



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

June 30, 2020

MEMORANDUM TO: Mr. Greg Burns, P.E.  
Division 6 Engineer

DocuSigned by:  
*Mack C. Rivenbark III*  
AAAD1248B309416...

FROM: for Philip S. Harris, III, P.E., Manager  
Environmental Analysis Unit

SUBJECT: Columbus County; US 701 Bypass from South of SR 1166 (Pleasant Plains Road) to North of US 74-76 Bypass in Whiteville; WBS 41499.1.1; Federal Aid Project No. NHS-701(15); **TIP R-5020B**

Attached are the U.S. Army Corps of Engineers Individual Permit and N.C. Division of Water Resources (NCDWR) Individual Water Quality Certification. All environmental permits have been received for the construction of R-5020B.

A copy of this permit package will be posted on the NCDOT website at:  
<https://xfer.services.ncdot.gov/pdea/PermIssued/>

cc: w/o attachment (see website for attachments)

Mr. Ron Davenport, P.E. State Contract Officer  
Mr. Greg Price, Division Environmental Officer  
Dr. Majed Al-Ghandour, P.E., Programming and TIP  
Mr. Byron Sanders, Jr., P.E., Utilities  
Mr. Stephen Morgan, P.E., Hydraulics  
Mr. Brian Hanks, P.E., Structures Management  
Mr. Mark Staley, Roadside Environmental  
Mr. Lamar Sylvester, P.E., State Construction Engineer  
Mrs. Beth Harmon, NCDMS

# PROJECT COMMITMENTS

T.I.P Project No. R-5020  
US 701 Bypass  
From South of SR 1166 (Pleasant Plains Road)  
to North of US 74-76 Bypass in Whiteville  
Columbus County  
Federal Aid Project No. NHS-701(15)  
WBS Element 41499.1.1

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

### **Environmental Analysis Unit / Roadside Environmental Unit**

A landscape plan for the portion of the National Register-eligible Beth Israel/Whiteville Hebrew Center property along US 701 Bypass will be created and implemented in coordination with the property owner.

### **Roadway Design Unit / Division 6 Construction**

A temporary construction easement will be required from Leder Park, which is a property protected by Section 4(f) of the USDOT Act of 1966. Orange construction fencing will be placed at the proposed right of way and temporary construction easement lines at the park. Construction equipment will not be allowed onto park property outside of the temporary easement. The land within the temporary construction easement from the park will be fully restored to at least as good a condition as it existed prior to construction of the project.

NCDOT has, and will continue to, coordinate with emergency service providers to ensure appropriate emergency vehicle access is maintained in the project area both during and following construction.

### **Hydraulics Unit**

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), the delegated state agency for administering FEMA's National Flood Insurance Program, to determine the status of the project with regard to applicability of NCDOT's Memorandum of Agreement with FMP (dated April 22, 2013), or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

### **Division 6 Construction**

This project involves construction activities on or adjacent to FEMA-regulated streams. Therefore, NCDOT Division 6 shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying the drainage structure(s) and roadway embankment located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

### **Roadway Design Unit / Division 6 Construction**

Pedestrian and bicycle accommodations are proposed to be constructed as part of this project. Existing sidewalks along US 701 Bypass disturbed by project construction will be replaced with new five-foot-wide sidewalks and new sidewalks can be provided in areas where none currently exist if the City of Whiteville will agree to participate in the construction cost and accept maintenance and liability for the new sidewalks. Either sidewalks and pedestrian safe rails or extra width to accommodate future sidewalks will be provided on the outside of the new bridges constructed as part of the project, depending on whether or not the City agrees to participate in the cost of sidewalks adjacent to the bridges. This additional bridge width or sidewalk will be provided at no cost to the city. The preliminary design includes 14-foot-wide outside lanes to accommodate bicycles.

## **COMMITMENTS FROM PERMITTING**

### **Environmental Analysis Unit / Division 6 Construction**

404 Special Condition#1. Phased Projects: This permit only authorizes work on Section **R-5020 B** of TIP R-5020. Construction on Section R-5020 A of TIP R-5020 shall not commence until: (a) final design has been completed for those sections and submitted to the U.S. Army Corps of Engineers (Corps); (b) the Permittee has minimized impacts to waters and wetlands to the maximum extent practicable and the Corps concurs with this assessment through standard Merger 4B and 4C meetings; (c) any modification to the plans have been approved by the Corps in writing; and (d) a final compensatory mitigation plan has been submitted by the Permittee and approved by the Corps.



**DEPARTMENT OF THE ARMY**  
**WILMINGTON DISTRICT, CORPS OF ENGINEERS**  
**69 DARLINGTON AVENUE**  
**WILMINGTON, NORTH CAROLINA 28403-1343**

June 30, 2020

Regulatory Division

Action ID. SAW-2012-00758

Mr. Philip S. Harris, III, P.E.  
North Carolina Department of Transportation  
Environmental Analysis Unit  
1598 Mail Service Center  
Raleigh, North Carolina 27699

Dear Mr. Harris,

In accordance with the written request of February 11, 2020, and the ensuing administrative record, enclosed is a permit to discharge dredged or fill material into waters of the U.S. in association with construction activities related to the widening of Hwy 701 Bypass, in the city of Whiteville, Columbus County, North Carolina. This project is identified as R-5020.

Any deviation in the authorized work will likely require modification of this permit. If any 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 general conditions require that:

- a. You must complete construction before December 31, 2025.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. 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 should address all questions regarding this authorization to Ms. Liz Hair at the Wilmington Regulatory Field Office, telephone 910-251-4049.



FOR THE COMMANDER

 Date: 2020.06.30  
14:06:11 -04'00'

Monte Matthews  
Lead Project Manager  
Wilmington District

Enclosures:

Copies Furnished (without enclosures):

Chief, Source Data Unit  
NOAA/National Ocean Service  
1315 East-west Highway, Room 7316  
Silver Spring, Maryland 20910-3282

Mr. Fritz Rhode  
National Marine Fisheries Service  
101 Pivers Island Road  
Beaufort, North Carolina 28516

Mr. Jonathan Howell  
Division of Coastal Management  
North Carolina Department of  
Environmental Quality  
400 Commerce Avenue  
Morehead City, North Carolina 28557

Mr. Gary Jordan  
U.S. Fish and Wildlife Service  
Raleigh Ecological Service Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

Ms. Amanetta Somerville  
U.S. Environmental Protection Agency Region 4  
61 Forsyth Street SW. Atlanta, Ga 30303  
National Environmental Policy Act Section  
Strategic Programs Office

Ms. Amy Chapman  
Transportation Permitting Branch  
Department of Environmental Quality  
512 N Salisbury Street, 12<sup>th</sup> Floor  
1617 Mail Service Center  
Raleigh, NC 27699-1617

Travis W. Wilson  
NC Wildlife Resources Commission  
1718 Hwy 56 West  
Creedmoor, NC 27522  
Raleigh, North Carolina 27699

## DEPARTMENT OF THE ARMY PERMIT

Permittee: **North Carolina Department of Transportation,  
ATTN: Philip Harris**

Permit No.: **SAW-2012-00758**

Issuing Office: **CESAW-RG-L**

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: This project is R-5020. The North Carolina Department of Transportation (NCDOT) proposes to widen the existing US 701 Bypass from US 74-76, south, through the town of Whiteville, to Pleasant Plains Road. Proposed total impacts associated with the overall R-5020 project include permanent impacts to 1,262 linear feet of streams and 8.16 acres of wetlands, temporary impacts to 144 linear feet of streams and 0.04 acre of wetlands (along with 0.39 acre of hand clearing to wetlands).**

**Project Location: The proposed project is located in north-central Columbus County, along U.S. 701 Bypass from south of SR 1166 (Pleasant Plains Road) to north of US 74-76 Bypass, in Whiteville, North Carolina.**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2025**. 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.

