



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

March 12, 2015

Wilmington Regulatory Field Office
US Army Corp. of Engineers
69 Darlington Avenue
Wilmington, NC 28403

N.C. Dept. of Environment & Natural Resources
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

ATTN: Brad Shaver
NCDOT Coordinator

ATTN: Stephen Lane
NCDOT Coordinator

Dear Sirs':

Subject: **Modification Request for Section 404 Nationwide Permit 23, Section 10 Permit, CAMA Major Development Permit, and Section 401 Water Quality Certification** for proposed widening of the US 17-74-76/NC 133 from the NC 133/SR 1472 Interchange to the US 421/NC 133 Interchange, Brunswick County. Federal Aid Project No. NHS-0017(68); TIP No. R-3601.

Debit \$400.00 from WBS Element 38868.1.1

References: R-3601 Nationwide Permit 23 and 12, issued July 14, 2014 (SAW-2007-03461-010)
R-3601 Major CAMA permit, issued July 22, 2014 (#89-13)
R-3601 401 Water Quality Certification, issued July 14, 2014 (DWR# 13-0472v.4)

The purpose of this letter is to request modification/re-issuance of the issued permits on this project to account for a change in clearance under bridges 107 and 108 crossing Alligator Creek. Please find enclosed revised permit drawings and wetland impact summary table for the above referenced project. Please replace permit drawings from the original submittal with pages 28, 29, and 44 included with this modification request.

In order to allow for bridge inspection and maintenance, excavation is necessary on the eastern side of the two bridges over Alligator Creek. The previous design called for four feet of clearance however, impacts were not quantified on the previously submitted impact drawings or in the impact summary. In order to minimize impacts, the clearance has been

decreased from four feet to two feet. The newly calculated impacts are included in this modification request. The reduction in excavation limits impacts to streambanks and wetlands, avoids the need for riprap below the tide line, and will not lead to scour of the streambanks. The design change will result in an additional 0.01 acre excavation in wetlands and 0.01 acre of hand clearing from what was previously permitted.

In addition, temporary excavation around end bent one on the northbound bridge has been added to the impact summary (0.03 acres; see note 2). The area to be excavated is not located in a jurisdictional wetland and the elevation in this area is just at or below the tide line as measured for the permit. Due to an increase in tide levels, this area is now below the tide line.

A revised EEP acceptance letter showing the increase in permanent impacts is attached to this request.

Regulatory Approvals

CAMA: NCDOT requests that the Coastal Area Management Act (CAMA) Major Development permit (#89-13) issued on July 22, 2014 be modified to account for an increase in impacts.

Section 404 Permit: All aspects of this project are being processed by the Federal Highway Administration as a "Categorical Exclusion" in accordance with 23 CFR 771.115(b). The NCDOT requests that these activities be re-issued under the existing Nationwide Permit 23 (refer to NWP 23 issued on July 14, 2014 SAW-2007-03641-010).

Section 401 Permit: We anticipate 401 General Certification number 3891 will apply to this project as it was previously permitted (refer to 401 Water Quality Certification issued on July 14, 2014 DWQ#: 13-0472). All general conditions of the Water Quality Certification will continue to be met. NCDOT is providing this modification request to the NCDWR for their review and approval.

A copy of this permit modification request will be posted on the NCDOT Website at: <https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx> under Quick Links > Permit Applications

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Amy James at aejames2@ncdot.gov or (919) 707-6129.

Sincerely,



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

cc: NCDOT Permit Application Standard Distribution List



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Ecosystem Enhancement Program

Donald R. van der Vaart
Secretary

March 12, 2015

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

Dear Mr. Hancock:

Subject: Revised EEP Mitigation Acceptance Letter:

R-3601, US 17 / 74 / 76 from NC 133 / SR 1472 (Fletcher Road / Village Road), Brunswick County

References: USACE 404 Nationwide Permit Numbers 6 and 23 issued August 29, 2013 (USACE Action ID 2007-03641-010)

USACE 404 Nationwide Permit Numbers 12 and 23 issued July 14, 2014

NCDCM CAMA Major Permit issued August 2, 2013 (NCDCM Project ID 89-13)

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the additional riparian wetland mitigation for the subject project. Based on the information supplied by you on March 11, 2015, the additional 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 – NCDOT TIP R-3601

