

PROJECT SPECIAL PROVISION

(10-18-95)

Z-1

PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the *Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
PO BOX 1890
WILMINGTON NC 28402-1890

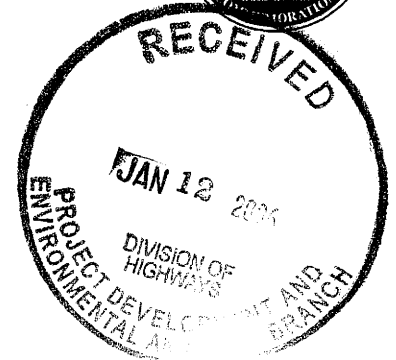
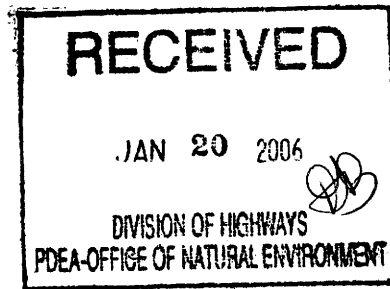


161

January 4, 2006

Regulatory Division

Action ID 200020569



Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Thorpe:

Enclosed is a Department of the Army permit to authorize the discharge of dredged and fill material into waters of the United States, for construction to widen a 2-mile long section of SR 1158 (Airport Road) T.I.P No. U-3823), Bloomery Swamp and two unnamed tributaries, and adjacent wetlands, from NC 42 to US 264A, West of Wilson, Wilson County, North Carolina. The Corps is issuing this permit in response to your written request of September 16, 2005, and the ensuing administrative record.

Any deviation in the authorized work will likely require modification of this permit. If a change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

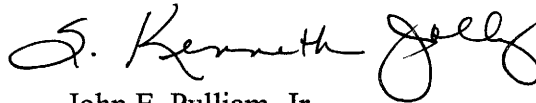
Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant conditions require that:

- a. You must complete construction before December 31, 2010.
- b. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

You must notify this office in advance as to when you intend to commence and complete work.

You should address all questions regarding this authorization to Mr. Eric Alsmeyer of my Raleigh Field Office regulatory staff at telephone (919) 876-8441, extension 23

Sincerely,



John E. Pulliam, Jr.
Colonel, U.S. Army
District Engineer

Enclosures

Copy Furnished with enclosures:

Chief, Source Data Unit
NOAA/National Ocean Service
ATTN: Sharon Tear N/CS261
1315 East-West Hwy., Rm 7316
Silver Spring, MD 20910-3282

Copies Furnished with special conditions and plans:

Mr. Ronald J. Mikulak, Chief
Wetlands Regulatory Section
61 Forsyth Street
Atlanta, Georgia 30303

Mr. Pete Benjamin
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

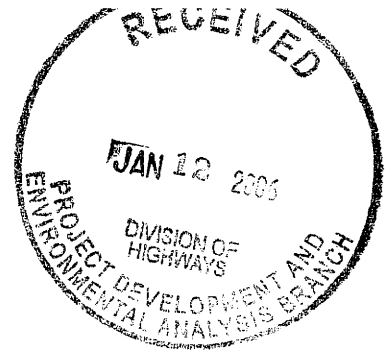
Mr. Ron Sechler
National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516

Mr. Doug Huggett
Division of Coastal Management
North Carolina Department of
Environment and Natural Resources
400 Commerce Avenue
Morehead City, North Carolina 28557

Mr. David Rackley
National Marine Fisheries Service
219 Fort Johnson Road
Charleston, South Carolina 29412-9110

DEPARTMENT OF THE ARMY PERMIT

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Permittee (DR. GREGORY J. THORPE, PhD.)Permit No. 200020569Issuing Office USAED, WILMINGTON

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Place fill material impacting 1.05 acres of wetlands, 0.07 acre of open water, and 89 linear feet of stream, for construction to widen a 2-mile long section of SR 1158 (Airport Road) (T.I.P. No. U-3823), Bloomery Swamp and two unnamed tributaries, and adjacent wetlands.

Project Location:

From NC 42 to US 264A, west of Wilson, in Wilson County, North Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
~~DR. GREGORY I THORPE, PhD~~
(PERMITTEE)

[Handwritten Signature]

1/3/06
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

J. Kenneth Jelly
JOHN E. PULLIAM, JR., COLONEL
(DISTRICT ENGINEER)

1/6/06
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEE)

(DATE)

SPECIAL CONDITIONS (Action ID. 200020569; NCDOT/TIP U-3823)**WORK LIMITS**

- a) All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.
- b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.
- c) Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

RELATED LAWS

- d) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083, Ext. 526 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

PROJECT MAINTENANCE

- e) The permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
- f) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.
- g) 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. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project

h) The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of nonerodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.

i) The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

ENFORCEMENT

j) Violations of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.

CONSTRUCTION PLANS

k) The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Raleigh Regulatory Field Office prior to any active construction in waters or wetlands.

l) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

COMPLIANCE WITH SPECIAL CONDITIONS

m) Failure to institute and carry out the details of these special conditions, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

WET CONCRETE

n) The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.

PRECONSTRUCTION MEETING

o) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

BORROW AND WASTE

p) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving

any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland lines on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with Special Condition b) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the Special Condition b). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

COMPENSATORY MITIGATION

X(q) Compensatory mitigation for the unavoidable loss of 0.89 acres of riverine bottomland forest and swamp wetlands, and 89 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2005 from William D. Gilmore, EEP Director. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide 1.78 acre of restoration equivalent riverine wetlands, 178 linear feet of restoration equivalent warm water stream channel in the Neuse River basin (Hydrologic Cataloging Unit 03020201) by one year of the date of this permit. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: NCDOT/TIP U-3823		File Number: 200020569	Date: December 23, 2005
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
 Mr. Eric C. Alsmeyer, Regulatory Project Manager
 U.S. Army Corps of Engineers, Wilmington District
 Raleigh Regulatory Field Office
 6508 Falls of Neuse Road, Suite 120
 Raleigh, North Carolina 27615-6814

If you only have questions regarding the appeal process you may also contact:
 Mr. Michael Bell, Administrative Appeal Review Officer
 CESAD-ET-CO-R
 U.S. Army Corps of Engineers, South Atlantic Div.
 60 Forsyth Street, Room 9M15
 Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
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DIVISION ENGINEER:
Commander
U.S. Army Engineer Division, South Atlantic
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-3490



172

Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

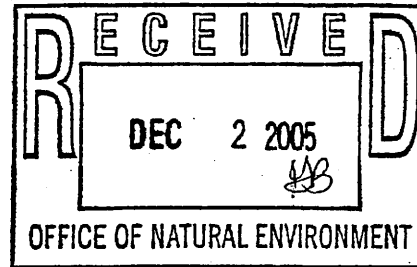
200020569

November 28, 2005

RECEIVED

DEC 05 2005

RALEIGH REGULATORY FIELD OFFICE



Dr. Gregory J. Thorpe, PhD., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Neuse River Buffer Authorization for Proposed Widening of SR 1158 (Airport Boulevard) from NC 42 to US 264 Alternate in Wilson, Wilson County, TIP No. U-3823, Project No. 8.2341801, Federal Aid Project No. STP-1158(2). DWQ Project No. 051764

Attached hereto is a copy of Certification No. 3550 issued to The North Carolina Department of Transportation dated November 28, 2005.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

- cc: Wilmington District Corps of Engineers
- Mr. Eric Alsmeyer, Corps of Engineers Raleigh Field Office
- Mr. Christopher Militscher, US EPA, Region IV
- Mr. Travis Wilson, NC Wildlife Resources Commission
- Mr. R.E. Greene, Jr., PE, Division 4 Engineer, 509 Ward Blvd., PO Box 3165, Wilson, NC 27895
- Mr. Jamie Shern, Division 4 Environmental Officer, 509 Ward Blvd., PO Box 3165, Wilson, NC 27895
- Mr. Michael Turchy, NEU, 2728-168 Capital Blvd., Parker Lincoln Bldg., Raleigh, NC 27604
- Mr. William Gilmore, Ecosystem Enhancement Program
NCDWQ Raleigh Regional Office
Central Files
File Copy

One North Carolina Naturally

**APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS
And Neuse River Buffer Rules**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received September 21, 2005, to construct the widening of SR 1158 (Airport Boulevard) from NC 42 to US 264 Alternate in Wilson, Wilson County. The approved design is that submitted in your application dated received September 21, 2005. This certification authorizes the NCDOT to permanently impact .894 acres and temporarily impact .155 acres of jurisdictional wetlands, permanently impact 89 linear feet of stream, and impact 40,303 square feet of protected Neuse Riparian Buffers (24,372 square feet in Zone 1 and 15,931 square feet in Zone 2) in Wilson County. The authorized impacts are as described below:

Wetland Impacts in Neuse River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing Method III (ac)
1	0.022	0.027	0.010	0.016
2	0.547	0.118	0.001	0.299
4		0.01		
Total	0.569	0.155	0.011	0.314

Surface Water and Stream Impacts in the Neuse River Basin

Site	Permanent Fill in Surface Water (ac)	Temporary Fill in Surface Water (ac)	Permanent Stream Impacts (ft)
1	0.028		82
2		0.066	
4	0.001		7
Total	0.029	0.066	89

Neuse Riparian Buffer Impacts

Site	Zone 1 (sq. ft.)	Zone 2 (sq. ft.)	Wetlands in Zone 1 (sq. ft.)	Wetlands in Zone 2 (sq. ft.)	Mitigation Required Zone 1 (sq. ft.)	Mitigation Required Zone 2 (sq. ft.)
1	11,533	7,641			11,533	7,641
2	7,871	5,029				
4	4,968	3,261				
Total	24,372	15,931			11,533	7,641

Mitigation Requirements for Neuse Riparian Buffers Project Wide

	Impact (sq. ft.)	Replacement Ratio	Total Impact (sq. ft.)	Fee schedule	Payment amount for Mitigation
Zone 1	11,533	3:1	34,599	\$0.96/sq. ft.	\$33,215.04
Zone 2	7,641	1.5:1	11,461.5	\$0.96/sq. ft.	\$11,003.04
Total Mitigation Payment Required					\$44,128.08

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received September 21, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
4. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized, and must be approved on site by DWQ

staff, prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.

7. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
- *8. Compensatory mitigation for impacts to 19,174 square feet of Neuse Riparian Buffers shall be provided for as described below.

Zone of Impact	Impacts (Square Feet)	Replacement Ratio	Total Square Feet of Mitigation Required
Zone 1	11,533	3:1	34,599
Zone 2	7,641	1.5:1	11,461.5
Total	19,174		46,060.5

We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through an in lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP), and that the EEP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided through an in-lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP) at a rate of \$0.96 per square foot. Therefore, a total payment of \$44,128.08 shall be submitted to the NCEEP to offset the impacts. No construction activities in Neuse River Riparian buffers shall begin until payment for buffer mitigation is made and the Ecosystem Enhancement Program receives and clears your check (made payable to DENR Ecosystem Enhancement Program). The payment to NCEEP shall be sent within two months of issuance of the 404 permit. If you have any questions concerning the Ecosystem Enhancement Program please contact them at 919-733-5208.

- *9. Compensatory mitigation for impacts to .894 acres of jurisdictional wetlands shall be done. Total mitigation shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to .894 acres of riparian wetlands in the Hydrologic Cataloging Unit 03020203, associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2005, and in accordance with the Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, and the Dual Party MOA signed between NCDOT and NCDENR on April 12, 2004.

- *10. Compensatory mitigation for impacts to 89 linear feet of streams shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to 89 linear feet of streams in the Hydrologic Cataloging Unit 03020203 associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2005, and in accordance with the Memorandum of Agreement

(MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, and the Dual Party MOA signed between NCDOT and NCDENR on April 12, 2004.

11. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
12. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
13. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
14. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
15. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
16. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
17. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
18. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated September 16, 2005.
19. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
20. NCDOT, and its authorized agents, shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d).
21. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
22. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
23. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow

passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.

24. If the above condition (#23) is unable to be met, due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
25. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
26. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.
27. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

Project Specific Conditions

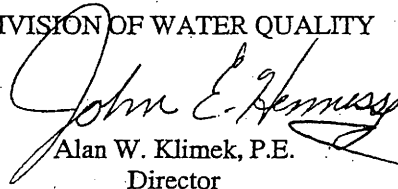
28. The Bloomery Swamp stream crossing on SR 1158 (Airport Boulevard) is within 1.1 miles of a critical water supply intake area (classified WS-IV, NSW). Therefore, according to guidelines developed by NCDOT and the Division of Water Quality, hazardous spill retention basins will be installed at the crossing of Bloomery Swamp.
29. Due to the presence of high quality wetlands at Bloomery Swamp, Design Standards in Sensitive Watersheds .0024 NCAC Title 15A provisions shall be included in the design.
30. The typical section over Bloomery Swamp will be reduced to a four-lane cross-section in order to minimize wetland impacts.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 28th day of November 2005

DIVISION OF WATER QUALITY

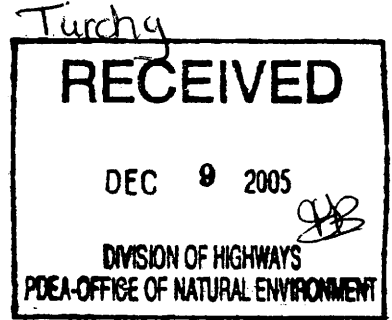
A handwritten signature in black ink, appearing to read "John E. Hemmery", is written over the typed name "Alan W. Klimek, P.E." and the title "Director".

Alan W. Klimek, P.E.
Director

WQC No. 3550



November 28, 2005



Dr. Gregory J. Thorpe, PhD., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Neuse River Buffer Authorization for Proposed Widening of SR 1158 (Airport Boulevard) from NC 42 to US 264 Alternate in Wilson, Wilson County, TIP No. U-3823, Project No. 8.2341801, Federal Aid Project No. STP-1158(2). DWQ Project No. 051764

Attached hereto is a copy of Certification No. 3550 issued to The North Carolina Department of Transportation dated November 28, 2005.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

- cc: Wilmington District Corps of Engineers
- Mr. Eric Alsmeyer, Corps of Engineers Raleigh Field Office
- Mr. Christopher Militscher, US EPA, Region IV
- Mr. Travis Wilson, NC Wildlife Resources Commission
- Mr. R.E. Greene, Jr., PE, Division 4 Engineer, 509 Ward Blvd., PO Box 3165, Wilson, NC 27895
- Mr. Jamie Shern, Division 4 Environmental Officer, 509 Ward Blvd., PO Box 3165, Wilson, NC 27895
- Mr. Michael Turchy, NEU, 2728-168 Capital Blvd., Parker Lincoln Bldg., Raleigh, NC 27604
- Mr. William Gilmore, Ecosystem Enhancement Program
NCDWQ Raleigh Regional Office
Central Files
File Copy

**APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS
And Neuse River Buffer Rules**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received September 21, 2005, to construct the widening of SR 1158 (Airport Boulevard) from NC 42 to US 264 Alternate in Wilson, Wilson County. The approved design is that submitted in your application dated received September 21, 2005. This certification authorizes the NCDOT to permanently impact .894 acres and temporarily impact .155 acres of jurisdictional wetlands, permanently impact 89 linear feet of stream, and impact 40,303 square feet of protected Neuse Riparian Buffers (24,372 square feet in Zone 1 and 15,931 square feet in Zone 2) in Wilson County. The authorized impacts are as described below:

Wetland Impacts in Neuse River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing Method III (ac)
1	0.022	0.027	0.010	0.016
2	0.547	0.118	0.001	0.299
4		0.01		
Total	0.569	0.155	0.011	0.314

Surface Water and Stream Impacts in the Neuse River Basin

Site	Permanent Fill in Surface Water (ac)	Temporary Fill in Surface Water (ac)	Permanent Stream Impacts (ft)
1	0.028		82
2		0.066	
4	0.001		7
Total	0.029	0.066	89

Neuse Riparian Buffer Impacts

Site	Zone 1 (sq. ft.)	Zone 2 (sq. ft.)	Wetlands in Zone 1 (sq. ft.)	Wetlands in Zone 2 (sq. ft.)	Mitigation Required Zone 1 (sq. ft.)	Mitigation Required Zone 2 (sq. ft.)
1	11,533	7,641			11,533	7,641
2	7,871	5,029				
4	4,968	3,261				
Total	24,372	15,931			11,533	7,641

Mitigation Requirements for Neuse Riparian Buffers Project Wide

	Impact (sq. ft.)	Replacement Ratio	Total Impact (sq. ft.)	Fee schedule	Payment amount for Mitigation
Zone 1	11,533	3:1	34,599	\$0.96/sq. ft.	\$33,215.04
Zone 2	7,641	1.5:1	11,461.5	\$0.96/sq. ft.	\$11,003.04
Total Mitigation Payment Required					\$44,128.08

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received September 21, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act
2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
4. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized, and must be approved on site by DWQ

staff, prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.

7. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
8. Compensatory mitigation for impacts to 19,174 square feet of Neuse Riparian Buffers shall be provided for as described below.

Zone of Impact	Impacts (Square Feet)	Replacement Ratio	Total Square Feet of Mitigation Required
Zone 1	11,533	3:1	34,599
Zone 2	7,641	1.5:1	11,461.5
Total	19,174		46,060.5

We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through an in lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP), and that the EEP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided through an in-lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP) at a rate of \$0.96 per square foot. Therefore, a total payment of \$44,128.08 shall be submitted to the NCEEP to offset the impacts. No construction activities in Neuse River Riparian buffers shall begin until payment for buffer mitigation is made and the Ecosystem Enhancement Program receives and clears your check (made payable to DENR Ecosystem Enhancement Program). The payment to NCEEP shall be sent within two months of issuance of the 404 permit. If you have any questions concerning the Ecosystem Enhancement Program please contact them at 919-733-5208.

9. Compensatory mitigation for impacts to .894 acres of jurisdictional wetlands shall be done. Total mitigation shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to .894 acres of riparian wetlands in the Hydrologic Cataloging Unit 03020203, associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2005, and in accordance with the Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, and the Dual Party MOA signed between NCDOT and NCDENR on April 12, 2004.

10. Compensatory mitigation for impacts to 89 linear feet of streams shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to 89 linear feet of streams in the Hydrologic Cataloging Unit 03020203 associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2005, and in accordance with the Memorandum of Agreement

(MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, and the Dual Party MOA signed between NCDOT and NCDENR on April 12, 2004.

11. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
12. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
13. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
14. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
15. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
16. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
17. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
18. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated September 16, 2005.
19. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
20. NCDOT, and its authorized agents, shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d).
21. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
22. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
23. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow

passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.

24. If the above condition (#23) is unable to be met, due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
25. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
26. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.
27. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

Project Specific Conditions

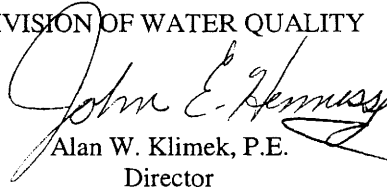
28. The Bloomery Swamp stream crossing on SR 1158 (Airport Boulevard) is within 1.1 miles of a critical water supply intake area (classified WS-IV, NSW). Therefore, according to guidelines developed by NCDOT and the Division of Water Quality, hazardous spill retention basins will be installed at the crossing of Bloomery Swamp.
29. Due to the presence of high quality wetlands at Bloomery Swamp, Design Standards in Sensitive Watersheds .0024 NCAC Title 15A provisions shall be included in the design.
30. The typical section over Bloomery Swamp will be reduced to a four-lane cross-section in order to minimize wetland impacts.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 28th day of November 2005

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.
Director

WQC No. 3550

✱ Certification of Completion

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of Wetland Permit: _____

Certificate of Completion

Upon completion of all work approved within the **401 Water Quality Certification and Buffer Rules**, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and Buffer Rules**, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and Buffer Rules**, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

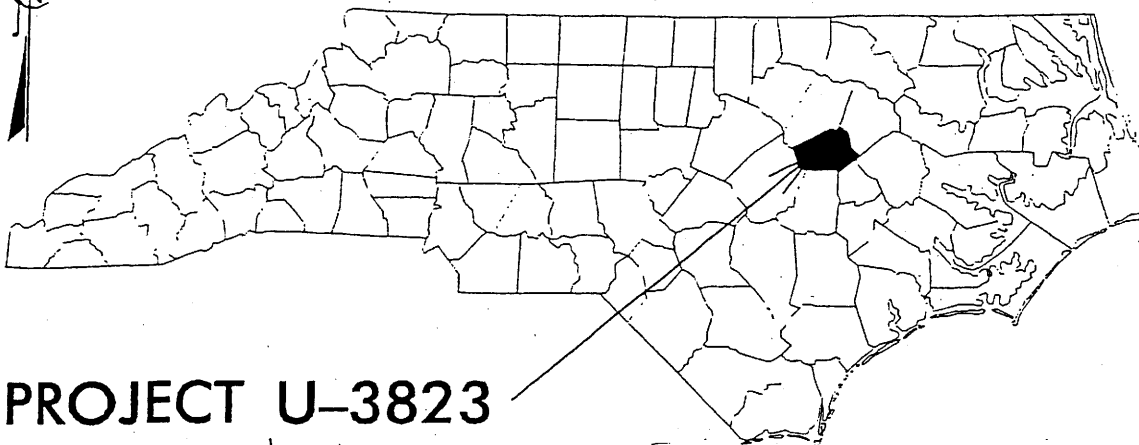
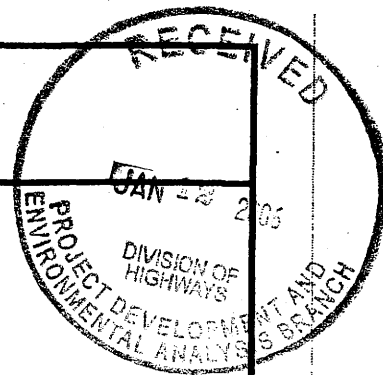
If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the **401 Water Quality Certification and Buffer Rules**, the approved plans and specifications, and other supporting materials.

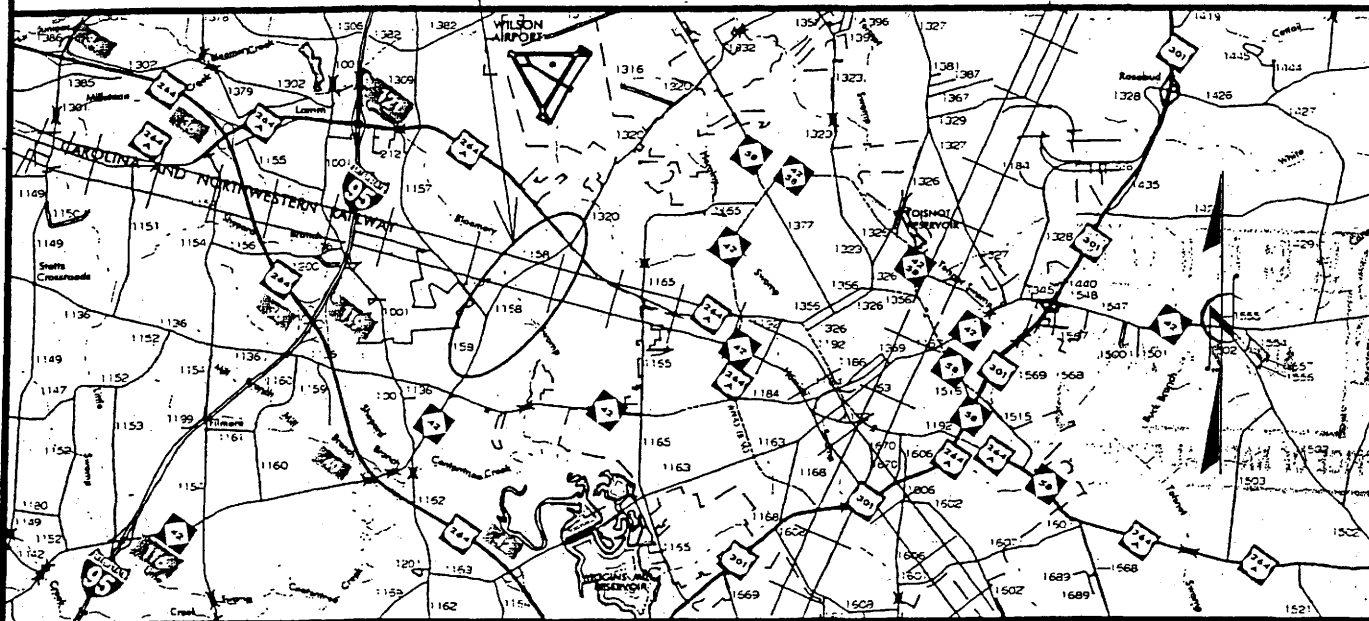
Signature: _____ Registration No. _____ Date _____

WETLAND DRAWINGS

NORTH CAROLINA

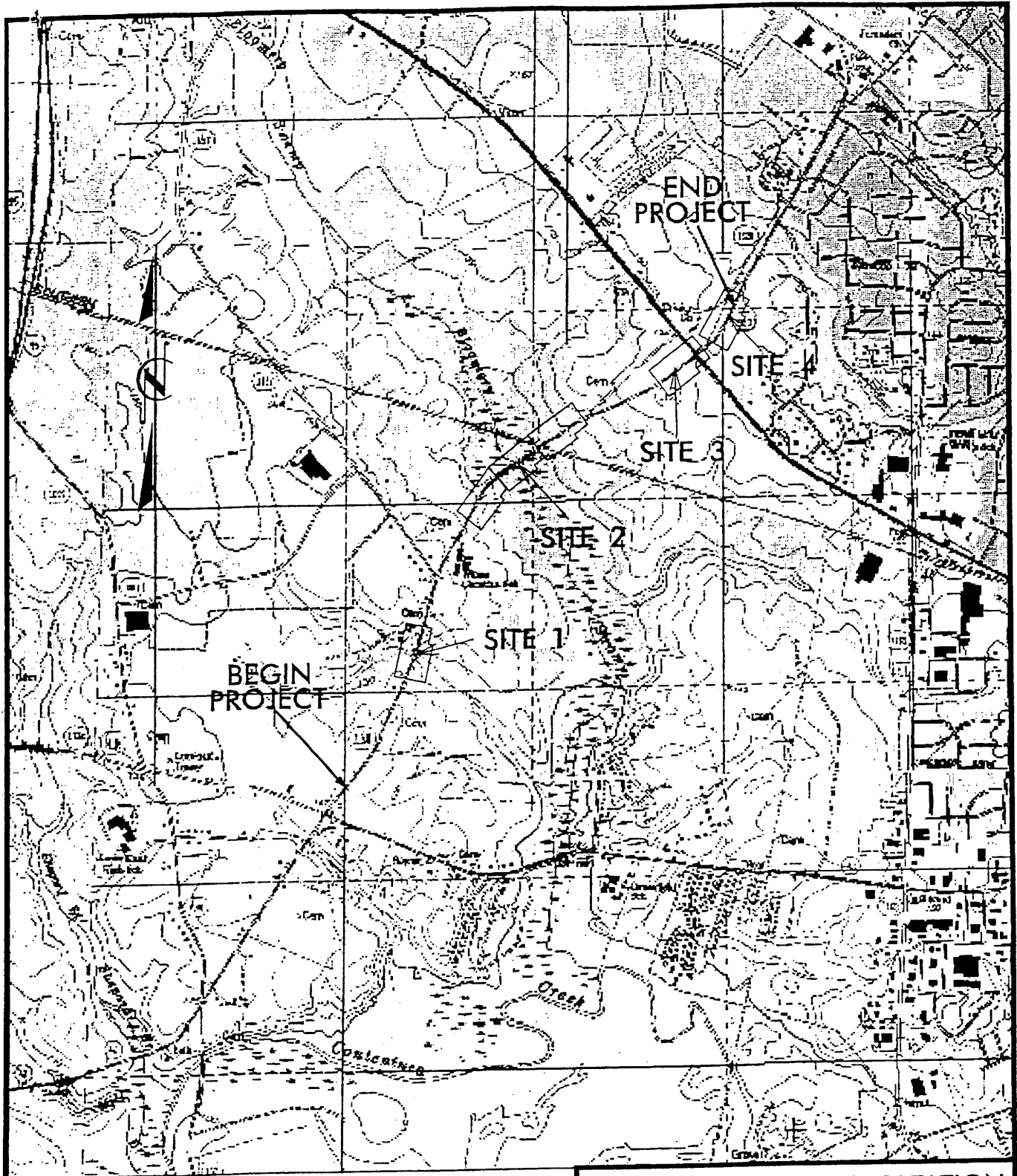


PROJECT U-3823



VICINITY MAP

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 1 OF 15

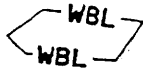



**VICINITY
MAP**


N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WILSON COUNTY
U-3823
SR 1158 (AIRPORT BLVD.) FROM
EAST OF NC 42 TO EAST
OF US 264-A
DATE: JUNE 2005
SHEET 2 OF 15


