

PROJECT SPECIAL PROVISIONS
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.

PERMIT**AUTHORITY GRANTING THE PERMIT**

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.

Revised 12-10-04

254

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

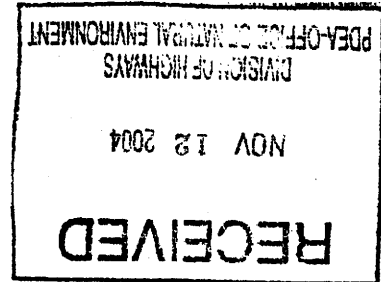


REPLY TO
ATTENTION OF:

November 10, 2004

Regulatory Division

SUBJECT: Action ID 200421367, TIP No. R-2237B



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

Dear Dr. Thorpe:

In accordance with your written request of July 21, 2004, and the resulting administrative record, enclosed are two copies of a Department of the Army permit to authorize the discharge of fill material into waters of the United States, for construction of Section B of the US 321 widening and improvements (T.I.P. No. R-2237B), impacting Rocky Cove Creek, Greenfield Branch, Punch Camp Creek, and Mulberry Creek, from SR 1370 (Kirby Mountain Road) north to SR 1500 (Blackberry Road), northwest of Lenoir, in Caldwell County, North Carolina.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, shows that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

In addition, I have enclosed a copy of the Notification of Administrative Appeal Process and Options and Request for Appeal. Please carefully read Section "B" of this form for information regarding the appeal process for proffered permits.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, contact Mr. John Thomas of my Raleigh Field Office regulatory staff at telephone (919) 876-8441, extension 25.

Sincerely,



E. David Franklin
Chief, NCDOT Team

Enclosures

DEPARTMENT OF THE ARMY PERMIT

NC Department of Transportation

Permittee _____

200421367

Permit No. _____

USAED, Wilmington

Issuing Office _____

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 approximately 889 linear feet of stream channel, 0.08 acre of open water, and 0.16 acre of wetlands, in the jurisdictional waters of the Yadkin Pee-Dee River basin and approximately 791 linear feet of stream channel, 0.05 acre of open waters, and no wetland impacts in the jurisdictional waters of the Catawba River Basin, for construction of Section B of the US 321 widening and improvements (T.I.P. No. R-2237B).

Project Location:

From SR 1370 (Kirby Mountain Road) north to SR 1500 (Blackberry Road), northwest of Lenoir, in Caldwell County, North Carolina.

Permit Conditions:**General Conditions:**

1. The time limit for completing the work authorized ends on December 31, 2007. 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 enclosed sheet.

Further Information:

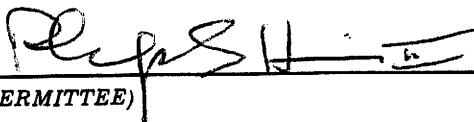
1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and 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.


12/6/04

 (PERMITTEE) (DATE)

NC DEPARTMENT OF TRANSPORTATION

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

 (DISTRICT ENGINEER) (DATE)

CHARLES R. ALEXANDER, JR. COLONEL

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 (Action ID. 200421367; NCDOT/TIP R-2237B)**1. COMPLIANCE WITH PLANS**

All work must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to the permit plans must be approved by the USACE prior to implementation.

2. COMPLIANCE WITH SPECIAL CONDITIONS

Failure to institute and carry out the details of the following special conditions, below, 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.

3. CONSTRUCTION PLANS

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 jurisdictional waters including jurisdictional wetlands.

4. PRECONSTRUCTION MEETING

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 including jurisdictional 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.

5. CONTRACTOR COMPLIANCE

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, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

6. CONSTRUCTION DRAWINGS

Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed highway 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.

7. ACTIVITIES NOT AUTHORIZED

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 jurisdictional waters including jurisdictional wetlands, or shall any activities take place that cause the degradation of jurisdictional waters including jurisdictional wetlands. 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 jurisdictional waters including jurisdictional wetlands or to reduce the reach of jurisdictional waters including jurisdictional wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters including jurisdictional wetlands outside the permitted area.

8. BORROW AND WASTE

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 the **preceding condition** 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 **preceding condition**. 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.

9. REPORTING OF VIOLATIONS

The permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act in writing to the Wilmington District, U. S Army Corps of Engineers, within 24 hours of the permittee's discovery of the violation.

10. SEDIMENTATION AND EROSION CONTROL MEASURES

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 assure compliance with the appropriate turbidity water quality standard. 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 assure compliance with the appropriate turbidity water quality standards. 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).

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

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.

11. STORM WATER MANAGEMENT

NCDOT shall not discharge stormwater, including bridge deck drainage, directly to streams, but shall discharge the stormwater through buffer areas or retention basins, except at sites that are not practical due to necessary rock catchment areas including shoulder berm gutters and retaining walls. The exempt sites are identified on the attached construction plans at station numbers 71+00, 83+50, 123+00, 323+00, and 325+00.

12. CULVERTS

All authorized culverts will be installed to allow the passage of low stream flows and the continued movement of fish and other aquatic life as well as to prevent headcutting of the streambed. For all box culverts and for pipes greater than 48 inches in diameter, the bottom of the pipe will be buried at least one foot below the bed of the stream unless burial would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, the bottom of the pipe must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to, upstream or downstream of the structures. In order to allow for the continued movement of bed load and aquatic organisms, existing stream channel widths and depths will be maintained at the inlet and outlet ends of culverts. Riprap armoring of streams at culvert inlets and outlets shall be minimized above the ordinary high water elevation in favor of bioengineering techniques such as bank sloping, erosion control matting and revegetation with deep-rooted, woody plants.

13. WET CONCRETE

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

14. POLLUTION SPILLS

All mechanized equipment will be regularly inspected and maintained to prevent contamination of jurisdictional waters including jurisdictional wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. 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 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

15. CLEAN FILL MATERIAL

Unless otherwise authorized by this permit, all fill material placed in jurisdictional waters including jurisdictional 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.

16. OTHER AUTHORIZATIONS

This Department of the Army permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

17. PROPERTY RIGHTS

This permit does not grant any property rights or exclusive privileges.

18. GOVERNMENT LIABILITY

In issuing this permit, the Federal Government does not assume any liability for:

Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.

Damages to other permitted or un-permitted activities or structures caused by the authorized activity.

Design and construction deficiencies associated with the permitted work.

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

19. TEMPORARY FILLS

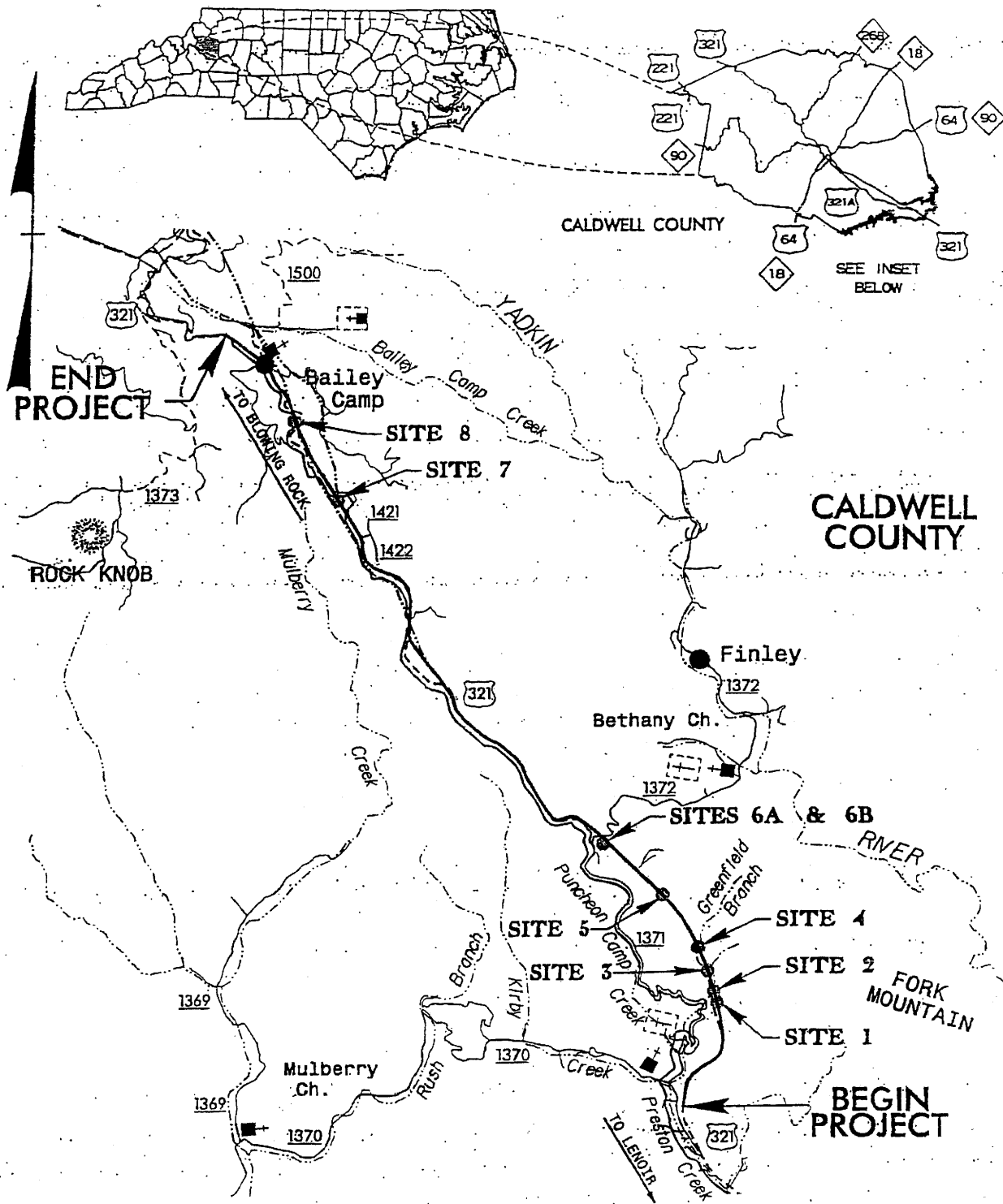
The temporary diversion structures at L-stations 66+40, 77+05, 82+15, 91+12, 121+92, 293+83, and 324+96 shall be constructed in accordance with Section 5.2.2 of the North Carolina Department of Transportation "Best Management Practices for Construction and Maintenance Activities" dated August 2003. All temporary fill shall be removed in its entirety upon completion of the construction at that site.

20. MORATORIUMS

In-stream work and land disturbance within the 25-foot wide buffer zone to protect the egg and fry stages of trout are prohibited during the trout spawning seasons of October 15 through April 15.

