

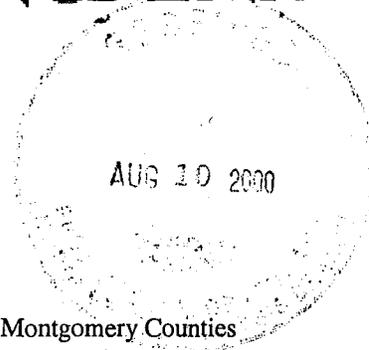
State of North Carolina  
Department of Environment  
and Natural Resources  
Division of Water Quality

James B. Hunt, Jr., Governor  
Bill Holman, Secretary  
Kerr T. Stevens, Director



July 25, 2000

Mr. Bill Gilmore, P.E., Manager  
Planning and Environmental Branch  
North Carolina Department of Transportation  
P.O. Box 25201  
Raleigh, North Carolina, 27611



Re: Permit Application for the US 220 Bypass of Ellerbe in Richmond and Montgomery Counties  
DWQ No. 000874; T.I.P. No. R-2231.

Dear Mr. Gilmore:

The Division of Water Quality has reviewed your submittal for a 401 Water Quality Certification for the aforementioned project. Review of your application revealed it lacking necessary information required for making an informed permit decision. The permit application was deficient in the following areas:

- The proposed stream mitigation plan is not sufficiently detailed to allow for an informed permit decision for the following reasons.
  - 1) The plan fails to identify any of the proposed mitigation sites.
  - 2) The NCDWQ has not visited any of the proposed mitigation sites.
  - 3) No plan (conceptual or otherwise) has been presented to the NCDWQ for the proposed sites.
- The proposed wetland mitigation plan is unacceptable for the following reasons.
  - 1) It is our understanding that the NC Wetlands Restoration Program has refused to supply to requested mitigation,
  - 2) The Juniper Bay Mitigation Site is not located in the same or adjacent 8 digit hydrologic unit (impacts located in Richmond County, Juniper Bay Mitigation Site located in Bladen County),
  - 3) The Juniper Bay Mitigation Site Plan is only at the conceptual level of development. More data relative to the proposed site is necessary prior to approving its use for mitigation of impacts,
  - 4) The Sheppard's Tree Mitigation Site is failing. As such, the US Army Corps of Engineers has indicated that no more mitigation credits are available from this site,
  - 5) The Key Branch Mitigation Site in Anson County is not presently owned by the NCDOT, nor has a plan for the site been approved.
- Section A
  - 1) Site 1 – The proposed ditch on the north and south side of the road has the potential to drain the adjacent wetlands. Please assess the situation and present appropriate information demonstrating the effect of the ditch on the adjacent wetlands.
  - 2) Site 7 – The entire length of stream for the impacted site is not shown on the permit drawing. Please revise the drawing to include the entire length of stream and present to the NCDWQ.

- Section B

- 1) Site 2 – The proposed discharge to wetlands should be designed for non-erosive velocities.
- 2) Site 3 – The entire length of stream for the impacted site is not shown on the permit drawing. Please revise the drawing to include the entire length of stream and present to the NCDWQ.

- Section CA

- 1) Site 1 – Given that the impacted site is classified as an Outstanding Resource Waters, the stormwater cannot discharge directly into the stream. Instead, the stormwater should be directed to discharge into the adjacent wetland at nonerosive velocities.
- 2) Site 2 – Given that the impacted site is classified as an Outstanding Resource Waters, the stormwater should be designed to discharge at non-erosive velocities into the wetland. Also, the permit drawing fails to show the entirety of streams present at the site. Moreover, please clarify the proposed stormwater design for this site.
- 3) Site 3 – Analysis of the permit drawing indicates potential inconsistency with the proposed stormwater design and the natural resources shown on the drawing. Please review the permit drawing and add all appropriate natural resources for the site. The resources being impacted are classified as Outstanding Resource Waters, and thus the project design will need to protect water quality to the maximum extent practicable.

- Section CB

- 1) Site 3 – The proposed relocation will require 50 foot buffers on both of the stream to count toward mitigation as proposed. Also, the appropriate natural stream design data for the existing channel, the proposed channel, and the reference reach will need to be submitted prior to its acceptance as appropriate on-site mitigation.

Therefore, pursuant to 15A NCAC 2h .0507(a)(4), we will have to place the permit application on hold until we are supplied the necessary information. Furthermore, until the information is received by the NC Division of Water Quality, we request (by copy of this letter) that the US Army Corps of Engineers place the permit application on hold.

Hopefully, we can work together to expedite the processing of your permit application. If you have any questions or require additional information, please contact John Hennessy at 919-733-5694.

Sincerely,



for John R. Dorney  
Water Quality Certification Program

cc: Mike Parker, DWQ Mooresville Regional Office  
Dave Timpy, USACE  
Central Files