*for* *Carla Dagnino* June 30, 2020  
(PERMITTEE) Philip S. Harris, NCDOT (DATE)

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

*Monte  
Matthew*

Date: 2020.06.30 14:34:57  
-04'00'

\_\_\_\_\_  
FOR THE COMMANDER  
(DISTRICT ENGINEER) Robert J. Clark, COLONEL (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.

\_\_\_\_\_  
(TRANSFeree) (DATE)

## SPECIAL CONDITIONS

SAW-2012-00758

R-5020

1. **Phased Projects:** This permit only authorizes work on Section **R-5020 B** of TIP R-5020. Construction on Section R-5020 A of TIP R-5020 shall not commence until: (a) final design has been completed for those sections and submitted to the U.S. Army Corps of Engineers (Corps); (b) the Permittee has minimized impacts to waters and wetlands to the maximum extent practicable and the Corps concurs with this assessment through standard Merger 4B and 4C meetings; (c) any modification to the plans have been approved by the Corps in writing; and (d) a final compensatory mitigation plan has been submitted by the Permittee and approved by the Corps.

2. **Work Limits:** All work authorized by this permit shall be performed in strict compliance with the attached permit plans dated January 17, 2020 (R-5020 B Final Design), submitted February 11, 2020, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the US Army Corps of Engineers prior to any active construction in waters or wetlands.

3. **Unauthorized Dredge or Fill:** Except as authorized by this permit or any U.S. Army Corps of Engineers 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, or shall any activities take place that cause the degradation of waters or wetlands. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and waste activities connected with this project. In addition, 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, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

4. **Permit Distribution:** 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, drawings and attachments shall be available at the project site during the construction and maintenance of this project.

5. **Pre-Construction Meeting:** The Permittee shall schedule and attend a preconstruction meeting between its representatives, the contractors representatives, and the U.S. Army Corps of Engineers, Wilmington Field Office,

## **SPECIAL CONDITIONS**

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**R-5020**

NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all the terms and conditions contained with this Department of Army Permit. The Permittee shall provide the Corps, Wilmington Field Office, NCDOT Project Manager, with a copy of the final permit 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 frame when the Corps, NCDCM, and NCDWR Project Managers can attend. The Permittee shall invite the Corps, NCDCM, and NCDWR 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. The thirty (30) day requirement can be waived with the concurrence of the Corps.

**6. Notification of Construction Commencement and Completion:** The Permittee shall notify the U.S. Army Corps of Engineers in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

**7. Reporting Address:** All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Wilmington Regulatory Field Office, Attn: Ms. Liz Hair, 69 Darlington Avenue, Wilmington, North Carolina, 28302 or [sarah.e.hair@usace.army.mil](mailto:sarah.e.hair@usace.army.mil). The Permittee shall reference the following permit number, SAW-2012-00758 on all submittals.

**8. Permit Revocation:** 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.

**9. Reporting Violations:** Violation of these permit conditions or violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 910-251-4049 or by email at [sarah.e.hair@usace.army.mil](mailto:sarah.e.hair@usace.army.mil) within 24 hours of the Permittee's discovery of the violation.

**10. Clean Fill:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, construction debris, metal and plastic products, and concrete block with exposed reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized



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by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.

**11. Endangered Species Act:** The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (BO) titled "Northern Long-eared Bat (NLEB) Programmatic Biological Opinion for North Carolina Department of Transportation (NCDOT) Activities in Eastern North Carolina (Divisions 1-8)," dated March 25, 2015, and adopted on April 10, 2015, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the BO. Your authorization under this Department of the Army permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

### **12. Culverts:**

1) Unless otherwise requested in the application and depicted on the approved permit plans, culverts greater than 48 inches in diameter shall be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter and less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain existing channel slope. The bottom of the culvert shall be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Culverts shall be designed and constructed in a manner that minimizes destabilization and head cutting.

2) Measures shall be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

3) The Permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches.

## **SPECIAL CONDITIONS**

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Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The Permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.

4) Culverts placed within wetlands must be installed in a manner that does not restrict the flows and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water shall not be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

### **13. Sediment and Erosion Control:**

1) During the clearing phase of the project, heavy equipment shall 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 non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

2) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.

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

4) The Permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to ensure compliance with the appropriate turbidity water quality standards. 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 shall remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A, Article 4). Adequate sedimentation and erosion control measures shall be implemented prior to any

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ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

**14. Temporary Fills:** Within thirty (30) days of the date of completing the authorized work, the Permittee shall remove all temporary fills in waters of the United States and restore the affected areas to pre-construction contours and elevations. The affected areas shall be re-vegetated with native, non-invasive vegetation as necessary to minimize erosion and ensure site stability.

**15. Borrow and Waste:** To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used as borrow and/or waste sites associated with this project. The Permittee shall provide the U.S. Army Corps of Engineers with appropriate maps indicating the locations of proposed borrow and/or waste sites as soon as such information is available. The Permittee shall submit to the Corps site-specific information needed to ensure that borrow and/or waste sites comply with all applicable Federal requirements, to include compliance with the Endangered Species Act and the National Historic Preservation Act, such as surveys or correspondence with agencies (e.g., the USFWS, the NC-HPO, etc.). The required information shall also include the location of all aquatic features, if any, out to a distance of 400 feet beyond the nearest boundary of the site. The Permittee shall not approve any borrow and/or waste sites before receiving written confirmation from the Corps that the proposed site meets all Federal requirements, whether or not waters of the U.S. , including wetlands, are located in the proposed borrow and/or waste site. All delineations of aquatic sites on borrow and/or waste sites shall be verified by the U.S. Army Corps of Engineers and shown on the approved reclamation plans. The Permittee shall ensure that all borrow and/or waste sites comply with Special Condition 3 of this permit. Additionally, the Permittee shall produce and maintain documentation of all borrow and waste sites associated with this project. This documentation will include data regarding soils, vegetation, hydrology, any delineation(s) of aquatic sites, and any jurisdictional determinations made by the Corps to clearly demonstrate compliance with Special Condition 3. All information will be available to the U.S. Army Corps of Engineers upon request. The Permittee shall require its contractors to complete and execute reclamation plans for each borrow and/or waste site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the U.S. Army Corps of Engineers within 30 days of the completion of the reclamation work.

## **SPECIAL CONDITIONS**

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16. **COMPENSATORY MITIGATION:** In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit.

17. **CULTURAL RESOURCES:** NCDOT shall comply with its commitments regarding the following historic properties: Beth Israel/Whiteville Hebrew Center. Specifically, NCDOT shall create and implement a landscape plan as outlined in the Concurrence Form For Assessment of Effects dated January 13, 2015.

