



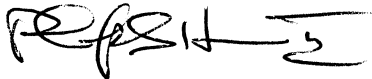
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 13, 2006

MEMORANDUM TO: Mr. Jon G. Nance, P.E.
Division 5 Engineer

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

SUBJECT: Durham County; Division 5; NC 54 From SR 1999 (Davis Dr) to SR
1959 (Miami Blvd); WBS 34512.1.1; TIP Project No. R-2904

Attached is the modification of the US Army Corps of Engineers Nationwide Permit Numbers 23 and 33.

PSH/mka

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. John F. Sullivan, III, FHWA
Mr. Chris Murray, Division 5 DEO
Ms. Cathy Houser, PE

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

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action ID(s): **200220393 200421561**

County: **Durham**

USGS Quad: **Southeast Durham**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: **NCDOT; Division of Highways; Gregory J. Thorpe, Ph.D., Dir., PDEA**

Mailing Address: **1598 Mail Service Center**

Raleigh, North Carolina 27699-1598

Telephone No.: **(919) 715-1461**

Authorized Agent:

Mailing Address:

Telephone No.:

Location of property (road name/number, town, etc.): **TIP#R-2904 On NC 54; southeast of Durham, North Carolina**

Site Coordinates: **35.8839°N 78.8527°W**

Waterway: **unnamed tributary to Burdens Creek** River Basin: **Cape Fear** HUC: **03030002**

Description of projects area and activity (see page 2 for a summary of authorized impacts): **TIP#R-2904; Discharge of fill material for road construction, riprap pipe protection, and site dewatering, related to construction of the widening of NC 54, in accordance with the drawings submitted on 6/25/2004, and revisions submitted on 12/30/2006.**

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: **Nationwide General Permit Number(s): 23 33**
Regional General Permit Number:

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Eric Alsmeyer** at telephone **(919) 876-8441, ext 23**.

Corps Regulatory Official _____ Date: **4/12/2006** Verification Expiration Date: **03/18/2007**

Copy Furnished: **NCDOT-ONE (S. Thebert) by e-mail**

Determination of Jurisdiction:

- A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C. There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference the jurisdictional determination issued on **9/10/2004 (AID 200220393)**_____.

Basis of Jurisdictional Determination: **The impact area contains stream channels of unnamed tributaries of Burdens Creek, a tributary of Jordan Lake and the Cape Fear River, with indicators of ordinary high water marks.**

Summary of Authorized Impacts and Required Mitigation

Action ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Unimportant Stream (lf)		Important Stream (lf)		
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	
200220393	23						183		49	
200421561	33									
Impact Totals		0	0	0	0	0	183	0	49	
Total Loss of Waters of the U.S. (ac)				0		Total Loss of Waters of the U.S. (lf)				232
Required Wetland Mitigation (ac)						Required Stream Mitigation (lf)				98

Additional Remarks and/or Special Permit Conditions:

Compensatory mitigation for the unavoidable impacts to 49 linear feet of perennial warmwater stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 30, 2004 from William D. Gilmore, EEP Director. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of 98 linear feet of restoration equivalent warm water stream channel in the Cape Fear River basin (Hydrologic Cataloging Unit 03030002). For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.

Note 1: This EEP mitigation requirement was previously provided to EEP on 9/10/2004.

Note 2: This re-verifies the impacts for R-2904 verified under AID 200220393 and 200421561 on 9/10/2004, as well as an additional impact for a pipe extension, as requested by NCDOT on 12/30/2005.

**WILMINGTON DISTRICT
POST-CONSTRUCTION COMPLIANCE FORM**

Action ID Number: 200220393 200421561

County: Durham

Permittee: NCDOT; Division of Highways; Gregory J. Thorpe, Ph.D., Dir., PDEA TIP#R-2904 On NC 54; southeast of Durham, North Carolina

Date Permit Issued: 4/12/2006

Project Manager: Eric Alsmeyer

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US Army Corps Of Engineers
Wilmington District
Raleigh Regulatory Field Office
6508 Falls Of The Neuse Road
Suite 120
Raleigh, North Carolina 27615**

