



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

March 19, 2014

Mr. Brad Shaver
U.S. Army Corps of Engineers
Regulatory Field Office
69 Darlington Ave.
Wilmington, NC 28402-1890

Mr. Stephen Lane
N.C. Dept. of Environment and Natural Resources
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

Subject: **Modification Request for the Individual Section 404 and Section 10 Permits, Section 401 Water Quality Certification and CAMA Major Development Permit** for the Wilmington Bypass from north of US 74/76 in Brunswick County to US 421 in New Hanover County. Federal Aid Project Nos. NHF-0017 (96) and STM-0017 (97), Division 3, TIP No. R-2633B. Debit \$475 from WBS Element 34491.1.2

References: Section 404 Individual Permit, issued January 13, 2011 and modified July 9 and August 23, 2013, USACE Action ID SAW-1994-03352
Section 401 Water Quality Certification No. 003842, issued January 13, 2011 and modified May 31 and August 19, 2013
CAMA Consistency Concurrence – CD11-003, issued January 14, 2011 and CAMA Major Development Permit, 76-13, issued June 28, 2013 and modified August 22, 2013.

Dear Sirs:

As you are aware, the North Carolina Department of Transportation (NCDOT) proposes to construct a fully controlled access freeway on new alignment from north of US 74/76 in Brunswick County to US 421 in New Hanover County approximately 7.6 miles. The purpose of this letter is to request modifications of the Section 404 Individual Permit, Section 10 Permit, Section 401 Water Quality Certification and CAMA Major Development Permit due to a change in jurisdictional impacts at Site 7.

The last design at this site was a pair single span bridges proposed with MSE (mechanically stabilized earth) vertical wall abutments. It has been determined that extensive foundation work to make the abutments stable would have been required, therefore, increasing the cost. The current design of three span bridges with sloping abutments was proposed to eliminate this

foundation work, saving approximately 2 million dollars. The change in bridge and abutment types altered the slope stake line, which changed the impacts to the surrounding wetlands. As a result, there will be an increase of 0.02 ac of non-riparian wetland fill at Site 7 and a decrease in hand clearing of 0.14 ac. See revised permit drawings 21, 22 and 73 of 73. The new impact totals for this site are 10.57 ac. of non-riparian wetland fill and 0.84 ac. of hand clearing in wetlands.

Total non-riparian wetland impacts requiring mitigation for Sections A and B are now 56.27 ac. Compensatory mitigation for these additional impacts will be provided by EEP (see attached acceptance letter).

This project was let in September 2013 and construction is set to start soon. Due to the proximity of construction, we respectfully request that these modifications be processed as soon as possible.

REGULATORY APPROVALS

Section 404

Application is hereby made for a modification to the USACE Individual 404 Permit as required for the above-described activities.

Section 401

Application is hereby made for a modification to the Section 401 Water Quality Certification from the N. C. Division of Water Quality. We are providing two copies of this modification request to the North Carolina Department of Environment and Natural Resources, Division of Water Resources, for their approval.

CAMA: Application is hereby made for a modification to the Coastal Area Management Act Major Development Permit. Authorization to debit the \$475 Permit Application Fee from WBS Element 34491.1.2 is hereby given.

A copy of this permit modification request will be posted on the DOT website at: <https://connect.ncdot.gov/resources/Environmental/Pages>. If you have any questions or need additional information, please contact Rachelle Beauregard at rbeauregard@ncdot.gov or (919) 707-6105.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Hancock', is written over a horizontal line. To the left of the signature is a large, stylized initial 'R'.

Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Unit

cc:
NCDOT Permit Application Standard Distribution List.