WETLAND LEGEND


— WBL — WETLAND BOUNDARY


 WETLAND

 DENOTES EXCAVATION IN WETLANDS

 DENOTES PERMANENT FILL IN WETLANDS

 DENOTES FILL IN SURFACE WATER

 DENOTES MECHANIZED CLEARING IN WETLANDS


 DENOTES TEMPORARY IMPACTS

 DENOTES TEMPORARY FILL IN SURFACE WATER

 FLOW DIRECTION

— C — PROP. LIMIT OF CUT

— F — PROP. LIMIT OF FILL

 PROP. RIGHT OF WAY

— PL — PROPERTY LINE

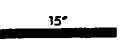
— E — TEMPORARY CONSTRUCTION EASEMENT

— PDE — PERMANENT DRAINAGE EASEMENT

— PUE — PERMANENT UTILITY EASEMENT


— AUE — PERMANENT AERIAL UTILITY EASEMENT

 PROPOSED BRIDGE

 PROPOSED PIPE CULVERT

 EXISTING PIPE CULVERT

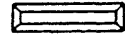
■ DRAINAGE INLET

 SINGLE TREE

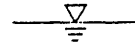
 WOODS LINE


 RIP RAP

 PARCEL NUMBER

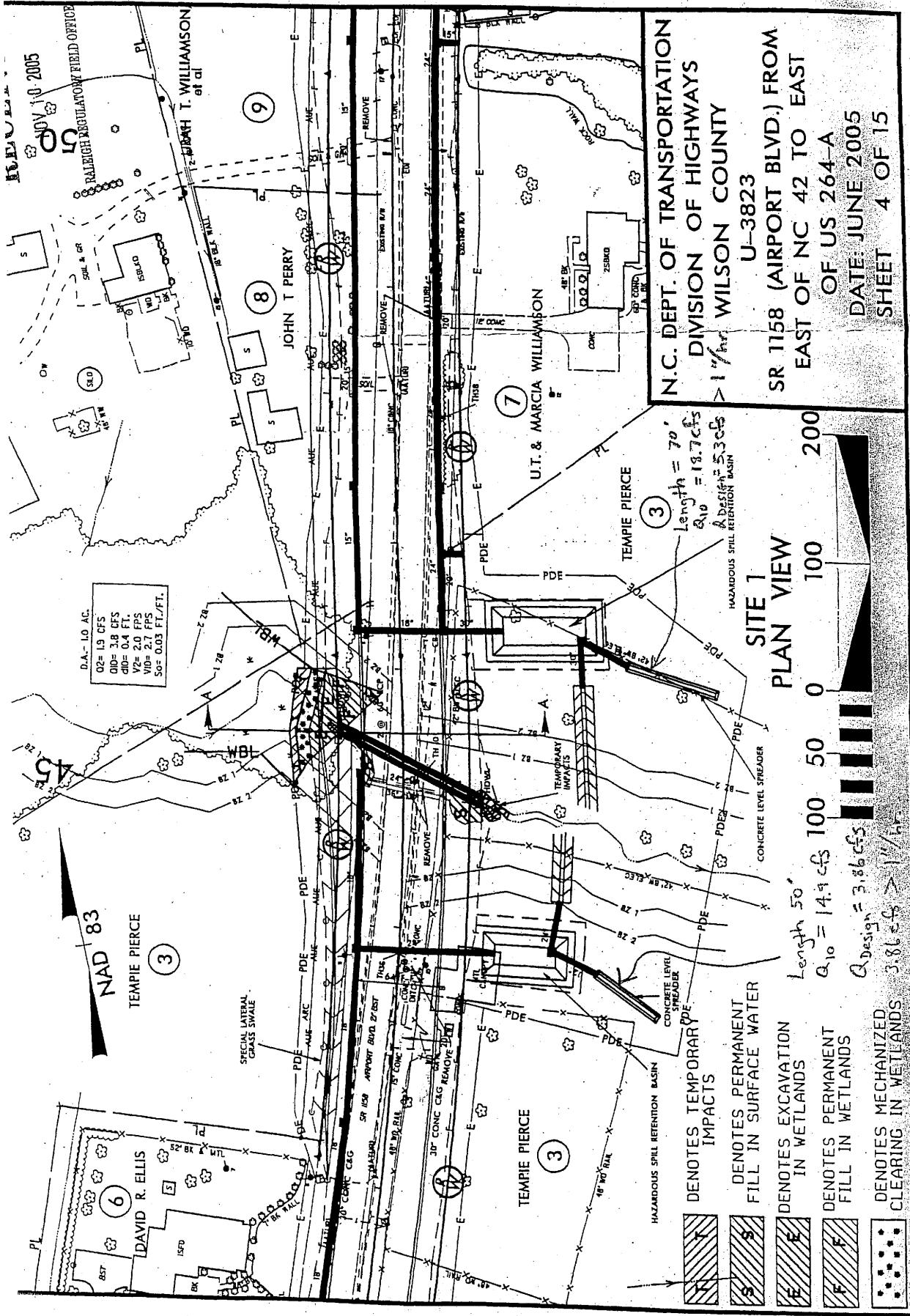
 LEVEL SPREADER

 DITCH/GRASS SWALE

 WATER SURFACE

 PREFORMED SCOUR HOLE

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 3 OF 15



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 4 OF 15

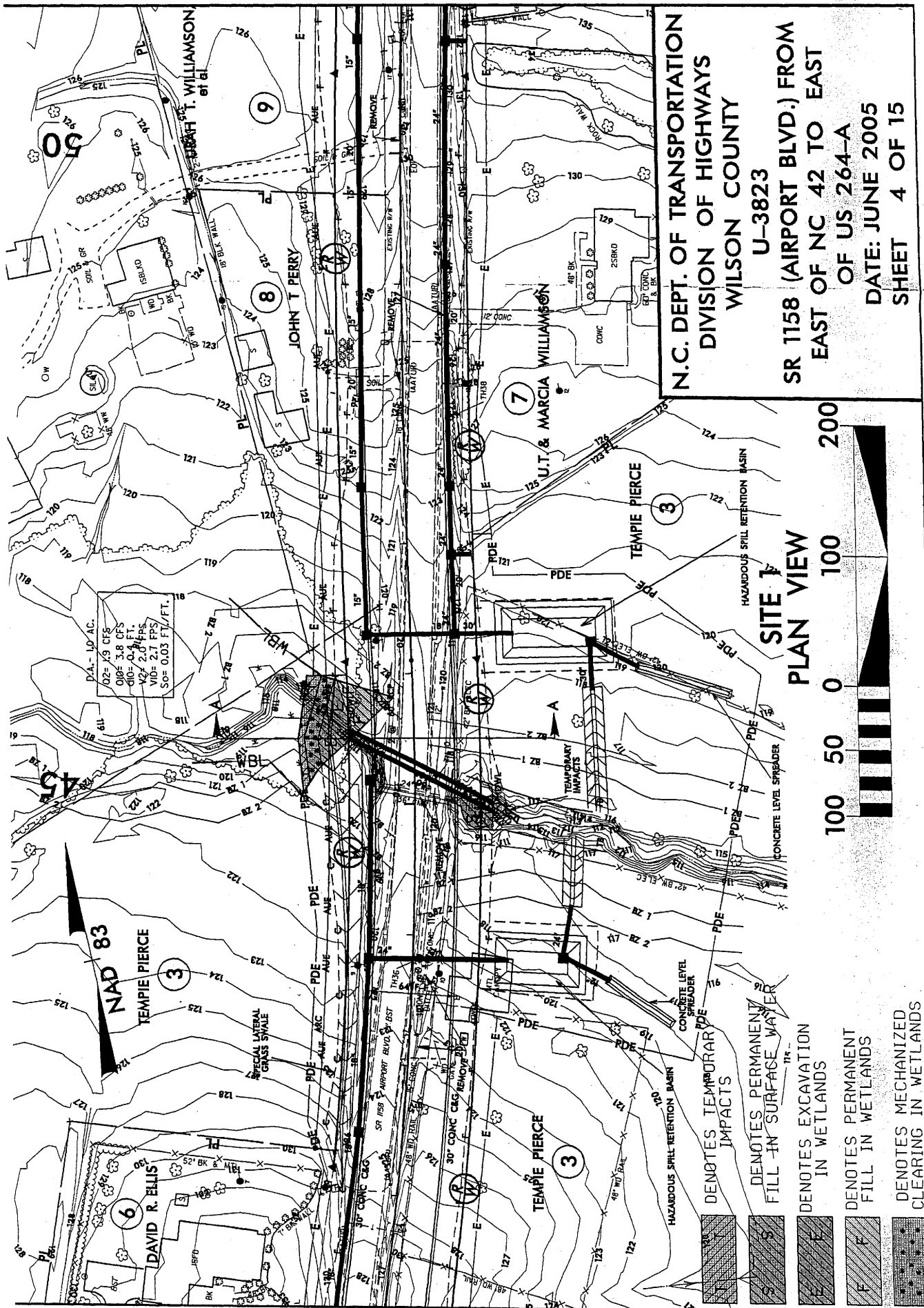
SITE 1
 PLAN VIEW

Length 50' $Q_{10} = 14.9 \text{ cfs}$
 $Q_{\text{Design}} = 3.86 \text{ cfs}$
 Length 70' $Q_{10} = 18.7 \text{ cfs}$
 $Q_{\text{Design}} = 5.3 \text{ cfs}$

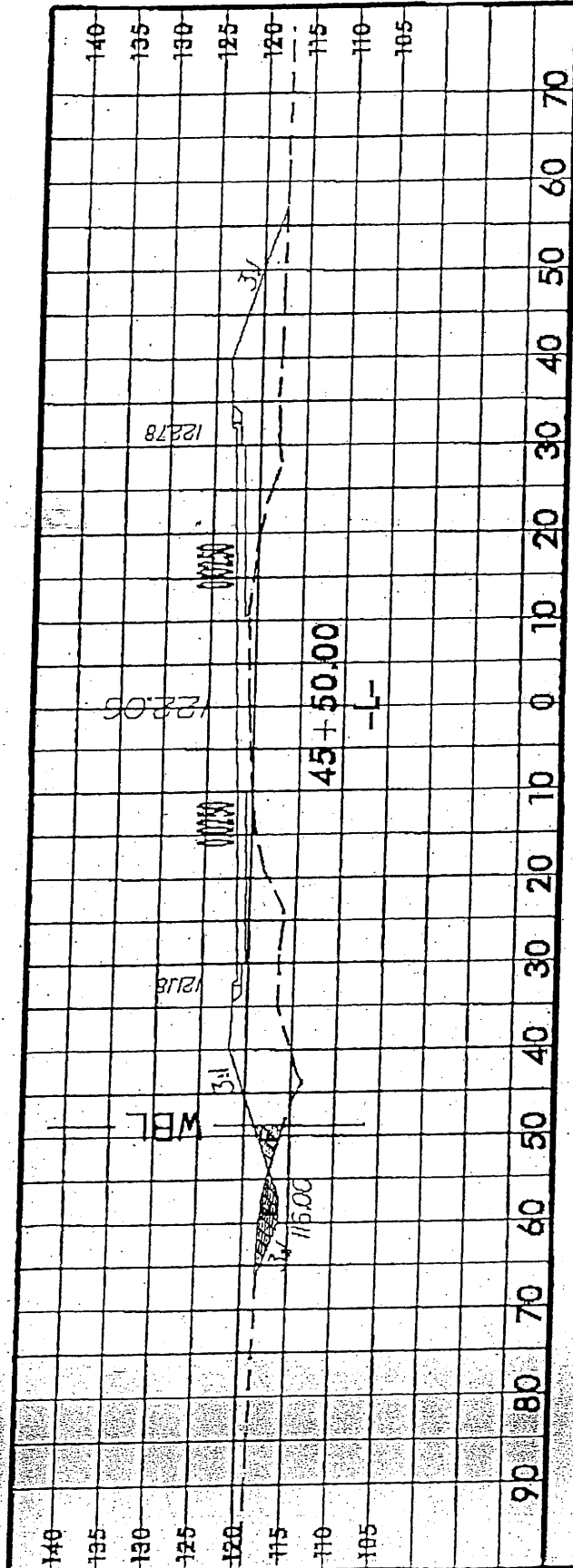
- DENOTES TEMPORARY IMPACTS
- DENOTES PERMANENT FILL IN SURFACE WATER
- DENOTES EXCAVATION IN WETLANDS
- DENOTES PERMANENT FILL IN WETLANDS
- DENOTES MECHANIZED CLEARING IN WETLANDS

D.A. - 1.0 AC.
 O2= 1.9 CFS
 O10= 3.8 CFS
 O100= 0.8 FT.
 V2= 2.0 FPS
 V10= 2.7 FPS
 S0= 0.003 FT./FT.

NOV 10 2005
 RALEIGH REGULATORY FIELD OFFICE

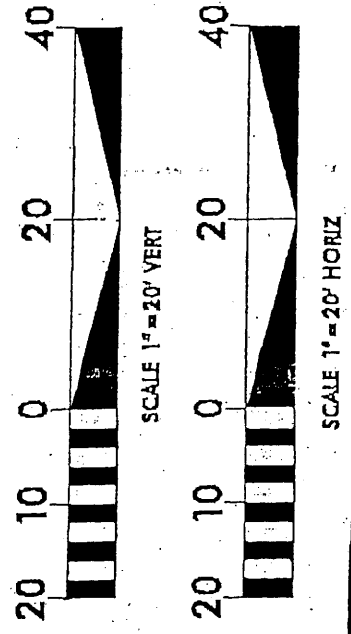


N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WILSON COUNTY
U-3823
SR 1158 (AIRPORT BLVD.) FROM
EAST OF NC 42 TO EAST
OF US 264-A
DATE: JUNE 2005
SHEET 4 OF 15

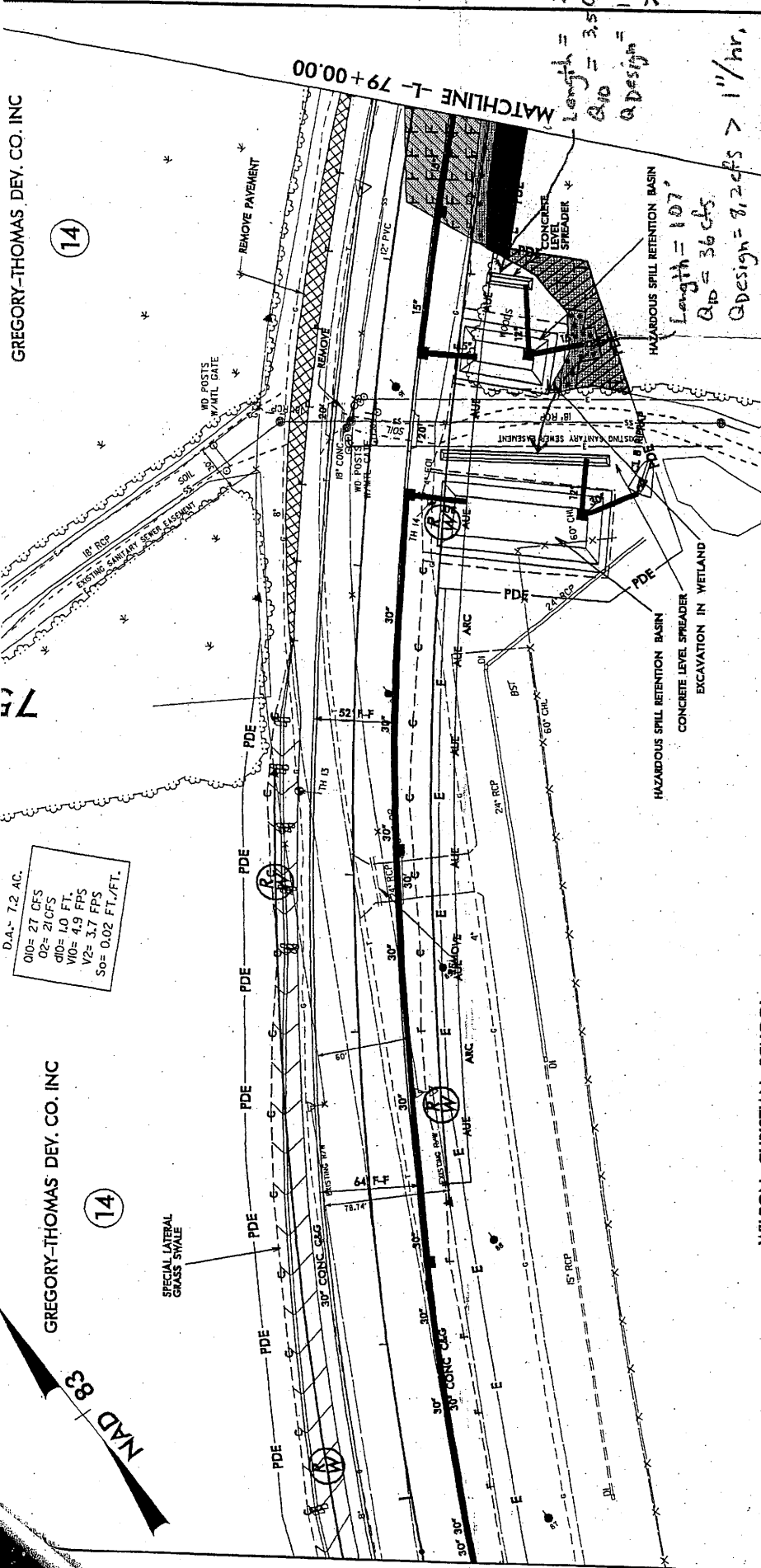


SITE 1
SECTION A-A

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: NOVEMBER 2005
 SHEET 5 OF 15



 DENOTES EXCAVATION
 IN WETLANDS
 DENOTES PERMANENT
 FILL IN WETLANDS



D.A. = 7.2 AC.
 Q10 = 27 CFS
 Q2 = 210 CFS
 Q10 = 10 FT.
 V10 = 4.9 FPS
 V2 = 3.7 FPS
 S0 = 0.02 FT./FT.

