



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

May 12, 2009

U.S. Army Corps of Engineers
Regulatory Field Office
Post Office Box 1000
Washington, NC 27889-1000

Attn: Mr. William Wescott
NCDOT Coordinator

Dear Sir:

Subject: **Request for Modification to Individual Section 404 and 401 permits and Neuse Riparian Buffer Authorization** for construction of the US 70 Bypass. Construction of the US 70 bypass from SR 1300 to East of SR 1556 in Wayne County. State Project No. 6.339002T. TIP No. R-2554BA. Debit \$575 from WBS 34461.1.1.

References: Section 404 Individual Permit issued July 21, 2008 (SAW 2088-0025);
Section 401 Water Quality Certification and Neuse Riparian Buffer Authorization issued May 16, 2008 (DWQ No.20080570).

The purpose of this letter is to request modification to an U.S. Army Corps of Engineers (USACE) Section 404 Individual Permit Modification, as well as a N. C. Division of Water Quality (NCDWQ) Section 401 Water Quality Certification and Neuse Riparian Buffer Modification. In addition to the cover letter, this modification request also includes illustrations for the permit sites involved.

Just north of the permitted impacts to Site 11 (R-2554 BA section) is a small stream that will be impacted by the borrow pit the contractor plans to dig. It was determined during a site visit with the USACE, NCDWQ, and NCDOT staff on February 10, 2009, that the Skaggs method would be used to determine a setback of the pit from the stream channel. Knowing that the pit will impact the hydrology of this first order stream NCDOT plans to do on-site mitigation at Site 10. At Site 10 there is a wetland that has a drainage feature that flows in the direction of the new construction. As discussed with USACE and NCDWQ staff, NCDOT proposes to create a drainage pattern within the already permitted mechanized clearing limits. This new feature would redirect water through a channel to reduce water backup on the fill slope and improve the drainage pattern of the wetland.

Impacts of 42.8 m (140 ft) will occur to the stream north of Site 11. The length of the new channel at Site 10 is 83.18 m (273 ft), base width is 0.9 to 1.2 m (3 to 4 ft), and the depth is 0.6 m (2 ft).

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

TELEPHONE: 919-431-2000
FAX: 919-431-2002
WEBSITE: WWW.NCDOT.ORG

LOCATION:
4701 ATLANTIC AVENUE
SUITE 116
RALEIGH NC 27604

Therefore, the new channel will be 40.38 m (132 ft) longer than the impact stream at Site 11. Streambank reforestation will include black willow and silky dogwood live stakes. Due to the existing wooded area immediately south and embankment immediately north of the new channel, no floodplain plantings will be installed. Water will not be turned into the channel until adequate vegetation develops. Therefore, formal monitoring is not proposed.

13.0 Regulatory Approvals

Section 404: We are, therefore, requesting the modification of the USACE Individual 404 Permit issued July of 2008 (SAW 2008-0025), for the above-described activities.

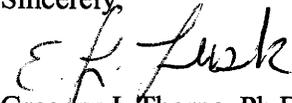
Section 401: We are hereby requesting a modification to the 401 Water Quality Certification from the NCDWQ issued May 16, 2008 (20080570). In compliance with Section 143-215.3D(e) of the NCAC, we will provide \$570.00 to act as payment for processing the Section 401 permit modification. We are providing five (5) copies of this modification request to the NCDWQ, for their approval.

Neuse Riparian Buffer Authorization: NCDOT requests that the NC Division of Water Quality review this modification request and modify the existing Neuse Riparian Buffer Authorization if necessary.

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

If you have any questions or need additional information, please call Mr. Chris Manley, at 919-431-6746.

Sincerely,


for Gregory J. Thorpe, Ph.D.