21. MITIGATION

*Compensatory mitigation for the unavoidable impacts to 889 linear feet of stream channel and 0.16 acre of wetlands, in the jurisdictional waters of the Yadkin Pee-Dee River Basin (HU 03040101) and 791 linear feet of stream channel impacts in the jurisdictional waters of the Catawba River Basin (HU 03050101) shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated September 1, 2004, from William D. Gilmore, EEP Transition Manager. 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 1778 linear feet of restoration equivalent cool water stream channel and 0.32 acre of non-riverine wetlands in the Yadkin Pee-Dee River Basin (HU 03040101) and 1582 linear feet of restoration equivalent cool water stream channel in the Catawba River Basin (HU 03050101) 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



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

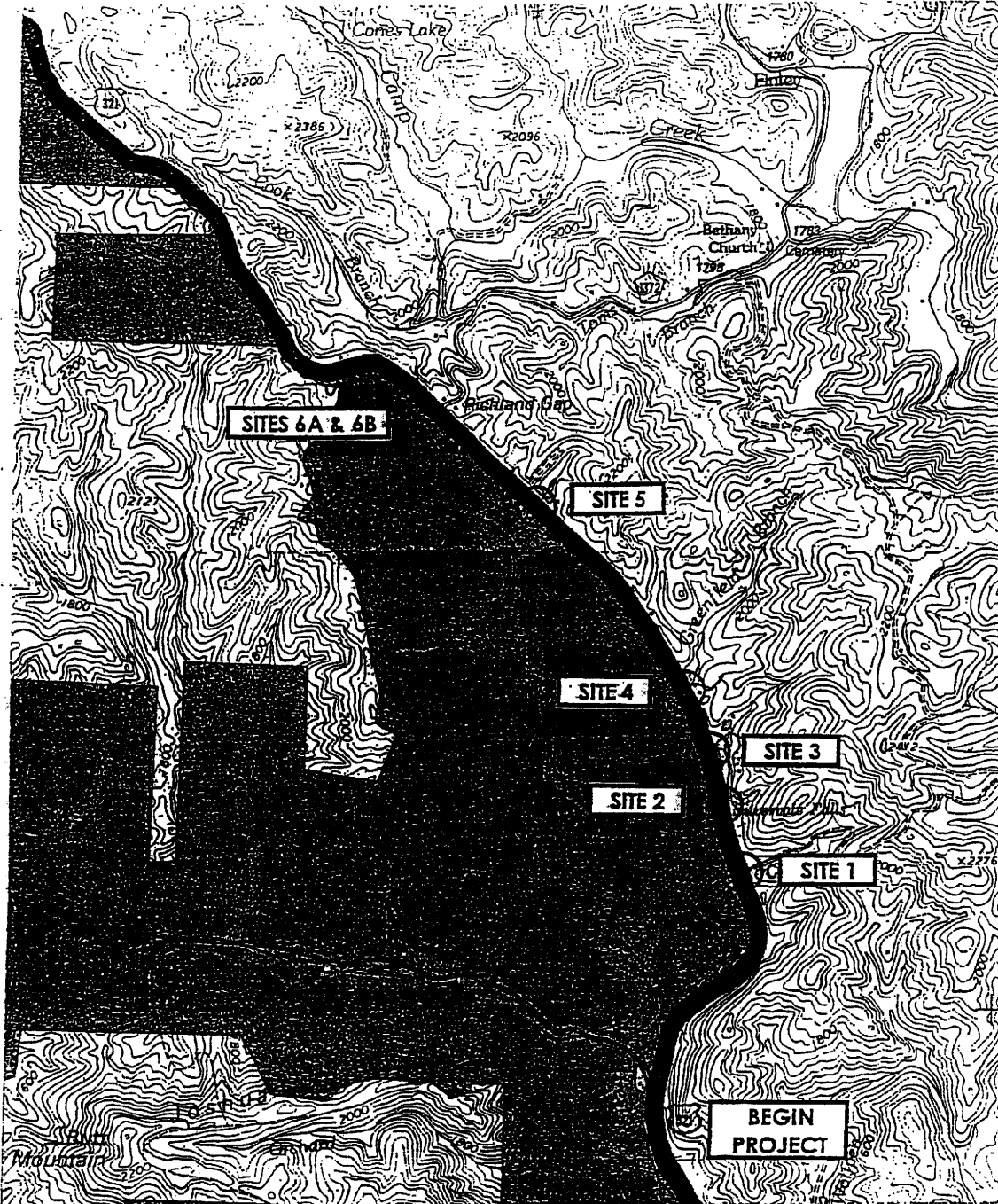
CALDWELL COUNTY

PROJECT: 8-T751303 (R-2237B)
U.S. 321

FROM SR 1370 (KIRBY MOUNTAIN RD.)
TO SR 1600 (BLACKBERRY RD.)

SHEET 1 OF 21

8/21/03



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS

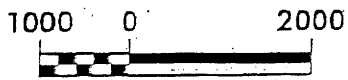
CALDWELL COUNTY

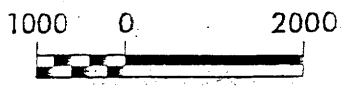
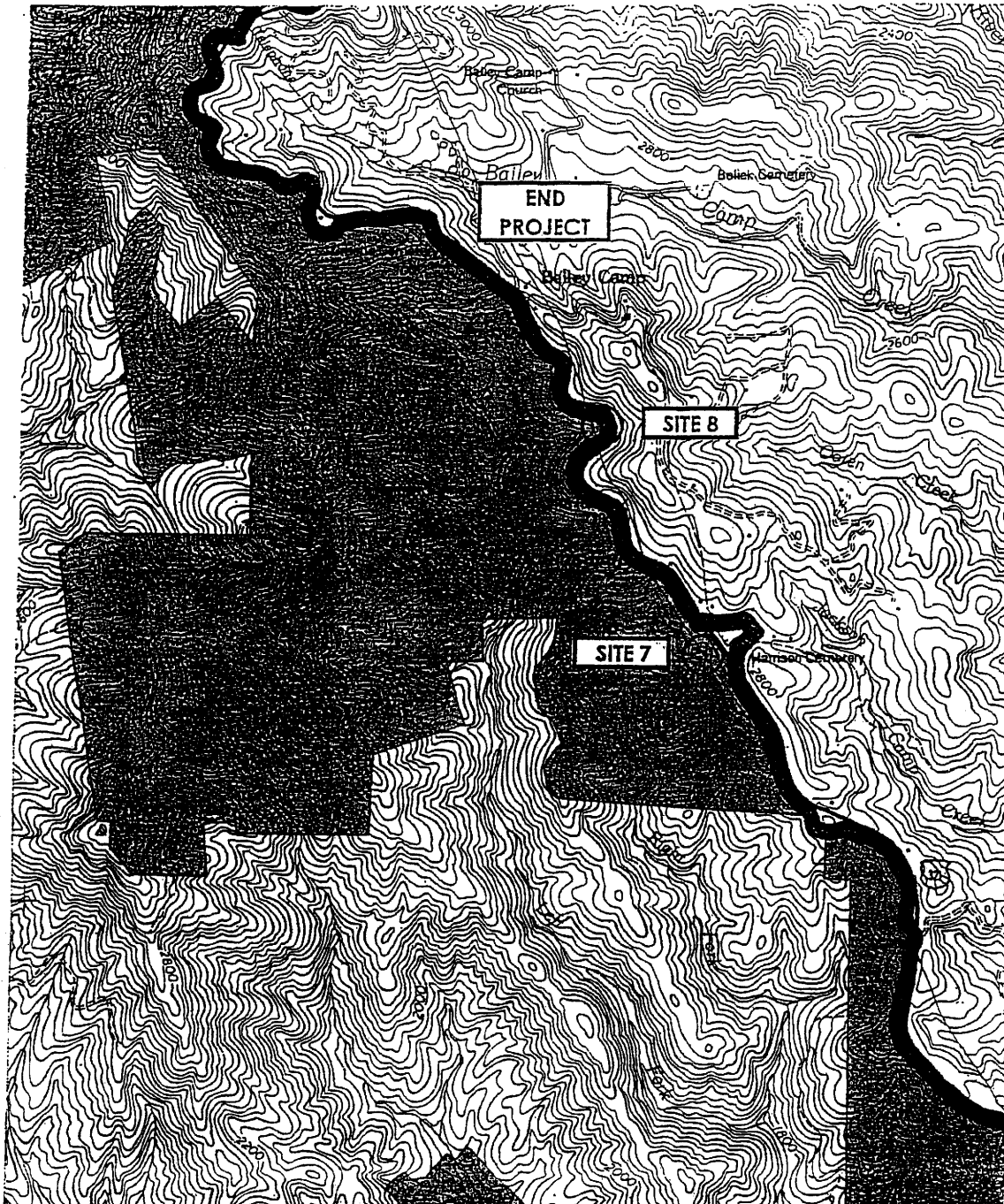
PROJECT: 8.T731303 (R-2237B)
 U.S. 321

FROM SR 1370 (KIRBY MOUNTAIN RD)
 TO SR 1600 (BLACKBERRY RD)

SHEET 2 OF 2

08/21/03



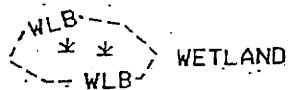


N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CALDWELL COUNTY
PROJECT: 8.T731303 (R-2237B)
U.S. 321
FROM SR 1370 (KIRBY MOUNTAIN RD.)
TO SR 1600 (BLACKBERRY RD.)
SHEET 3 OF 21 08/21/03

LEGEND

--- WLB --- WETLAND BOUNDARY



DENOTES FILL IN WETLAND

DENOTES FILL IN SURFACE WATER

DENOTES FILL IN SURFACE WATER (POND)

DENOTES TEMPORARY FILL IN WETLAND

DENOTES EXCAVATION IN WETLAND

DENOTES TEMPORARY FILL IN SURFACE WATER

DENOTES MECHANIZED CLEARING

— BZ — RIPARIAN BUFFER ZONE

← ← FLOW DIRECTION

— TB — TOP OF BANK

— WE — EDGE OF WATER

— C — PROP. LIMIT OF CUT

— F — PROP. LIMIT OF FILL

▲ PROP. RIGHT OF WAY

— NG — NATURAL GROUND

— PL — PROPERTY LINE

— TDE — TEMP. DRAINAGE EASEMENT

— PDE — PERMANENT DRAINAGE EASEMENT

— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY

— EPB — EXIST. ENDANGERED PLANT BOUNDARY

▽ WATER SURFACE

X X X LIVE STAKES

BOULDER

— COIR FIBER ROLLS

PROPOSED BRIDGE

PROPOSED BOX CULVERT

PROPOSED PIPE CULVERT

(DASHED LINES DENOTE EXISTING STRUCTURES)

SINGLE TREE

WOODS LINE

DRAINAGE INLET

ROOTWAD

RIP RAP

ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE

RIP RAP ENERGY DISSIPATOR BASIN

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CALDWELL COUNTY

PROJECT: 8.T731303 (R-2237B)
U.S. 321

FROM S.R. 1370 (KIRBY MOUNTAIN RD.)
TO S.R. 1600 (BLACKBERRY RD.)

SHEET 4 OF 21

8/21/03

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS						
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)		
1	-L- 66+40 / 66+83	1 @ 42" RCP					0.0148					128.7	
2	-L- 77+05 / 78+18	1 @ 8' x 6' RCBC					0.0123					118.5	
	-L- 78+80 / 80+15	1 @ 8' x 6' RCBC					0.0161					147.1	
3	-L- 82+15 / 82+70	1 @ 8' x 5' RCBC					0.0101					102.2	
	-L- 83+08 / 83+63	1 @ 8' x 5' RCBC					0.0080					65.1	
4	-L- 91+12 / 91+40	1 @ 72" RCP					0.0027					39.9	
	-L- 91+85 / 93+10	1 @ 72" RCP					0.0105					178.1	
5	-L- 121+92 / 122+64	1 @ 36" RCP					0.0049					108.6	
6A	-L- 136+16 / 136+70	1 @ 36" CSP	0.0480		0.0260	0.0043							
6B	-L- 137+96 / 139+46	1 @ 24" CSP	0.0538		0.0216	0.0059							
7	-L- 293+83 / 294+90	1 @ 24" CSP					0.0088					191.4	
8	-L- 324+96 / 325+82	1 @ 60" SPP /					0.0412					600.4	
		1 @ 60" CSP											
TOTALS:			0.1018	0.0000	0.0476	0.0102	0.1274	0.0000	0.0000	0.0000	1680.0	0.0	

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CALDWELL COUNTY

PROJECT # 1731303 (R-2237B)
U.S. 321 FROM SR 1370 (KIRBY MOUNTAIN RD.)
TO SR 1600 (BLACKBERRY RD.)

