



IN REPLY REFER TO

**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

Washington Regulatory Field Office
2407 West 5th Street
Washington, North Carolina 27889

February 14, 2020

Regulatory Division

Action ID No. 2003-10789

Elizabeth Workman-Maurer
NCDOT Division 2 Project Manager
1037 W. H. Smith Boulevard
Greenville, NC 27835

Dear Ms. Workman-Maurer:

Reference the Department of the Army (DA) individual permit (IP) Action SAW-2007-02231-125, issued November 19, 2007 for the extension of NC 43 from US 17 Business to US 70 (TIP no. R-4463A-B) in Craven County, North Carolina. The project is located west of New Bern in Craven County, and is referred to as the NC 43 Connector.

This office received permit modification request dated December 10, 2019 affecting areas of the above referenced project. R-4463 was divided into two sections for permitting purposes (Sections A and B). R-4463B was completed in 2009. This modification is to begin construction of Section A from US 17 Business north to tie into existing R-4463-B at US 70.

The current design for the A Section from US 17 Business north to US 70 (2.3 miles) will be a four-lane, divided roadway with four 12-foot travel lanes and 10-foot paved shoulders. It will be median-divided with median widths varying from 30 to 46 feet.

The original Individual Permit issued in 2007 indicated that jurisdictional impacts for R-4463A were preliminary and based on functional design and wetland impacts for R-4463A were estimated to be 2.06 acres. There were no estimated stream impacts for R-4463A based on the functional design. The estimated impacts to jurisdictional areas within Section A were the result of minimization and avoidance measures and represented the maximum possible impacts foreseen at that time.

Field verification from the United States Army Corp of Engineers (USACE) and the Division of Water Resources (DWR) has occurred at various times through the project's life. Wetlands and stream delineations/verifications occurred in 2004, 2007, 2014, and 2019.

Tables 1, 2, and 3 summarize the impacts to jurisdictional water resources for the final design of R-4463A. Site numbers correspond with the permit (hydraulic) drawings included in this modification request. A brief description of each impact site will follow the tables.

Table 1. Impacted Jurisdictional Streams

Stream Name	Impacted Unnamed Tributaries (UT)	NCDWR Index Number	NCDWR Classification
UT to Haywood Creek	2	27-101-35	C; Sw, NSW

The original Individual Permit proposed permanent wetland impacts of 2.06 acres for R-4463A, and no proposed temporary wetland impacts. Proposed permanent wetland impacts have been reduced from 2.06 acres to 1.15 acres; a reduction of 0.91 acre. Temporary impacts have increased to 0.12 acre of fill in wetlands due to utility impacts (permanent utility easement) from the overhead power line and buried gas line relocations west of Trent Creek Road.

Table 2. Wetland Impacts

Permit Drawing Site Number	Impact Type	Wetland Type	Temporary Impacts (ac.) *	Permanent Impacts (ac.) *
1	Fill	Non-Riparian	**0.05	0.05
1	Excavation	Non-Riparian		0.12
2	Fill	Non-Riparian		0.29
2	Excavation	Non-Riparian		0.19
3	Fill	Non-Riparian	**0.07	0.20
3	Excavation	Non-Riparian		0.08
4	Fill	Non-Riparian		0.02
4	Excavation	Non-Riparian		< 0.01
4	Hand Clearing	Non-Riparian		0.04
5	Fill	Non-Riparian		0.07
5	Excavation	Non-Riparian		0.03
5	Mechanized Clearing	Non-Riparian		0.04
6	Excavation	Non-Riparian		0.03
6	Mechanized Clearing	Non-Riparian		0.03
Total Temporary Non-Riparian Impacts HUC 03020204:			0.12	--
Total Permanent Non-Riparian Impacts HUC 03020204:			--	1.15

*Rounded totals are sum of actual impacts

** Utility impacts

Roadway impacts for Site 1, Site 2, and Site 3 are for the relocation of the existing ditch needed for hydraulic conveyance. Excavation impacts were calculated 20 feet beyond the slope stake line to account for the lateral drawdown of the wetlands being impacted by the proposed design. Due to the excavation of a gas line relocation, Site 1 has 0.05 ac. of temporary utility impacts for fill and Site 3 has 0.07 ac. of temporary utility impacts due to fill. Roadway impacts for Site 4 are for the extension of a 5' x 4' RCBC. Site 5 roadway impacts are for fill, excavation, and mechanized clearing. Site 6 impacts are for the installation of two 9' x 6' RCBC.