March 19, 2014

Mr. Richard W. Hancock, P.E.
 Manager, Project Development & Environmental Analysis Unit
 North Carolina Department of Transportation
 1548 Mail Service Center
 Raleigh, North Carolina 27699-1548

Dear Mr. Hancock:

Subject: EEP Mitigation Acceptance Letter:

R-2633A and B, US 17 (Wilmington Bypass) from NC 87 South of Bishop to West of US 421 North of Wilmington, Brunswick and New Hanover Counties

References: USACE 404 Individual Permit issued February 28, 2011 (USACE Action ID 1994-03552) and 404 Individual Permit Modification issued on July 9, 2013

NCDWR 401 Water Quality Certification issued January 13, 2011 (NCDWQ Project ID 2010-0867) and 401 Water Quality Certification modification issued on May 31, 2013

NCDCM Permit issued on June 28, 2013 (NCDCM Project ID 76-13)

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the additional non-riparian wetland mitigation for the subject project. Based on the information supplied by you on March 19, 2014, the additional non-riparian wetland impacts are located in CU 03030005 of the Cape Fear River Basin in the Southern Outer Coastal Plain (SOCP) Eco-Region, and are as follows:

Table 1 – Additional Impacts (feet / acres)

Cape Fear 03030005 SOCP	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1 (3:1)	Zone 2 (1.5:1)
Impacts (feet/acres)	0	0	0	0	0.02	0	0	0

These impacts and associated mitigation needs were not projected by the NCDOT in the 2014 impact data. EEP is currently providing stream and wetland (riparian and non-riparian) mitigation for the impacts associated with this project located in cataloging unit 03030005 of the Cape Fear River basin as required by the 404 and 401 permits that were issued in 2011 and 2013 and NCDCM CAMA Major permit issued in 2013, as shown in the below table (in mitigation credits):

Mr. Hancock
TIP R-2633A and B Additional
March 19, 2014
Page Two

Table 2 – Current Permitted Impacts and Mitigation Requirements (based on 2011 permits) and Revised Anticipated Impacts (based on May 2013 mitigation request)

Impact Type	Total Permitted Impacts (feet / acre)	Mitigation Provided by EEP per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream	509.0	1,018.0	0	509.0
Riparian Wetland	7.28	14.56	0	7.28
Non-Rip Wetland	56.25	112.50	0.02	56.27

*Some of the stream and wetland impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details. EEP will provide the amount of mitigation as determined by the regulatory agencies.

This mitigation acceptance letter replaces the mitigation acceptance letters issued on October 20, 2009, October 12, 2010, January 21, 2011, April 23, 2013, and May 30, 2013. EEP has previously made debits for the stream and wetland mitigation requirements to mitigation sites available in the cataloging unit based on the amounts required in the 404 and 401 permits issued in 2011 and 2013 and CAMA Major permit issued in 2013. Upon issuance of the permit modifications for the project, EEP will make appropriate adjustments to the existing mitigation debits. At this time, no additional stream or riparian wetland mitigation is anticipated to be needed.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-707-8420.

Sincerely,



James B. Stanfill
EEP Asset Management Supervisor

Cc: Mr. Brad Shaver, USACE – Wilmington Regulatory Field Office
Mr. Mason Herndon, NC Division of Water Quality
Mr. Steve Sollod, NC Division of Coastal Management
File: R-2633A and B Revised 3

