



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

April 28, 2011

U. S. Army Corps of Engineers  
Regulatory Field Office  
Post Office Box 1890  
Wilmington, NC 28402-1890

ATTN: Mr. Ronnie Smith  
NCDOT Coordinator

SUBJECT: **Individual Section 404 Permit and to Individual Section 401 Certification for R-2231**  
US 220 Ellerbe Bypass and Ellerbe Connector  
WBS No. 34527.1.1 and No. 34398.1.1  
TIP Nos. R-2231 (A, B, CA, and CB) and R-3303  
NCDOT Division 8  
Debit \$570.00 from WBS Element 34527.1.1

Reference:

- USACE 404 Individual Permit Action ID 199400590 and DWQ 401 Major Water Quality Certification Project No. 000874.
- Ecosystem Enhancement Program acceptance letter issued April 26, 2011.

The North Carolina Department of Transportation (NCDOT) proposes to modify the permits for the abovementioned project. This project requires a change in mitigation strategy for project impacts due to a failure of full delivery sites that were designated in the permits.

### **Stream Impact Background**

As originally permitted, the project impacted 7600 linear feet of streams. This included 351 linear feet in the Lumber River Basin and 7,249 feet in the Yadkin River Basin. Mitigation for impacts in the Lumber River Basin were provided through natural stream design (NSD) at the Myrick Pond Mitigation site. In August, 2004 a permit modification was granted for a reduction of 52 linear feet of impacts in the Yadkin River Basin due to changes in the final project design. The final project design also included 676 linear feet of onsite natural steam design in the Yadkin River Basin section of the project. This leaves a balance of 6,521 linear feet of impacts requiring mitigation in the Yadkin River Basin. The Key Branch mitigation site has been built to restore 6,183 linear feet of

stream, providing compensation for 3,092 linear feet of impacts that can be applied to the project. This leaves a balance of 3,429 linear feet of project impacts still needing mitigation. The original permit dictated that these impacts would be mitigated at the Haithcock Road mitigation site, a site that turned out to be infeasible. The NCDOT proposes to provide the remaining balance of mitigation for 3,249 linear feet of stream impacts through EEP. The table below summarizes this information.

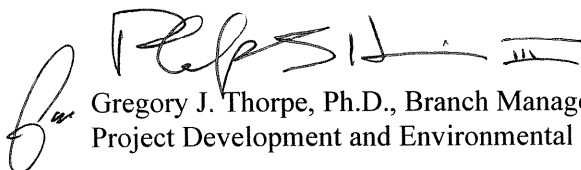
	<b>Lumber</b>	<b>Yadkin</b>	<b>Total</b>
Impacts	351	7249	7600
NSD	817	676	
Permit Mod		52	
Key Branch Mitiation		3092	
<b>Balance for EEP</b>		<b>3429</b>	

The NCDOT respectfully requests that the referenced 404 Individual Permit and 401 Major Water Quality Certification be modified to reflect the revisions outlined in this letter.

A copy of this permit application and its distribution list will be posted on the NCDOT website at <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Ms. Carla Dagnino (919) 707-6110.

Sincerely,



Gregory J. Thorpe, Ph.D., Branch Manager  
Project Development and Environmental Analysis Branch

CC: NCDOT Permit Application Standard Distribution List



April 26, 2011

Mr. Gregory J. Thorpe, Ph.D.  
 Manager, 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: **R-2231 and R-3303**, US 220 (Ellerbe Bypass) and NC 73 Extension (Ellerbe Connector), Richmond and Montgomery Counties

References: USACE Individual Permit issued July 11, 2003; USACE Action ID 1994-00590

NCDWQ Water Quality Certification issued April 1, 2003; NCDWQ Project Number 2000-0874

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the unmet stream mitigation for the subject project. Based on the information supplied by you on February 9, 2006 and April 21, 2011, the impacts are located in CU 03040104 of the Yadkin River Basin in the Southern Piedmont (SP) Eco-Region, and are as follows:

Yadkin 03040104 SP	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	0	3,429	0	0	0	0	0
Mitigation Units	0	0	3,429	0	0	0	0	0


The USACE and NCDWQ issued permits authorizing the impacts of wetlands and stream for the construction of the Ellerbe Bypass and the Ellerbe Connector on July 11, 2003 and April 1, 2003, respectively. The project is located in the Lumber River basin cataloging unit 03040203 and Yadkin River basin cataloging unit 03040104. Wetland and stream impacts associated with the project were to be mitigated through on-site natural stream design, Key Branch, and a full delivery provider. The full delivery provider retained by the NCDOT failed to implement the stream mitigation in accordance with the executed contract. In order to fully offset the stream impacts associated with this project, the NCDOT requires additional stream mitigation from EEP. At this time, the NCDOT does not require additional wetland mitigation for this project.

Dr. Thorpe  
April 26, 2011  
TIP Numbers R-2231 / R-3303  
Page Two

**This mitigation acceptance letter replaces the mitigation acceptance letter issued on June 2, 2006.** EEP commits to implementing sufficient stream mitigation credits to offset the impacts associated with this project in accordance with the N.C. Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from EEP.

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: Mr. Ronnie Smith, USACE – Wilmington Regulatory Field Office  
Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit  
File: R-2231 Revised

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