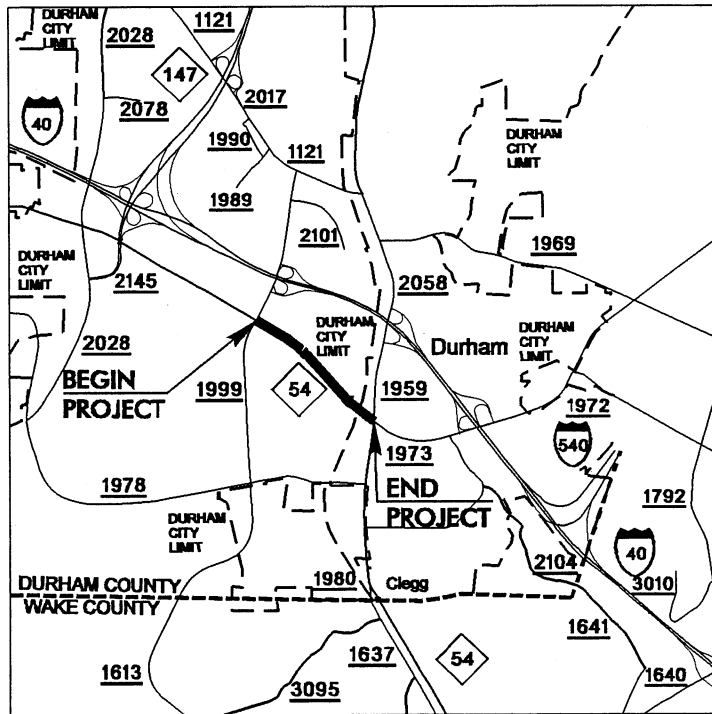
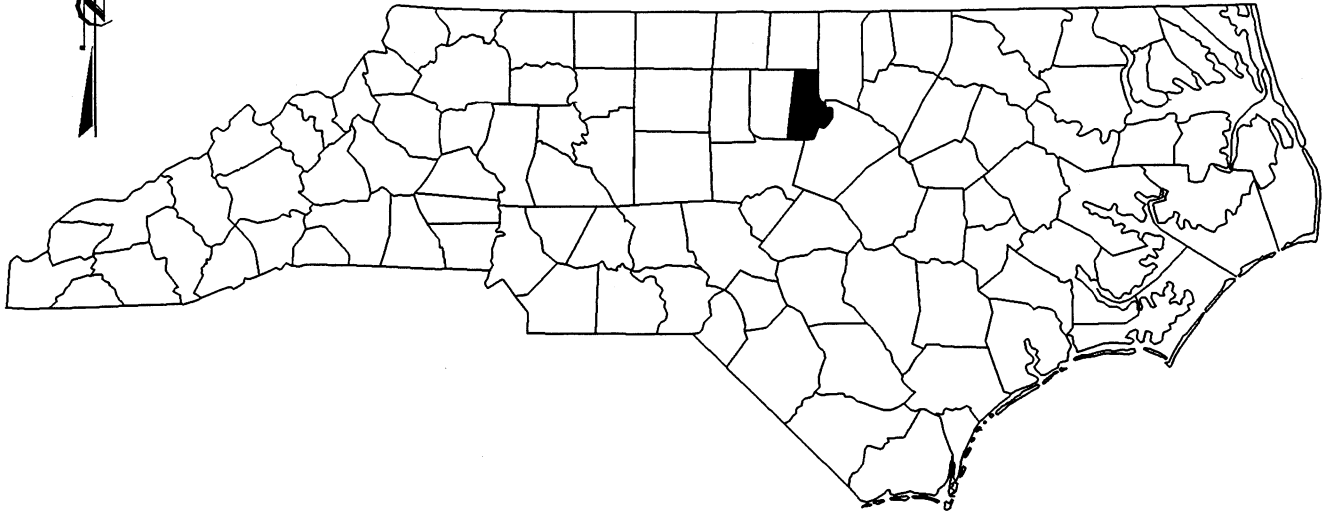
Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