Restoring... Enhancing... Protecting Our State



LOCHNER
 H. W. LOCHNER, INC.
 2840 PLAZA PLACE, SUITE 202
 RALEIGH, NC 27612

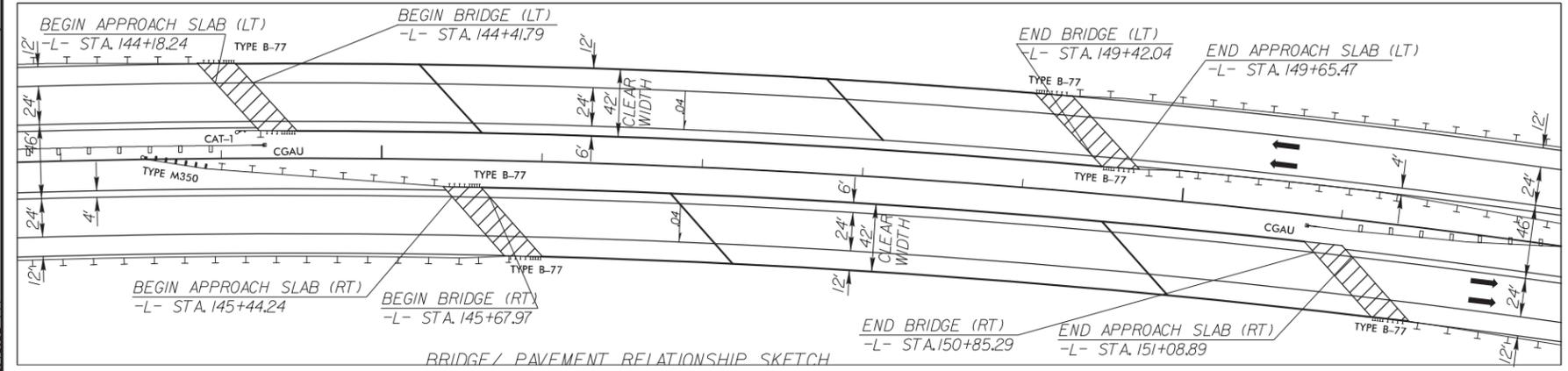
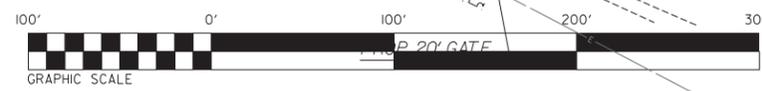
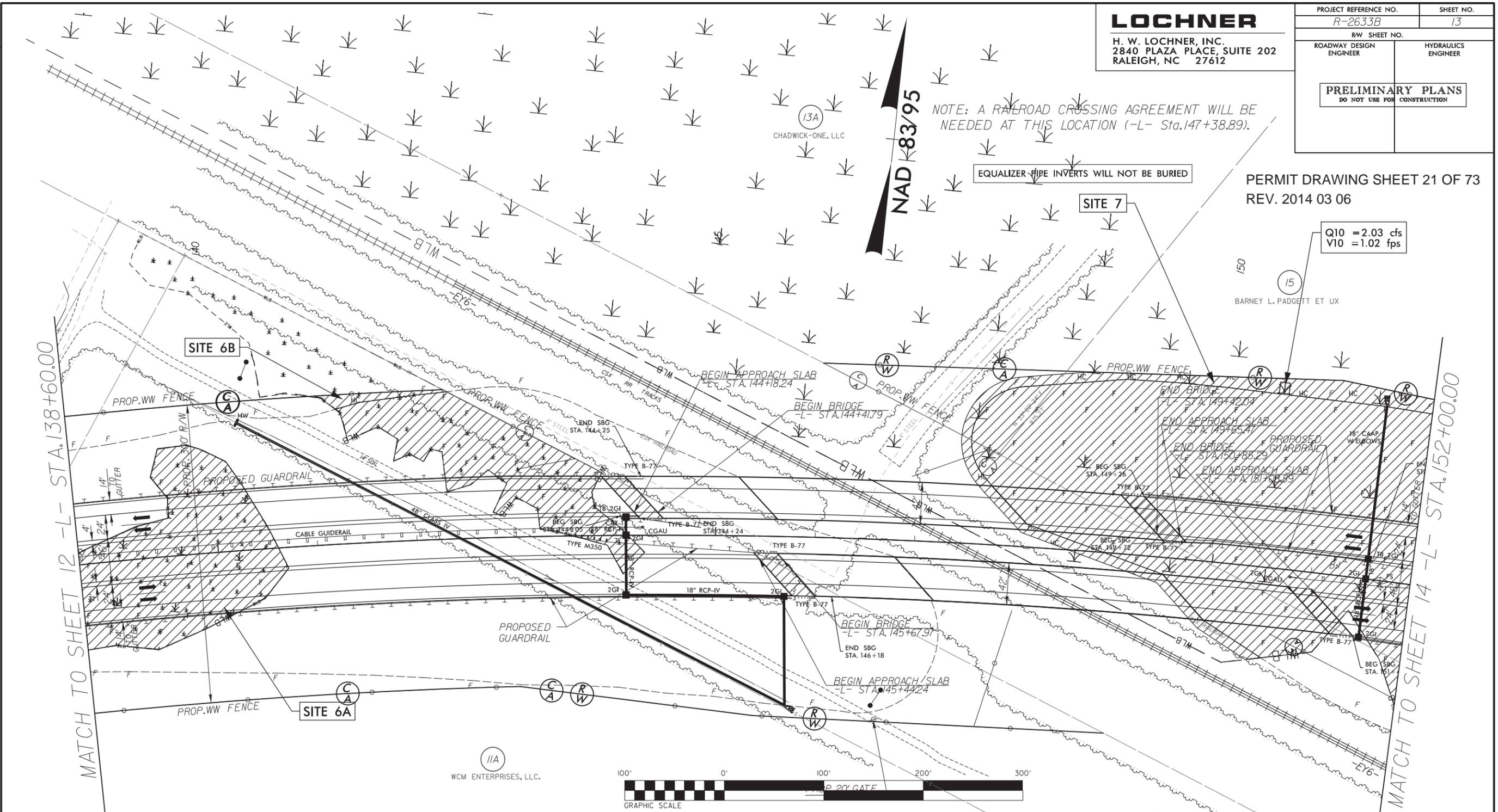
PROJECT REFERENCE NO. R-2633B	SHEET NO. 13
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

