



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

July 28, 2006

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

ATTN: Mr. Steve W. Lund
NCDOT Coordinator

Dear Sir:

Subject: **Request for Modification to Individual Permit Application and 401 Water Quality Certification** for US 70 Relocation from SR 2318 (Fanjoy Road) east of Statesville to the Iredell-Rowan County Line, Iredell County. State Project No. 8.1631801. Federal Aid Project STP-70(39). TIP No. R-2911A. NCDOT Division 12. \$475.00 Debit WBS Element 34517.1.2

Reference: USACE Individual Permit, Action ID No. 200430596 (August 17, 2004)
DWQ WQC No. 3460, DWQ Project No. 040289 (May 11, 2004)

The North Carolina Department of Transportation (NCDOT) received a US Army Corps of Engineers (USACE) Individual Permit (referenced above), and a Division of Water Quality (DWQ) Water Quality Certification (referenced above) for this project. In February of 2006, the NCDOT's Division 12 Office conducted a review of permitted sites on the project to ensure compliance with 404 and 401 permit conditions. During review of the construction site, it was discovered that a piped stream that crosses the L-line at 55+50 is jurisdictional and had not been accounted for in the original permit application. The stream has been crossed using a 1650 mm X 122.6 meter reinforced concrete pipe (RCP) with inlet head wall and associated riprap at the outlet for structure protection. In response to this discovery, a site visit was held with the USACE and DWQ on March 16, 2006. It was determined that the stream is jurisdictional (perennial stream) and that the impacts to the stream require mitigation.

The piping of the stream, an unnamed tributary to Third Creek, a Class C water, resulted in 377 linear feet of stream impacts. These impacts will be in addition to the 1,998 linear feet of stream channel impacts to unnamed tributaries to Third Creek previously permitted. Sheet 1 of 4 provides a breakdown of the stream impacts for the project, with this stream crossing identified as Site No. 11. The revised stream impact total is 2,375 linear feet. The wetland impacts associated with this project (0.27 acre) are unchanged.

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

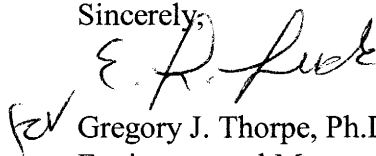
LOCATION:
2728 CAPITAL BLVD.
PARKER LINCOLN BUILDING, SUITE 168
RALEIGH NC 27604

The NCDOT received confirmation from the Ecosystem Enhancement Program (EEP), in a letter dated July 7, 2006 (copy attached), that EEP will provide mitigation for the additional 377 linear feet of stream impact.

The NCDOT respectfully requests that the referenced Section 404 Permit and Section 401 Water Quality Certification be modified to reflect the revision outlined in two (2) updated Impact Summary Sheets (in both English and metric units). In compliance with Section 143-215.3D(e) of the NCAC, NCDOT will provide \$475 to act as payment for processing the Section 401 permit modification application. We are providing five (5) copies of this application to the North Carolina Department of Environment and Natural Resources, Division of Water Quality for their review.

If you have any questions or need additional information please call Bill Barrett at (919) 715-1624, or contact via e-mail at wabarrett@dot.state.nc.us.

Sincerely,



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

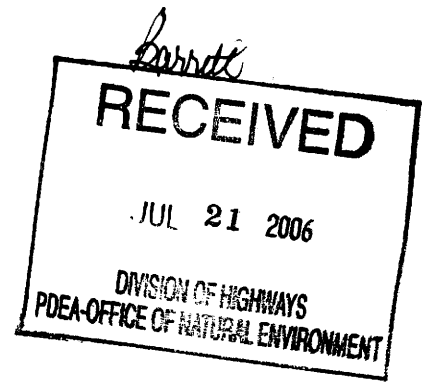
Attachments: EEP confirmation letter (July 7, 2006)
Permit Drawings

cc: w/ attachment

Mr. John Hennessy, NCDWQ (5 Copies)
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
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. M.L. Holder, P.E., Division 12 Engineer
Ms. Trish Simon Division 12, DEO

w/o attachment

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. Beth Harmon, EEP
Mr. Todd Jones, NCDOT External Audit Branch
Mr. Carl Goode, PE, Human Environment Unit Head
Ms. Beverly Robinson, PDEA Project Planning Engineer



July 7, 2006

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:

R-2911A, US 70 Relocation from SR 2318 (Fanjoy Road) to the Iredell-Rowan County Line, Iredell County