**U.S. ARMY CORPS OF ENGINEERS**  
**Wilmington District**  
**Compensatory Mitigation Responsibility Transfer Form**

**Permittee:** NC DOT

**Project Name:** Hwy 701 Bypass Widening/R-5020 Section B

**Action ID:** SAW-2012-00758

**County:** Columbus

**Instructions to Permittee:** The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

**Instructions to Sponsor:** The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

**Permitted Impacts and Compensatory Mitigation Requirements**

**Permitted Impacts Requiring Mitigation\*:**

**8-digit HUC and Basin:** 03040206, Lumber River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
55				0.2		

\*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

**Compensatory Mitigation Requirements:**

**8-digit HUC and Basin:** 03040206, Lumber River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
55				0.4		

**Mitigation Site Debited:** NC DMS

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

***Section to be completed by the Mitigation Sponsor***

**Statement of Mitigation Liability Acceptance:** I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

**Mitigation Sponsor Name:** NCDEQ DMS

**Name of Sponsor's Authorized Representative:** Beth Harmon

*Elizabeth Harmon*

**Signature of Sponsor's Authorized Representative**

10/20/2020

**Date of Signature**

**USACE Wilmington District  
Compensatory Mitigation Responsibility Transfer Form, Page 2**

**Conditions for Transfer of Compensatory Mitigation Credit:**

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

**Comments/Additional Conditions: This form is associated with Section R-5020 B of the overall R-5020 project.**

Permanent wetland impacts mitigated at a 2:1 ratio. Permanent impacts to intermittent streams mitigated at a 1:1 ratio.

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. ***Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).*** Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

**USACE Project Manager:** Liz Hair  
**USACE Field Office:** Wilmington Regulatory Field Office  
US Army Corps of Engineers  
69 Darlington Avenue  
Wilmington, NC 28403

**Email:** [sarah.e.hair@usace.army.mil](mailto:sarah.e.hair@usace.army.mil)

**HAIR.SARAH.E**

**A.1054693512**

**USACE Project Manager Signature**

Digitally signed by  
HAIR.SARAH.EA.105469351

2

Date: 2020.06.29 16:12:29

June 29, 2020

**Date of Signature**

## **U.S. ARMY CORPS OF ENGINEERS**

### **Wilmington District**

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.





ROY COOPER

*Governor*

MICHAEL S. REGAN

*Secretary*

S. DANIEL SMITH

*Director*

April 6, 2020

Mr. Philip S. Harris, III, P.E., CPM  
Natural Environment Section Head  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1598

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with  
ADDITIONAL CONDITIONS for Proposed widening of US 701 Bypass from South of SR 1166  
(Pleasant Plains Road) to North of US 74/76 in Whiteville in Columbus County, TIP R-5020.  
NCDWR Project No. 20200355

Dear Mr. Harris:

Attached hereto is a copy of Certification No. WQC004223 issued to The North Carolina Department of  
Transportation (NCDOT) dated April 6, 2020.

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

Sincerely,

DocuSigned by:

*Amy Chapman*

9C9886312DCD474...  
S. Daniel Smith, Director

Division of Water Resources

Attachment

Electronic copy only distribution:

Liz Hair, US Army Corps of Engineers, Wilmington Field Office  
Jim Rerko, Division 6 Environmental Officer  
Greg Price, Division 6 Environmental Officer  
Chris Rivenbark, NC Department of Transportation  
Gary Jordon, US Fish and Wildlife Service  
Travis Wilson, NC Wildlife Resources Commission  
Beth Harmon, Division of Mitigation Services  
File Copy



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000



#### 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS

**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 Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 8.119 acres of jurisdictional wetlands and 1252 linear feet of jurisdictional streams in Columbus County. The project shall be constructed pursuant to the application dated received March 9, 2020. The authorized impacts are as described below:

##### Stream Impacts in the Lumber River Basin R-5020 B (final)

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1- 248+57 to 248+77 L-LT Outlet Protection	20				20	N/A
2-249+06 to 249+32 L-LT 36" Pipe	20	11			31	N/A
4-249+85 to 250+01 L-LT 15" pipe	6	10			16	N/A
5-251+20 to 251+39 L-LT 15" pipe	9	10			19	N/A
<b>Total</b>	<b>55</b>	<b>31</b>			<b>86</b>	<b>N/A</b>

**Total Stream Impact for Project: R-5020B 86 linear feet**

##### Stream Impacts in the Lumber River Basin R-5020A (preliminary)

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1-14+75 to 15+97 L-RT 60" RCP			38	8	46	N/A
1-15+65 to 15+79 L-RT Bank Stabilization*			8*		N/A	N/A
2-15+75 to 18+80 _L-LT Roadway Fill			60	15	75	N/A
2-15+88 to 16+08 L-LT Bank Stabilization*			20*		N/A	N/A
5-33+76 to 34-10 L-LT Roadway Fill	146				146	N/A
6-34+45 to 38+12 L-2 at 48" RCP	403	25			428	N/A

6-34+53 to 34+69 L-LT Bank Stabilization*	58*				N/A	N/A
7-66+69 to 67.23 L-RT Roadway Fill	76	15			91	N/A
8-68+71 to 69+63 L-LT Roadway Fill			21	5	26	N/A
11-96+66 to 96+70 L-LT Drainage Inlet		7			7	N/A
13-111+33 to 111+52 L-RT Roadway Fill			81	12	93	81
13- 111+42 to 111+50 L-RT Bank Stabilization*			58*		N/A	N/A
18-20+43 to 21+57 EY7A-LT Inlet Channel			197	8	205	197
18-21+86 to 22+07 EY7A-RT Outlet Channel			41	8	49	41
<b>Total</b>	<b>625</b>	<b>47</b>	<b>438</b>	<b>56</b>	<b>1166</b>	<b>319</b>

**Total Stream Impact for Project: R-5020A 1166 linear feet**

**\*Bank Stabilization does not count towards impacts**

**Total Stream Impact for Project: R-5020 A & B 1252 linear feet**

**Wetland Impacts in the Lumber River Basin R-5020B (final)**

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
3-280+66 to 284.68 L-LT Roadway Fill	0.143	0.042	0.004	0.060			0.249
6-283+28 to 283+48 L-RT	0.002			0.004			0.006
<b>Total</b>	<b>0.145</b>	<b>0.042</b>	<b>0.004</b>	<b>0.064</b>			<b>0.255</b>

**Total Wetland Impact for Project R-5020B: 0.255 acres.**

**Wetland Impacts in the Lumber River Basin R-5020A**

<b>Site</b>	<b>Fill (ac)</b>	<b>Fill (temporary) (ac)</b>	<b>Excavation (ac)</b>	<b>Mechanized Clearing (ac)</b>	<b>Hand Clearing* (ac)</b>	<b>Area under Bridge (ac)</b>	<b>Total Wetland Impact (ac)</b>
1-14+75 to 15+97 L-RT 60" RCP	0.058		0.003	0.025			0.086
2-15+75 to 18+80 _L-LT Roadway Fill	0.146			0.073			0.219
3-16+12 to 16+28 L-RT Roadway Fill	0.002		0.001	0.002			0.005
4-17+35 to 18+78 L-RT Roadway Fill	0.047		0.028				0.075
8-68+71 to 69+63 L-LT Roadway Fill	0.027			0.020			0.047
9- 68+63 to 69+20 L-RT Ditch Outlet					0.014*		N/A
10-75+26 to 75+43 L-RT 42" RCP	0.004			0.003			0.007
12- 99+12 to 99+75 L-RT Roadway Fill	0.014			0.014			0.028
14-111+96 to 113+54 L-RT Roadway Fill	0.156			0.032			0.188
15-120+37 to 122+05 L Roadway Fill	0.233			0.018			0.251
16-140+41 to 167+55 L Roadway Fill	5.661			1.031			6.692
16- 152+31 to 154+24 L Bridge	0.159		0.023	0.084	0.379*		0.266
<b>Total</b>	<b>6.507</b>		<b>0.055</b>	<b>1.302</b>	<b>0.393*</b>		<b>7.864</b>

**Total Wetland Impact for Project: R-5020A 7.864 acres.**

**\*Hand Clearing does not count towards impacts**

**Total Wetland Impacts for Project: R-5020 A & B 8.119**

**Open Water Impacts in the Lumber River Basin**

<b>Site</b>	<b>Permanent Fill in Open Waters (ac)</b>	<b>Temporary Fill in Open Waters (ac)</b>	<b>Total Fill in Open Waters (ac)</b>
17- 14+52 to 14+79 Y15-RT Pipe Outlet	0.005		0.005
17A- 17+63 to 17+83 Y15RT Pipe Outlet	0.001		0.001
<b>Total</b>	<b>0.006</b>		<b>0.006</b>

**Total Open Water Impact for Project: 0.006 acres.**

The application provides adequate assurance that the discharge of fill material into the waters and wetlands of the Lumber 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 March 9, 2020. Should your project change, you are required to notify the NCDWR 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 300 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.