NOTE: A RAILROAD CROSSING AGREEMENT WILL BE NEEDED AT THIS LOCATION (-L- Sta.147+38.89).

PERMIT DRAWING SHEET 21 OF 73
 REV. 2014 03 06

Q10 = 2.03 cfs
 V10 = 1.02 fps

REVISIONS
 10/ /09 - CHANGED PARCEL #1 TO 11A. COMBINED PARCEL 13 AND 14 AND ELIMINATED 14. CORRECTED PROPERTY LINES AND RAILROAD R/W LINE ON PARCEL 15.
 1/ /11 - CHANGED PARCEL #13 TO 13A. ADDED CA AND FENCE TO RAILROAD R/W. CHANGED STATION ON MONUMENT TO 142+31.9 LT.
 3/5/2014 R:\LIC\Projects\Permt\Stream & Wetland\R-2633B-hyd_prm-wet_psh13.dgn
 8/17/99



DENOTES FILL IN WETLAND
 DENOTES HAND CLEARING

SEE SHEET 46 FOR -L- PROFILE

LOCHNER

H. W. LOCHNER, INC.
2840 PLAZA PLACE, SUITE 202
RALEIGH, NC 27612

PROJECT REFERENCE NO. R-2633B	SHEET NO. 13
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

PERMIT DRAWING SHEET 22 OF 73
REV. 2014 03 06

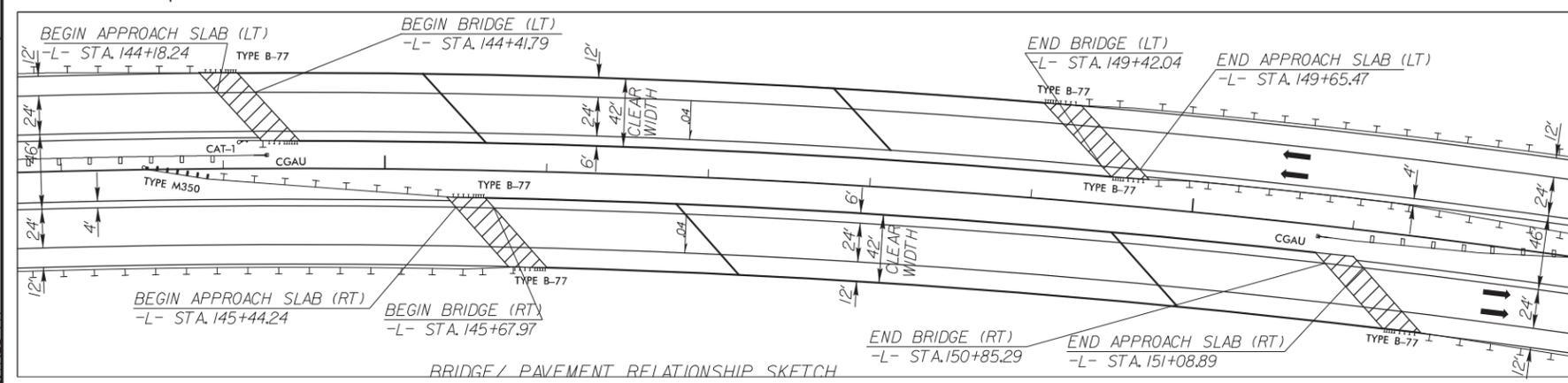
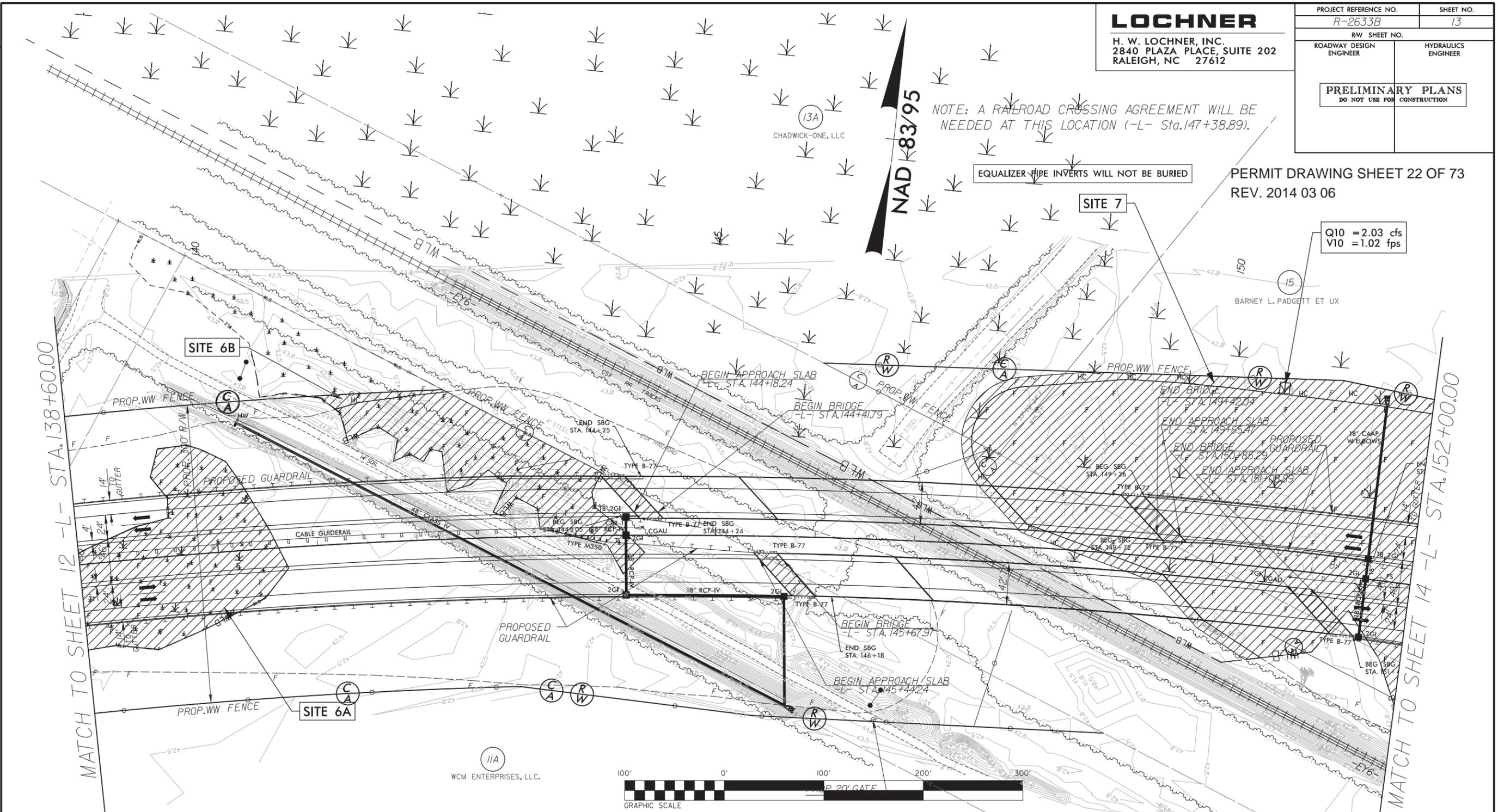
NOTE: A RAILROAD CROSSING AGREEMENT WILL BE NEEDED AT THIS LOCATION (-L- Sta.147+38.89).