SHEET 5 OF 21

Form Revised 1/21/03

8/21/03

Project No. 8.T731303 (R-2237B)

Property Owner List

Site Number	Name	Address
1	Jessie Ford And Wife, June Ford	5725 Waterfall Rd. Lenoir, NC 28645
2	Gene D. Jensen And Wife, Olga D. Jensen	P.O. Box 1134 Blowing Rock, NC 28605
	Johnny J. Bishop And Wife, Lillian S. Bishop	14895 W NC Hwy 268 Ferguson, NC 28624
	Wayne W. Price And Wife, Dianna R. Price	4184 Blowing Rock Blvd. Lenoir, NC 28645
3	James S. Story And Robert Money	2222 Bob Money Lane Lenoir, NC 28645
	Harold D. Patrick And Wife, Hope M. Patrick	4233 Blowing Rock Blvd. Lenoir, NC 28645
4	Harold D. Patrick And Wife, Hope M. Patrick	4233 Blowing Rock Blvd. Lenoir, NC 28645
	Donald Wade Bentley	221 Driver Ave. Murphy, NC 28905
5	Gerald T. Brookshire And Wife, Irene Brookshire	RT 8 Box 233 Lenoir, NC 28645
6A	Troy P. Bolick And Wife, Marlene Bolick	RT 8 Box 231 Lenoir, NC 28645
6B	Troy P. Bolick And Wife, Marlene Bolick	RT 8 Box 231 Lenoir, NC 28645

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CALDWELL COUNTY

PROJECT: 8.T731303 (R-2237B)

U.S. 321

FROM S.R. 1370 (KIRBY MOUNTAIN RD.)
TO S.R. 1600 (BLACKBERRY RD.)

SHEET 6 OF 21

8/21/03

Project No. 8.T731303 (R-2237B)

Property Owner List

Site Number	Name	Address
7	Alan Bormuth	3127 Port Street Morganton, NC 28655
8	J. Earl Tindel	P.O. Box 746 Fancaster, SC 29720

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CALDWELL COUNTY
 PROJECT: 8.T731303 (R-2237B)
 U.S. 321
 FROM S.R. 1370 (KIRBY MOUNTAIN RD)
 TO S.R. 1600 (BLACKBERRY RD)
 SHEET 7 OF 21 8/21/03

MATCHLINE -L- STA. 66+00.00

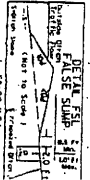
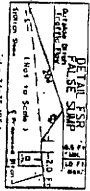
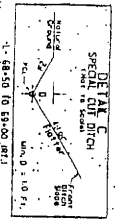
SEE SHEET NO. 08

NAD

BRIDGE SAND
DRAINAGE
SPECIFICATION

PROPOSED - FOT. SCA. 0.0000

SITE I



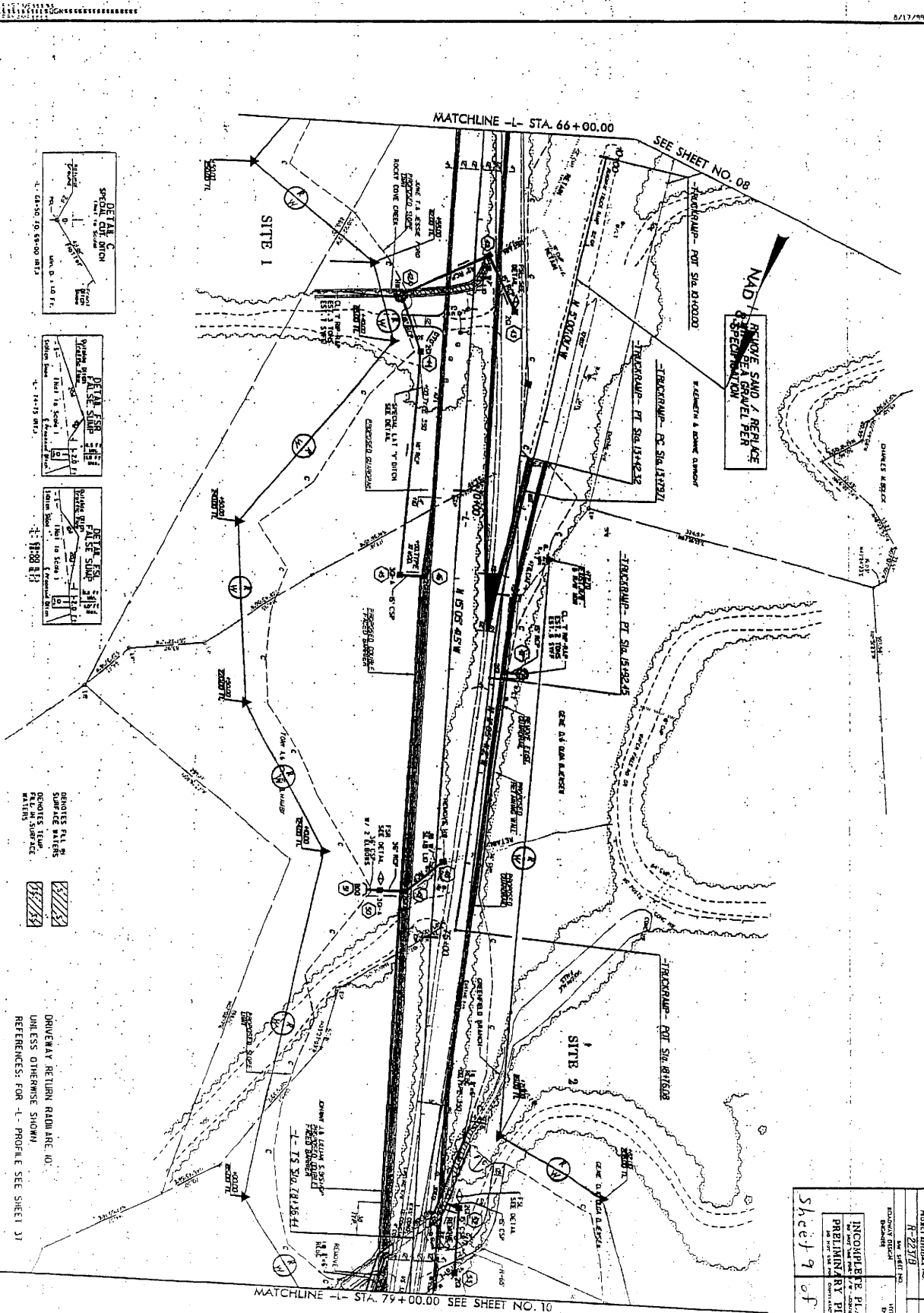
REMOVE PALM
SAPLING
UNLESS SHOWN
OTHERWISE



DRIVEWAY RETURN RADIARE TO
UNLESS OTHERWISE SHOWN
REFERENCES FOR 'L' PROFILE SEE SHEET 37

MATCHLINE -L- STA. 74+00.00 SEE SHEET NO. 10

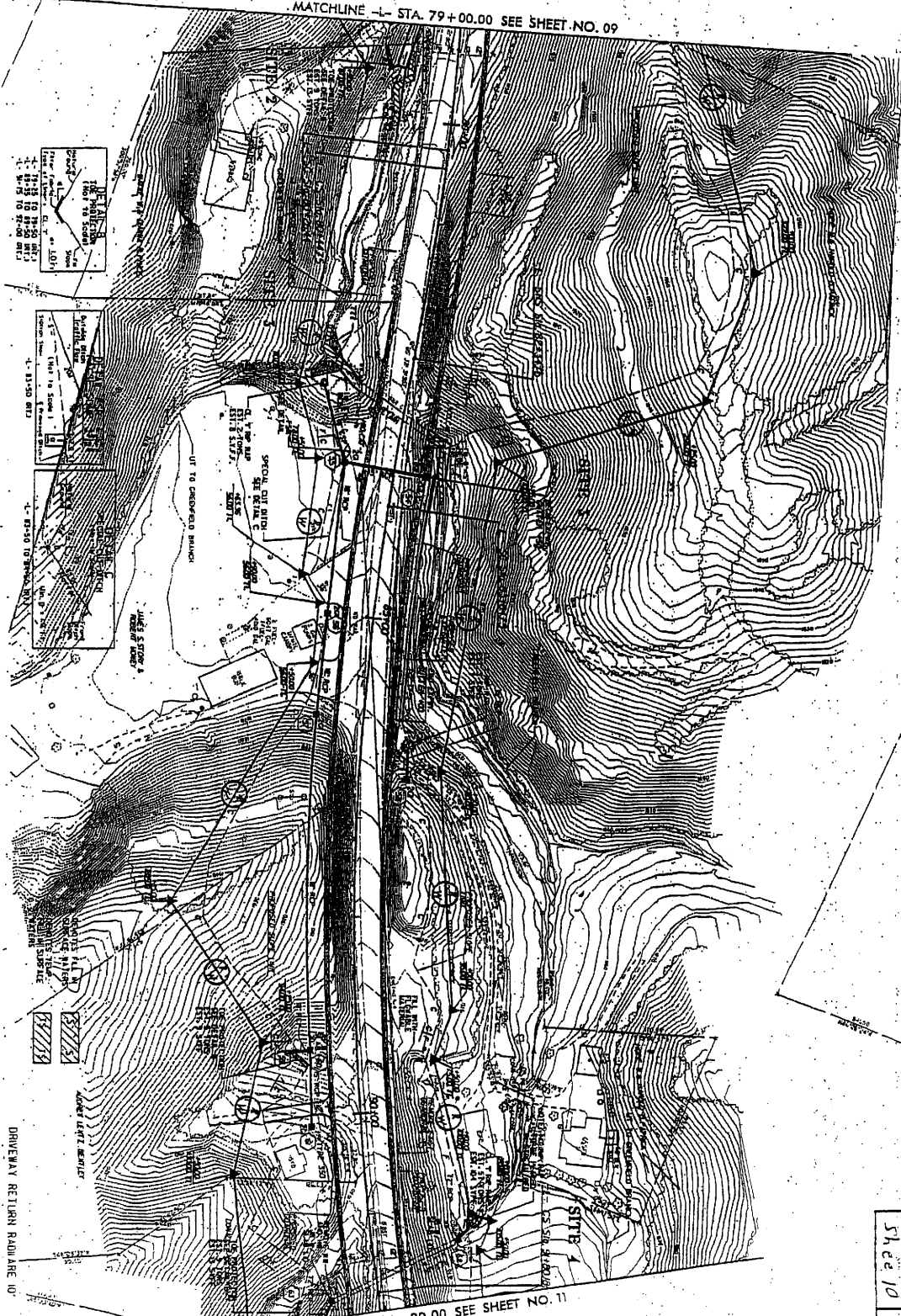
PROJECT NUMBER	02
DATE	02
DESIGNER	02
CHECKER	02
APPROVER	02
INCOMPLETE PLANS DO NOT BE USED FOR CONSTRUCTION	
PRELIMINARY PLANS DO NOT BE USED FOR CONSTRUCTION	
Sheet 8 of 12	