Environmental Management Director, PDEA Branch

cc List:

w/attachment

Mr. Travis Wilson, NCWRC
Ms. Kathy Matthews, USEPA
Mr. Ronald Mikulak, USEPA – Atlanta, GA
Mr. Clarence W. Coleman, P.E., FHWA
Mr. Gary Jordan, USFWS
Mr. Ron Sechler, NMFS
Mr. Michael Street, NCDMF

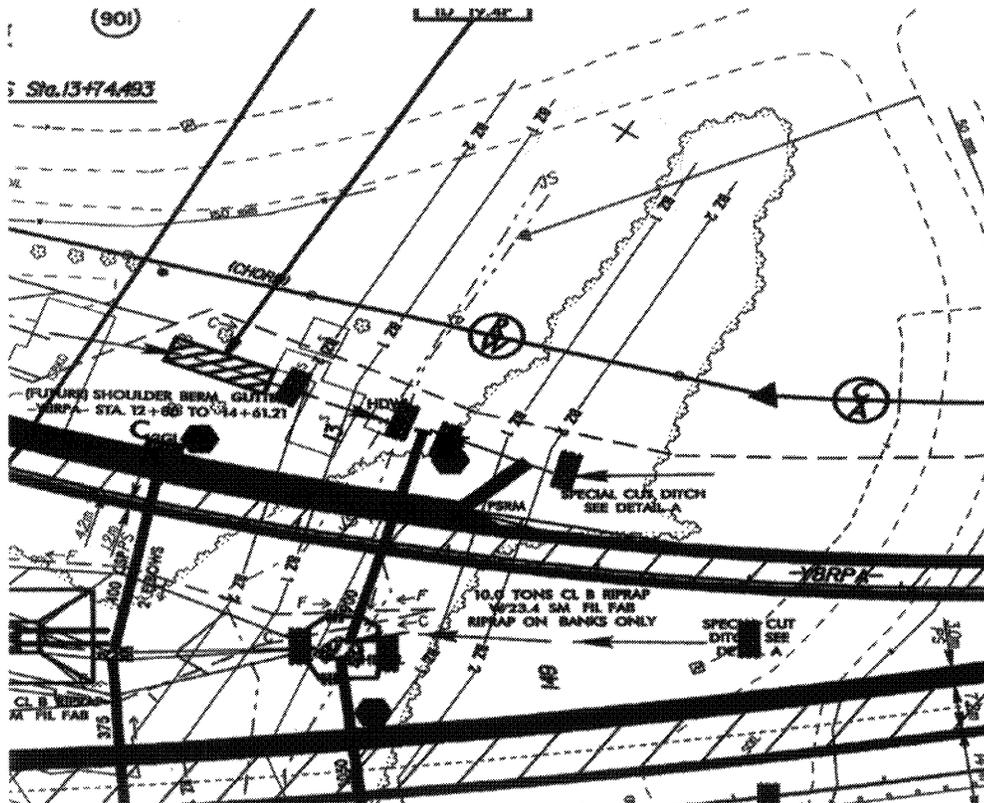
w/o attachment (see website for attachments)