**Conditions of Certification:****Add Project Specific Conditions**

1. Erosion control matting in riparian areas shall not contain a nylon mesh grid which can impinge and entrap small animals. Matting should be secured in place by staples, stakes, or wherever possible live stakes of native trees. Riparian areas are defined as a distance 25 feet from top of stream bank. [15A NCAC 02B.0224, .0225]
2. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
3. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
4. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS000250, please refer to the most recent version of the *North Carolina Department of Transportation Stormwater Best Management Practices Toolbox* manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]

5. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H .0506(b)(3)]
6. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank, or during the removal of bents from an old bridge. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H .0506(b)(3)]
7. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H .0506(b)(3)]
8. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
9. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
10. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]
11. Pipes and culverts used exclusively to maintain equilibrium in wetlands, where aquatic life passage is not a concern, shall not be buried. These pipes shall be installed at natural ground elevation. [15A NCAC 02H.0506(b)(2) and (b)(3)]
12. Compensatory mitigation for 319 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated February 11, 2020 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the DMS Mitigation Banking Instrument signed July 28, 2010.
13. Compensatory mitigation for impacts to 8.119 Riparian wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Division of Mitigation Services (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. DMS has indicated in a letter dated February 11, 2020 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with DMS's Mitigation Banking Instrument signed July 28, 2010.

#### **General Conditions**

14. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall 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 downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]

15. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
16. 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. [15A NCAC 02H.0506(b)(2)]
17. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
18. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
19. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
20. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
21. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
22. 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. [15A NCAC 02H.0506(b)(3)]
23. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
24. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
25. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the completion of the project construction. [15A NCAC 02H.0506(b)(3) and (c)(3)]
26. The permittee 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 and Federal law. If the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
27. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]

28. A copy of this Water Quality Certification shall be maintained 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
29. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization, including all non-commercial borrow and waste sites associated with the project, 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. [15A NCAC 02H.0501 and .0502]
30. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
31. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
32. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Environmental Officer shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
33. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0231(a)(6)]
34. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
35. 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 [15A NCAC 02H.0506(b)(3) and (c)(3):
  - 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.
36. Sediment and erosion control measures shall not be placed in wetlands or surface waters, or within 5 feet of the top of bank, without prior approval from DWR. [15A NCAC 02H.0506(b)(3) and (c)(3)]. Those approved areas in wetlands, shall be removed and the natural grade restored upon completion of the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]



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 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

This the 6th day of April 2020

DIVISION OF WATER RESOURCES

DocuSigned by:  
  
9C9886312DCD474...  
S. Daniel Smith, Director

WQC No. 004223





NORTH CAROLINA  
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

NCDWR Project No.: \_\_\_\_\_ County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

### Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR 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: \_\_\_\_\_

### Engineer's Certification

\_\_\_\_\_ Partial \_\_\_\_\_ Final

I, \_\_\_\_\_, as a duly registered Professional Engineer 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 \_\_\_\_\_





North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

**CONTRACT:**

**DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED**

**SUNGATE DESIGN GROUP, P.A.**  
  
 905 JONES FRANKLIN ROAD  
 RALEIGH, NORTH CAROLINA 27606  
 TEL (919) 858-2243  
 ENG FRM LICENSE NO. C-890



PROJECT REFERENCE NO. R-5020B		SHEET NO. 9	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION			
<b>DOCUMENT NOT CONSIDERED FINAL</b> UNLESS ALL SIGNATURES COMPLETED			
 KCI Engineers • Planners • Scientists • Construction Managers 4505 Falls of Neuse Road, Suite 400 Raleigh, NC 27609-6270 Phone (919) 783-9214 • Fax (919) 783-9266			
 SUNGATE DESIGN GROUP, P.A. 905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27608 TEL (919) 858-2243 FAX (919) 858-2243 ENG. FIRM LICENSE NO. C-480			

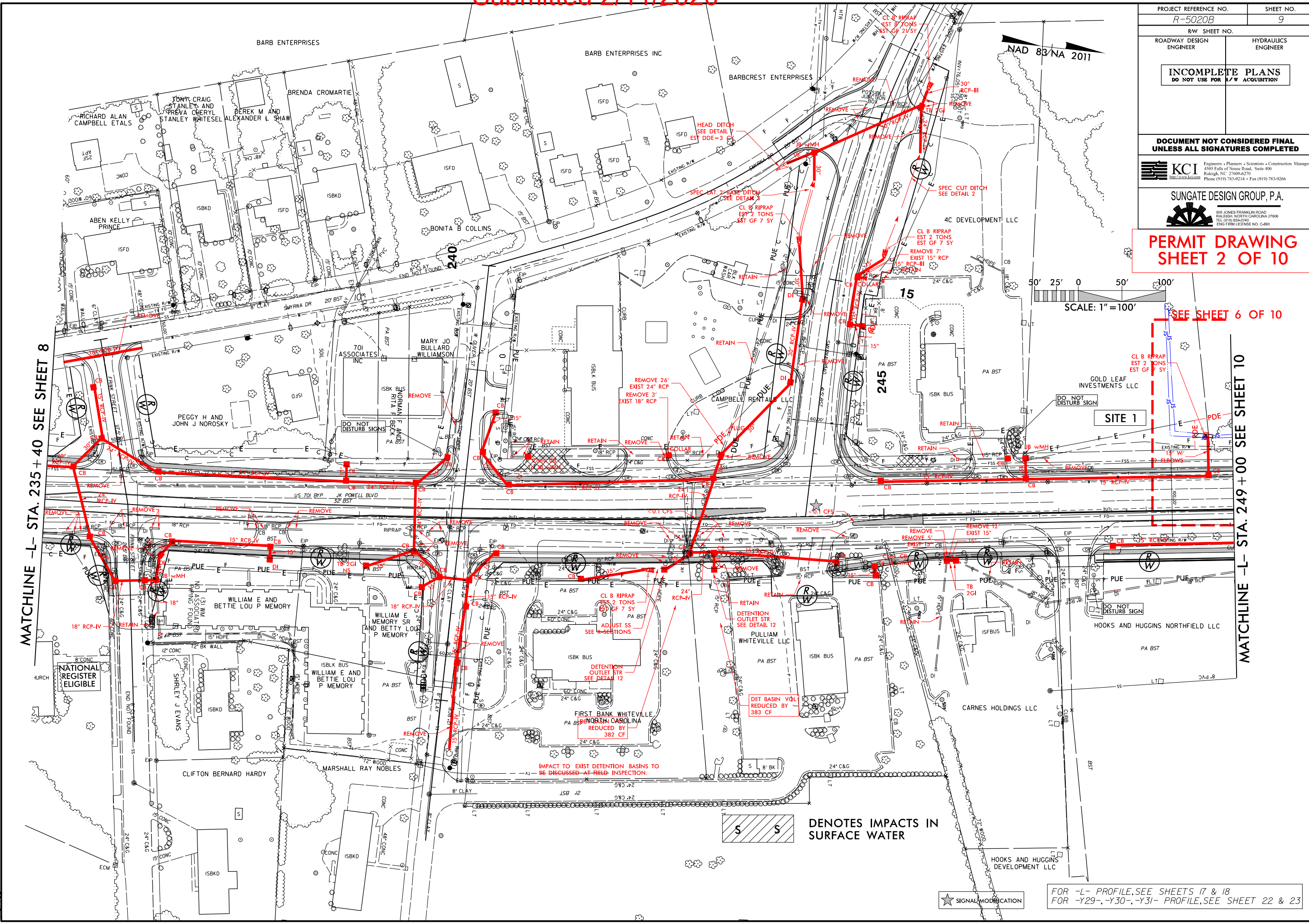
**PERMIT DRAWING**  
**SHEET 2 OF 10**

SCALE: 1" = 100'


