



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

August 2, 2022

Mr. Monte Matthews  
Lead Project Manager  
US Army Corp of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

Subject: Request for Modification to Individual Section 404 Permit  
for the proposed improvements along US 129, NC 143, and NC 28 from  
Robbinsville to Stecoah in Graham County, North Carolina; TIP Project  
A-0009C; Federal Aid Projects APD-0074(178); WBS Element: 32572.3.13

Reference: Section 404 Individual Permit signed July 8, 2022 (SAW-2009-01346)

Dear Mr. Matthews,

The purpose of this letter is to request the following limited modifications and technical corrections to the above referenced permit.

First, with respect to Special Condition 4, reference is inadvertently made to NCDOT in two places.

Second, the first bullet under Special Condition 12, reads *NCDOT will only remove the trees required for this project during October 15 to April 15*. This was changed to October 15 to April 1 per USFWS letter dated December 3, 2021.

Third, NCDOT proposes to replace the wording of Special Condition 17 in its entirety with the following text in italics. *17. Borrow and Waste: The Permittee shall fully implement the North Carolina Department of Transportation's Borrow, Waste and Staging Site Reclamation Procedures for Contract Projects. The document detailing these procedures dated December 2020 is attached to the permit.* We are proposing to follow the established process which is described in the attached Contract Reclamation Procedures.pdf. This process typically takes 30 to 45 days. When considering the various moratoriums that are already required on this project including tree clearing moratorium and trout moratorium, there is very limited time left outside moratoriums. Our concerns are that special condition 17 as currently written in the signed permit could cause project delays and contractor claims which could ultimately result in the various phases of the project not

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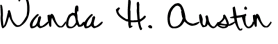
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being completed by the permit expiration date. The contractor claims could result in substantial additional monies and contract times.

Fourth, with respect to Special Condition 20, reference is inadvertently made to the North Carolina Division of Water Resources 401 Water Quality Certification No. 3845. This should be Certification No. 4651.

Thank you for your consideration of this request and your assistance with this project. If you have any questions or need additional information, please contact Kevin Barnett at 828-586-2141 or [khbarnett@ncdot.gov](mailto:khbarnett@ncdot.gov).

Sincerely,

DocuSigned by:  
  
B88118F1E31C453... 8/3/2022 | 9:51 AM EDT  
Wanda H. Austin, PE, CPM  
Division Engineer  
Division of Highways – Division 14  
North Carolina Department of Transportation

DBP