References: USACE Individual Permit issued August 17, 2004 (Action ID Number 200430596)

NCDWQ Individual Permit issued May 11, 2004 (Project Number 040289)

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the additional compensatory stream mitigation for the subject project. Based on the information supplied by you in a letter dated June 19, 2006, the impacts are located in CU 03040102 of the Yadkin River Basin in the Central Piedmont (CP) Eco-Region, and are as follows:

Stream: 377 feet

EEP previously accepted impacts for this project totaling 1,817 feet of stream and 0.27 acre riverine wetlands. The USACE and NCDWQ issued 404/401 Individual permits on August 17, 2004, and May 11, 2004, respectively, authorizing the wetland and stream impacts listed above. The required amount of wetland and stream mitigation was provided by EEP at the end of the transition period. The additional compensatory stream mitigation required for this project will be provided in accordance with the Memorandum of Agreement between the N. C. Department of Environment and Natural Resources, the N. C. Department of Transportation, and the U. S. Army Corps of Engineers signed on

Restoring... Enhancing... Protecting Our State

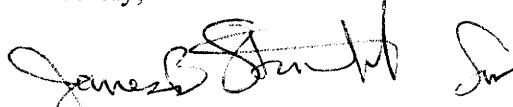


North Carolina Ecosystem Enhancement Program, 1652 Mail Service Center, Raleigh, NC 27699-1652 / 919-715-0476 / www.nceep.net

July 22, 2003. EEP will commit to implementing sufficient compensatory stream mitigation to offset the additional impacts associated with this project by the end of the MOA year in which the permit modification is issued. If the above referenced impacts 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,

A handwritten signature in black ink, appearing to read "William D. Gilmore, P.E.", with a stylized flourish at the end.

William D. Gilmore, P.E.
EEP Director

cc: Mr. Steve Lund, USACE-Asheville
Mr. John Hennessy, Division of Water Quality, Wetlands/401 Unit
File: R-2911A – Additional

WETLAND PERMIT IMPACT SUMMARY

| Site No. | Station (From/To) | Structure Size / Type | WETLAND IMPACTS | | | | SURFACE WATER IMPACTS | | | | Natural Stream Design (ft) | |
|----------|-------------------|-----------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------|------------------------|-----------------------|--------------------------------|----------------------------|-----|
| | | | Fill In Wetlands (ac) | Temp. Fill In Wetlands (ac) | Excavation In Wetlands (ac) | Mechanized Clearing (Method III) (ac) | Fill In SW (Natural) (ac) | Fill In SW (Pond) (ac) | Temp. Fill In SW (ac) | Existing Channel Impacted (ft) | | |
| 1 | -L- 30+80 LT | 36" RCP | | | | | 0.04 | | | | 426 | 0 |
| | -L- 31+45 LT | | | | | | | | | | | |
| 2 | -L- 32+20 LT | 12' x 7' RCBC | 0.04 | | 0.06 | 0.02 | 0.06 | | | | 508 | 180 |
| | -L- 32+90 RT | | | | | | | | | | | |
| 3 | -L- 34+50 LT | 72" RCP | | | | | 0.03 | | | | 344 | 0 |
| | -L- 34+62 RT | | | | | | | | | | | |
| 4 | -L- 44+12 LT | 9' x 8' RCBC | | | | | 0.05 | | | | 502 | 0 |
| | -L- 44+90 RT | | | | | | | | | | | |
| 5 | -Y8- 14+10 LT | 11' x 9' RCBC | 0.00 | | 0.00 | 0.00 | 0.00 | | | | 0 | 0 |
| | -Y8- 15+35 RT | | | | | | | | | | | |
| 6 | -Y7- 13+55 LT | 48" RCP | 0.00 | | 0.00 | 0.01 | | | | | | |
| | -Y7- 13+70 LT | | | | | | | | | | | |
| 7 | -L- 48+66 RT | 42" RCP | 0.08 | | | 0.05 | | | 0.03 | | | |
| | -L- 49+30 RT | | | | | | | | | | | |
| 8 | -L- 68+35 RT | 54" RCP | | | | | | | | | | |
| | -L- 68+51 RT | | | | | | | | | | | |
| 9 | -L- 74+16 RT | 24" RCP | | | | | | | | | | |
| | -L- 74+63 RT | | | | | | | | | | | |
| 10 | -L- 63+62 LT | 60" RCP | | | | | 0.04 | | | | 216 | |
| | -L- 63+84 RT | | | | | | | | | | | |
| 11 | 55+19-L- | Jurisdictional Stream | | | | | 0.02 | | | | 377 | |
| | | 66" RCP | | | | | | | | | | |
| TOTALS: | | | 0.13 | 0.00 | 0.07 | 0.07 | 0.24 | 0.03 | 0.00 | 0.00 | 2375 | 180 |