GREGORY-THOMAS DEV. CO. INC

14

GREGORY-THOMAS DEV. CO. INC

14

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: SEPTEMBER 2005
 SHEET 6 OF 15

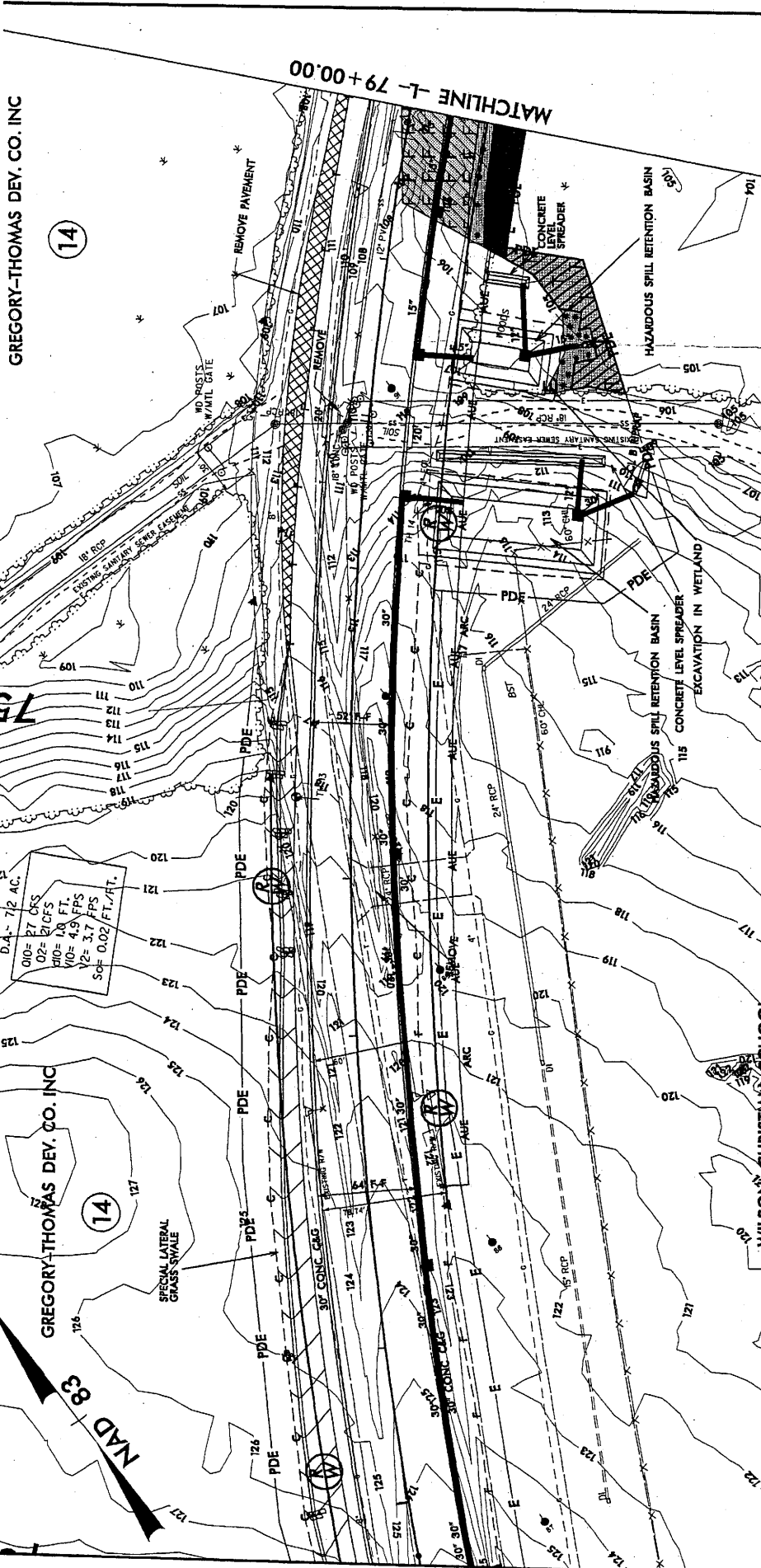
SITE 2
 PLAN VIEW



WILSON CHRISTIAN SCHOOL

13

- DENOTES PERMANENT FILL FOR UTILITIES
- DENOTES TEMPORARY IMPACTS
- DENOTES EXCAVATION IN WETLANDS
- DENOTES PERMANENT FILL IN WETLANDS
- DENOTES MECHANIZED CLEARING IN WETLANDS



GREGORY-THOMAS DEV. CO. INC

14


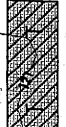

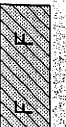

GREGORY-THOMAS DEV. CO. INC

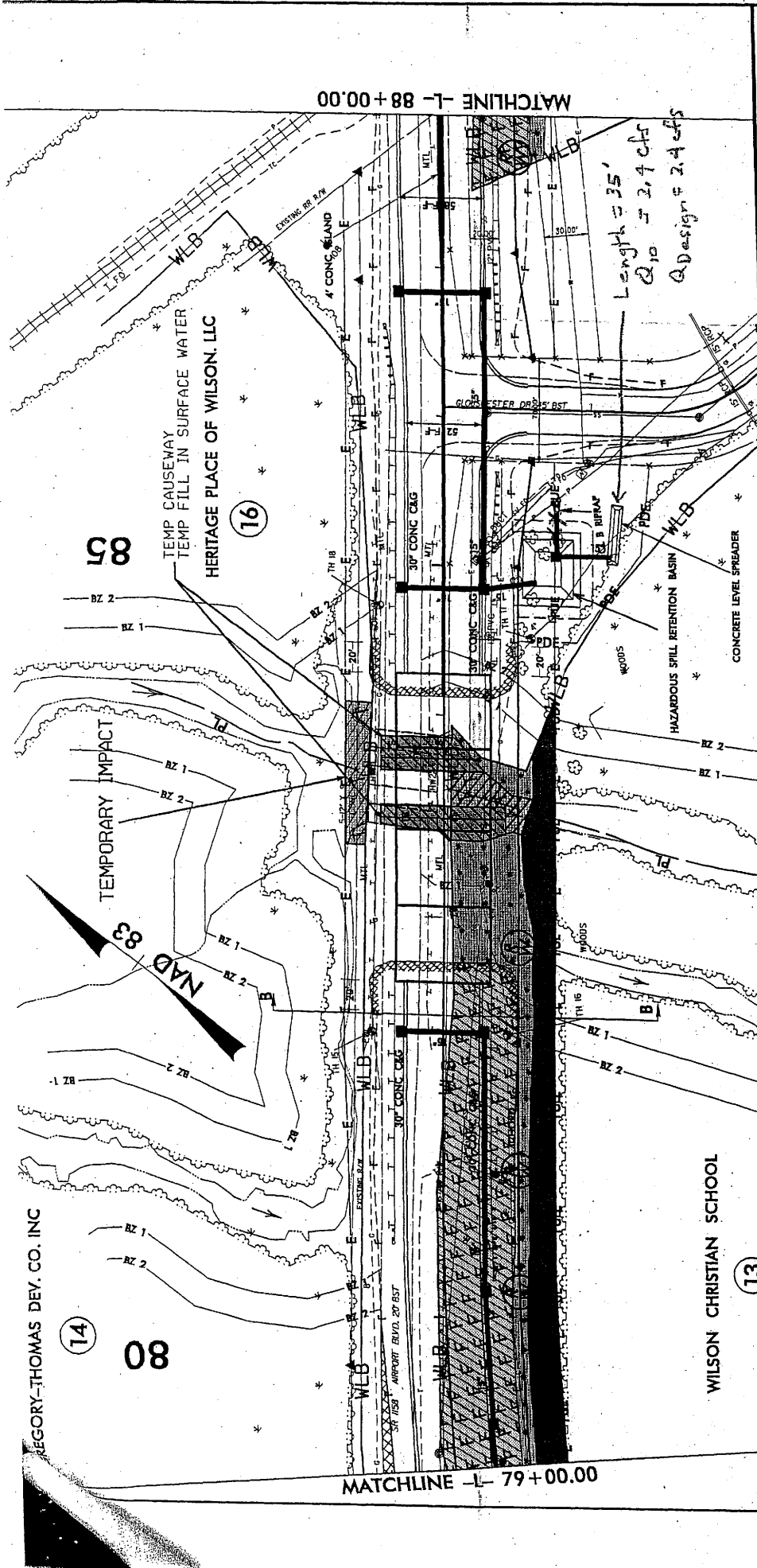
14

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: SEPTEMBER 2005
 SHEET 6 OF 15

**SITE 2
 PLAN VIEW**








-  DENOTES PERMANENT FILL FOR UTILITIES
-  DENOTES TEMPORARY IMPACTS
-  DENOTES EXCAVATION IN WETLANDS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

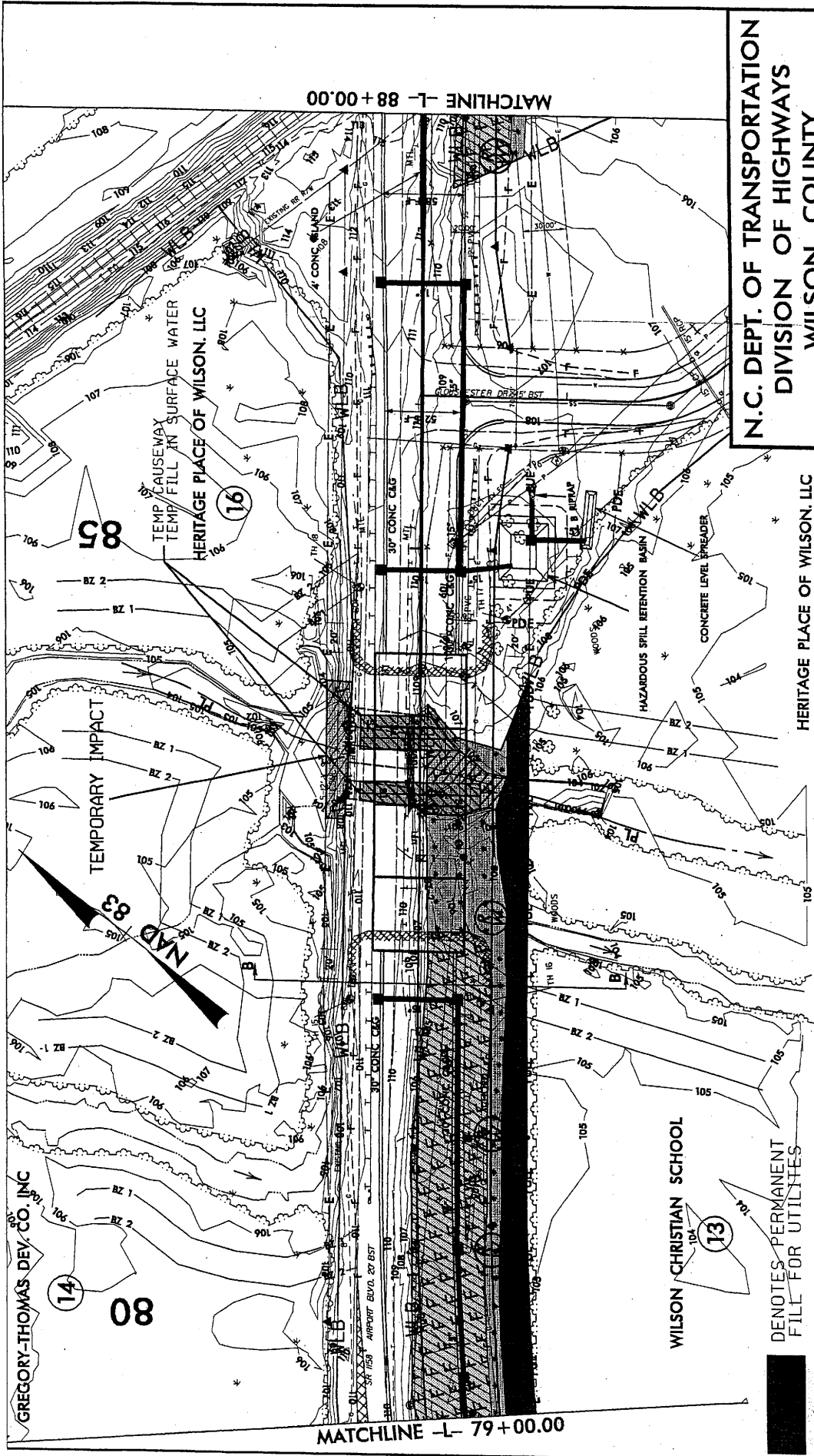


N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: SEPTEMBER 2005
 SHEET 7 OF 15

SITE 2 PLAN VIEW

-  DENOTES PERMANENT FILL FOR UTILITIES
-  DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS










N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264--A
 DATE: SEPTEMBER 2005
 SHEET 7 OF 15

SITE 2 PLAN VIEW

100 50 0 100 200



-  DENOTES PERMANENT FILL FOR UTILITIES
-  DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

HERITAGE PLACE OF WILSON, LLC (15)

WILSON CHRISTIAN SCHOOL (13)

GREGORY-THOMAS DEV. CO. INC (14)

TEMPORARY IMPACT (16)

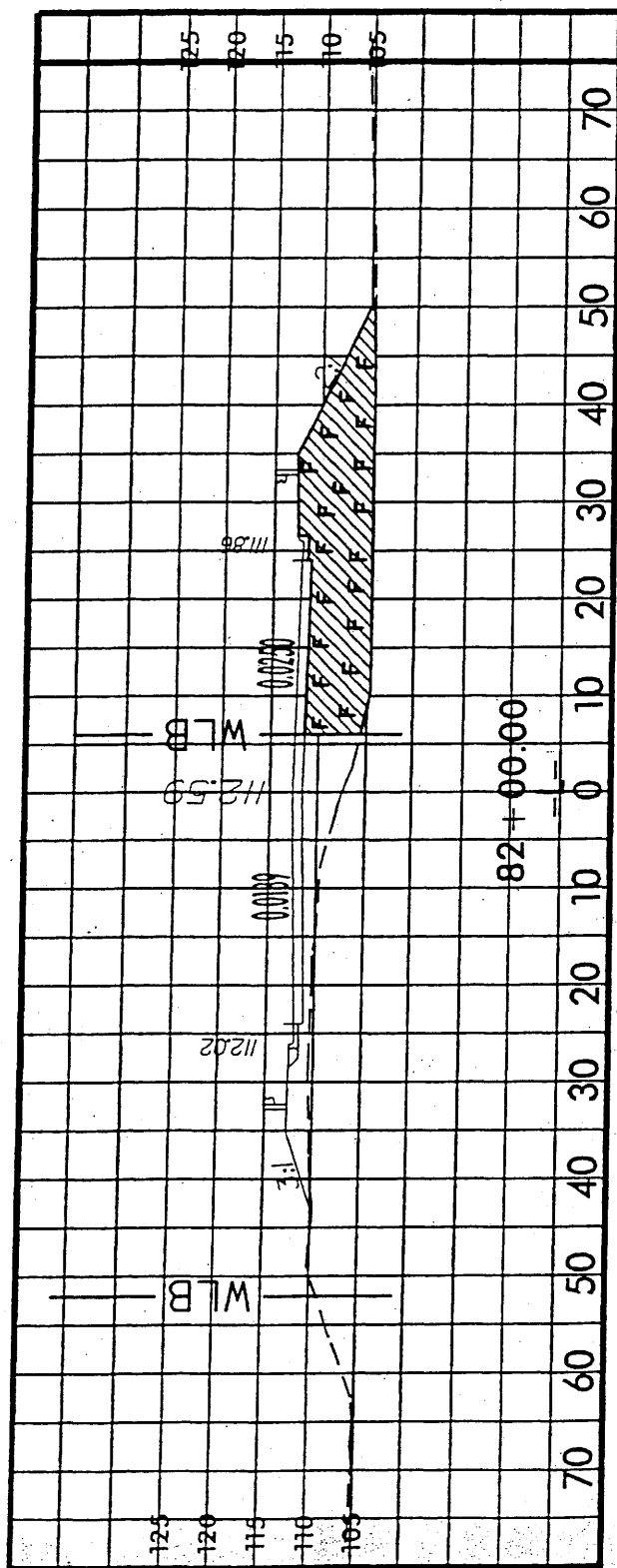
TEMPORARY IMPACT (17)

