 14780 + 15740

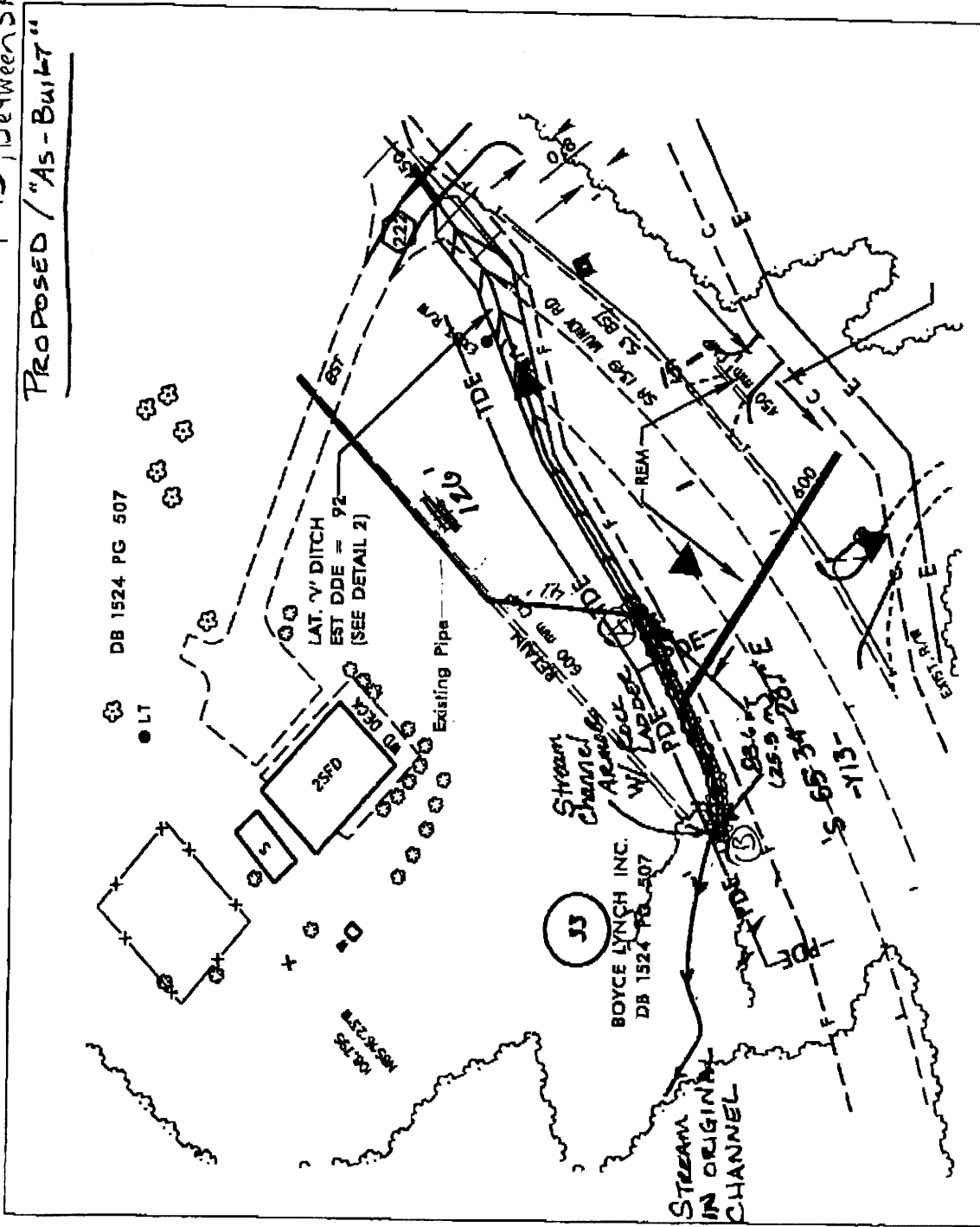
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SHEET 2

Conditions at time of Construction



Y-13, Between St. 14+80 & 15+10
PROPOSED / "As-Built"



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Total ft of stream piped = 167 ft

