



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

August 2, 2012

MEMORANDUM TO: Michael Pettyjohn, PE
Division 11 Engineer

FROM: Philip S. Harris, III, P.E., Unit Head
Natural Environment Unit
Project Development and Environmental Analysis Branch

SUBJECT: Caldwell County, SR 1001 (Connelly Springs Road) Extension
from US 321A (Norwood Street) to SR 1712 (Starcross Road);
Federal Aid Project MA-STP-7533(2); WBS 34783.1.1;
TIP Project U-2211B

E. S. Fuchs

Attached is the modification to the U.S. Army Corps of Engineers Section 404 Individual Permit. No other permit modifications are required since the Section 404 permit was the only permit with a condition affected by the mitigation change. All environmental permits have been received for this project.

A copy of this permit package will be posted on the NCDOT website at:
<http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html>

Cc: w/o attachment (see website for attachments):

Mr. Heath Slaughter, Division Environmental Officer
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design Unit
Mr. Mark Staley, Roadside Environmental Unit
Ms. Michelle James, P.E., PDEA Planning Engineer
Ms. Leilani Paugh, PDEA NES Onsite Mitigation/ICI
Mr. Randy Griffin, P.E., PDEA NES Engineering
Ms. Beth Harmon, EEP
Mr. Phillip Ayscue, NCDOT External Audit Branch

PROJECT COMMITMENTS

T.I.P Project No. U-2211B
SR 1001 (Connelly Springs Road) Extension
from US 321A (Norwood Street) to SR 1712 (Starcross Road)
Caldwell County
Federal Aid Project No. MA-STP-7533(2)
WBS Element 34783.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Project Development and Environmental Analysis (PDEA) – Natural Environment Section

A commitment on the 2007 greensheet stated: “During the hydraulic design phase of the project, any stream rechannelizations will be coordinated with the appropriate natural resource agencies in accordance with the Fish and Wildlife Coordination Act.”

This commitment has been satisfied.

Project Development and Environmental Analysis (PDEA) – Human Environment Section

In June, 2007 NCDOT met with the property owner of 1318 Hibriten Drive about a tunnel on their property. The tunnel was researched to see if it was part of an important event in history and discussed it with the state agency (HPO). In August, 2007 the HPO agreed that the tunnel was probably not eligible; however, they recommended documentation during utility relocation or construction. NCDOT agreed.

This commitment will be implemented during construction.

Hydraulics Unit

Prior to right of way acquisition, the NCDOT Hydraulic Design Unit will coordinate with the Federal Emergency Management Agency (FEMA) and local authorities in final design to ensure compliance with applicable floodplain management ordinances.

This commitment has been satisfied.

Geotechnical Unit, Right of Way

Twelve possible UST facilities and one paint facility were identified within the proposed project corridor. The impact is considered to be low. The GeoEnvironmental Section will provide soil and groundwater assessments on each property before right of way acquisition.

The GeoEnvironmental Section has identified six sites with soil and/or ground water contamination which are shown on the plans. Right of Way recommendations have been provided to the Division 11 Right of Way Office. A special provision will instruct the contractor in the event contaminated soil or ground water is encountered during construction.

Division 11 Construction

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit

upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

This commitment will be implemented after construction completion.

COMMITMENTS FROM PERMITTING

PDEA – Natural Environment Section

~~404 Condition (f): Compensatory mitigation for the unavoidable impacts to 1,610 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated December 20, 2011, from Michael Ellison, EEP Deputy Director. Pursuant to the In-Lieu Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 2,522 linear feet of warm water stream channel equivalent in the Catawba River basin (Hydrologic Cataloging Unit 03050101) in accordance with Section F of the instrument. In addition, for unavoidable impacts to 0.24 acre of riparian wetlands, the NCDOT shall debit 0.24 acre of riparian wetlands restoration equivalent from the Long Creek Mitigation site. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.~~

The source of compensatory wetland mitigation has changed from debiting the Long Creek Mitigation site to utilizing EEP.

404 Condition (f): Compensatory mitigation for the unavoidable impacts to 1,610 linear feet and 0.24 acre of Riparian-Nonriverine wetland impact associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated May 1, 2012, from Michael Ellison, EEP Deputy Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 2,522 linear feet of restoration equivalent warm water stream channel and 0.24 acre of Riparian-Nonriverine wetland restoration equivalent in the Catawba River basin (Hydrologic Cataloging Unit 03050101) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.