80

85

MATCHLINE -L- 79+00.00

MATCHLINE -L- 88+00.00



SITE 2 SECTION B-B

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 8 OF 15



SCALE 1" = 20' VERT



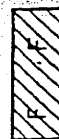
SCALE 1" = 20' HORIZ

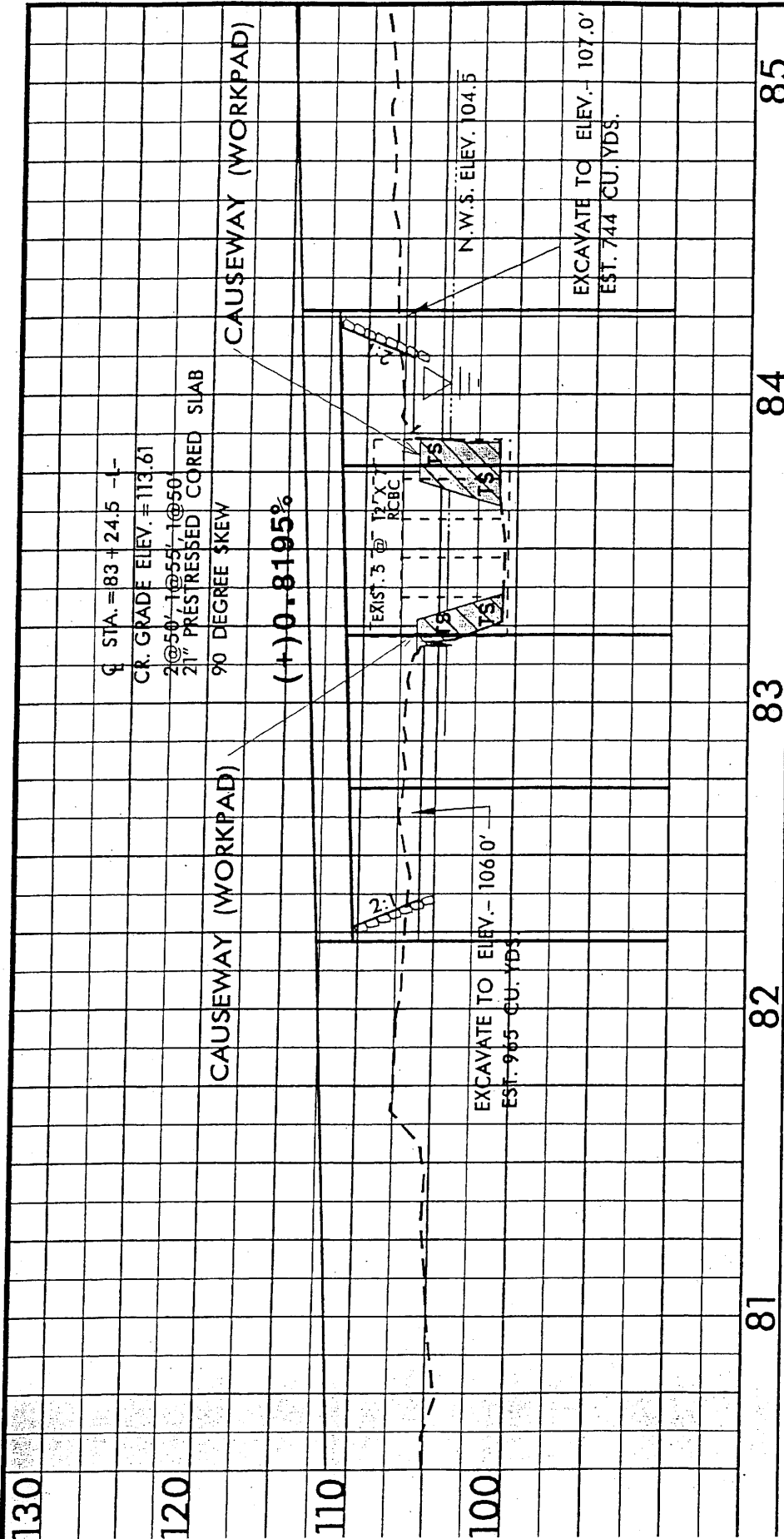
RECEIVED

OCT 25 2005

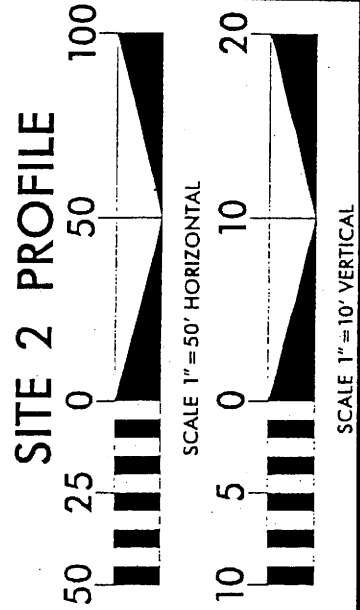
RALEIGH REGULATORY FIELD OFFICE

DENOTES PERMANENT
FILL IN WETLANDS



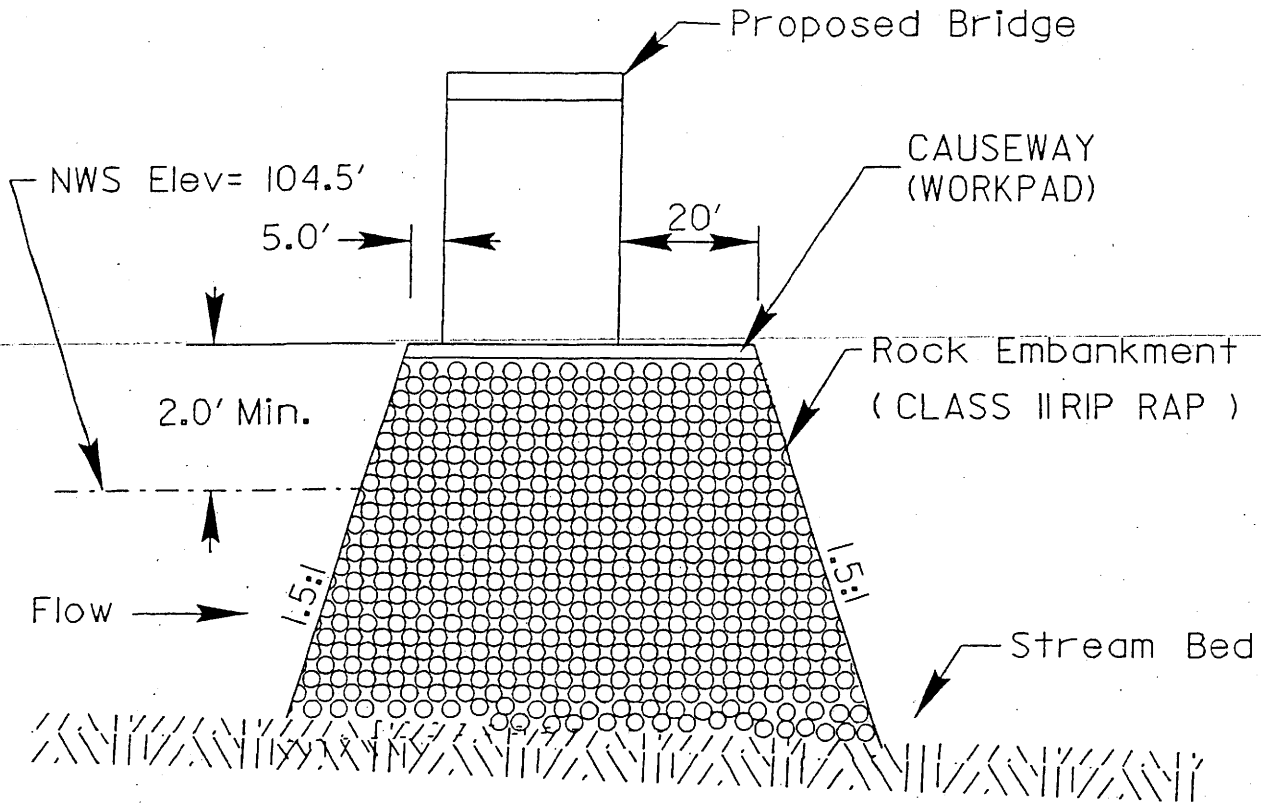


N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 9 OF 15



 DENOTES TEMPORARY FILL
 IN SURFACE WATER

DETAIL OF CAUSEWAY

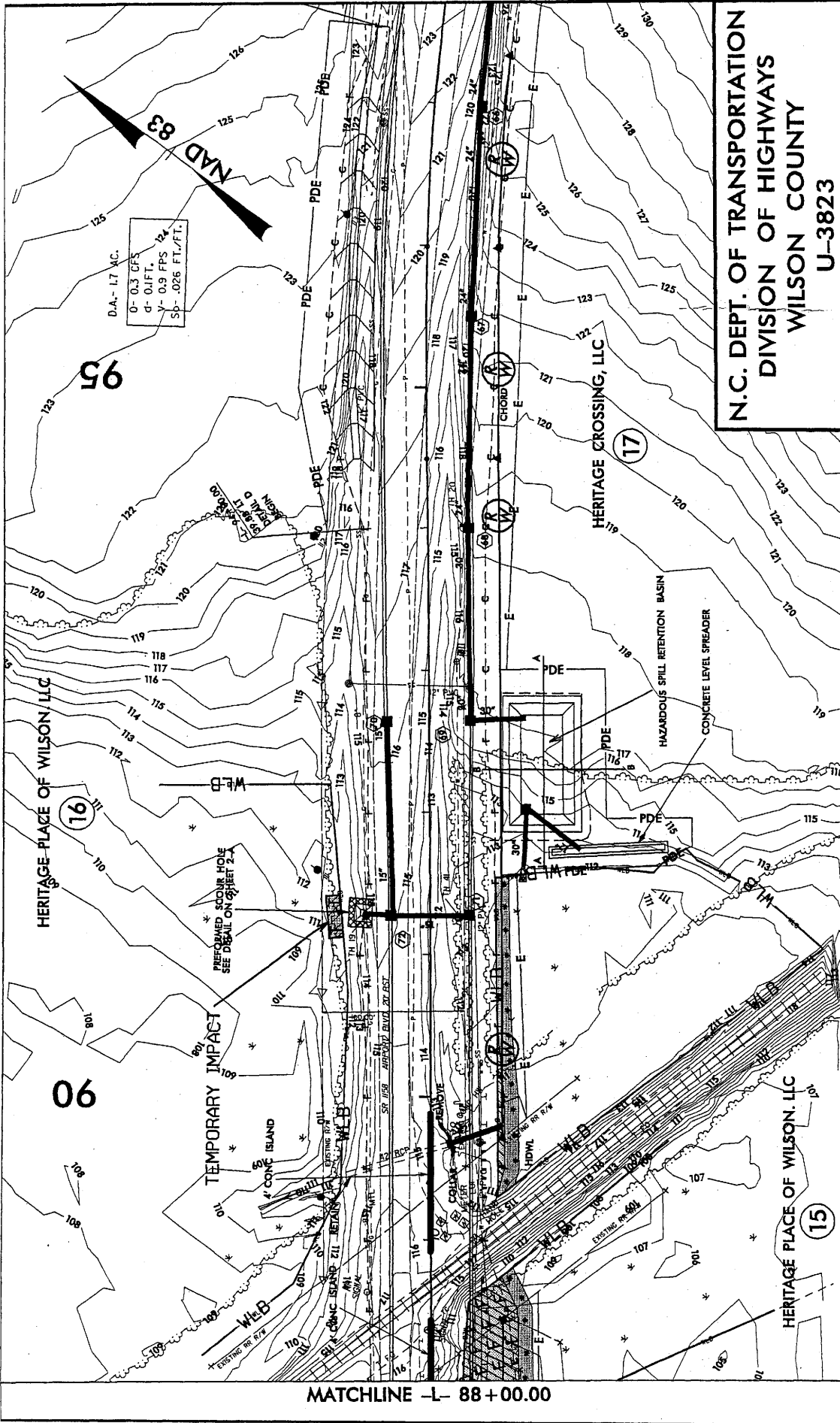


VOLUME OF CLASS II RIP RAP BELOW W.S. = 1300yds³

AREA OF CLASS II RIP RAP = 0.07ac

(NOT TO SCALE)

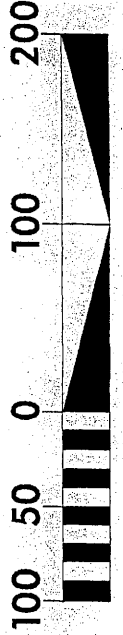
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 10 OF 15



D.A. - 1.7 AC.
 0" = 0.3 CFS
 0" = 0.1 FT.
 1" = 0.9 FPS
 1/8" = 0.026 FT./FT.

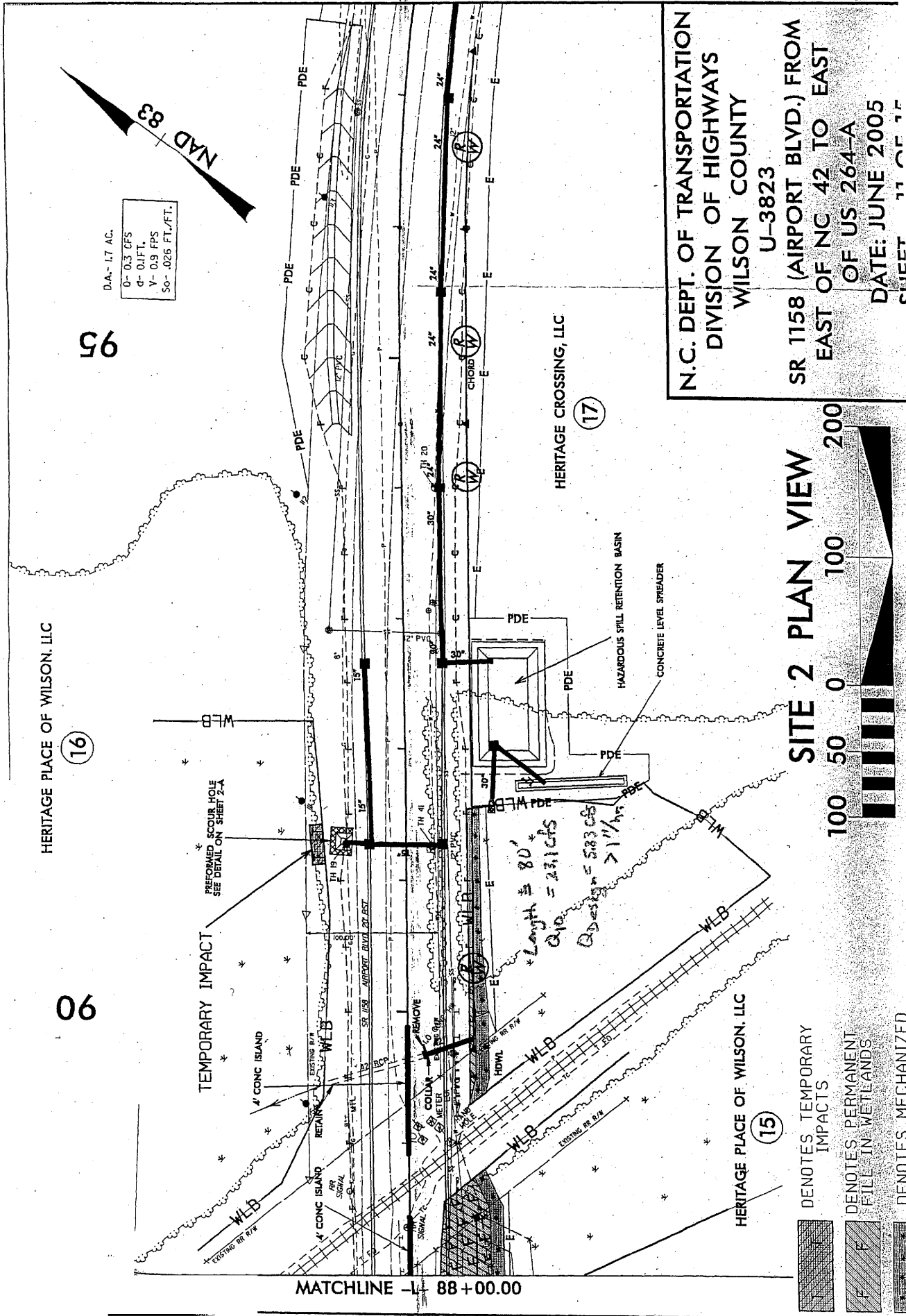
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 11 OF 15

SITE 2 PLAN VIEW



-  DENOTES TEMPORARY IMPACTS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

MATCHLINE -L- 88+00.00



D.A. = 1.7 AC.
 0 = 0.3 CFS
 G = 0.4 FT.
 Y = 0.9 FPS
 S₀ = .026 FT./FT.

