



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 27, 2005

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

ATTN: Ms. Angie Pennock
NCDOT Coordinator

Dear Madam,

SUBJECT: Request for 404 Individual Permit Modification for the proposed improvements to US 25 from SR 1528 to just north of I-26 in Henderson County, Division 14. Federal Project No. STP-25(3), State Project No. 8.1951101, T.I.P. No. R-2214 A.

Please reference the original Individual Permit dated July 23, 2003 and the 401 Permit dated December 19, 2002. Under the Special Conditions (Action ID: 200330312: NCDOT/TIP R-2214A), Condition number 2 addresses mitigation requirements. NCDOT requests that Condition 2 sections D, E, and F, of the monitoring schedule be modified to the following text, therefore, replacing the original D, E, and F.

- d) **MONITORING SCHEDULE:** NCDOT shall perform the following components of Level I monitoring each year for the 5-year monitoring period: Reference photos; plant survival (i.e., identify specific problem areas (missing, stressed, damaged or dead plantings), estimated causes, and proposed/required remedial action); visual inspection of channel stability. Physical measurements of channel


stability/morphology will not be required. NCDOT shall submit the monitoring reports to the USACE, Raleigh Regulatory Field Office Project Manager, within sixty days after completing the monitoring. If less than two bankfull events occur during the first 5 years, NCDOT shall continue monitoring until the second bankfull event is documented. The bankfull events must occur during separate monitoring years. In the event that the required bankfull events do not occur during the 5-year monitoring period, the USACE, in consultation with the resource agencies, may determine that further monitoring is not required. It is suggested that all bankfull occurrences be monitored and reported through the required monitoring period. NCDOT shall perform and submit photo documentation twice each year (summer and winter) for the 5-year monitoring period, and for any subsequently required monitoring period.

- e) **MONITORING DATA/REPORT:** NCDOT shall include the following information in the Level I monitoring report for the site: reference photos; plant survival notes and recommendations, as appropriate; and a report on the visual inspection of channel stability. Physical measurements of channel stability/morphology will not be required. NCDOT shall complete the Monitoring Data Record, Sections 1, 2, and 3, for each representative segment of the channel, and for each year of monitoring (twice each year, summer and winter, for reference photos). NCDOT shall include in the monitoring reports a discussion of any deviations from as-built and an evaluation of the significance of these deviations and whether they are indicative of a stabilizing or destabilizing situation.

- f) **STREAM MITIGATION SUCCESS CRITERIA:** The mitigation success criteria, and required remediation actions, will be generally based on the Photo Documentation, Ecological Function, and Channel Stability criteria in the “Stream Mitigation Guidelines”, dated April, 2003 (available on the internet at http://www.saw.usace.army.mil/wetlands/Mitigation/stream_mitigation.html), pages 24 and 25, under “Success Criteria:”.

Thank you for assistance with this project. If you have any questions or need additional information please call Chris Manley at (919) 715-1487 or e-mail cdmanley@dot.state.nc.us.

Sincerely,


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

GJT/cdm

cc: Mr. John Hennessy, Division of Water Quality (7 copies)
Ms. Marella Buncick, USFWS
Ms. Marla Chambers, NCWRC
Mr. Harold Draper, TVA
Mr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. J. B. Setzer, P.E., Division Engineer
Mr. Mark Davis, DEO
Ms. Becky Fox, USEPA-Whitter, NC
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Mark Staley, Roadside Environmental
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
Ms. Beth Harmon, EEP
Ms. Laurie P. Smith, CPA, NCDOT, Program Management
Mr. Carl Goode, PE