There will be 197 linear feet of permanent stream impacts and 121 linear feet of temporary stream impacts associated with construction of the R-4463A project. Permanent impacts to wetlands total 1.15 acres (removed 0.04 ac for hand-clearing the PUE on Site 5) due to fill, excavation, and mechanized clearing on the R-4463A project.

Table 3. Surface Waters Impacts

Permit Drawing Site Number	Impact Type	Permanent Surface Water Impacts (Stream) (lf)	Temporary Surface Water Impacts (Stream) (lf)	Stream Flow
4	5'x4' RCBC Extension	89	42	Perennial
5	Roadway	9	-	Intermittent
5	Bank Stabilization	33	40	Intermittent
6	2 @ 9'x6' RCBC Replacement	8	-	Intermittent
6	Bank Stabilization	58	39	Intermittent
	Total Impact:	197	121	
	Total Bank Stabilization:	91		
	Total Requiring Mitigation HUC 03020204:	106		

There were no proposed surface water impacts in the original Individual Permit for R-4463A. The current design study area extends beyond the original study limits in the 2007 IP. In order to add turn lanes from US 17 Business to the NC 43 Connector, the current design along US 17 Business to the east required extending and replacing two culverts that were not in the original IP. Because of this, permanent surface water impacts have increased to 197 linear feet. Of the 197 linear feet of permanent surface water impacts, bank stabilization accounts for 91 linear feet. Temporary surface water impacts have increased to 121 linear feet necessary for construction access and dewatering for culvert construction and installation of bank stabilization.

These modification requests were discussed and coordinated with the appropriate State and Federal agencies at several on-site meetings and the coordination revealed no objections to this modification request. The proposed modifications for R-4463 A as detailed above are hereby modified in accordance with the specific work activities described and depicted on the plan sheets, drawings and descriptions enclosed with the permit modification request package dated December 10, 2019. A revised impact summary sheet (dated December 10, 2019) was received and represents the most recent modifications.

Mitigation for permanent wetland impacts of 1.15 ac and 106 linear feet of permanent surface water impacts will be provided by the Division of Mitigation Services (DMS). In the original 2007 IP, 2.06 acres of permanent wetland mitigation were to be provided by the NC Ecosystem Enhancement Program. As the impacts from Section A have decreased from those projected in 2007, DMS will adjust the debits to reflect the change in mitigation requirements for Section A of the project on the next quarterly reporting spreadsheet.

It is understood that all conditions of the original permit and applicable modifications remain valid. In addition, the permittee will comply with the additional special permit conditions as follows:

- a.) All work authorized by this permit modification must be performed in strict compliance with the submitted work plans, which are part of this permit. Any modification to the permit plans must be approved by US Army Corps of Engineers (Corps) prior to implementation.
- b.) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any

authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

c.) In order to compensate for impacts associated with this permit modification, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

Questions regarding this correspondence may be directed to Tom Steffens, NCDOT Coordinator/Regulatory Project Manager at the Washington Regulatory Field Office, telephone (910) 251-4615.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Steffens', with a small 'TAS' monogram to the right.

Tom Steffens
Regulatory Project Manager
Washington Regulatory Field Office

E-Copies:

Hon Yeung/NCDOT
Jeff Cabaness/NCDOT
Jay Johnson/NCDOT
Chris Rivenbark/NCDOT
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