95

HERITAGE PLACE OF WILSON, LLC (16)

06

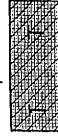

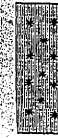
MATCHLINE -L 88+00.00

HERITAGE CROSSING, LLC (17)

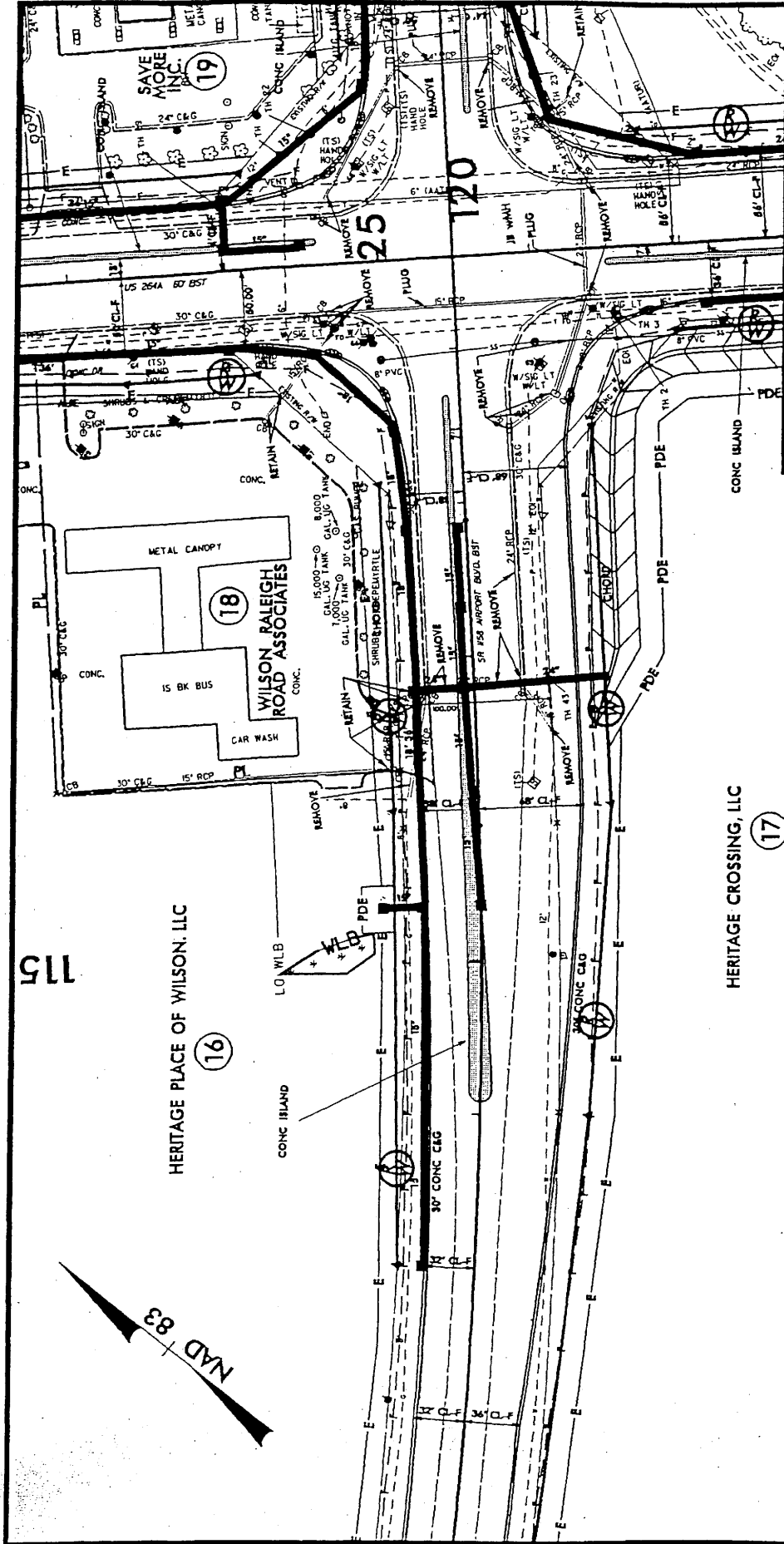
HERITAGE PLACE OF WILSON, LLC (15)

SITE 2 PLAN VIEW

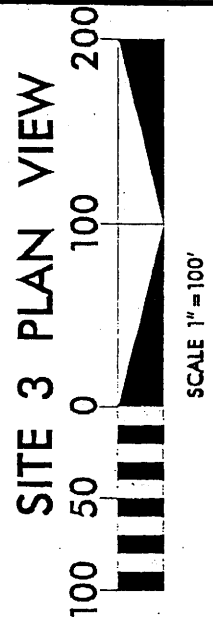


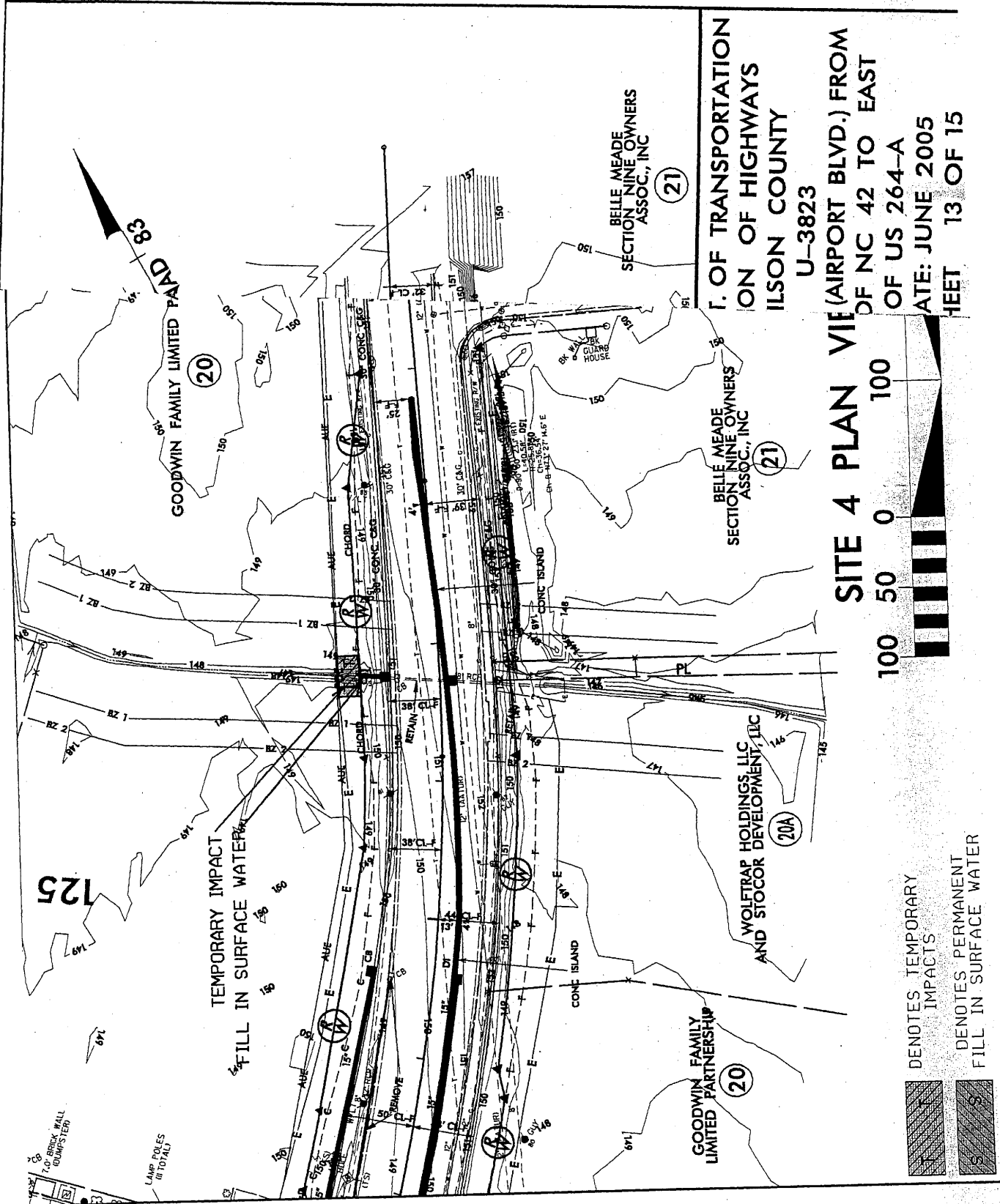
-  DENOTES TEMPORARY IMPACTS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE 2005
 SHEET 11 OF 15

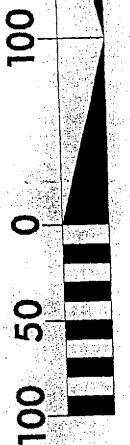


N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: JUNE, 2005
 SHEET 12 OF 15

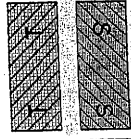




**SITE 4 PLAN VIEW (AIRPORT BLVD.) FROM
DF NC 42 TO EAST
OF US 264-A**
DATE: JUNE 2005
HEET 13 OF 15



DENOTES TEMPORARY
IMPACTS
DENOTES PERMANENT
FILL IN SURFACE WATER



LAMP POLES
IN TOTAL

7.0 BRICK WALL
(QUINCY TYP)

TEMPORARY IMPACT
FILL IN SURFACE WATER

GOODWIN FAMILY
LIMITED PARTNERSHIP (20)

WOLFTRAP HOLDINGS, LLC
AND STOCOR DEVELOPMENT, LLC (20A)

BELLE MEADE
SECTION NINE OWNERS
ASSOC., INC (21)

BELLE MEADE
SECTION NINE OWNERS
ASSOC., INC (21)

GOODWIN FAMILY LIMITED PARTNERSHIP (20)

125

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS			
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Temp. Impacts (ac)	Hand Clearing in Wetlands (ac)	Permanent Fill in SW (ac)	Temp. Fill in SW (ac)	Existing Channel Impacts Permanent (ft)
1	44+95-45+55 -L-	2 @ 60" RCP	0.022	0.027	0.010	0.016		0.028		82	
2	77+25-91+55 -L-	2@50',1@55',1@50' 21" PRESTRESSED CORED SLAB	0.547								
3	114+90-115.20 -L-	O.A.L. 205'		0.118	0.001	0.299			0.066		
4	126+79 -L-	18" RCP		0.010				0.001		7	
TOTALS:			0.569	0.155	0.011	0.314		0.029	0.066	89	

RECEIVED

NOV 10 2005

SITE 2 CONTAINS 0.235 ACRE OF PERMANENT WETLAND IMPACT FOR UTILITY RELOCATION
 SITE 2 CONTAINS 0.06 ACRES OF SHADING

AN ADDITIONAL 0.001 ACRE OF PERMANENT FILL WILL OCCUR AT SITE 2 AS A RESULT OF BRIDGE REGULATION FIELD OFFICE

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: NOVEMBER 2005
 SHEET 14 OF 15

**PROPERTY OWNERS
NAMES AND ADDRESSES**

PARCEL NO.	NAMES	ADDRESSES
3	TEMPIE PIERCE	1906 CAMBRIDGE DR KINSTON NC 28501
6	DAVID R. ELLIS	4270 WILSON CHRISTIAN RD WILSON NC 27893-9287
7	U.T. & MARCIA WILLIAMSON	1744 AIRPORT BLVD W WILSON NC 27893-9283
8	JOHN T PERRY	2405 HORTON BLVD U-3 WILSON NC 27893
9	URAH T. WILLIAMSON, et al	P O BOX 7057 WILSON NC 27895-7057
13	WILSON CHRISTIAN SCHOOL	WILSON NC 27893
14	GREGORY-THOMAS DEV. CO. INC	2408 WINDING CREEK DR SW WILSON NC 27893-8615
15	HERITAGE PLACE OF WILSON. LLC	PO BOX 3299 WILSON NC 27895
16	HERITAGE PLACE OF WILSON. LLC	PO BOX 3299 WILSON NC 27895
17	HERITAGE PLACE OF WILSON LLC	PO BOX 3299 WILSON NC 27895
18	WILSON RALEIGH ROAD ASSOCIATES	PO BOX 31788 RALEIGH NC 27622-1788
19	SAVE MORE INC.	P O BOX 519 SENACA, SC 29679
20	GOODWIN FAMILY LIMITED PARTNERSHIP	3005 FARMINGTON PLACE WILSON NC 27896
20A	WOLFTRAP HOLDINGS, LLC AND STOCOR DEVELOPMENT, LLC	3005 FARMINGTON PLACE WILSON NC 27896
21	BELLE MEADE SECTION NINE OWNERS ASSOC., INC	3005 FARMINGTON PLACE WILSON NC 27896

**N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WILSON COUNTY
U-3823
SR 1158 (AIRPORT BLVD.) FROM
EAST OF NC 42 TO EAST
OF US 264-A
DATE: JUNE 2005
SHEET 15 OF 15**

**DRAFT**

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

June 14, 2007

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

Mr. William Wescott
NCDOT Coordinator

Subject: **Application for the Modification of the Individual Section 404 and 401 permits, and Neuse River Riparian Buffer Authorization for TIP U-3823, the proposed widening of Airport Boulevard (SR 1158) from NC 42 West to US 264 Alternate in Wilson, Wilson County; NCDOT Division 4. Federal Project No. STP-1158(2), State Project No. 8.2341801. Debit \$475 from WBS Element 34981.1.1.**

References:

Section 404 Individual Permit Action ID 200020569
Section 401 Individual Water Quality Certification Project No. 3550
Neuse River Riparian Buffer Certification

Dear Sir:

Please reference previous applications and subsequent permits listed above, along with the attached revised drawings. The NCDOT has completed the "B" section of this project, which extends from US 264 Alternate to 0.4 mile south on Airport Boulevard (SR 1158). The "A" section extends from approximately 0.4 miles south of the intersection with Airport Boulevard, to NC 42.

Since the previous permit, in which both sections were permitted, there has been a design change for the project. The previous permit granted impacts to Waters of the US to four sites. Sites 3 and 4 are located in the "B" section, which has been constructed. Sites 1 and 2 remain in the "A" section and contain changes from the previous permitted impacts as described below:

Site 1 (44+95-45+55-L-)

There are NO changes to the amount of impacts for this site, however, the permit drawings have been clarified from "temporary impact in wetlands" to "temporary fill in wetlands".

DRAFT

Site 2 (77+25-91+55 -L-)

Due to a re-evaluation of the construction and phasing methods for the removal of the box culvert and replacement with a bridge, along with the relocation of utility and railroad signal control boxes, an increase to wetland impacts has occurred at this site.

NCDOT continues to propose to remove the 12' x 9' pentuple barrel culvert, and replace it with a 4-span, 205-foot cored slab bridge carrying Bloomery Swamp. However, to allow for a cleaner and expedited removal of the existing box culvert, NCDOT will remove the entire culvert at one time. To accommodate this removal, the total permanent impacts to wetlands have increased as shown in Table 1 below, and in the attached drawings.

These proposed activities have also increased the impacts to the Neuse River Riparian Buffer as summarized in Table 2 below, and shown in the attached drawings. These proposed buffer impacts are considered allowable due to bridging.

Table 1: Summary of Changes to Wetland Impacts at Site 2

	Permanent Fill in Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Temp Fill in Wetlands (ac)	Temp Fill in Surface Water (workpad) (ac)
Previously Permitted Impacts	0.547	0.001	0.299	0.118	0.066
Requested Modification	0.585	0.032	0.268	0.132	0.175
Difference	+0.038	+0.031	-0.031	+0.014	+0.109

Table 2: Summary of Changes to Buffer Impacts at Site 2

	Zone 1 Impacts (sq. ft.)	Zone 2 Impacts (sq. ft.)
Previously Permitted Impacts	7,871	5,029
Requested Modification	8,535	5,525
Difference	+664	+496

Summary of Mitigation:

The North Carolina Ecosystem Enhancement Program (NCEEP) has previously provided 0.903 acre of mitigation for the proposed project under the previous permit. The permanent wetland impact for this project now totals 0.933 acre. NCDOT proposes to offset the additional 0.03 acre of additional impact for this project by using excess mitigation assets from a nearby NCDOT mitigation site within the same hydraulic unit code (03030203).

The Wiggins Mill Mitigation Site is located in Wilson County, south of the Wiggins Mill Reservoir and southwest of the City of Wilson. It encompasses approximately 89 acres. The site grading was completed in October 2000 and planted in March 2001. Copies of the

mitigation plan have been previously forwarded to the resource agencies. Additional copies of this mitigation plan will be provided upon request.

The site includes 84 acres of riverine wetland restoration, 5.3 acres of riverine wetland enhancement, 7,020 linear feet of stream restoration, and 11.31 acres of buffer restoration. It initially served as mitigation for U-3472 and R-1023 and has since been debited for R-1023AB & B. To offset 0.03 acre of unavoidable impacts to riverine wetlands for this project the site will be debited 0.06 acre of riverine wetland restoration. These debits are reflected in table 3 below.

Table 3: Wiggins Mill Mitigation Debit Ledger w/ Residual Assets

Mitigation Type	Original Mitigation	Debit for TIP R-1023	Debit for TIP U-3472	Debit for TIP R-1023 AB & B	Debit for TIP U-3823A	Remaining Residual Assets
Riverine Wetland Restoration (acres)	84	70.6	0.44		0.06	12.9
Riverine Wetland Enhancement (acres)	5.3					5.3
Buffer (acres)	11.31		4.75			6.56
Stream Restoration (feet)	7,020	2,380	1,109	2,284		1,247

REGULATORY APPROVALS

A modification is hereby requested for the Department of the Army for a Section 404 Individual Permit (reference action ID 200020569), a modification to the Section 401 Individual Water Quality Certification (reference certification no. 3550), and a modification to the Neuse River Buffer Certification (reference certification no. 3550), for the above described activities. In compliance with Section 143-215.3D(e) of the NCAC, we will provide \$475.00 to act as payment for processing the Section 401 permit application previously noted in this application (debit WBS element 34981.1.1). We are providing five copies of this application to the North Carolina Department of Environment and Natural Resources, Division of Water Quality.

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Mr. Michael Turchy at maturchy@dot.state.nc.us or (919) 715-1468. A copy of this application will also be posted at <http://www.ncdot.org/doh/preconstruct/pe/neu/Permit.html>.