Total ft of stream in ditchline = 83.6 ft

Post-construction (as-built) conditions

SHEET 3
~~SHEET 2~~

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

HIGHWAY BUILDING

P O BOX 25201

RALEIGH, NORTH CAROLINA 27611

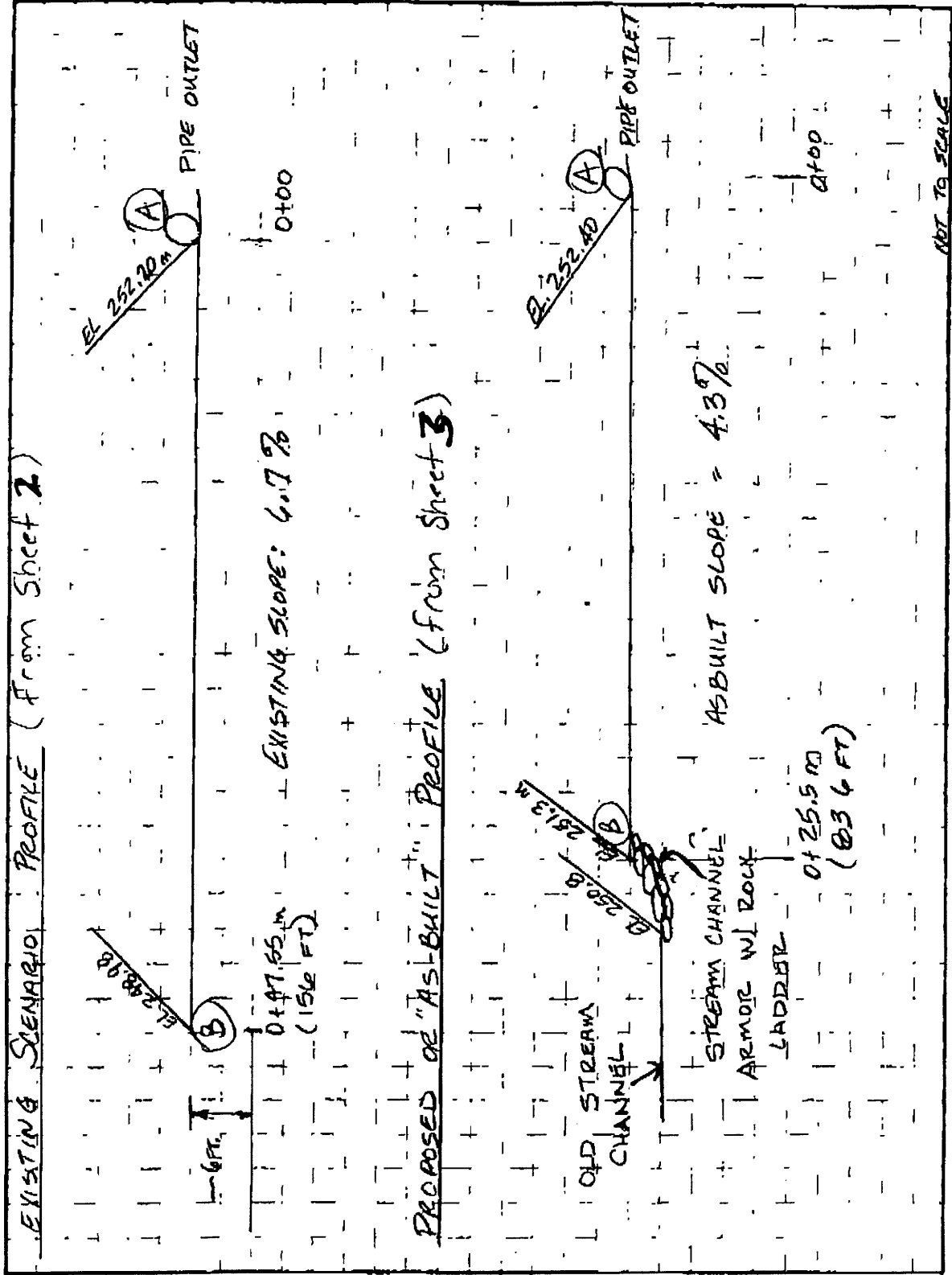
SUBJECT _____ PROJECT _____

PREPARED BY _____ DATE _____ STATION _____

CHECKED BY _____ DATE _____ STR NO. _____ SHEET _____ OF _____

COUNTY _____

248' 9" 80
EXISTING SCENARIO PROFILE (From Sheet 2)



SHEET 4

Cross-section