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	0.01	0	0	0	0

These impacts and associated mitigation needs were not projected by the NCDOT in the 2015 impact data. EEP is currently providing stream and wetland (riparian and coastal marsh) mitigation for the impacts associated with this project located in cataloging unit 03030005 of the Cape Fear River basin as required by the 404 permits that were issued in 2013 and 2014 and NCDCM CAMA Major permit issued in 2013 and 2014, as shown in the below table (in mitigation credits):

Mr. Hancock
TIP R-3601 Additional
March 12, 2015
Page Two

Table 2 – Current Permitted Impacts and Mitigation Requirements (based on 2013 and 2014 permits) and Revised Anticipated Impacts (based on March 2015 mitigation request)

Impact Type	2013 Permitted Impacts (feet / acre)	Mitigation Provided by EEP per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream	105.0	105.0	0	105.0
Riparian Wetland	0.38	0.76	0.01	0.39
Coastal Marsh	0.03	0.06	0	0.03

*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 May 28, 2014 and March 10, 2015. 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 original and modified permits issued in 2013 and 2014. 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 wetland mitigation is anticipated to be needed for this project.

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

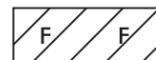
Cc: Mr. Brad Shaver, USACE – Wilmington Regulatory Field Office
Mr. Mason Herndon, NCDWR – Fayetteville Regional Office
Mr. Steve Sollod, NC Division of Coastal Management
File: R-3601 Additional

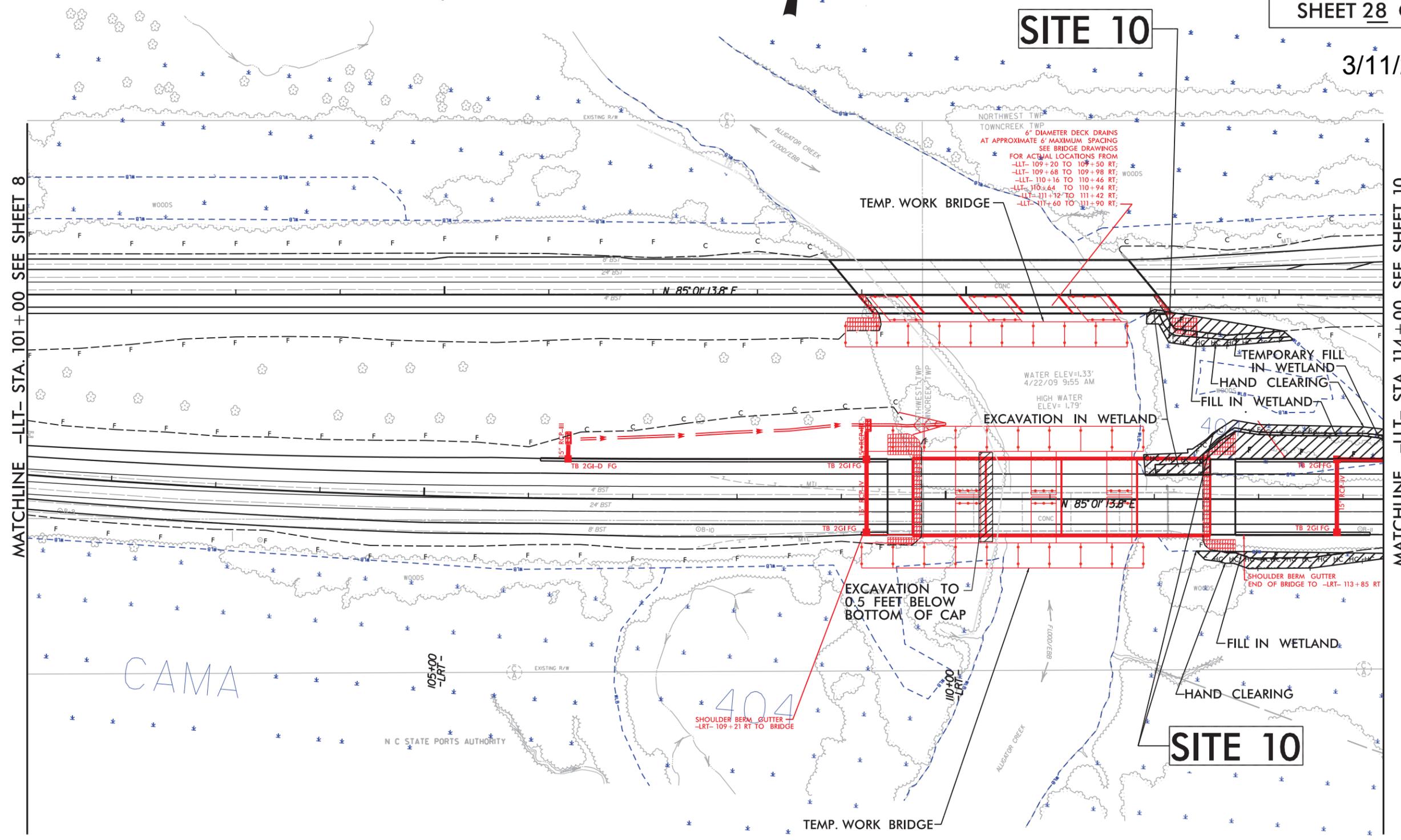
PROJECT REFERENCE NO. R-3601	SHEET NO. 9
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	