NORTH CAROLINA



VICINITY MAPS

NCDOT

DIVISION OF HIGHWAYS

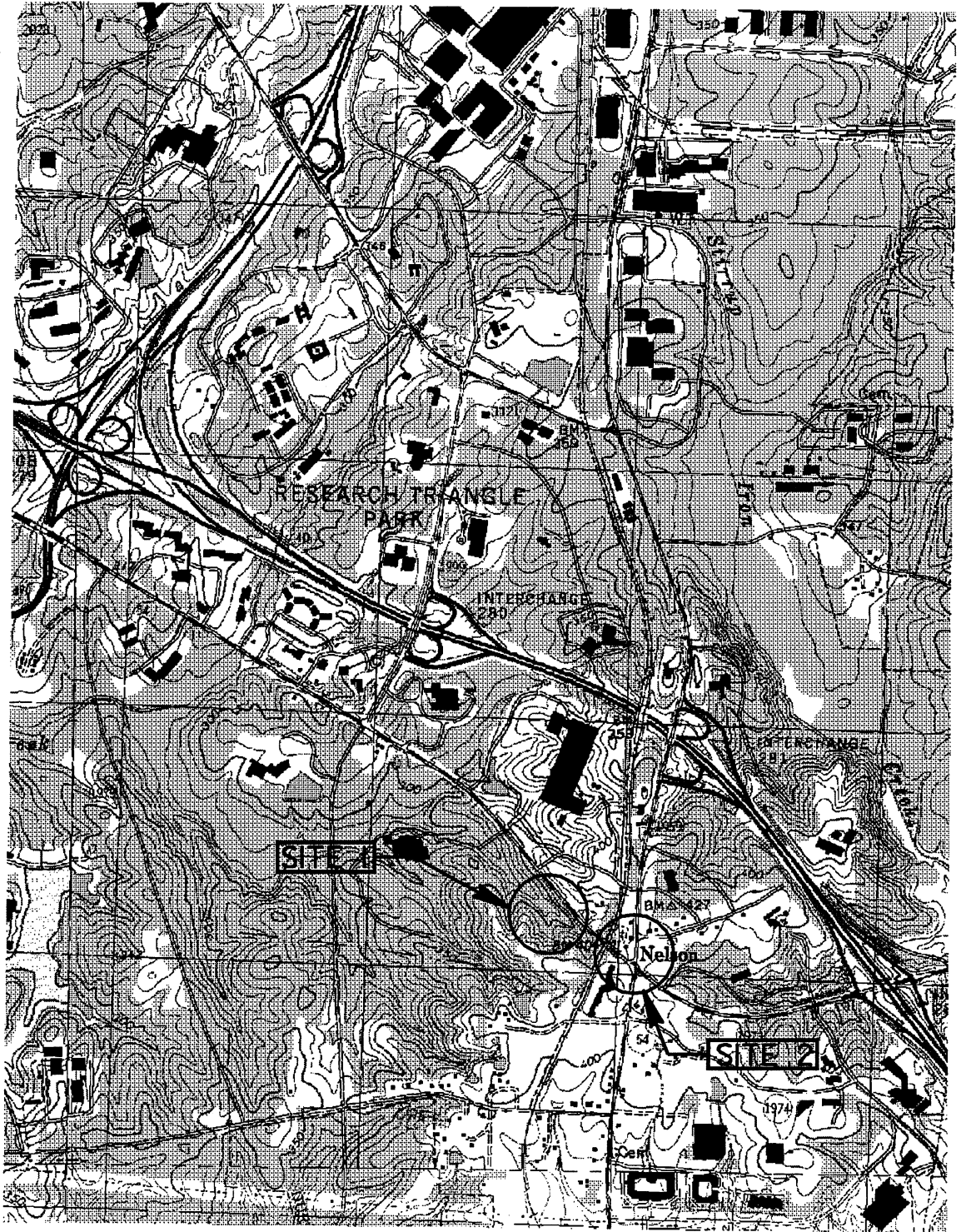
DURHAM COUNTY

PROJECT: 8.1352701 (R-2904)

NC 54 FROM SR 1999(DAVIS DR) TO SR 1959

MIAMI BLVD. AND SR 1973 (PAGE RD) FROM

NC 54 TO I-40 IN DURHAM



SITE MAP

DIVISION OF HIGHWAYS
 DURHAM COUNTY
 PROJECT: 8.1352701 (R-2904)