Sincerely,



Gregory J. Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch

W/attachment

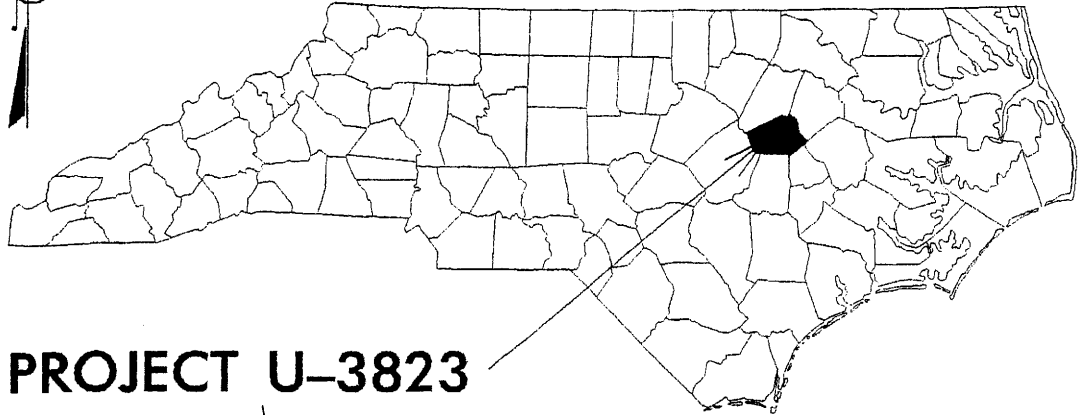
- Mr. John Hennessy, NCDWQ (5 Copies)
- Mr. Travis Wilson, NCWRC
- Ms. Kathy Matthews, USEPA
- Mr. Ronald Mikulak, USEPA – Atlanta, GA
- Mr. Clarence W. Coleman, P.E., FHWA
- Mr. Gary Jordan, USFWS
- Mr. Michael Street, NCDMF
- Mr. Ron Sechler, NMFS
- Dr. David Chang, P.E., Hydraulics
- Mr. Greg Perfetti, P.E., Structure Design
- Mr. Victor Barbour, P.E., Project Services Unit
- Mr. Mark Staley, Roadside Environmental
- Mr. Richard E. Greene, P.E. Div. 4 Engineer
- Mr. Jamie Guerrero, Div. 4 Environmental Officer

W/o attachment

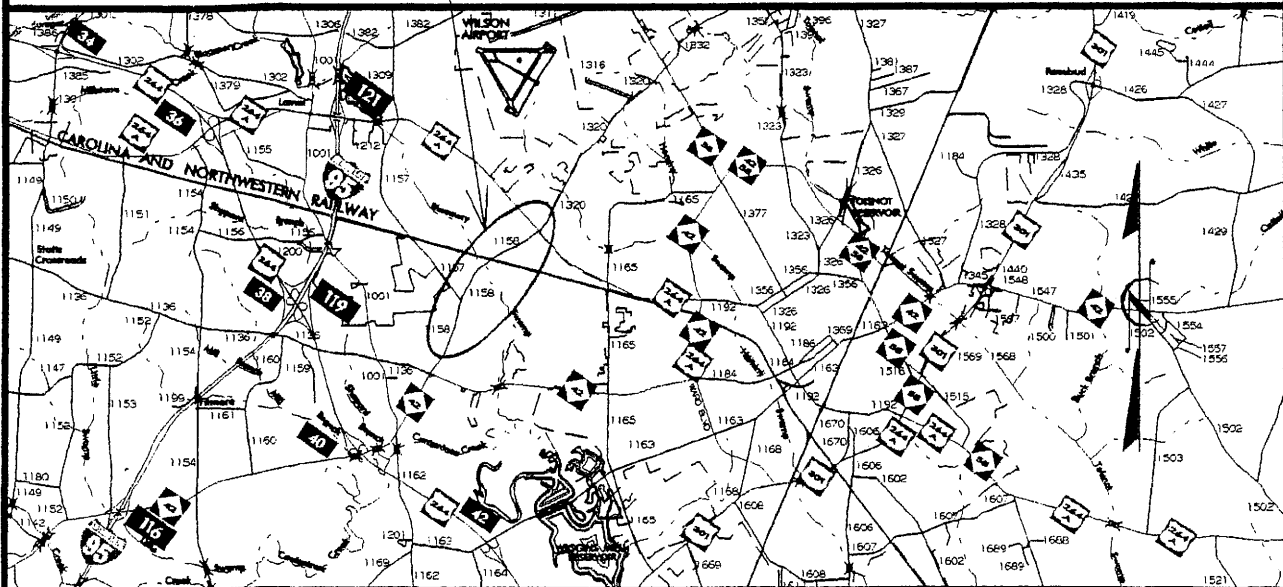
- Mr. Scott McLendon, USACE, Wilmington
- Mr. Jay Bennett, P.E., Roadway Design
- Mr. Majed Alghandour, P. E., Programming and TIP
- Mr. Art McMillan, P.E., Highway Design
- Ms. Beth Harmon, EEP
- Mr. Todd Jones, NCDOT External Audit Branch
- Ms. Beth Smyre, PDEA
- Mr. Carl Goode, PE, Human Environment Unit

WETLAND DRAWINGS

NORTH CAROLINA

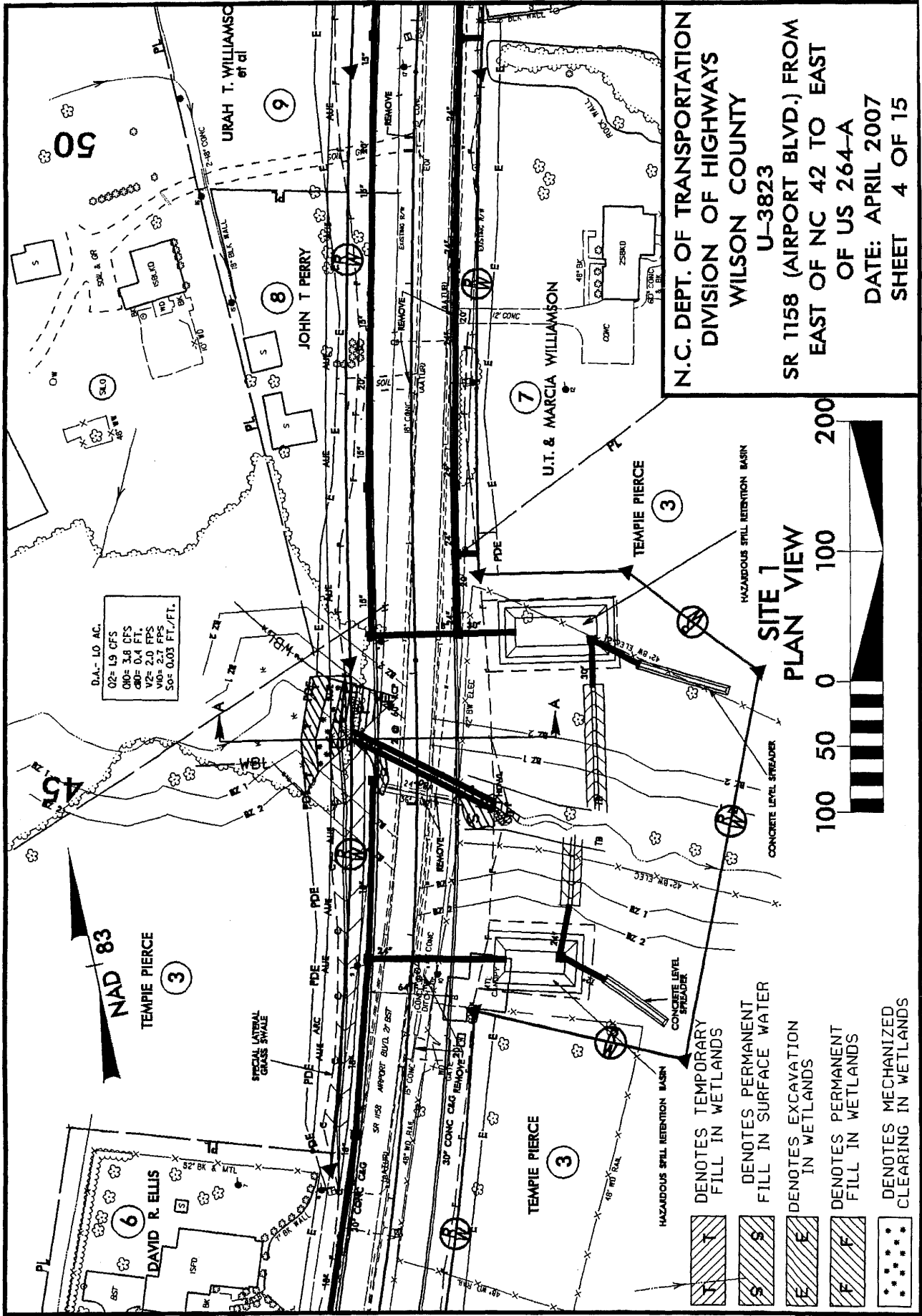


PROJECT U-3823



VICINITY MAP

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WILSON COUNTY
U-3823
SR 1158 (AIRPORT BLVD.) FROM
EAST OF NC 42 TO EAST
OF US 264-A
DATE: APRIL 2007
SHEET 1 OF 15



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: APRIL 2007
 SHEET 4 OF 15

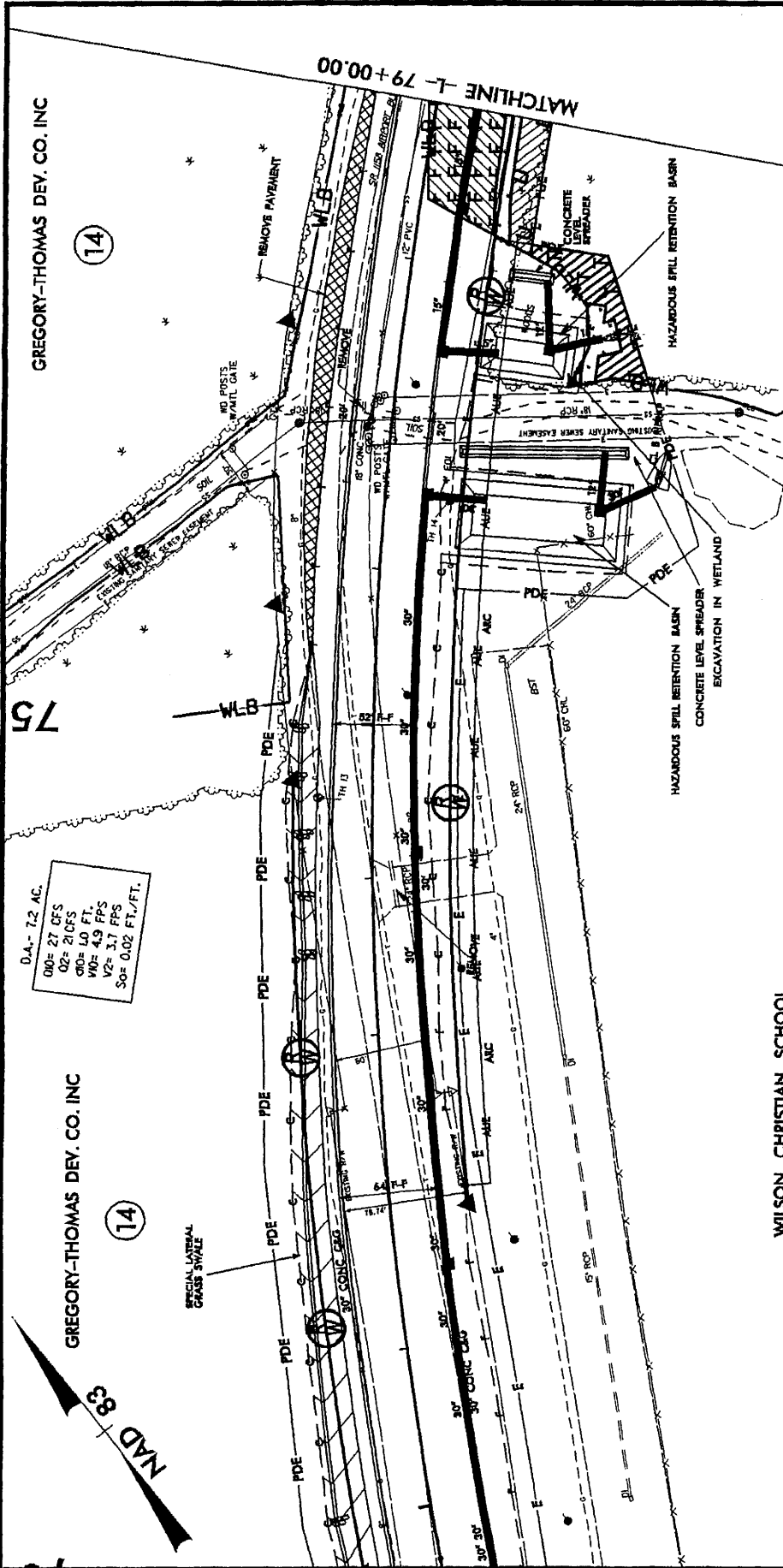
**SITE 1
 PLAN VIEW**



- DENOTES TEMPORARY FILL IN WETLANDS
- DENOTES PERMANENT FILL IN SURFACE WATER
- DENOTES EXCAVATION IN WETLANDS
- DENOTES PERMANENT FILL IN WETLANDS
- DENOTES MECHANIZED CLEARING IN WETLANDS

D.A. - 10 AC.
 Q2= 19 CFS
 Q10= 3.8 CFS
 Q50= 0.4 FT.
 V2= 2.0 FPS
 V10= 2.7 FPS
 S0= 0.03 FT./FT.

NAD 83
 TEMPIE PIERCE








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 WILSON COUNTY
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 DATE: APRIL 2007
 SHEET 6 OF 15

D.A. - 7.2 AC.
 Q00= 27 CFS
 Q2= 21 CFS
 Q00= 1.0 FT.
 V0= 4.9 FPS
 V2= 3.7 FPS
 S0= 0.02 FT./FT.

SITE 2
PLAN VIEW



-  DENOTES PERMANENT FILL FOR UTILITIES
-  DENOTES TEMPORARY FILL IN WETLANDS
-  DENOTES EXCAVATION IN WETLANDS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

WILSON CHRISTIAN SCHOOL

GREGORY-THOMAS DEV. CO. INC

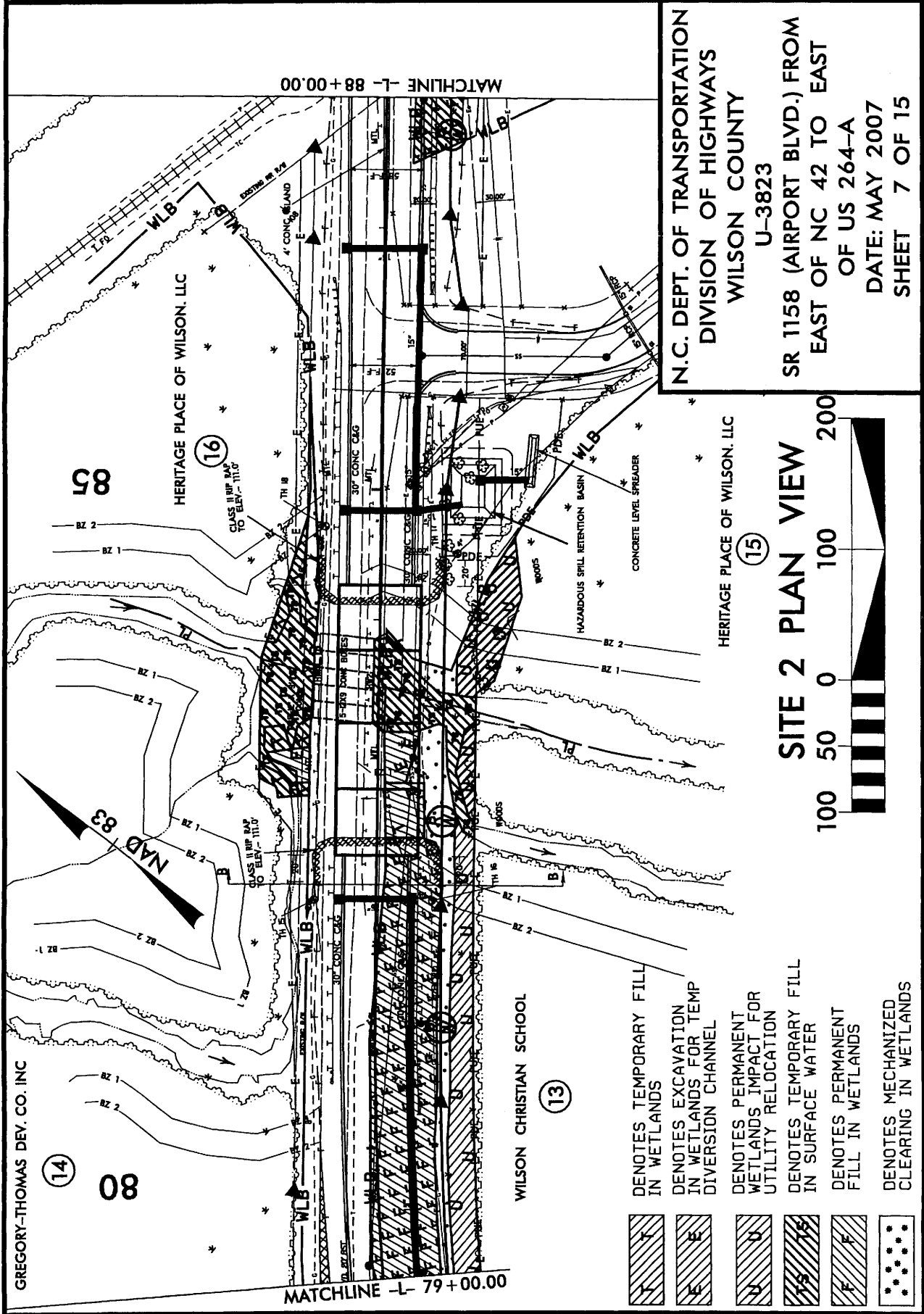
14

GREGORY-THOMAS DEV. CO. INC

14

NAD 83

MATCHLINE L-79+00.00



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
 EAST OF NC 42 TO EAST
 OF US 264-A
 DATE: MAY 2007
 SHEET 7 OF 15