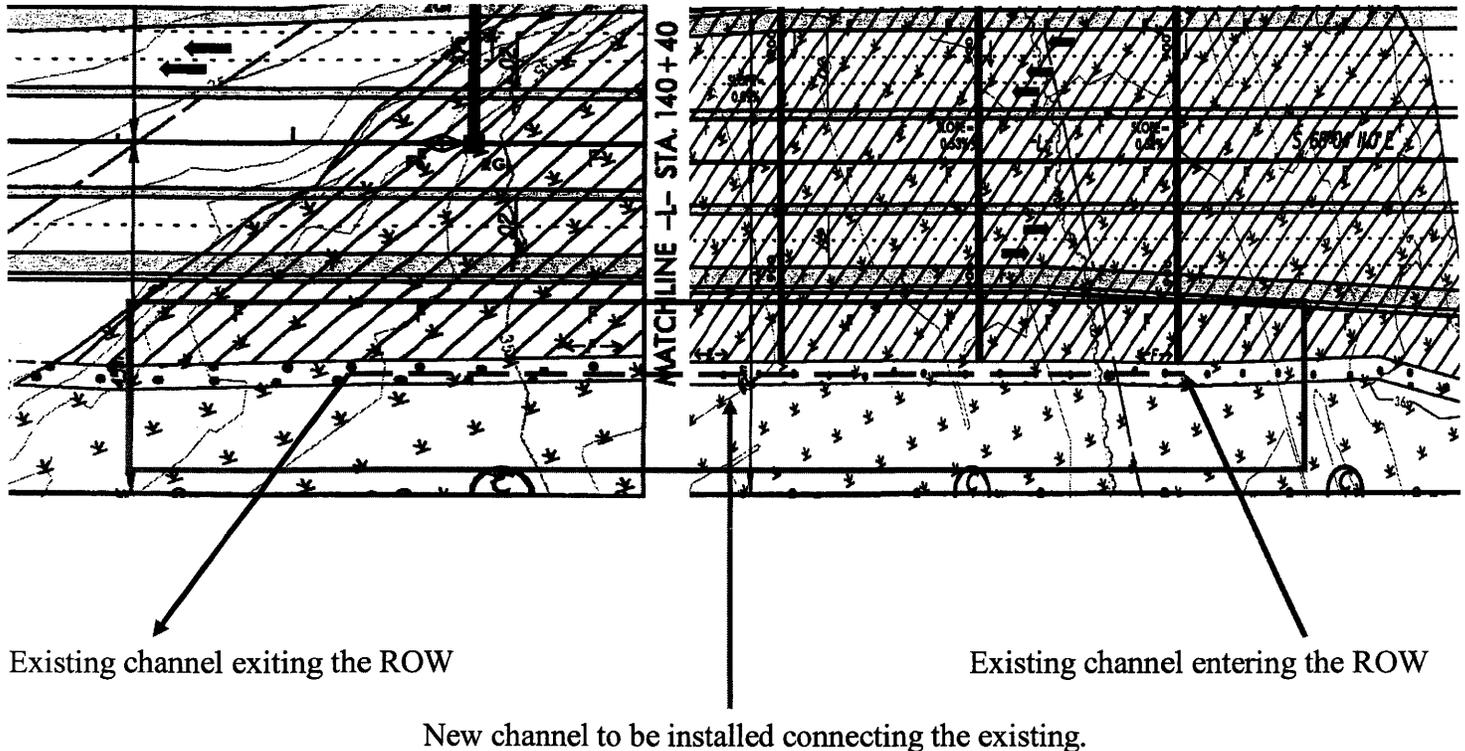
Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Victor Barbour, P.E., Project Services

Mr. Mark Staley, Roadside Environmental
Mr. C. E. Lassiter, P.E., Div. 2 Engineer
Mr. Richard E. Greene, P.E. Div. 4 Engineer
Mr. Jay Johnson, Div. 2
Mr. Chad Coggins, Div. 4
Mr. Scott McLendon, USACE, Wilmington
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P.E., Programming & TIP
Mr. Art McMillan, P.E., Highway Design
Mr. Andy Hussey, PDEA
Mr. Carl Goode, P.E., HEU
Ms. LeiLani Paugh, NEU
Mr. Randy Griffin, NEU