PROJECT NUMBER	R-2378	SHEET NO.	09
DATE	8/17/88	SCALE	AS SHOWN
INCOMPLETE PLANS PRELIMINARY PLANS NOT FOR CONSTRUCTION			
Sheet 9 of 21			

8/17/78

MATCHLINE -L- STA. 79+00.00 SEE SHEET NO. 09

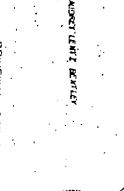
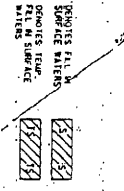
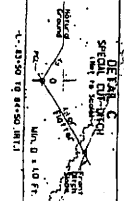
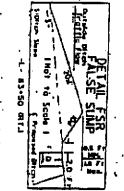
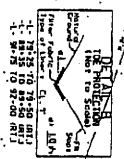
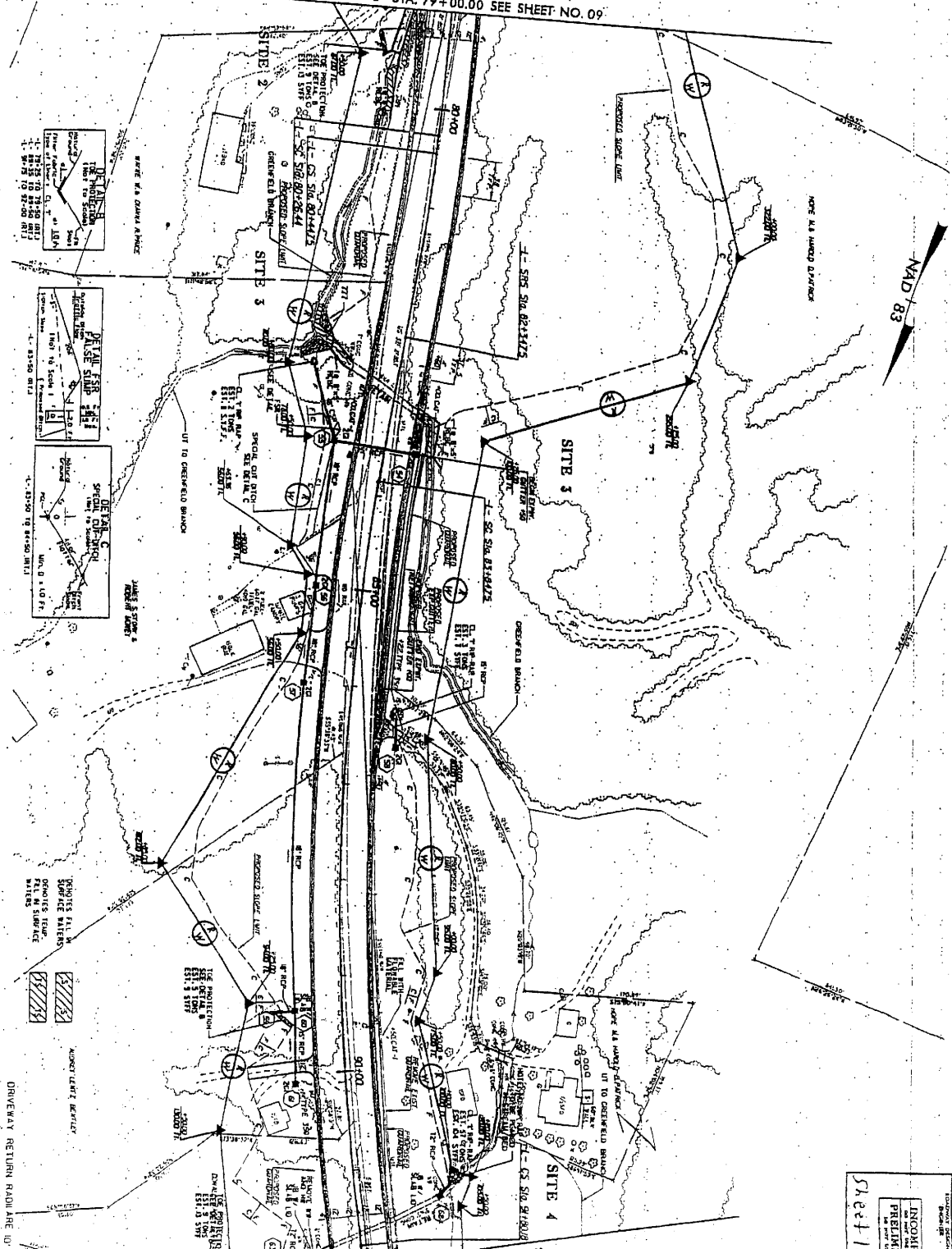


MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 11

PROJECT NUMBER	003	DATE	8/17/78
CONTRACT NUMBER	11-22713	SCALE	AS SHOWN
DESIGNER	INCOMPLETE BLANS	PREPARED BY	PRELIMINARY PLANS
CHECKED BY		DATE	5/22/80
APPROVED BY		SHEET	31

DRIVEWAY RETURN ROADLINE 107
UNLESS OTHERWISE SHOWN
REFERENCES, FOR 'L' PROFILE SEE SHEET 38

MATCHLINE -L- STA. 79+00.00 SEE SHEET NO. 09

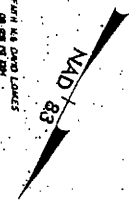
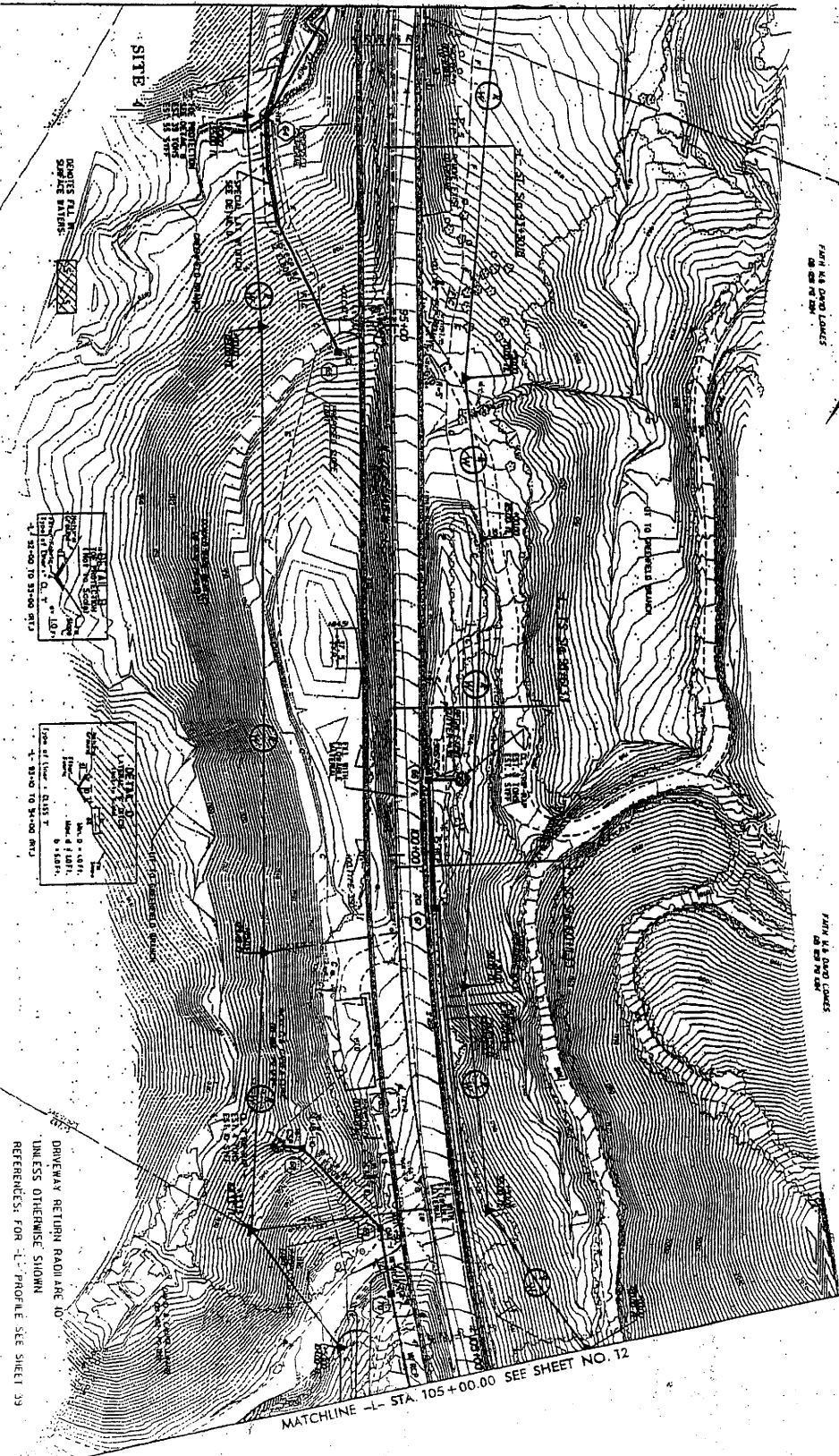


OVERLAY RETURN ROADWAY UNLESS OTHERWISE SHOWN REFERENCED FOR -L- PROFILE SEE SHEET 30

MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 11

PROJECT NUMBER: 00	SHEET NO. 10
DATE: 11/78	SCALE: AS SHOWN
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
DRAWN BY: [Signature]	APPROVED BY: [Signature]
INCOMPLETE PLANS PRELIMINARY PLANS NOT FOR CONSTRUCTION	
Sheet 11	of 21

MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 10



DRIVEWAY RETURN RADII ARE TO
 UNLESS OTHERWISE SHOWN
 REFERENCES FOR 'L' PROFILE SEE SHEET 39

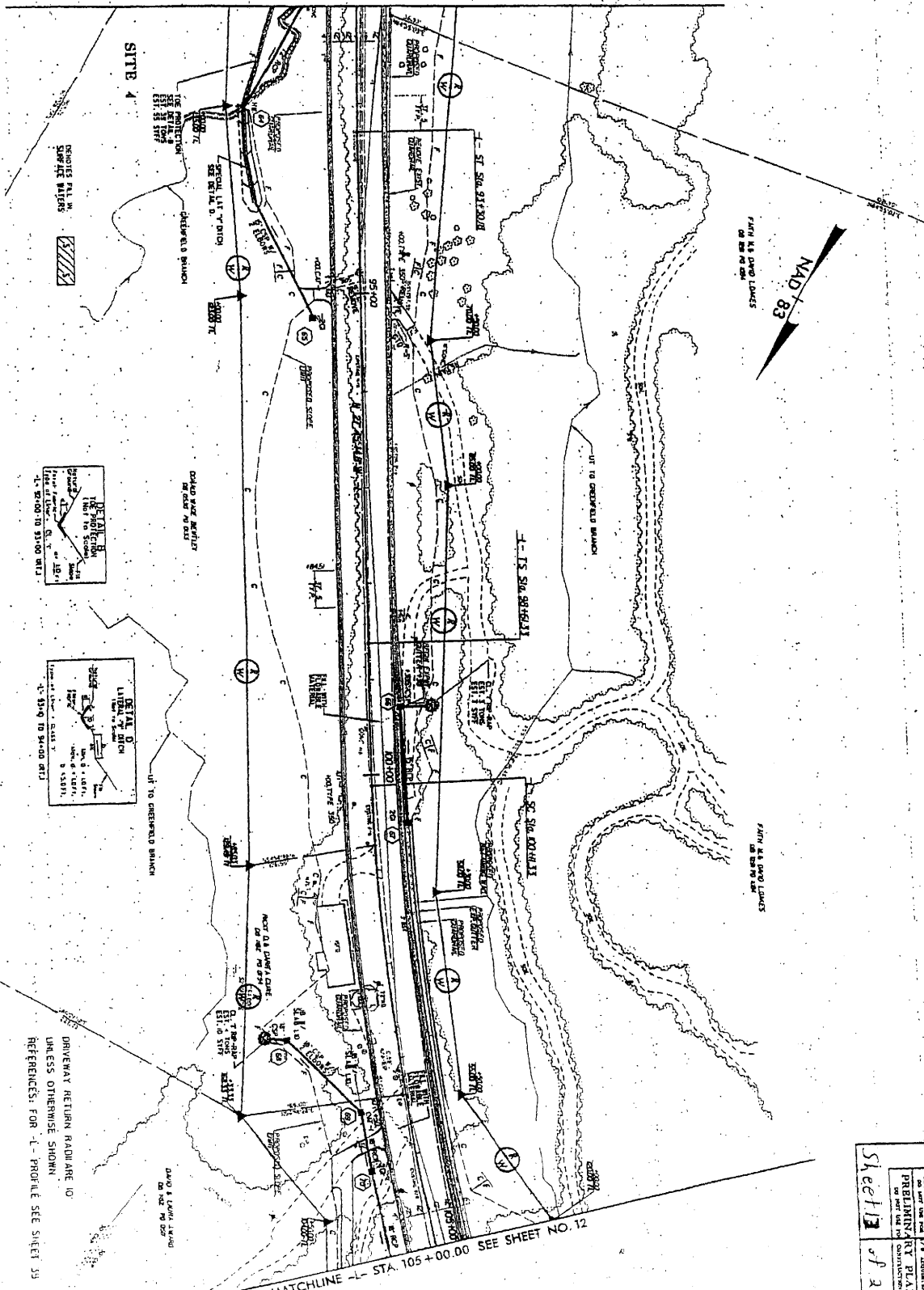
MATCHLINE -L- STA. 105+00.00 SEE SHEET NO. 12

PROJECT NUMBER	8-22378	SHEET NO.	11
DATE	8/17/78	SCALE	AS SHOWN
DESIGNED BY		CHECKED BY	
DRAWN BY		APPROVED BY	
INCOMPLETE PLANS PRELIMINARY PLANS			
Sheet 11 of 21			

277

8112-81

MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 10

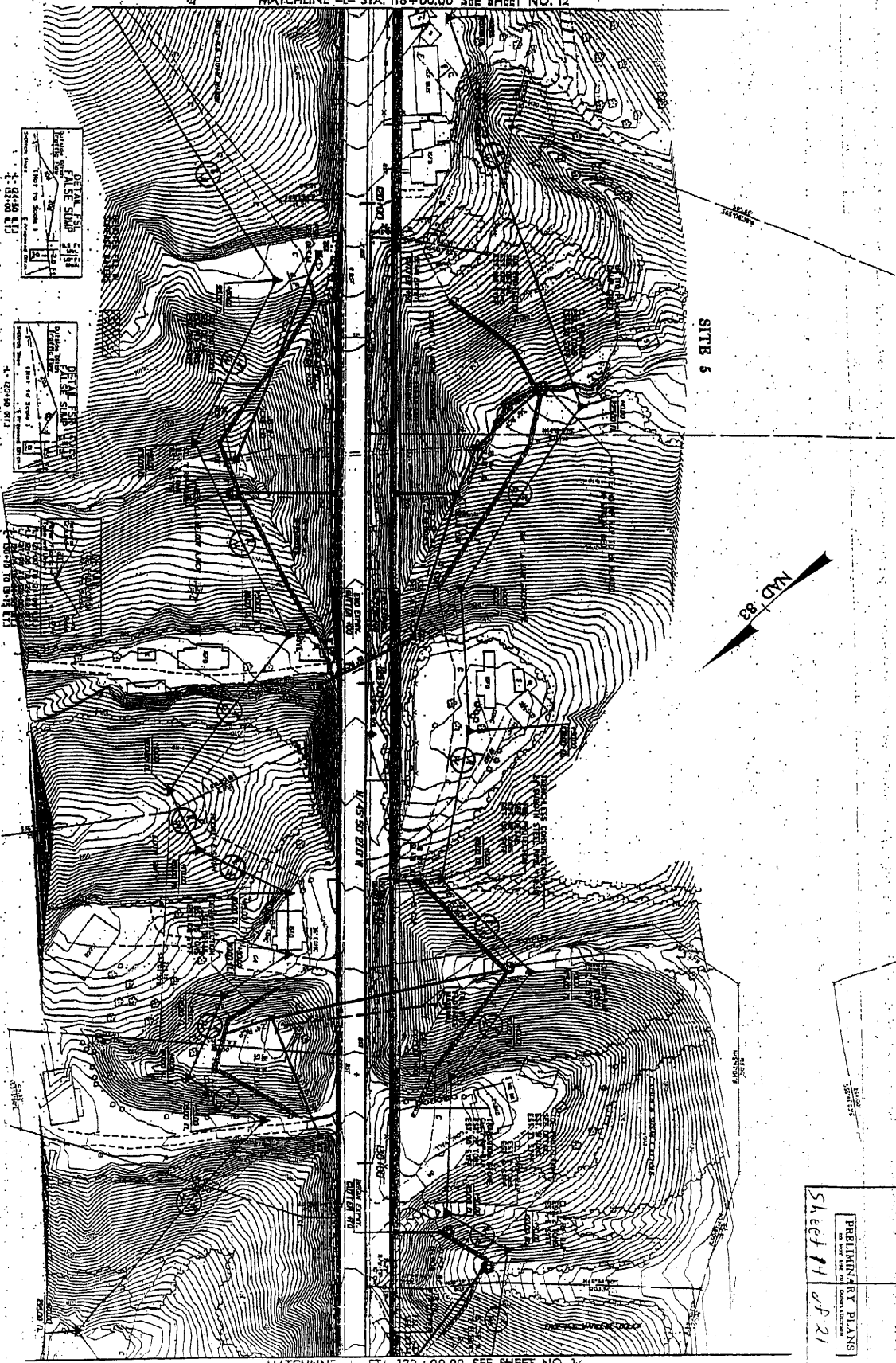


DRIVEWAY RETURN RADIARE 10'
UNLESS OTHERWISE SHOWN
REFERENCES: FOR -L- PROFILE SEE SHEET 39

MATCHLINE -L- STA. 105+00.00 SEE SHEET NO. 12

PROJECT NUMBER: 00	DATE: 11/20/18	SCALE: AS SHOWN
DESIGNER: [Signature]	CHECKER: [Signature]	DATE: 11/20/18
INCOMPLETE PLANS - PRELIMINARY PLANS		
Sheet 13 of 21		

MATCHLINE -L- STA. 118+00.00 SEE SHEET NO. 12

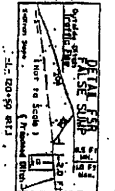
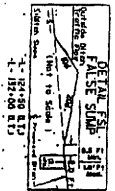
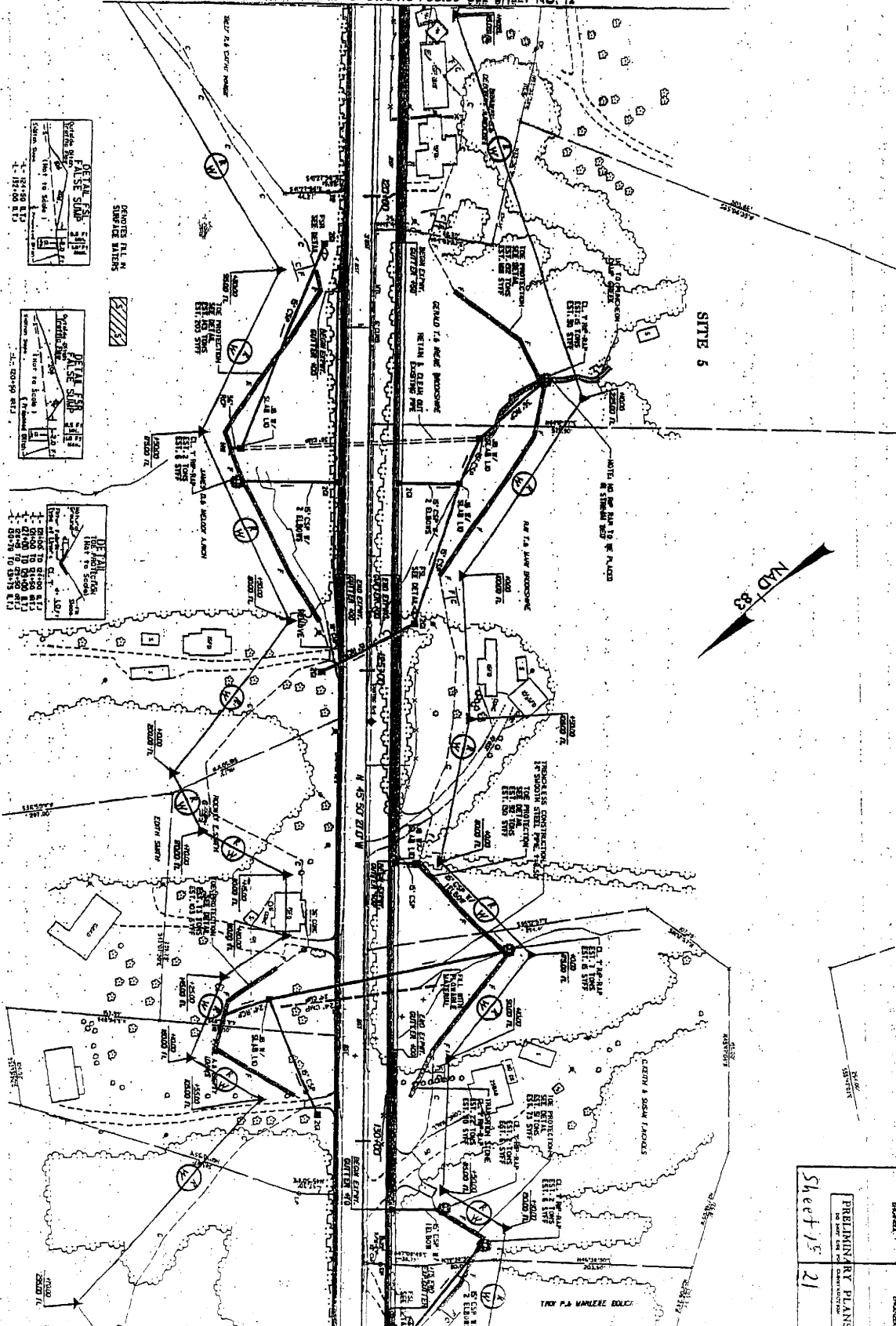


MATCHLINE -L- STA. 132+00.00 SEE SHEET NO. 14

DRIVEWAY RETURN ROAD ARE TO UNLESS OTHERWISE SHOWN REFERENCES FOR -L- PROFILE SEE SHEET 4

PROJECT NUMBER: 100		SHEET NO.
DATE: 8/17/77		13
DESIGNED BY: [Signature]	CHECKED BY: [Signature]	DATE: 8/17/77
PRELIMINARY PLANS		
NO PART OF THIS DRAWING TO BE REPRODUCED WITHOUT PERMISSION		
Sheet #1	of 21	