SEE SHEET 6 OF 10

MATCHLINE -L- STA. 249 + 00 SEE SHEET 10

MATCHLINE -L- STA. 235 + 40 SEE SHEET 8





 DENOTES IMPACTS IN SURFACE WATER

 SIGNAL MODIFICATION

FOR -L- PROFILE, SEE SHEETS 17 & 18  
FOR -Y29-, -Y30-, -Y31- PROFILE, SEE SHEET 22 & 23



Submitted 2/11/2020

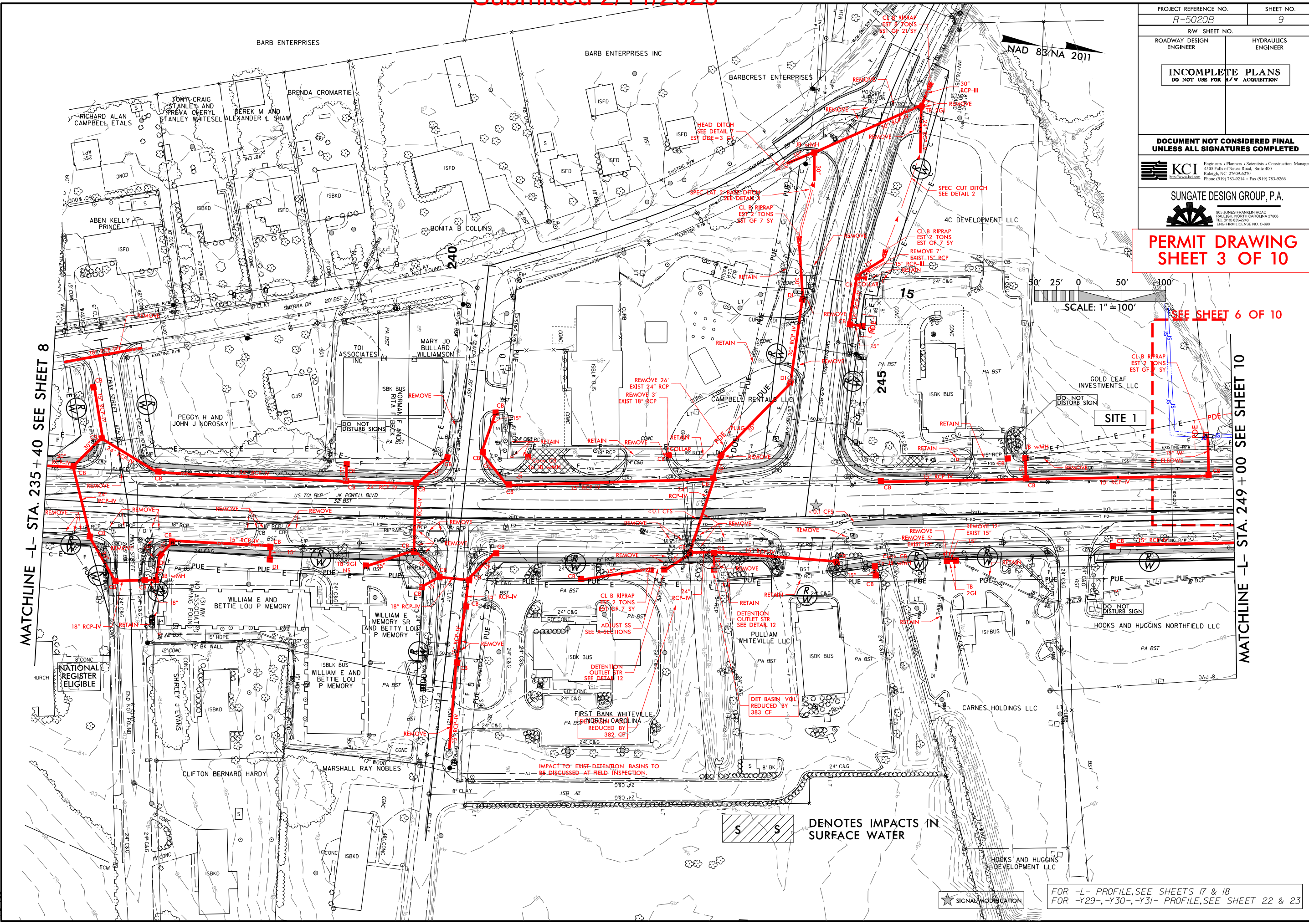
PROJECT REFERENCE NO. R-5020B		SHEET NO. 9	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION			
<b>DOCUMENT NOT CONSIDERED FINAL</b> UNLESS ALL SIGNATURES COMPLETED			
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**PERMIT DRAWING**  
**SHEET 3 OF 10**