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PERMIT DRAWING
SHEET 28 OF 44

3/11/2015

-  DENOTES FILL IN WETLAND
-  DENOTES HAND CLEARING
-  DENOTES EXCAVATION IN WETLAND



MATCHLINE -LLT- STA. 101+00 SEE SHEET 8

MATCHLINE -LRT- STA. 114+00 SEE SHEET 10

SITE 10

SITE 10

REFERENCE:
 FOR -LLT- & -LRT- PROFILE VIEW, SEE SHEETS 19-20

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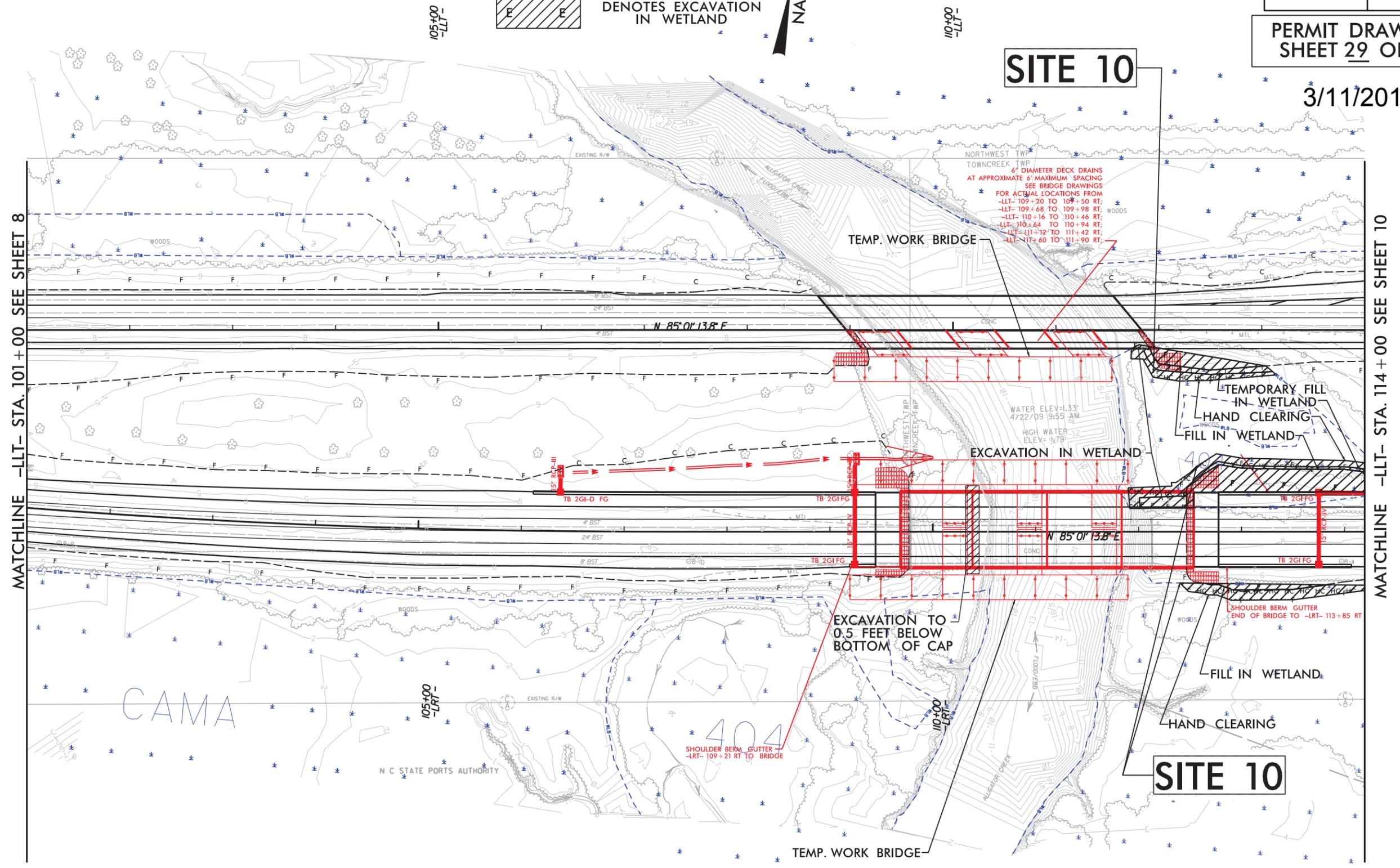
PERMIT DRAWING
SHEET 29 OF 44