MATCHLINE ← STA. 118+00.00 SEE SHEET NO. 12

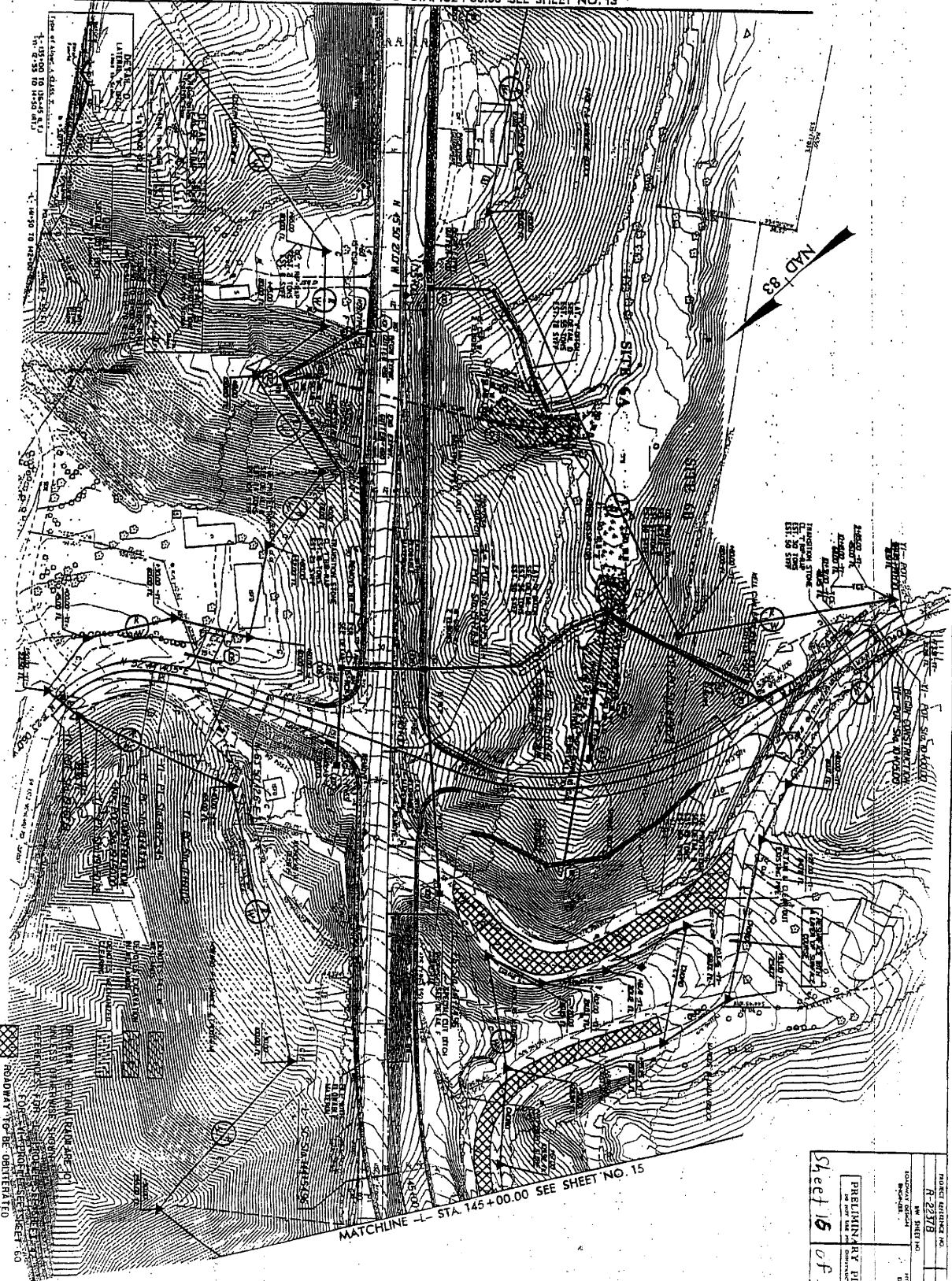


PROJECT NUMBER	R-2278
SHEET NO.	13
DATE	8/17/72
DESIGNER	PROFESSIONAL ENGINEER
CHECKED BY	PROFESSIONAL ENGINEER
APPROVED BY	PROFESSIONAL ENGINEER
PRELIMINARY PLANS	
Sheet 13 of 21	

MATCHLINE ← STA. 132+00.00 SEE SHEET NO. 14

DRIVEWAY RETURN RADIUS 10'
 UNLESS OTHERWISE SHOWN
 REFERENCES: FOR "I" - PROJECT SEE SHEET "I"

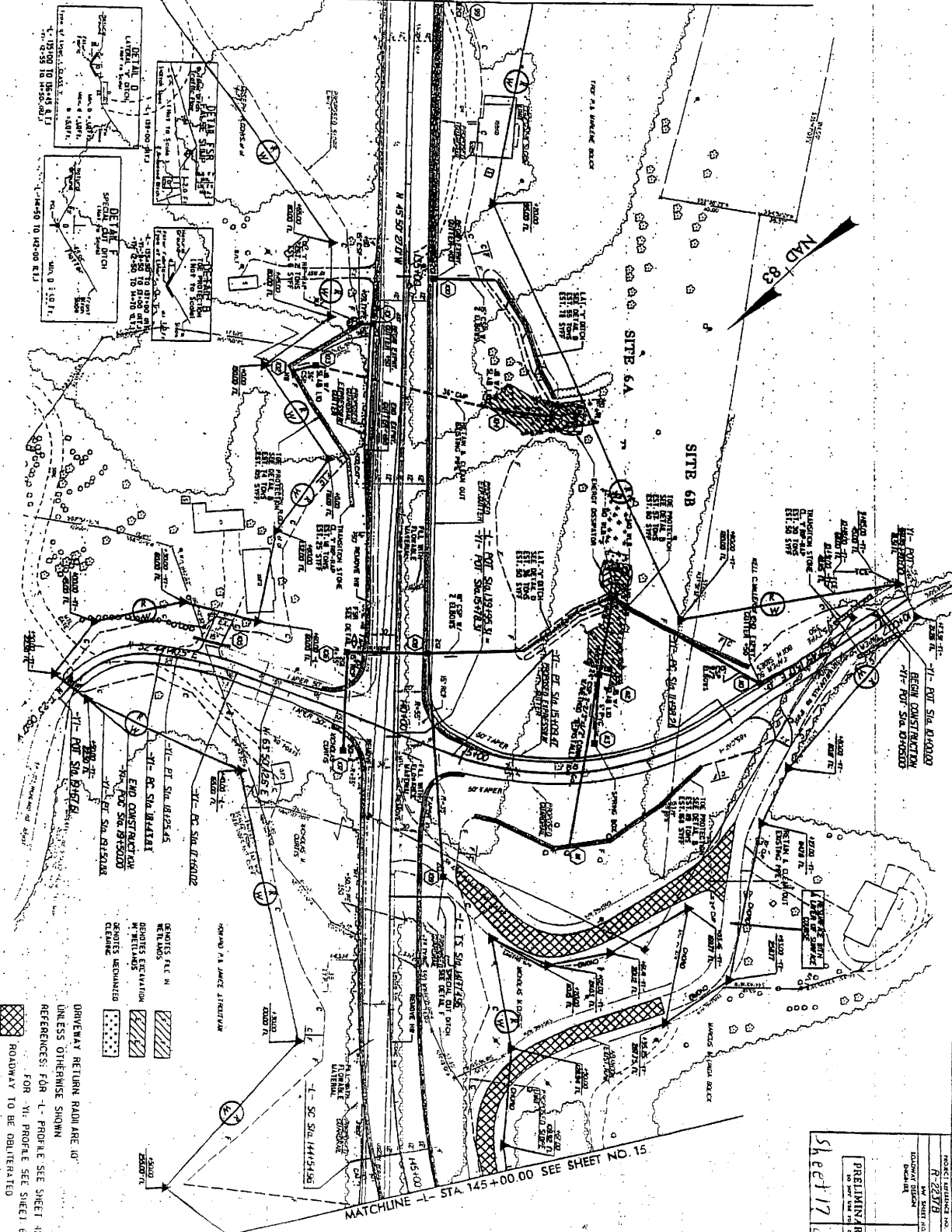
MATCHLINE -L- STA. 132+00.00 SEE SHEET NO. 13



MATCHLINE -L- STA. 145+00.00 SEE SHEET NO. 15

PROJECT NUMBER	14
DATE	1/14
DESIGNED BY	14
CHECKED BY	14
INCHES	14
PRELIMINARY PLANS	
Sheet 15 of 21	

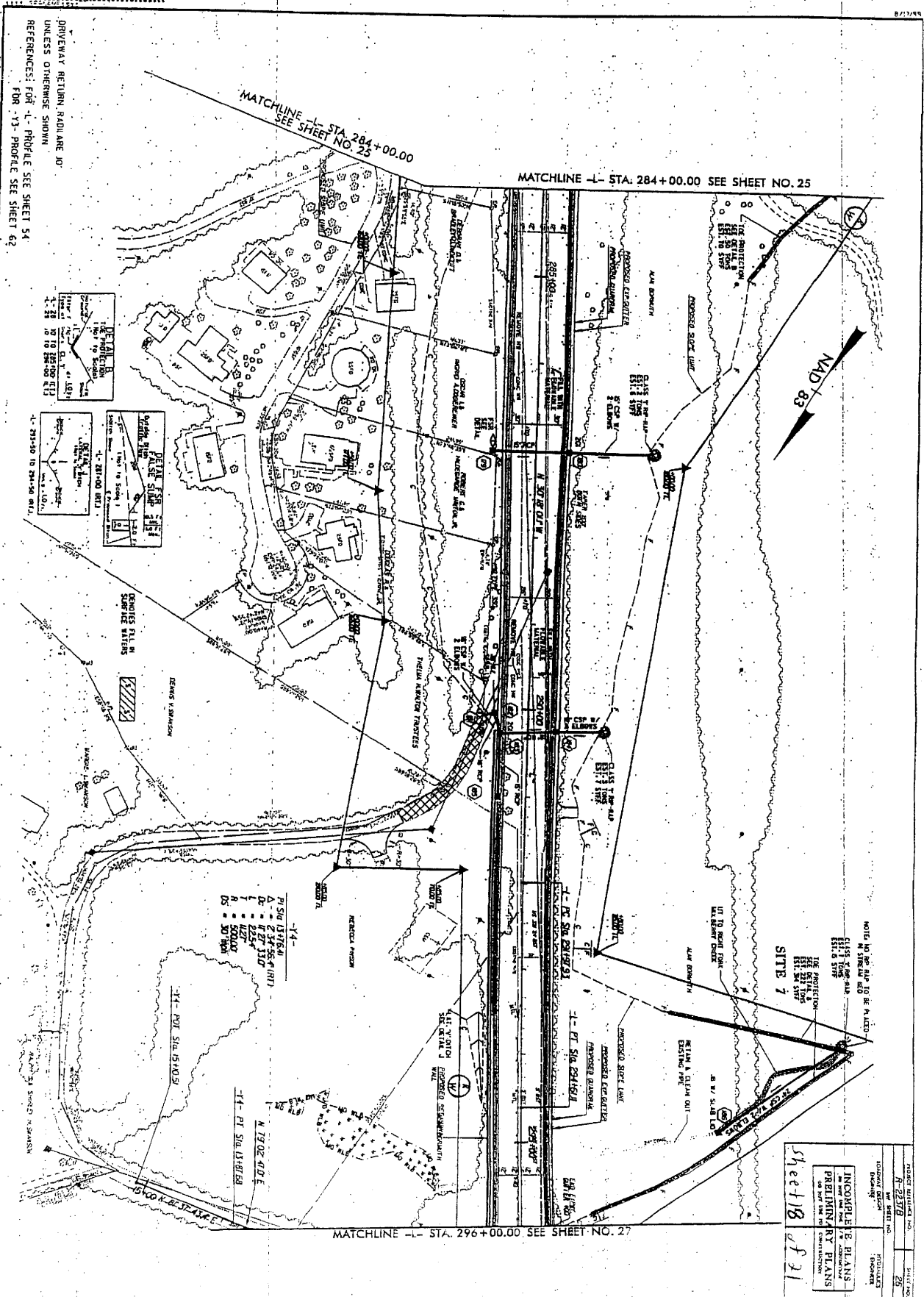
MATCHLINE - STA. 132+00.00 SEE SHEET NO. 13