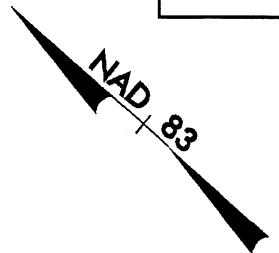
NC 54 FROM SR 1999(DAVIS DR) TO SR 1959
 MIAMI BLVD. AND SR 1973 (PAGE RD) FROM
 NC 54 TO I-40 IN DURHAM

8/17/99

ENGLISH

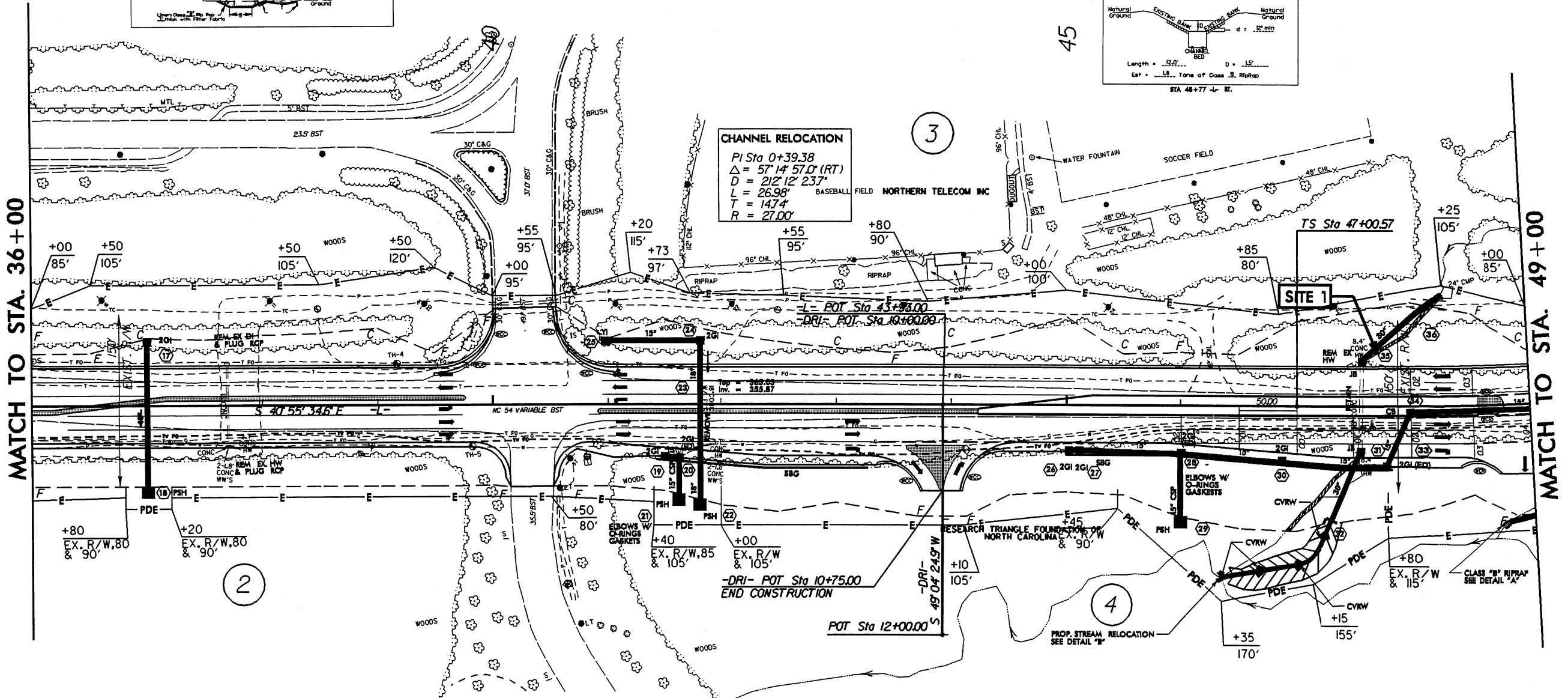
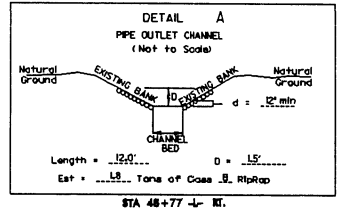
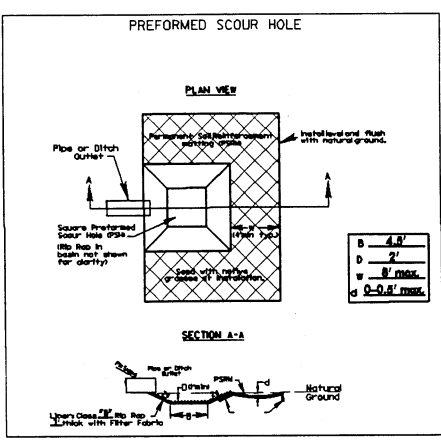
PROJECT REFERENCE NO. R-2904	SHEET NO.
NW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	
REV'D 10/18/05	