Division 11 Construction, Roadside Environmental Unit

401 Condition 6: For the 53 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

July 5, 2012



Regulatory Division

Action ID: SAW-2006-32042

Dr. Gregory Thorpe
Project Development and Environmental Analysis
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

Reference the Department of the Army (DA) permit issued to the NCDOT on January 24, 2012, which authorized the placement of fill material into 1,610 linear feet of streams and 0.24 acre of wetlands. Additional temporary impacts to 53 linear feet of streams was also authorized to facilitate the extension of SR 1001 (Connelly Springs Road) on new location with the realignment of SR 1178 (Hibriten Drive) in Lenoir, Caldwell County, North Carolina. This project was identified as TIP U-2211B.

Reference is also made to your letter dated May 21, 2012, requesting modification to the compensatory mitigation requirement for the wetland impact. You have now requested to compensate for wetland impacts by purchasing wetland credits from the North Carolina Ecosystem Enhancement Program (NCEEP), rather than by debiting NCDOT's Long Creek Mitigation Site. A recent discovery found a lack of wetland credits at the Long Creek Site, therefore a change to the mitigation provider was warranted.

We have completed our evaluation and concur with your request for a change to the mitigation provider referenced within your DA permit. Please note that "*Special Condition, f*" of your permit is now modified to read:

f) Compensatory mitigation for the unavoidable impacts to 1,610 linear feet of stream and 0.24 acre of Riparian-Nonriverine wetland impact associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated May 1, 2012, from Michael Ellison, EEP Deputy Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010, between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 2,522 linear feet of restoration equivalent warm water stream channel and 0.24

acre of Riparian-Nonriverine wetland restoration equivalent in the Catawba River basin (Hydrologic Cataloging Unit 03050101) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.

It is understood that all other conditions of the permit, including the permit expiration date, remain applicable. Should you have questions, contact Mr. Monte Matthews, Raleigh Regulatory Field Office at telephone (919) 554-4884, Extension 30.

Sincerely,



FOR Steven A. Baker
Colonel, U.S. Army
District Commander

Copy Furnished:

Mr. Heath Slaughter
NCDOT, Division 11
P.O. Box 250
North Wilkesboro, North Carolina 28659

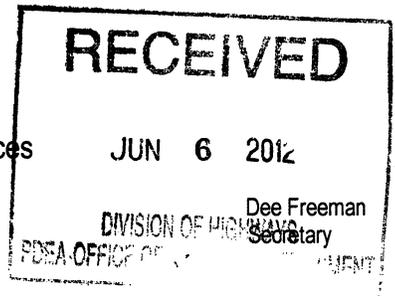
Ms. Amy Euliss
North Carolina Department of
Environmental and Natural Resources
585 Waughtown Street
Winston-Salem, North Carolina 27107



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Charles Wakild, P.E.
Director

Beverly Eaves Perdue
Governor



June 4, 2012

Dr. Greg Thorpe, PhD., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Subject: Permit Modification request for WQC 3874 (DWQ no. 2011-0844) U-2211B

Dear Dr. Thorpe:

This letter is in response to your request to modify 401 Water Quality Certification no. 3874 for U-221B in Caldwell County. The request was to change the source of compensatory mitigation for 0.24 acres of wetland impacts. At this time, the Division of Water Quality has not required mitigation for wetland impacts for this project. A permit modification is not a necessary at this time.

Please keep a copy of this letter with the original certification. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

for Charles Wakild
Director

cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office, e-copy
Wetlands/401 Transportation Permitting Unit
Mike Parker, Asheville Regional office, e-copy.
File Copy



May 1, 2012

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:

U-2211B, SR 1001 (Hibriten Drive) from US 321A (Norwood Street) to SR 1712 (Oak Hill School Road), Caldwell County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the compensatory stream and riparian wetland mitigation for the subject project. Based on the information supplied by you on April 27, 2012, the impacts are located in CU 03050101 of the Catawba River Basin in the Northern Mountains (NM) Eco-Region, and are as follows:

Catawba 03050101 NM	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	0	1,457	0.24	0	0	0	0

This mitigation acceptance letter replaces the mitigation acceptance letter issued on July 19, November 22 and December 20, 2011. EEP commits to implementing sufficient compensatory stream and riparian wetland mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies 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,

Michael Ellison
EEP Deputy Director

cc: Mr. Monte Matthews, USACE – Raleigh Regulatory Field Office
Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit
File: U-2211B Revised 3

Restoring... Enhancing... Protecting Our State