SEE SHEET 6 OF 10

MATCHLINE -L- STA. 235 + 40 SEE SHEET 8

MATCHLINE -L- STA. 249 + 00 SEE SHEET 10



 DENOTES IMPACTS IN SURFACE WATER


 SIGNAL MODIFICATION

FOR -L- PROFILE, SEE SHEETS 17 & 18  
FOR -Y29-, -Y30-, -Y31- PROFILE, SEE SHEET 22 & 23

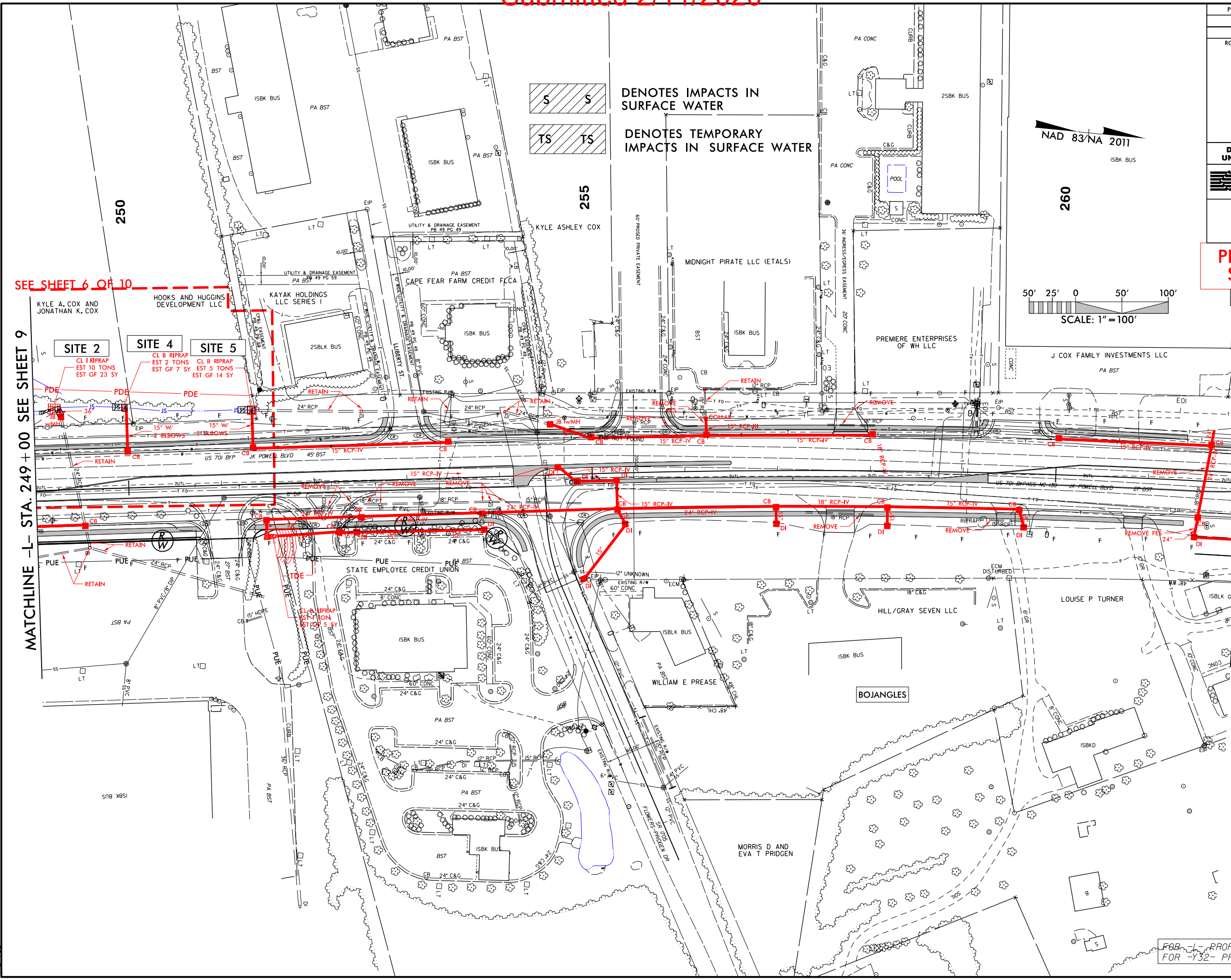
8/17/99  
1/17/2020  
H5020B-Hyd-prm-wet\_psh\_09\_condgn



Submitted 2/11/2020

PROJECT REFERENCE NO. R-5020B		SHEET NO. 10	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION			
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED			
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SUNGATE DESIGN GROUP, P.A. 905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27608 TEL (919) 858-2243 FAX (919) 858-2243 ENG. FIRM LICENSE NO. C-480			

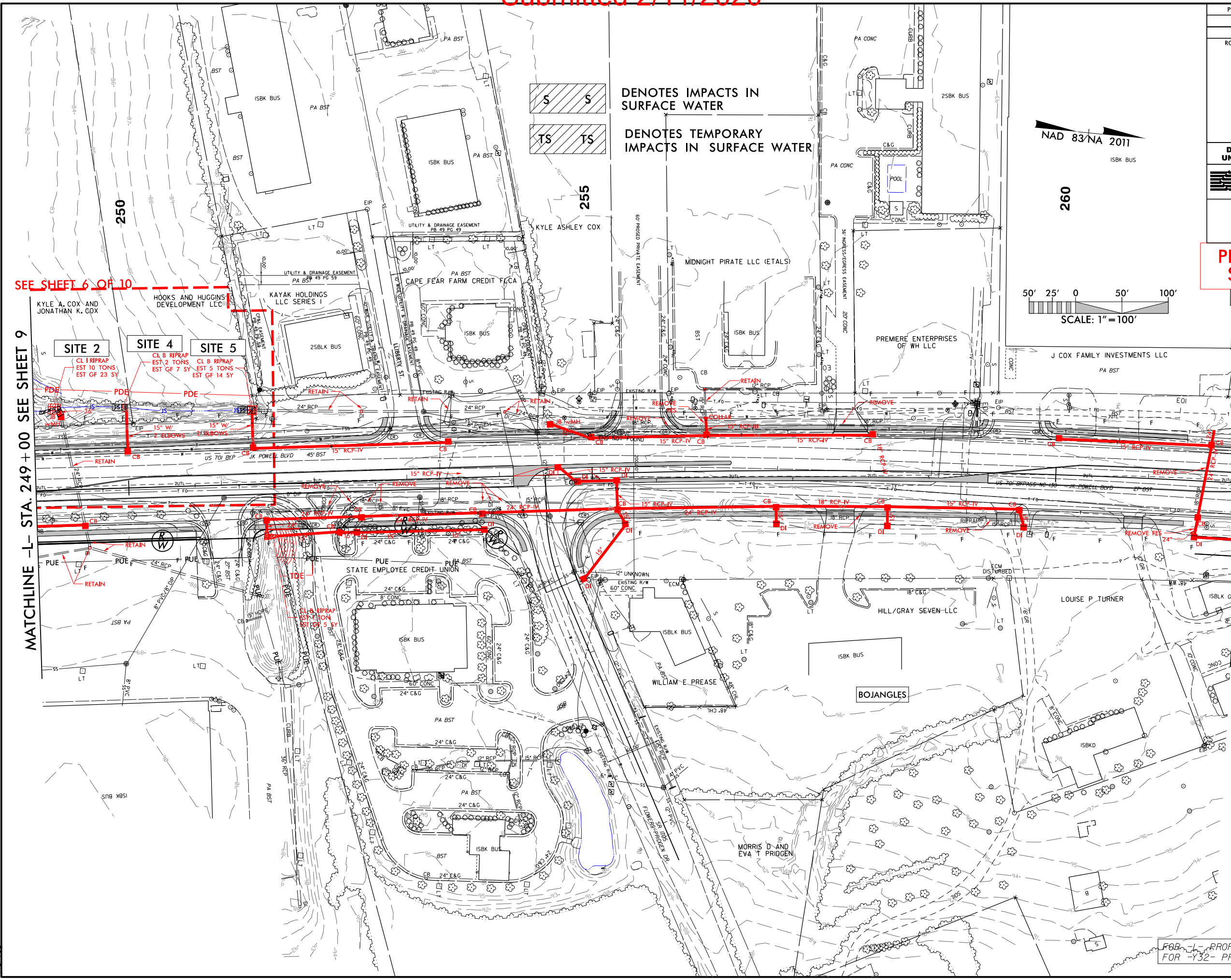
PERMIT DRAWING  
SHEET 4 OF 10



Submitted 2/11/2020

PROJECT REFERENCE NO.	SHEET NO.
R-5020B	10
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	
KCI Engineers • Planners • Scientists • Construction Managers 4505 Falls of Neuse Road, Suite 400 Raleigh, NC 27609-6270 Phone (919) 783-9214 • Fax (919) 783-9266	
SUNGATE DESIGN GROUP, P.A. 905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27608 TEL (919) 855-2243 ENG FIRM LICENSE NO. C-480	

PERMIT DRAWING  
SHEET 5 OF 10


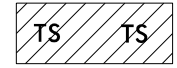


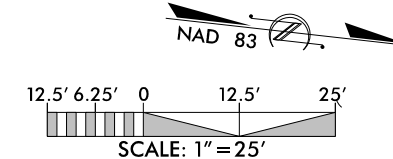
FOR -L- PROFILE, SEE SHEET 18  
FOR -Y32- PROFILE, SEE SHEET 23