OMITTED - STREAM DEEMED NON-JURISDICTIONAL
 OMITTED - STREAM DEEMED NON-JURISDICTIONAL

NCDOT

DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT 8.1823401 (R-2911A)
 US 70 FROM SR 2318 TO
 ROWAN COUNTY LINE

PERMIT MODIFICATION

SHEET **2** OF **4** 6/21/2006

RECEIVED

Form Revised 3/22/01

JUN 21 2006

DIVISION OF HIGHWAYS
 PDEA-OFFICE OF NATURAL ENVIRONMENT

WETLAND PERMIT IMPACT SUMMARY

| Site No. | Station (From/To) | Structure Size / Type | WETLAND IMPACTS | | | | SURFACE WATER IMPACTS | | | | Natural Stream Design (m) | |
|----------|-------------------|-------------------------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------|------------------------|-----------------------|-------------------------------|---------------------------|----|
| | | | Fill In Wetlands (ha) | Temp. Fill In Wetlands (ha) | Excavation In Wetlands (ha) | Mechanized Clearing (Method III) (ha) | Fill In SW (Natural) (ha) | Fill In SW (Pond) (ha) | Temp. Fill In SW (ha) | Existing Channel Impacted (m) | | |
| 1 | -L- 30+80 LT | 900mm RCP | | | | | 0.018 | | | | 130 | 0 |
| | -L- 31+45 LT | | | | | | | | | | | |
| 2 | -L- 32+20 LT | 3.7m x 2.1m RCBC | 0.017 | | 0.026 | 0.007 | 0.026 | | | | 155 | 55 |
| 3 | -L- 32+90 RT | | | | | | | | | | | |
| | -L- 34+50 LT | 1800mm RCP | | | | | 0.011 | | | | 105 | 0 |
| | -L- 34+62 RT | | | | | | | | | | | |
| 4 | -L- 44+12 LT | 2.7m x 2.4m RCBC | | | | | 0.019 | | | | 153 | 0 |
| | -L- 44+90 RT | | | | | | | | | | | |
| 5 | -Y8- 14+10 LT | 3.4m x 2.7m RCBC | | | | | | | | | | |
| | -Y8- 15+35 RT | | | | | | | | | | | |
| 6 | -Y7- 13+55 LT | 1200 RCP | 0.001 | | 0.001 | 0.004 | | | | | | |
| | -Y7- 13+70 LT | | | | | | | | | | | |
| 7 | -L- 48+66 RT | 1050 RCP | 0.033 | | | 0.019 | | | 0.013 | | | |
| | -L- 49+30 RT | | | | | | | | | | | |
| 8 | -L- 68+35 RT | 1350mm RCP | | | | | | | | | | |
| | -L- 68+51 RT | | | | | | | | | | | |
| 9 | -L- 74+16 RT | 600 RCP | | | | | | | | | | |
| | -L- 74+63 RT | | | | | | | | | | | |
| 10 | 63+62-L-LT | 1500mm RCP | | | | | 0.016 | | | | 66 | |
| | 63+84-L-RT | | | | | | | | | | | |
| 11 | 55+19-L- | Jurisdictional Stream 1650mm RCP | | | | | 0.008 | | | | 115 | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| TOTALS: | | | 0.051 | 0 | 0.027 | 0.03 | 0.098 | 0.013 | 0 | 0.013 | 724 | 55 |

OMITTED - Y LINE ELIMINATED FROM DESIGN

OMITTED - WETLANDS DEEMED NON-JURISDICTIONAL

OMITTED - WETLANDS DEEMED NON-JURISDICTIONAL

NCDOT
 DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT 8.1823401 (R-2911A)
 US 70 FROM SR 2318 TO
 ROWAN COUNTY LINE
PERMIT MODIFICATION

SHBET **3** OF **4**
 6/21/2006

P.I. Sta. 54+02.09
 $\Delta = 2' 14'' 00.3$ (LT)
 $L = 194.901$
 $T = 97.463$
 $R = 5000.000$