EQUALIZER PIPE INVERTS WILL NOT BE BURIED

Q10 = 2.03 cfs
V10 = 1.02 fps

REVISIONS
 10/ /09 - CHANGED PARCEL #1 TO IIA, COMBINED PARCEL 13 AND 14 AND ELIMINATED 14, CORRECTED PROPERTY LINES AND RAILROAD R/W LINE ON PARCEL 15.
 1/ /11 - CHANGED PARCEL #13 TO 13A, ADDED CA AND FENCE TO RAILROAD R/W, CHANGED STATION ON MONUMENT TO 142+319.17.

8/17/99



SEE SHEET 46 FOR -L- PROFILE

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS							SURFACE WATER IMPACTS				
			404 Permanent Fill In Wetlands (ac)	CAMA Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	404 Hand Clearing in Wetlands (ac)	CAMA Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1***	-L- 24+75 Lt.	Roadway Fill												
2***	-L- 37+96 Rt.	Bridge												
3****	-LREV- 339+73 to 358+92	Roadway Fill	7.45			0.03			0.58					
4	-RP_D1- 22+60	Deleted due to new JS delineation												
5*	-LREV- 372+74 to -L-85+08	Roadway Fill	1.04						0.12					
6*	-L- 109+28 to 134+54	Roadway Fill	9.72						1.13					
6A**	-L- 138+11 to 140+70	Roadway Fill	0.68											
6B**	-L- 141+20 to 144+29	Roadway Fill	0.41						0.02					
7*	-L- 146+78 to 165+66	Roadway Fill	10.57						0.84					
8	-L 166+60	Deleted due to new JS delineation												
9*	-L- 186+97 to 191+88	Roadway Fill	1.04						0.09					
10	-RP_D2- 19+20 Lt.	Deleted due to new JS delineation												
11*	-L- 194+75 to 216+13	Roadway Fill; 3@42"	8.72						0.93	0.07	<0.01	205	20	
12	-L- 230+39 to 242+11	Deleted due to new JS delineation												
13	-L- 256+36 to 265+87	Deleted due to new JS delineation												
14*	-L- 264+32 to 266+94	Bridge					0.03	0.20		<0.01				
		Temp. Work Bridge						0.10						
15*	319+46 to 387+92	Bridge	0.05			*****0.93		10.48	7.79	0.13	0.03			
		Temp. Work Bridge						6.43	4.70					
16*	-L- 399+43 to 400+51	Roadway Fill	0.22											
17****	-Y5-16+25 Rt.	48" RCP												
18****	-Y5-16+25 Lt.	48" RCP												
19*	-Y7- 52+09	Culvert								<0.01	<0.01	5	39	
	-Y7 DET- 16+45	Detour Culvert			0.06			0.03			0.61		90	
20*	-Y8- 47+74 to 49+88	Bridge	<0.01				0.04	0.17						
	-Y8- 48+78 to 49+95	Temp. Work Bridge						0.14						
TOTALS:			39.91		0.06	0.96	0.07	21.26	12.49	0.20	0.63	210	149	0.00

Site 14 See Structures sheet for Bridge Impacts on Cartwheel Branch
 Site 15 Impacts for Permanent Dual Bridges CAMA=0.07 Ac, 404=0.07 Ac, Surface Water=0.0 1Ac; Total=0.15 Ac.
 Site 15 Impacts for Temporary Work Bridge CAMA=0.16 Ac, 404=0.21 Ac, Surface Water=0.0 1 Ac; Total=0.38 Ac.
 * Revised due to new JS Delineation
 ** New Site due to new JS Delineation
 *** Sites 1, 2, 17, and 18 are now permitted with R-2633AA & AB and the impacts are included with that project.
 **** A portion of Site 3 is now permitted with R-2633AA & AB and the impacts are included with that project.
 ***** Temporary Excavation. CAMA=0.41Ac, 404 =0.52 Ac.; Total=0.91 Ac.
 0.75 acres of Temp. Fill in 404 Wetlands in the Hand Clearing areas for Erosion Control Measures

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BRUNSWICK AND NEW HANOVER COUNTIES
 WBS - 34491.1.2 (R-2633B)
 SHEET 73 of 73 revised 3/6/2014