8/17/99  
1/17/2020  
H5020B-Hyd-prm-wet-psh\_10\_con.dgn



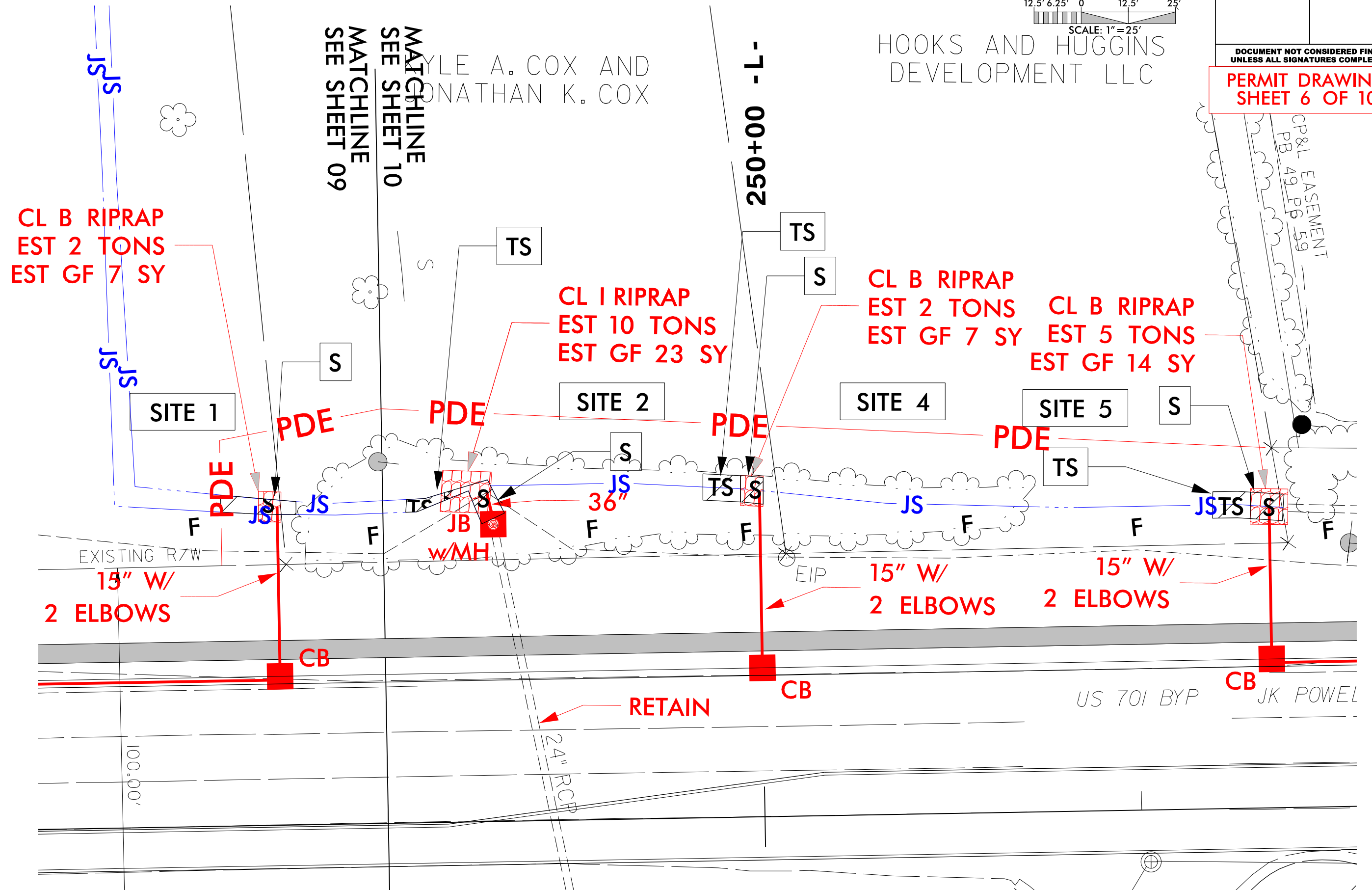
8/17/99

 DENOTES IMPACTS IN SURFACE WATER  
 DENOTES TEMPORARY IMPACTS IN SURFACE WATER





PROJECT REFERENCE NO. <i>R-5020B</i>		SHEET NO. <i>10B</i>	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<div>INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION</div>			
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED			

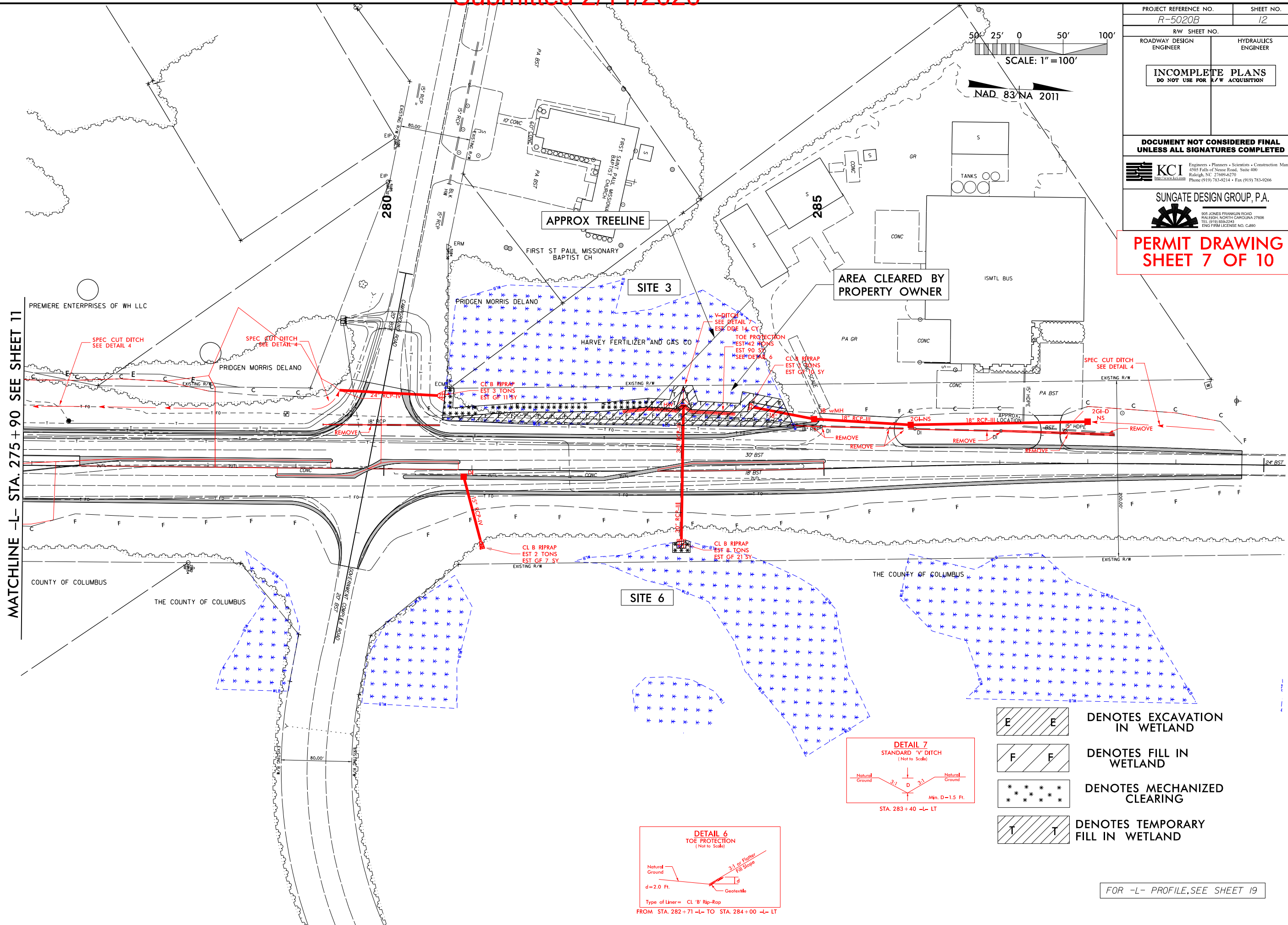
PERMIT DRAWING  
SHEET 6 OF 10



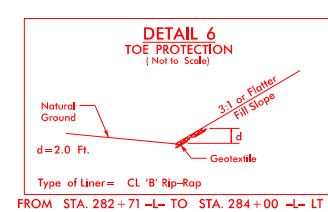
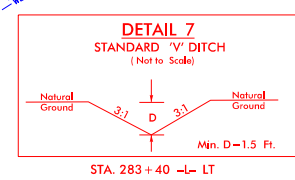
1/17/2020  
R-5020B Hyd.prm\_wet.psh\_10b.dgn  
10b.dgn

