



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 3, 2004

MEMORANDUM TO: Mr. H. Allen Pope, P.E.
Division 3 Engineer

FROM: Philip S. Harris, III, P.E., Manager *Malyander*
ja Office of the Natural Environment
Project Development and
Environmental Analysis Branch

SUBJECT: New Hanover County, US 17 (Wilmington Bypass) I-40 to US
421; Work Order Number 8.U250901; Federal Aid Project No.
STPNHF-17(1); TIP Number R-2633C

Attached is the U. S. Army Corps of Engineers Individual Permit Modification, Division of Coastal Management Major CAMA Permit Modification, and the Division of Water Quality 401 Water Quality Certification Modification for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/ma

Attachment

cc: Mr. Art McMillan, P.E.
Mr. Omar Sultan
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. Mr. John F. Sullivan, III, FHWA
Mr. Mason Herndon, Division 3 Environmental Officer

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-733-3141
FAX: 919-733-9794
WEBSITE: WWW.DOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DAVID MCCOY
SECRETARY

PROJECT COMMITMENTS

US 17 (Wilmington Bypass)
I-40 to US 421
New Hanover County, North Carolina
Federal-Aid Project No. STPNHF-17(1), State Project No. 8.U250901
TIP No. R-2633C

Commitments Developed Through Permit Modification Process

Project Development and Environmental Analysis

No additional compensatory mitigation shall be done in accordance with this modification

Division 3 Construction/Roadside Environmental Unit

Turbidity curtains shall be used to isolate all work areas from the Northeast Cape Fear River, including pile or casement installation, placement or riprap, excavation or filling. The turbidity curtains are to be properly maintained and retained in the water until construction is complete. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.

The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.

Division 3 Construction

This minor modification must be attached to the original permit No. 130-00 which was issued on 8/25/00, as well as all subsequent amendments, renewals, modifications and/or letters of refinement, and all documents must be readily available on site when a Division representative inspects the project for compliance.

Miscellaneous

All conditions and stipulations of the active permit remain in force under this minor CAMA modification unless altered herein.

All other conditions written into previous Water Quality Certifications for this project still apply

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.DOH.DOT.STATE.NC.US

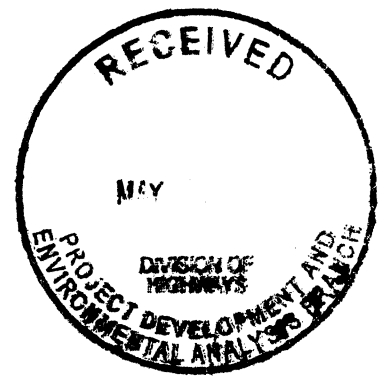
LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Beauregard



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

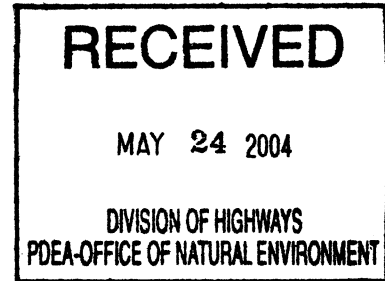


May 18, 2004

Regulatory Division

Action ID No. 199403552, TIP R-2633C, Wilmington Bypass from US 421 to Interstate 40, New Hanover County, North Carolina.

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548



Dear Dr. Thorpe:

Please reference the Department of the Army permit issued on September 15, 2000 for the subject project and your letter dated March 8, 2004 regarding twelve pipe piles needed to support forms at the segmental section of bridge that spans over the west channel of the Northeast Cape Fear River.

The referenced DA permit authorized 126.5 acres of permanent wetland impacts and 10,740 feet of permanent stream impacts associated with the Northeast Cape Fear River and its tributaries, to construct a four-lane median divided highway between I-40 and US Highway 421. The permanent wetland impacts include 100.3 acres of pocosin and wet pine flat, 2.3 acres of headwater forest, 22 acres of bottomland hardwood, 1.9 acres of tidal freshwater marsh. Temporary wetland impacts include 2.1 acres of tidal freshwater marsh. The permanent stream impacts include 2,528 feet in the CB section and 8,212 feet in the CC section. These are no authorized stream impacts in the CA section.

The referenced DA permit authorizes construction of a new bridge over the Northeast Cape Fear River. This authorization includes construction of a work bridge for construction access. During construction of Bents 40 and Bents 43 of the new bridge it was discovered that twelve pipe piles, 24 inches in diameter, located within the footprint of the temporary work bridge are needed to support the concrete forms at the section of bridge that spans over the west channel of the Northeast Cape Fear River. According to your letter, these piles cannot be extracted after the bridge is constructed due to overhead constraints created by the new bridge structure. Therefore, you are proposing to cut the twelve piles off at the mud line, fill the remaining section of pipe with sand, and cap each pile with concrete and request authorization for the additional 0.001 acres of wetland impacts associated with these piles.

R-2633C RUB per Dave Timpy

Your DA permit for TIP ~~U-92C~~ is hereby modified to authorize construction of twelve pipe piles needed to support forms at the segmental section of bridge that spans over the west channel of the Northeast Cape Fear River. In addition your proposal to cut the twelve piles off at the mud line, fill the remaining section of pipe with sand, and cap each pile with concrete is also authorized.

All other conditions of your Department of the Army permit shall remain in full force and effect.

Should you have any questions, please contact Mr. Dave Timpy, Wilmington Field Office, Regulatory Division, at telephone (910) 251-4634.