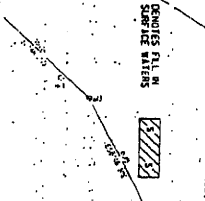
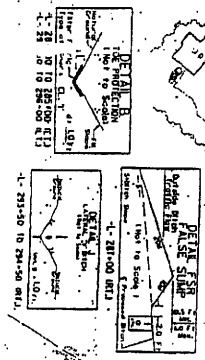
DRIVEWAY RETURN ROAD ARE 0'
 UNLESS OTHERWISE SHOWN
 REFERENCES FOR 'L' PROFILE SEE SHEET 42
 FOR 'H' PROFILE SEE SHEET 60
 ROADWAY TO BE OBLITERATED

MATCHLINE - STA. 145+00.00 SEE SHEET NO. 15

PROJECT NUMBER	R-2377B
DATE	8/21
DESIGNED BY	INSUBAKA
DRAWN BY	INSUBAKA
CHECKED BY	INSUBAKA
DATE	8/21
PROJECT TITLE	PRELIMINARY PLANS
PROJECT LOCATION	Sheet 17 of 21



DRIVEWAY RETURN ROAD ARE OF
UNLESS OTHERWISE SHOWN
REFERENCES FOR -L- PROFILE SEE SHEET 54
FOR -T- PROFILE SEE SHEET 62



-T4-

P	1.50	1576.41
A	2.34	55.00 (INT)
D	8.27	1310
L	3.48	545.75
R	5.00	500.00
D5	30	1000

NOTE: NO PERMIT IS TO BE FILED -
IN STATE AND
EXIST. STATE
FOR PROTECTION
SEE SHEET 18
FOR STATE
CONSTRUCTION

SITE 7

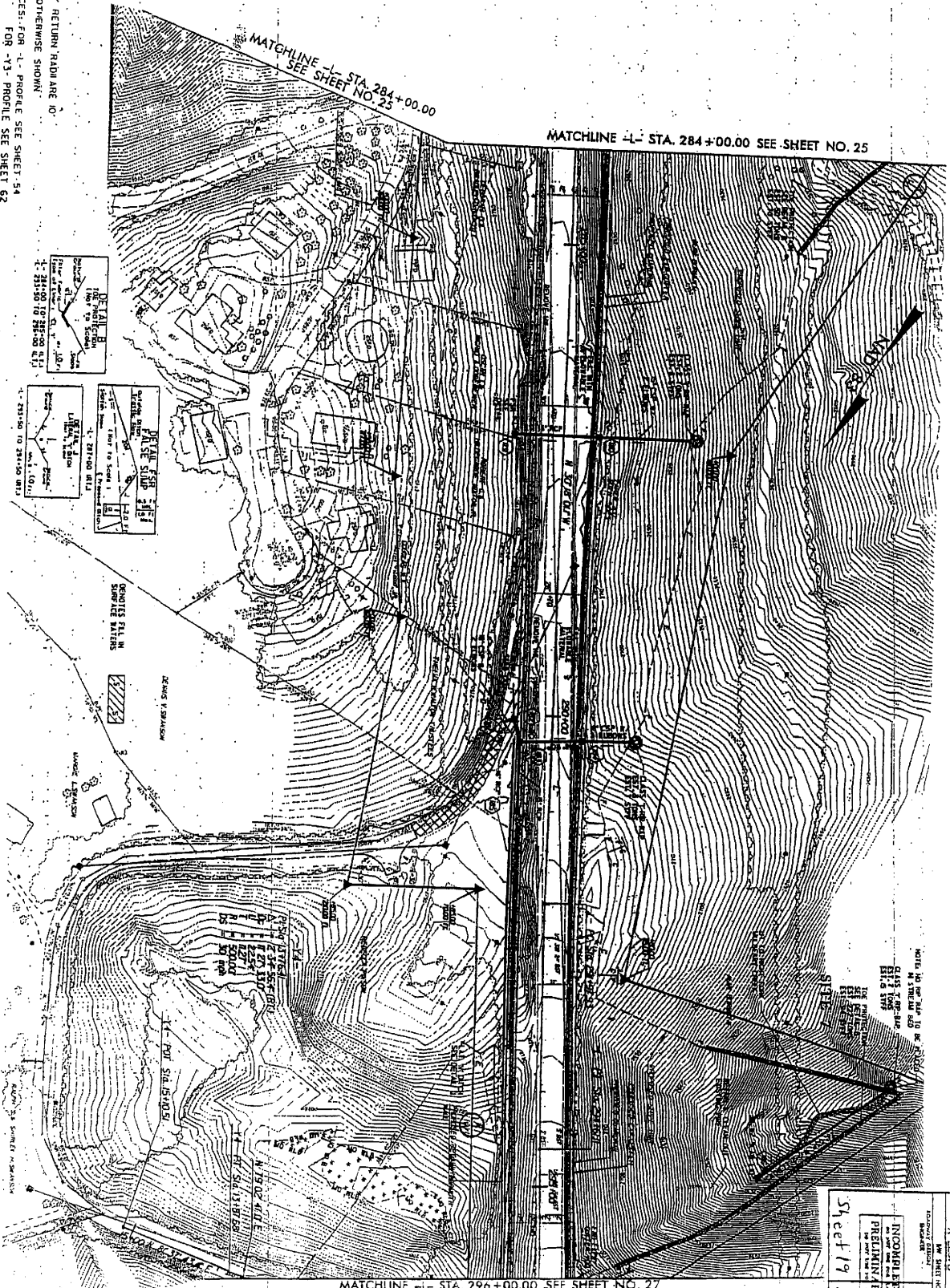
PROJECT NO. 18
DATE 8/17/85

DESIGNED BY	DRWING	PROFILES
INCOMPLETE PLANS	PRELIMINARY PLANS	

Sheet 18 of 21

MATCHLINE -L- STA. 296+00.00 SEE SHEET NO. 27

DRIVEWAY RETURN RADII ARE TO
 UNLESS OTHERWISE SHOWN
 REFERENCES FOR 'L' PROFILE SEE SHEET 54
 FOR 'V3' PROFILE SEE SHEET 62



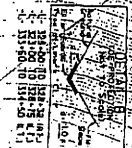
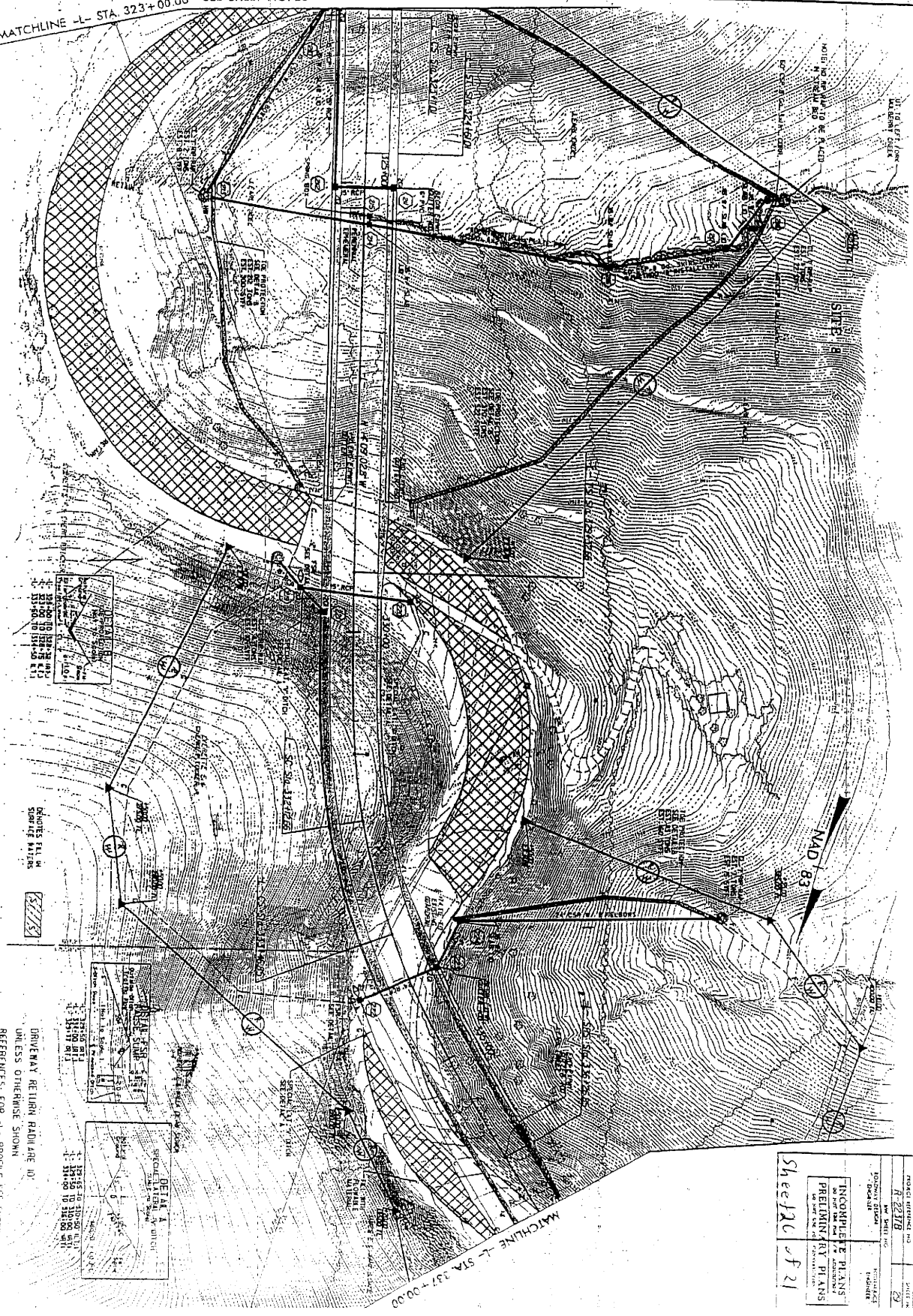
MATCHLINE -L- STA. 284+00.00
 SEE SHEET NO. 25

MATCHLINE -L- STA. 284+00.00 SEE SHEET NO. 25

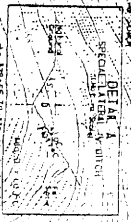
MATCHLINE -L- STA. 296+00.00 SEE SHEET NO. 27

