



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DIVISION OF HIGHWAYS
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.
SECRETARY

May 3, 1996

Mr. John Dorney
N. C. Department of Environment, Health & Natural Resources
Division of Environmental Management
Water Quality Section
4401 Reedy Creek Road
Raleigh, North Carolina 27607

Dear Mr. Dorney:

Subject: Carteret County, Extension of Bridges Street between Arendell Street and NC 24
in Morehead City; State Project No. 9.8022831, TIP No. U-2226

We received the Section 401 Water Quality Certification for the subject project and want to take this opportunity to thank you and your staff for their attention to this project and handling of the complex environmental issues inherent in any coastal transportation project. The project will be constructed in such a manner to prevent significant increase in turbidity outside the construction area as described in Condition 1 of the Certification.

Evidently the Water Quality Certification and our letter (copy attached for your convenience), which describes our efforts to provide bottomland hardwood mitigation, crossed in the mails. Based on the information in our letter, we respectfully request a reevaluation by the DEM relative to Condition 2. We also request that the DEM accept the Mitigation Plan filed with the DCM as full compensation for the project impacts.

The gist of our letter was that an extensive search was done for BLH mitigation from 1993 to 1995. Although many prospective BLH sites were found, they were rejected due to hazardous contamination, size, unavailability, and/or cost. The site suggested by DEM in 1996, Hull Swamp, is unsuitable since it is located in an area zoned B-1, Business, by Carteret County and is filled and being used for business in conformance with the zoning. In 1995, we did find a large site in Morehead City on Calico Creek, known as the Willis Properties, containing degraded Bottomland Hardwood potential as

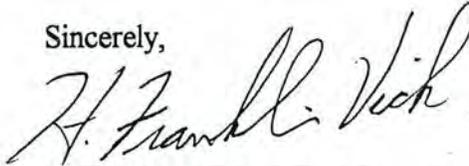


well as coastal brackish marsh. We purchased an option on the properties, and proceeded with a Fatal Flaw Feasibility study. A Phase II hazardous contamination evaluation was completed and resulted in the site being rejected due to heavy metal and VOC contamination.

As noted in our recent letter, in May 1994 the FONSI was published identifying the CSMB as a last resort for mitigation of the bottomland hardwood impacts, if other sites were not found. We feel that we have reached that point since the over four-year effort to identify an in-kind, in-basin mitigation site has not succeeded. Therefore, we request that DEM allow us to debit the Company Swamp which will provide an in-kind, out-of-basin mitigation at a ratio of 5:1 for the 1.82 acre impact on the BLH wetlands. This ratio would result in a debit of 9.1 acres from the Company Swamp Mitigation site.

Thank you for the opportunity to provide input to the Section 401 process for this project. We hope that this request to eliminate Condition 2 from the Water Quality Certificate will meet your approval. If you have any questions or need additional information, please call Ms. Alice N. Gordon at 733-7844, Ext. 307.

Sincerely,



H. Franklin Vick, P.E., Manager
Planning and Environmental Branch

AG/plr

Enclosures:

cc: Mr. Charles Jones, DCM, Morehead City
Mr. Scott McLendon, Corps of Engineers, Wilmington