Sincerely,



for Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer

Copies Furnished:

Mr. John Dorney
NCDENR-DWQ
Wetlands Section
1650 Mail Service Center
Raleigh, NC 27699-1621

Mr. Doug Huggett
Division of Coastal Management
1638 Mail Service Center
Raleigh, NC 27699-1638

Mr. Travis Wilson
Highway Coordinator
North Carolina Wildlife Resources Commission
1142 I-85 Service Road
Creedmoor, North Carolina 27522

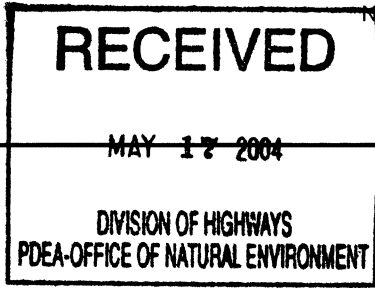
Mr. Garland Pardue
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Christopher Militcher
USEPA Raleigh Office
Office of Environmental Assessment
310 New Bern Avenue, Room 206
Raleigh, NC 27601

Mr. Ron Sechler
National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516

Mr. Allen Pope, PE
Division Engineer
North Carolina Department of Transportation
Division 3
124 Division Drive
Wilmington, North Carolina 28401

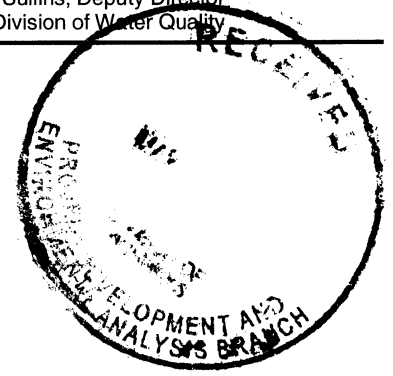
Mr. Mason Herndon
North Carolina Department of Transportation
Division 3
124 Division Drive
Wilmington, North Carolina 28401



Bauregard

Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality



August 27, 2003

Dr. Gregory J. Thorpe, PhD., Manager
Planning & Environmental Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Modification to the Wilmington Bypass from east of US 421 to west of Interstate 40 in New Hanover County,
TIP R-2633C, Federal Aid Project MANHS-0332(8), State Project No. 6.258001B, WQC Project No. 010963

Attached hereto is a modification to Certification No. 3299 issued to the North Carolina Department of Transportation on August 28, 2000. The attached modification authorizes an additional impact of 0.001 acres of jurisdictional wetlands to cut off, and cap with cement piles located at Bents Number 40 and 43. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated August 28, 2000, and all other corresponding modifications still apply except where superceded by this certification.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek
Alan W. Klimek, P.E.
Director

Attachments:

Modification to WQC No. 3299

cc: Wilmington District Corps of Engineers
Corps of Engineers Wilmington Field Office
DWQ Wilmington Regional Office
Cathy Brittingham, Division of Coastal Management
Central Files
File Copy





NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The attached modification authorizes an additional impact of 0.001 acres of jurisdictional wetlands to cut off, and cap with cement piles located at Bents Number 40 and 43. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated August 28, 2000, and all other corresponding modifications still apply except where superceded by this certification.

The application provides adequate assurance that the discharge of fill material into the proposed wetlands in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future exceed one acre, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations.

Condition(s) of Certification:

1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of two manuals. Either the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices). The control practices shall be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters);
2. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the Division of Land Resources has released the project;
3. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened;
4. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities;
5. No additional compensatory mitigation shall be done in accordance with this modification.
6. All other conditions written into previous Water Quality Certifications for this project still apply.



Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or coastal Area Management Act Permit. This Certification shall expire upon expiration of the 404 or CAMA permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 7th day of May 2004
DIVISION OF WATER QUALITY

Alan W. Klimek, P.E.
Director

Modification to WQC No. 3299

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Permit Class
MODIFICATION/MINOR

Permit Number
130-00

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in New Hanover County at NE Cape Fear River, highway corridor
between US 421 and I-40, as requested in the permittee's application letter dated 3/8/04 and attached
workplan drawings (2) dated 10/23/02.

This permit, issued on 5/17/04, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) This minor modification authorizes the permittee to leave in place 12 - 24" pipe piles at Bents 40 and 43 that are required to support the forms for the last pour at either end of the segmental section of bridge that spans over the west channel of the Northeast Cape Fear River, as depicted on the attached workplan drawings.

NOTE: The proposed work will create 0.001 acres of additional permanent impacts on this project.

- 2) The pipe piles that are left in place shall be cut off below the mud line approximately 3-4 inches and capped off with concrete at that elevation (3-4 inches below surface). The surrounding soil shall then be allowed to cover over the cured concrete.
- 3) Live concrete shall not be allowed to contact the water in or entering into the stream. Concrete used to cap off the piles shall be contained within the pile.

(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

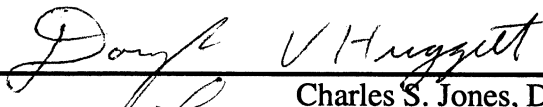
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2005

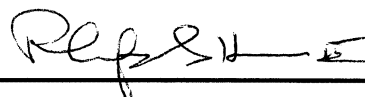
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



Charles S. Jones, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 4) Turbidity curtains shall be used to isolate all work areas from the Northeast Cape Fear River, including pile or casement installation, placement of riprap, excavation or filling. The turbidity curtains are to be properly maintained and retained in the water until construction is complete. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.
- 5) The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.
- 6) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes a 401 Water Quality Certification, if required, from the N.C. Division of Water Quality.
- 7) This minor modification must be attached to the original of Permit No. 130-00 which was issued on 8/25/00, as well as all subsequent amendments, renewals, modifications and/or letters of refinement, and all documents must be readily available on site when a Division representative inspects the project for compliance.
- 8) All conditions and stipulations of the active permit remain in force under this minor modification unless altered herein.