- DENOTES TEMPORARY FILL IN WETLANDS
- DENOTES EXCAVATION IN WETLANDS FOR TEMP DIVERSION CHANNEL
- DENOTES PERMANENT WETLANDS IMPACT FOR UTILITY RELOCATION
- DENOTES TEMPORARY FILL IN SURFACE WATER
- DENOTES PERMANENT FILL IN WETLANDS
- DENOTES MECHANIZED CLEARING IN WETLANDS

GREGORY-THOMAS DEV. CO. INC

14

88

HERITAGE PLACE OF WILSON, LLC

16

WILSON CHRISTIAN SCHOOL

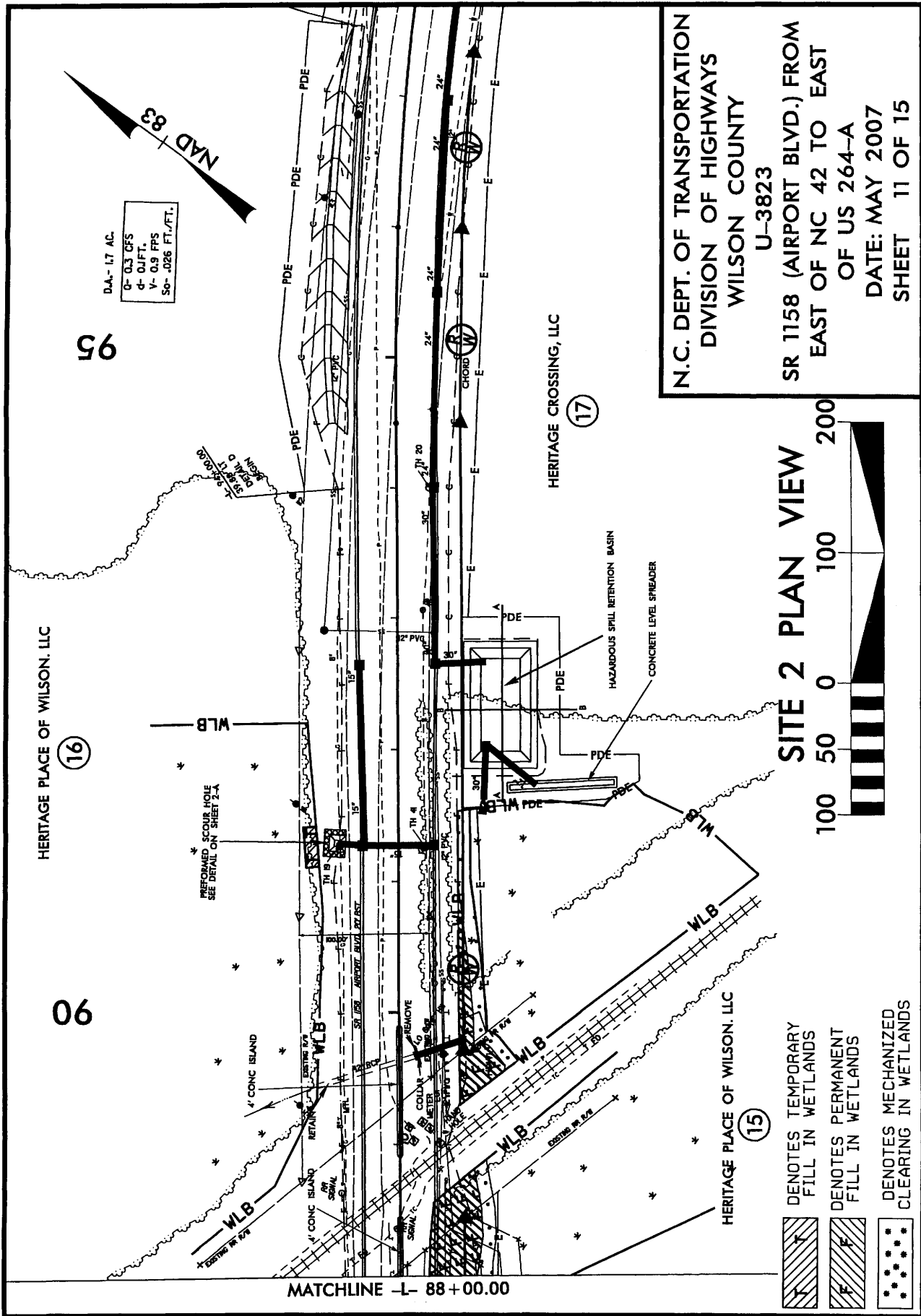
13

HERITAGE PLACE OF WILSON, LLC

15

MATCHLINE -L- 79+00.00

MATCHLINE -L- 88+00.00



DA- 1.7 AC.
 Q- 0.3 CFS
 G- 0.1 FT.
 V- 0.9 FPS
 S0- .026 FT./FT.

95

HERITAGE PLACE OF WILSON, LLC

(16)

96

PERFORMED SCOUR HOLE
 SEE DETAIL ON SHEET 2-A

4' CONC ISLAND
 4' CONC ISLAND
 4' CONC ISLAND

MATCHLINE -L- 88 + 00.00

HERITAGE CROSSING, LLC

(17)

N.C. DEPT. OF TRANSPORTATION
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 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
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 DATE: MAY 2007
 SHEET 11 OF 15

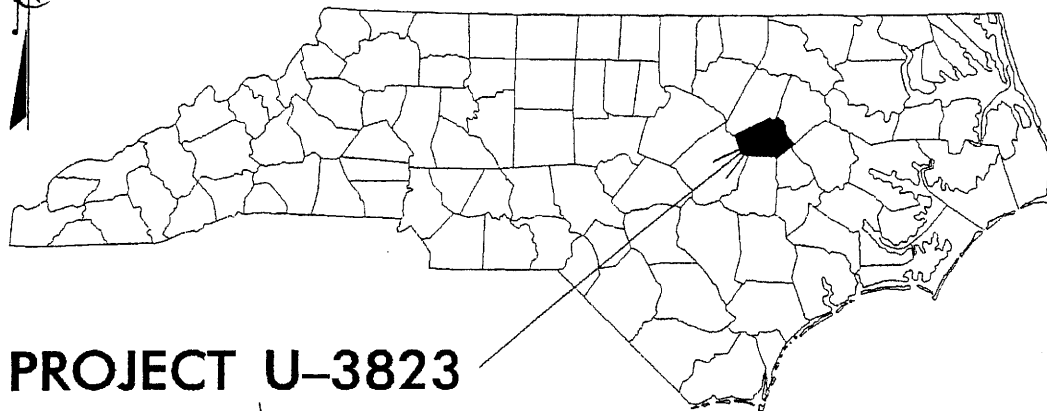
SITE 2 PLAN VIEW



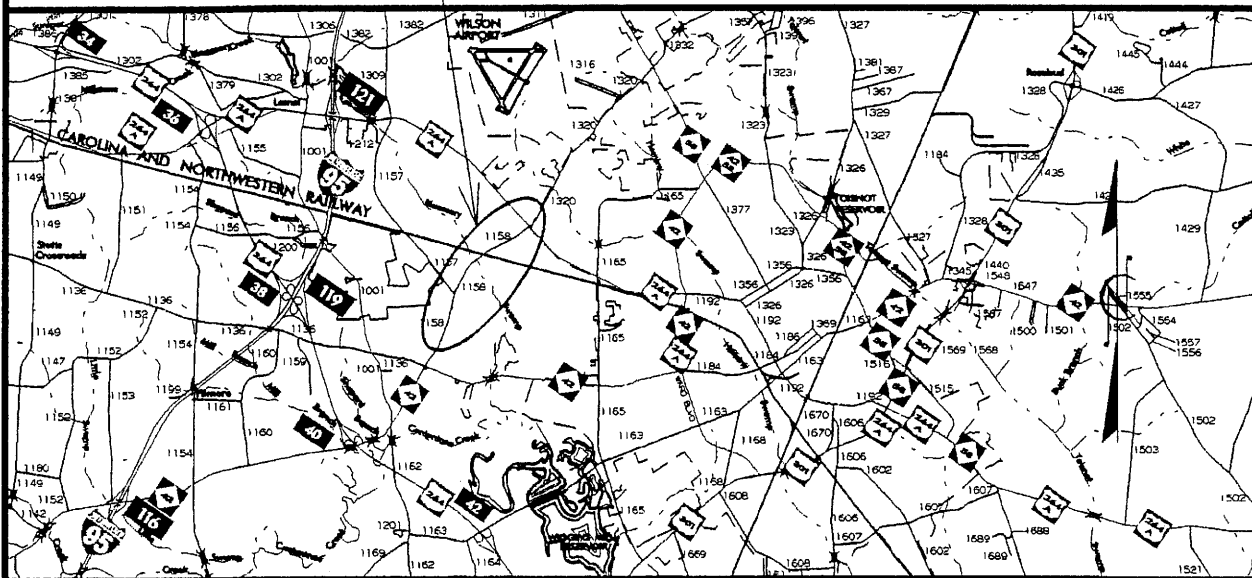
-  DENOTES TEMPORARY FILL IN WETLANDS
-  DENOTES PERMANENT FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

BUFFER DRAWINGS

NORTH CAROLINA

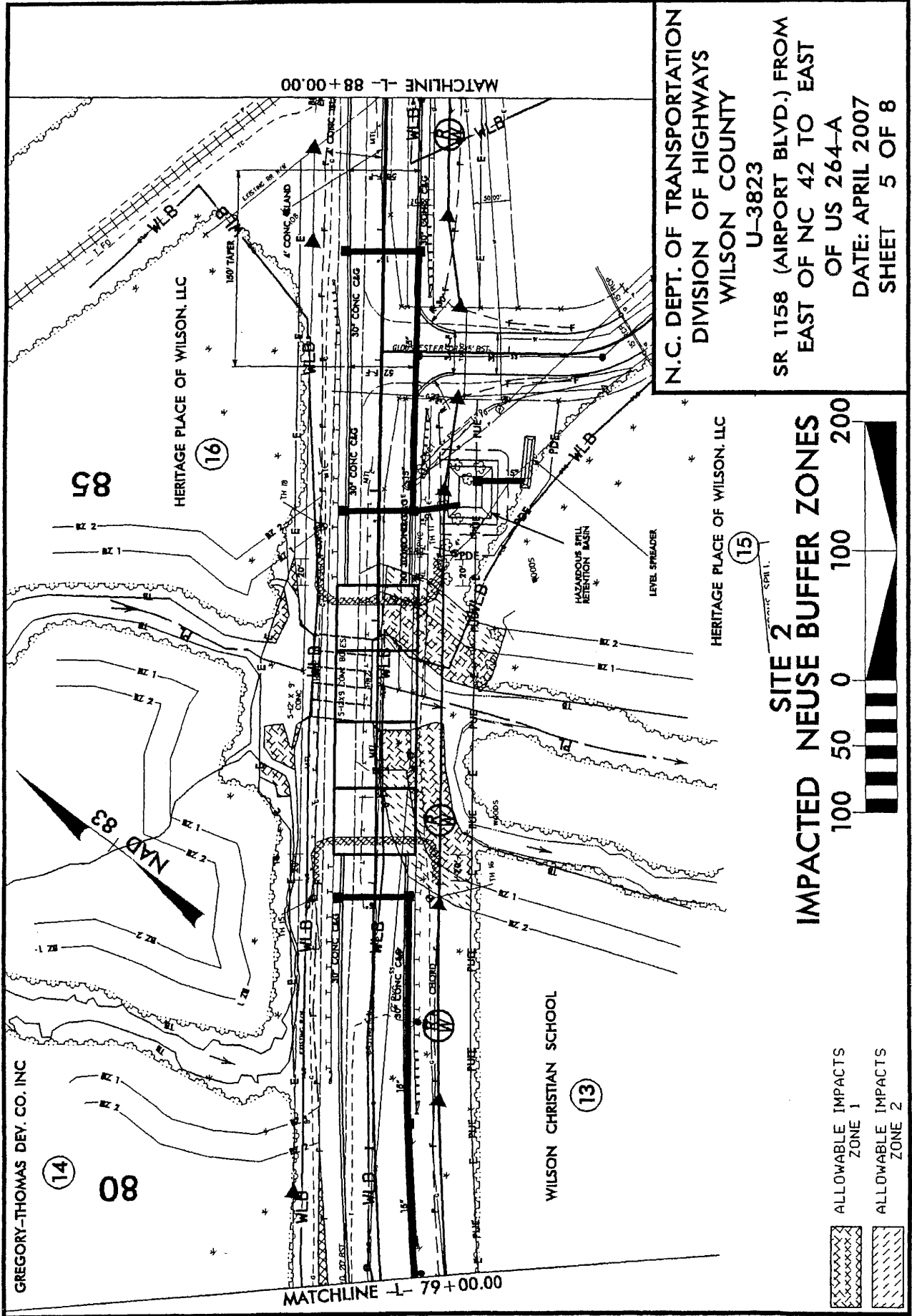


PROJECT U-3823



VICINITY MAP

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
WILSON COUNTY
U-3823
SR 1158 (AIRPORT BLVD.) FROM
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SHEET 1 OF 8



N.C. DEPT. OF TRANSPORTATION
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 WILSON COUNTY
 U-3823
 SR 1158 (AIRPORT BLVD.) FROM
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 DATE: APRIL 2007
 SHEET 5 OF 8

SITE 2
IMPACTED NEUSE BUFFER ZONES

ALLOWABLE IMPACTS
 ZONE 1
 ALLOWABLE IMPACTS
 ZONE 2



GREGORY-THOMAS DEV. CO. INC

14

08

NAD 83

85

HERITAGE PLACE OF WILSON, LLC

16

WILSON CHRISTIAN SCHOOL

13

HERITAGE PLACE OF WILSON, LLC

15

MATCHLINE -L- 79 + 00.00

MATCHLINE -L- 88 + 00.00

BUFFER IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size/Type	TYPE		IMPACT			MITIGABLE			BUFFER REPLACEMENT	
			ROAD CROSSING	PARALLEL IMPACT	ALLOWABLE		TOTAL (SF)	ZONE1 (SF)	ZONE2 (SF)	TOTAL (SF)	ZONE1 (SF)	ZONE2 (SF)
					ZONE1 (SF)	ZONE2 (SF)						
1	44+95-45+55 -L-	2 @ 60" RCP	X				0	11533	7641	19174		
2	77+25-91+55 -L-	2@50', 1@55', 1@50' 21" PRESTRESSED CORED SLAB O.A.L. 205'	X		8535	5525	14060					
4	126+79 -L-	18" RCP	X		4968	3261	8229					
TOTALS:					13503	8786	22289	11533	7641	19174	0	0

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