PROJECT NUMBER NO.	DATE
R-22719	
DATE	
NO. SHEET NO.	
2	
DESIGNED BY	DRAWN BY
REVISIONS	
APPROVED BY	
PROJECT ENGINEER	
PRELIMINARY PLANS	
DATE	
BY	
5/21/19	dfj

MATCHLINE -L- STA. 323+00.00 SEE SHEET NO. 28



INDICATES FALL IN
SURFACE PATTERS



DRIVEWAY RETURN RADIUS ARE 10'
UNLESS OTHERWISE SHOWN
REFERENCES: FOR 'L- PROFILE SEE SHEET 57'

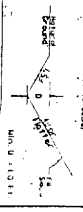
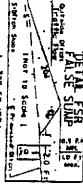
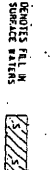
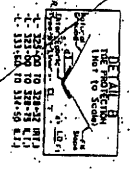
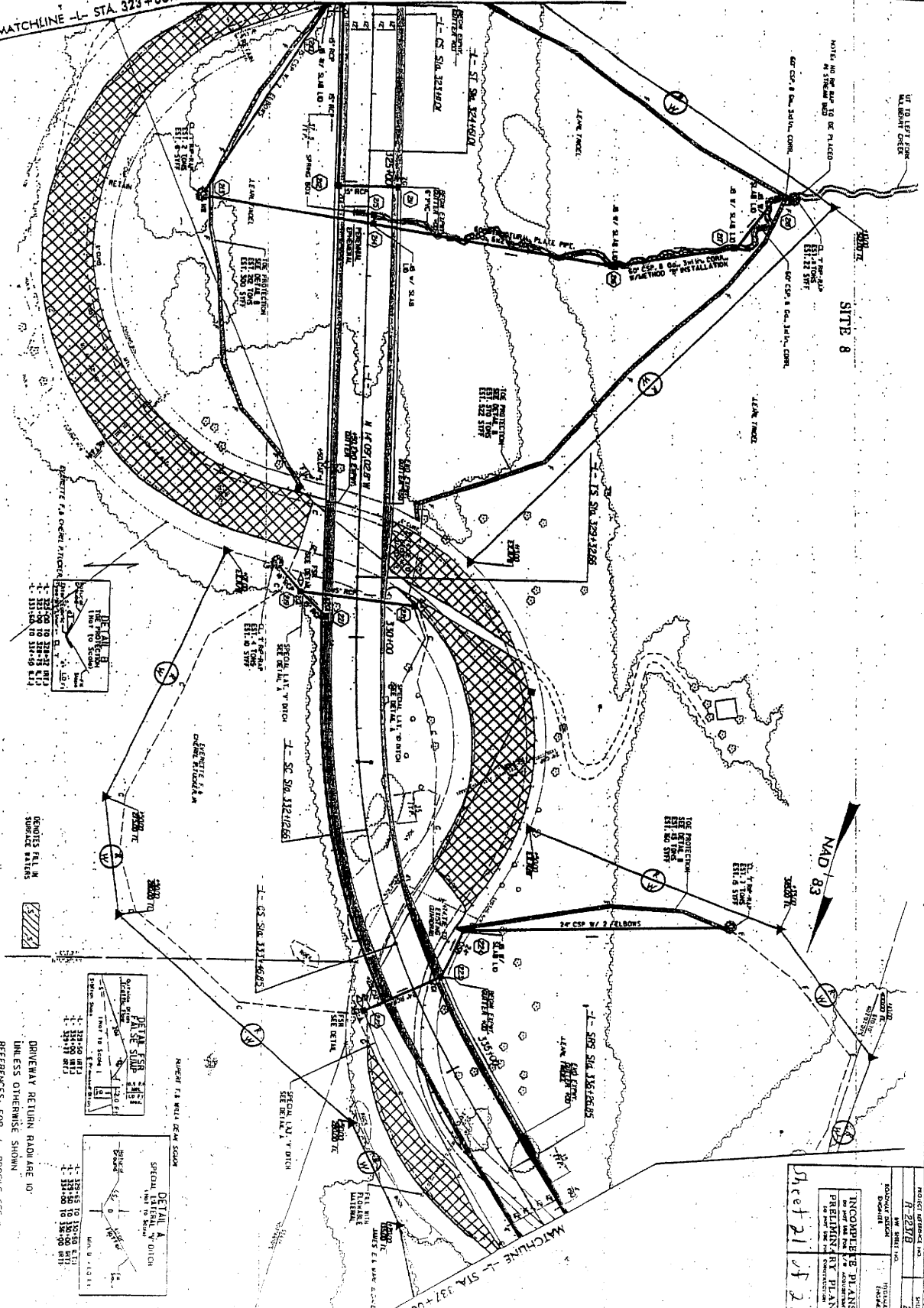
PROJECT NUMBER	DATE
NO. 1111	11/11/83
DESIGNED BY	DRAWN BY
INCOMPLETE PLANS OR PRELIMINARY PLANS	1-11-83
Sheet 20 of 21	

MATCHLINE -L- STA. 327+00.00

MATCHLINE -L- STA. 323+00.00 SEE SHEET NO. 2B

SITE 8

NOTE: NO SP. 8 OR 34 IN. CORR. IN STREAM BEDS



PROJECT NUMBER AND DATE	H-2237/B
DESIGNED BY	W. H. HILL
DRAWN BY	W. H. HILL
CHECKED BY	W. H. HILL
APPROVED BY	W. H. HILL
DATE	11/22/78
INCORPORATE PLANS PRELIMINARY PLANS NO PART OF THESE PLANS TO BE USED FOR CONSTRUCTION	
Sheet 21 of 21	

DRIVEWAY RETURN ROADWAY IS UNLESS OTHERWISE SHOWN REFERENCES FOR 'L' PROFILE SEE SHEET 21



286

October 21, 2004

Dr. Gregory J. Thorpe, PhD., Manager
Project Development and Environmental Analysis 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,
Proposed Widening of US 321 from SR 1370 to SR 1500 in Bailey Camp, TIP No. R-2237B
Individual WQC No. 3481
Caldwell County

Attached hereto is a copy of Certification No. 3481 issued to The North Carolina Department of Transportation dated October 21, 2004. This Certification replaces the Certification issued October 5, 2004. The modification made to this Certification consists of editing Condition 1. in the Project Specific Conditions to remove any reference of Site 3 regarding baffle installation in the proposed reinforced box culvert. The revised condition reads as follows:

1. Baffles shall be installed in the reinforced concrete box culvert inlet at Site 2 in Greenfield Branch.

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

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

cc: John Thomas, Army Corps of Engineers Raleigh Regulatory Field Office
Mike Parker, DWQ Asheville Regional Office
Central Files
File Copy

APPROVAL OF 401 Water Quality Certification and 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 Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500, and 15 NCAC 2B .0259. This certification authorizes the NCDOT to place fill material, to excavate, and to conduct mechanized clearing in 0.16 acres of wetlands and to place fill material, culverts, and piping in 1,680 linear feet of streams in Caldwell County. The project shall be constructed pursuant to the application dated July 21, 2004, to widen US 321 from SR 1370 to SR 1500. The approved design is that submitted in your application dated July 21, 2004. The authorized impacts are as described below:

Table 1. Wetland Impacts in the Yadkin-Pee Dee River Basin

Site	Station No.	Non-Riverine (acres)	Total (acres)
Site 6A	-L- 136+16 to 136+70	0.08	0.08
Site 6B	-L- 137+96 to 139+46	0.08	0.08
Total		0.16	0.16

Table 2. Surface Water Impacts for the Yadkin-Pee Dee and Catawba River Basins

Site	Station No.	Stream Impacts (linear feet)	Stream Type	Mitigation Required (linear feet)
Impacts in the Yadkin-Pee Dee River Basin				
1	Rocky Cove Creek -L-66+40 to 66+48	129	Perennial	0
2	Greenfield Branch -L- 77+05 to 78+18; -L- 78+80 to 80+15	266	Perennial	266
3	Greenfield Branch -L- 82+15 to 82+70; -L- 83+08 to 83+63	167	Perennial	167
4	Greenfield Branch -L- 91+12 to 91+40; -L-91+83 to 93+10	218	Perennial	218
5	UT to Puncheon Camp Creek -L- 121+92 to 122+64	109	Perennial	0
Impacts in the Catawba River Basin				
7	UT to Right Fork Mulberry Creek -L- 293+83 to 294+90	191	Perennial	191
8	UT to Left Fork Mulberry Creek -L- 324+96 to 325+82	600	Perennial	0

Total	1,680	842
-------	-------	-----

The application provides adequate assurance that the discharge of fill material into the wetlands and waters of the Yadkin-Pee Dee River Basin and the Catawba 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, 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 three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

Project Specific Conditions

1. Baffles shall be installed in the reinforced concrete box culvert inlet at Site 2 in Greenfield Branch.
2. An extended wing wall shall be installed at the Site 2 reinforced concrete box culvert inlet to act as a retaining wall parallel to US 321.
3. An extended wing wall and a retaining wall shall be installed parallel to US 321 at the Site 3 reinforced concrete box culvert inlet.
4. A drop structure shall be installed at the outlet of the Site 5 reinforced concrete pipe to reduce the outlet velocity.
5. Energy dissipater basins shall be installed at pipe outlets to wetlands at Sites 6A and 6B.
6. Instream work and land disturbance within the 25-foot wide trout buffer zone are prohibited on all streams classified as trout waters within the project area during the trout spawning seasons of October 15 through April 15 to protect the egg and fry stages of trout.
7. Compensatory mitigation for impacts to streams shall be done for 842 linear feet of stream impact at a replacement ratio of 1:1. The NC Ecosystem Enhancement Program shall provide compensatory mitigation for impacts to jurisdictional streams for 842 linear feet of streams. Compensatory mitigation shall be provided for 651 linear feet of streams in the Yadkin-Pee

Dee River Basin, eight digit hydrologic unit 03040101 and for 191 linear feet of streams in the Catawba River Basin, eight digit hydrologic unit 03050101.

General Conditions of Certification:

8. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. 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 assure compliance with the appropriate turbidity water quality standard.
 - a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These 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.
 - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
9. 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.
10. 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.
11. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
12. 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.
13. Excavation of the stream crossings should be conducted in the dry, if possible. Sandbags, cofferdams, flexible pipe, or other diversion structures should be used to minimize excavation in flowing water.
14. 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.

15. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. 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.
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.
17. 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.
18. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
19. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
20. 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.
21. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
22. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided that the final construction drawings comply with the attached permit drawings contained in the application dated May 11, 2004.
23. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by orange fabric fencing prior to any land disturbing activities.
24. 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). Before modifying the certification, DWQ shall notify NCDOT and the US Army Corps of Engineers, provide public notice in accordance with 15A NCAC 2H.0503 and provide opportunity for public hearing in accordance with 15A NCAC 2H.0504. Any new or revised conditions shall be provided to NCDOT in

writing, shall be provided to the United States Army Corps of Engineers for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

25. 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.
26. Culverts that are less than 48-inch in diameter should be buried to a depth equal to or greater than 20% of their size to allow for aquatic life passage. Culverts that are 48-inch in diameter or larger should be buried at least 12 inches below the stream bottom to allow natural stream bottom material to become established in the culvert following installation and to provide aquatic life passage during periods of low flow. These measurements must be based on natural thalweg depths.

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 5th day of October 2004

DIVISION OF WATER QUALITY

Alan W. Klimek, P.E.
Director

DWQ Project No.: 3481

County: Caldwell

Applicant: NC Department of Transportation

Project Name: Widening of US 321 from SR 1370 to SR 1500

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/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: _____

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 _____