PROJECT REFERENCE NO. <b>R-5020B</b>		SHEET NO. <b>12</b>	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION			
<b>DOCUMENT NOT CONSIDERED FINAL</b> UNLESS ALL SIGNATURES COMPLETED			
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 <b>SUNGATE DESIGN GROUP, P.A.</b> 905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27608 TEL (919) 858-2243 ENG FIRM LICENSE NO. C-480			

**PERMIT DRAWING**  
**SHEET 7 OF 10**





- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING
- DENOTES TEMPORARY FILL IN WETLAND

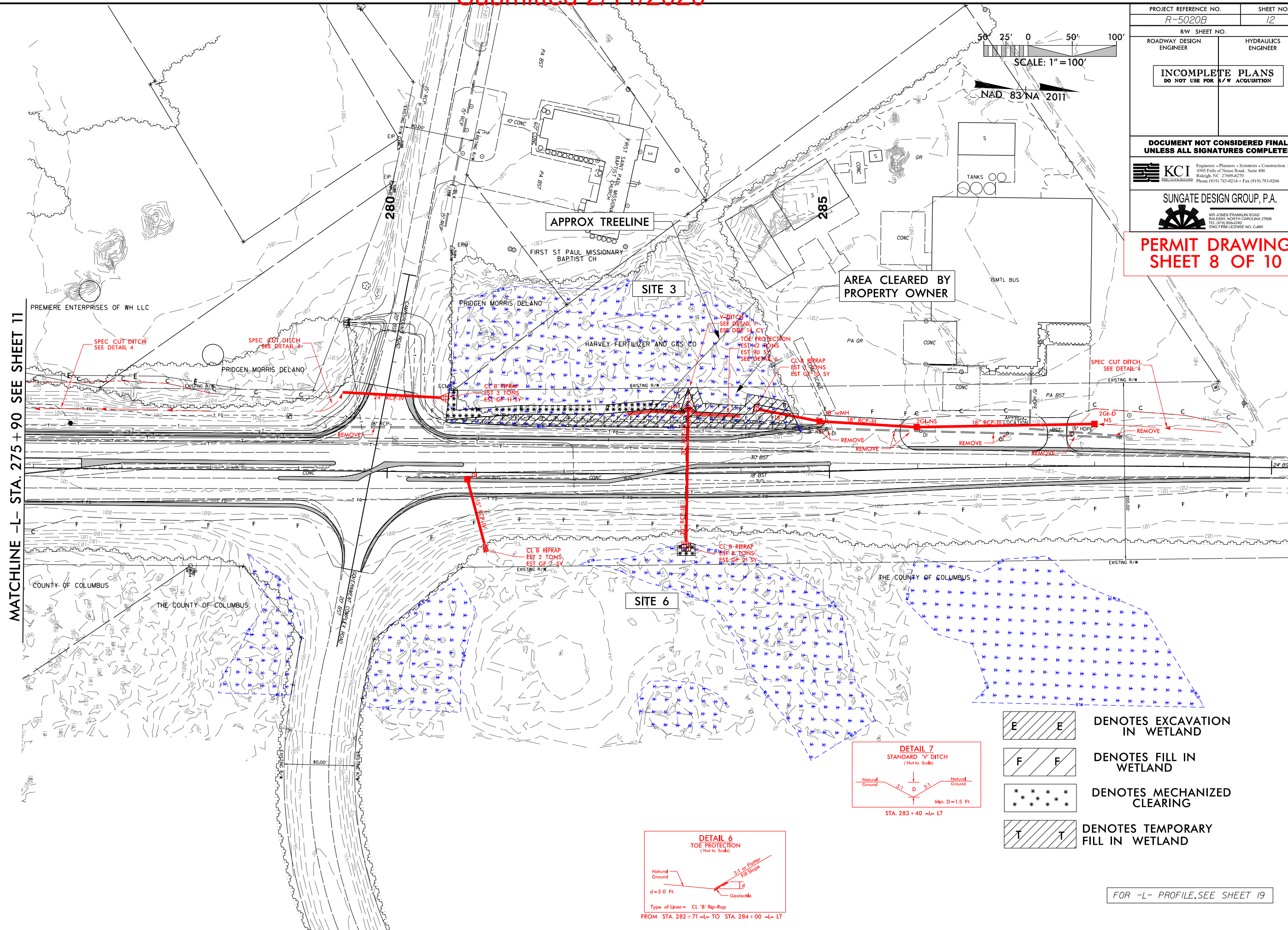


FOR -L- PROFILE, SEE SHEET 19



PROJECT REFERENCE NO. <b>R-5020B</b>		SHEET NO. <b>12</b>	
RW SHEET NO.		HYDRAULICS ENGINEER	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION			
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 <b>SUNGATE DESIGN GROUP, P.A.</b> 905 JONES FRANKLIN ROAD RALEIGH, NORTH CAROLINA 27606 TEL (919) 855-2243 FAX (919) 855-2243 ENG. FIRM LICENSE NO. C-480			

**PERMIT DRAWING**  
**SHEET 8 OF 10**



PERMIT DRAWING  
SHEET 9 OF 10

8/23/99

SITE 3

FILL IN WETLAND  
TEMPORARY FILL  
IN WETLAND

WETLAND

283 + 00.00

FILL IN WETLAND  
MECHANIZED CLEARING

WETLAND

282 + 50.00

FILL IN WETLAND  
MECHANIZED CLEARING

WETLAND

282 + 00.00

FILL IN WETLAND  
MECHANIZED CLEARING

WETLAND

281 + 50.00

SITE 3

FILL IN WETLAND  
MECHANIZED CLEARING

WETLAND

281 + 00.00

1/17/2020  
R5020B\_Hyd-prm-wet.psh.12.xpl.dgn  
jharvey

—/—

WETLAND AND SURACE WATER IMPACTS 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)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	248+57 to 248+77-L-LT	OUTLET PROTECTION						< 0.01		20		
2	249+06 to 249+32-L-LT	36" PIPE						< 0.01	< 0.01	20	11	
3	280+66 to 284.68-L-LT	ROADWAY FILL	0.14	0.04	< 0.01	0.06						
4	249+85 to 250+01-L-LT	15" PIPE						< 0.01	< 0.01	6	10	
5	251+20 to 251+39 -L-LT	15" PIPE						< 0.01	< 0.01	9	10	
6	283+28 to 283+48-L-RT	30" PIPE	< 0.01			< 0.01						
TOTALS*:			0.15	0.04	< 0.01	0.06		< 0.01	< 0.01	55	31	0

\*Rounded totals are sum of actual impacts

NOTES:

Site #3: Due to clearing by property owner, mechanized clearing adjusted and temporary fill in wetland added.

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
01-17-2020  
COLUMBUS  
R-5020B  
41499.1.3