3/11/2015

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SITE 10



MATCHLINE -LLT- STA. 101+00 SEE SHEET 8

MATCHLINE -LRT- STA. 114+00 SEE SHEET 10

CAMA

SITE 10

REFERENCE:
 FOR -LLT- & -LRT- PROFILE VIEW, SEE SHEETS 19-20

WETLAND PERMIT IMPACT SUMMARY														
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS							SURFACE WATER IMPACTS				
			CAMA Permanent Fill in Wetlands (ac)	404 Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Temp Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	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	-Y2- 13+05	48" DRAINAGE PIPE								0.01	< 0.01	47	10	
2	-LMED- 54+37 TO 54+75 RT	24" DRAINAGE PIPE		< 0.01				< 0.01	0.02					
3	64+43 LT & LMED 65+92 TO 66+26 LT	BRIDGE 24" DRAINAGE PIPE	0.03	< 0.01				< 0.01	0.04					
4	76+31 LT & -LMED- 74+99 TO 75+19 RT	ROADWAY FILL/36" DRAINAGE PIPE		0.04	< 0.01			< 0.01	0.16					
5	-LMED- 83+00 TO 83+21 RT	EXISTING DRAINAGE PIPE			< 0.01			< 0.01						
6	-LRT- 85+81 TO 87+69 RT	ROADWAY							0.01					
7	-LLT- 90+25 TO 90+74 LT & -LLT- 94+00 TO 94+21 LT	ROADWAY			< 0.01			< 0.01	< 0.01					
8	-LLT- 99+60 TO 99+97 LT	30" DRAINAGE PIPE		< 0.01					0.01					
9	-LRT- 101+06 TO 101+17 RT	EXISTING DRAINAGE PIPE							< 0.01					
10	-LLT- 111+79 TO 113+14 RT & -LRT- 112+37 TO 114+59	BRIDGE 108 & BRIDGE 107		0.14	0.03	0.01			0.11					
11	-LRT- 115+52 TO 118+61 RT & -LRT- 121+21 TO 121+77 RT	ROADWAY							0.03					
12	-Y2- 20+65	ROADWAY/36" DRAINAGE PIPE		0.16					0.04					
13	-Y- 34+98 TO 36+55 LT	42" DRAINAGE PIPE								0.02	< 0.01	44	37	
13	-Y- 36+10 LT	BANK STABILIZATION								< 0.01		14		
14	-Y- 38+30 RT	ROADWAY							< 0.01					
TOTALS*:			0.03	0.34	0.04	0.01	0.02	0.04	0.39	0.03	< 0.01	105	47	0.00

*Rounded totals are sum of actual impacts

NOTES:

1. Permanent bridge pier surface water impacts = 0.04 acres
2. Temporary bridge pier surface water impacts = 0.05 acres (Due to work bridges=0.02 acre; due to temporary excavation=0.03 acre)
3. There will be 0.39 acre of hand clearing on this project. Additionally, there will be 0.04 acre of temporary fill in wetlands for erosion control measures in hand clearing areas. There will also be a <0.01 acre (165 sq. ft.) of temporary fill in CAMA wetlands for erosion control measures in hand clearing areas.

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 R-3601 3/06/2015
 BRUNSWICK AND NEW HANOVER COUNTY
 US 17-74-76 FROM NC 133/SR 1472 INTERCHANGE
 TO US 421 / NC 133 INTERCHANGE
 SHEET 44 OF 44