Sheet 3 of 8



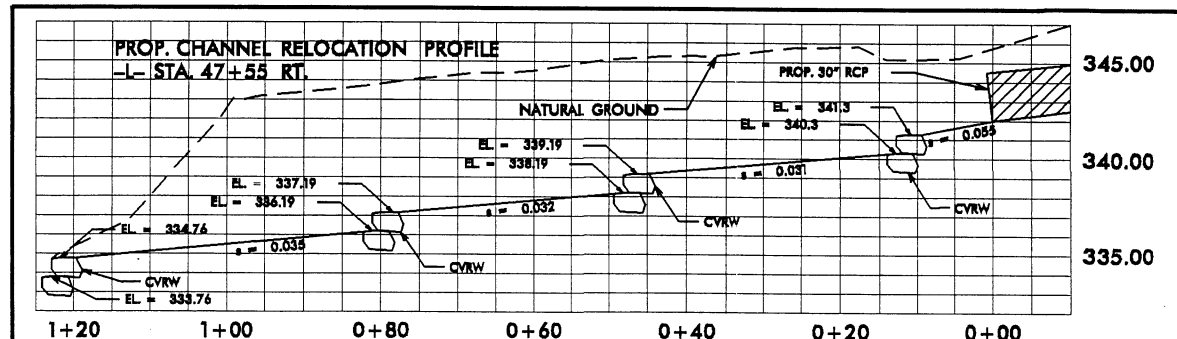
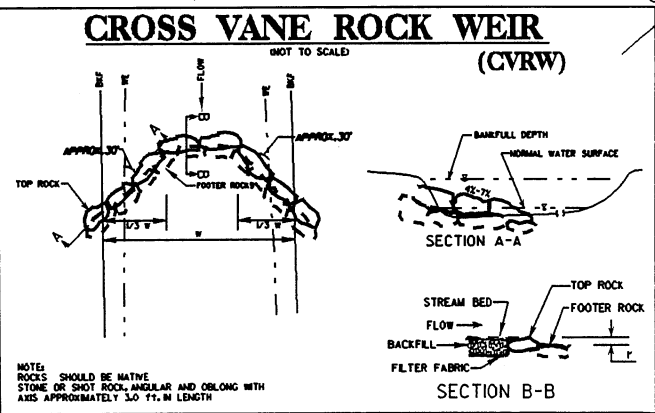
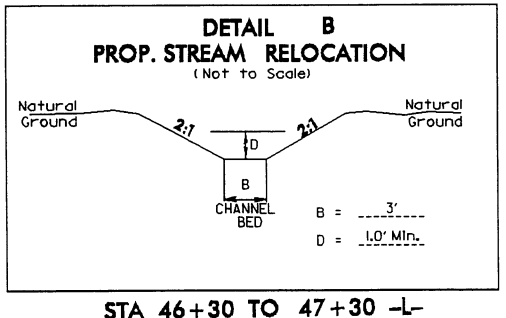
-L-
 PIs Sta 48+33.92
 Fs = 3'00" 56.0'
 Ls = 200.00
 LT = 133.35
 ST = 66.68

DENOTES FILL IN SURFACE WATER



MATCH TO STA. 36+00

MATCH TO STA. 49+00



FOR -L- PROFILE SEE SHEET 9

REVISIONS

- * REVISED EXISTING CHANNEL IMPACTED FROM 236' TO 160' AT SITE 1. 05/27/04 w/h
- * REVISED TDE TO PDE IN THE VICINITY OF THE CHANNEL RELOCATION AND ADJUST THE ALIGNMENT OF THE CHANNEL RELOCATION . 06/28/04 w/h

18-OCT-2005 14:15
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