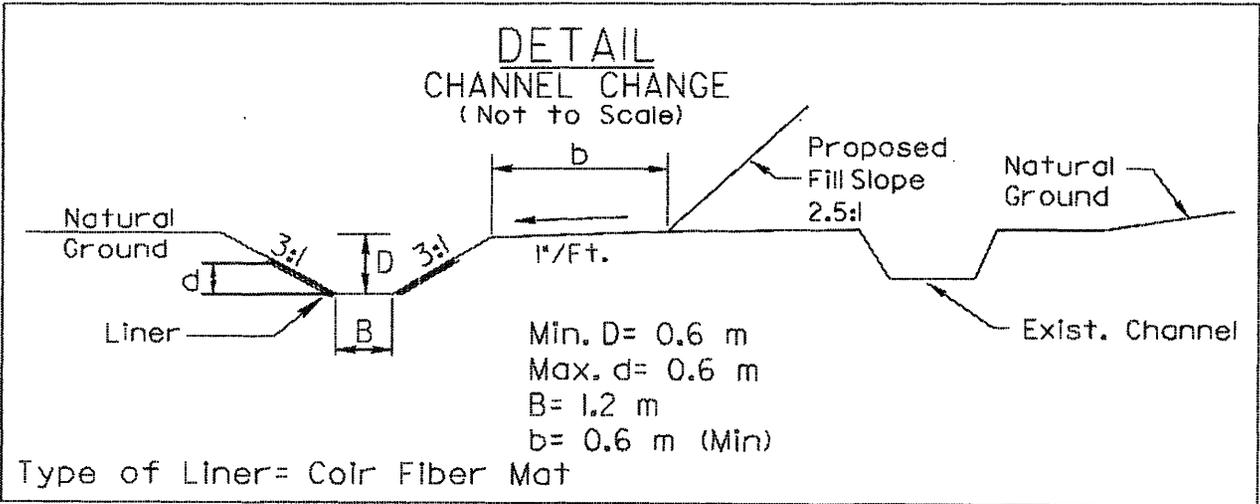
Jurisdictional Channel North of Site 11 located on DOT owned property.
 42.8 meters in length from outlet of a concrete crossline pipe to DOT ROW line.



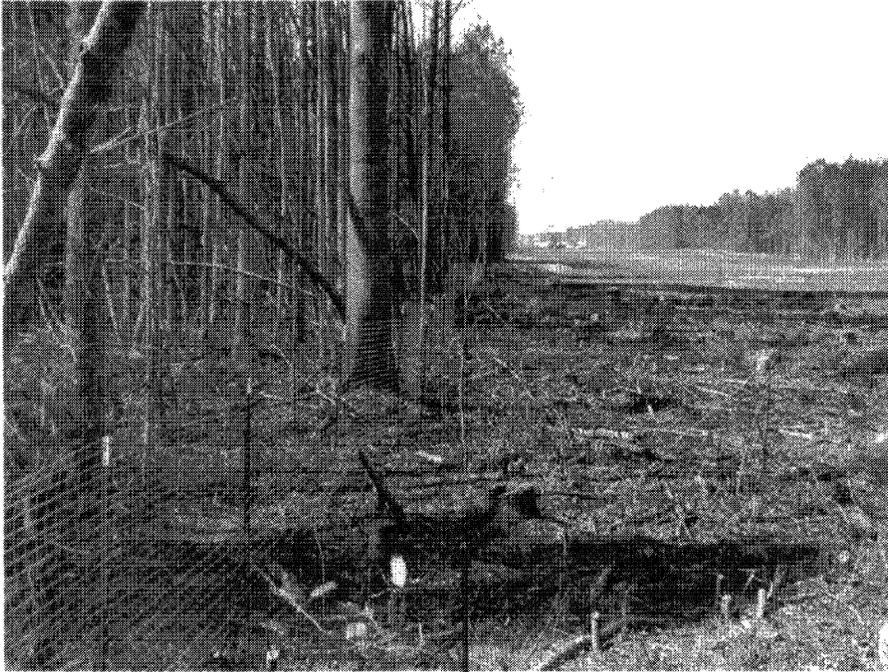


Length of new channel = 83.18 meters
 Base Width of new channel = .9 – 1.2 meters
 Depth of new channel = .6 meters
 Streambank reforestation to include Black Willow and Silky Dogwood live stakes.
 Due to existing wooded area immediately South of the new channel and embankment immediately North of the channel, no floodplain plantings will be installed.
 No water will be turned into the channel until adequate vegetation develops.

Site 10 New channel length	=	83.18 meters
Site 11 Existing channel length	=	<u>42.8 meters</u>
Net Gain of channel	=	40.38 meters



FROM STA. 139+80 TO STA. 140+63 -L- RT



Location of mechanized clearing zone and future location of new channel (Site 10)



Existing channel that will be “short circuited” along fill of future fill slope (Site 10).