

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.



REPLY TO
ATTENTION OF:

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

August 5, 2004

Regulatory Division

Action ID Number 199704287, Hope Mills Bypass, Transportation Improvements Project U-620

Dr. Gregory J. Thorpe, PhD, Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
Division of Highways
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

In accordance with your written request of May 7, 2004, and the ensuing administrative record, enclosed are two copies of a Department of the Army permit to discharge dredged or fill material into waters of the United States, including jurisdictional wetlands for the widening of the existing George Owen Road (SR 1133) to a four-lane, median divided, facility from Bingham Drive (SR 1141) to Columbine Road (SR 3065) and extending on new location to the intersection of Legion Road (SR 1132) directly across from Elk Road (SR 1363) in Hope Mills, Cumberland County, North Carolina. State Project 8.1442601, TIP NO. U-620, NCDOT Division 6.

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, indicates 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.

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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. Richard K. Spencer of my Wilmington Field Office regulatory staff at telephone (910) 251-4172.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. David Franklin".

E. David Franklin
Chief, NCDOT Team

Enclosures

DEPARTMENT OF THE ARMY PERMIT

NC Department of Transportation

Permittee _____

199704287

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:

To directly discharge dredged and/or fill material into Beaver Creek, Buckhead Creek and tributaries to Beaver Creek, Buckhead Creek, and Little Rockfish Creek impacting a total of 1,215 linear feet of streams and 2.3 acres of wetlands to facilitate the construction of the Hope Mills Bypass, Transportation Improvements Project (TIP) U-620, State Project Number 8.1442601. This authorization will also include the temporary placement of equipment work pads at stations L 161+00, Site 5 and the construction of a temporary detour at station Y2DET 12+50, Site 7A.

Project Location:

In the Cape Fear River basin, from the intersection of SR-1141 (Bingham Drive) and SR-1133 (George Owen Road) and runs along George Owens Road to SR-3065 (Columbine Road) and extends on new location to intersect SR-1132 (Legion Road) in Cumberland 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.

(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. 1997-0-4287; NCDOT/TIP U-620)

1. All work authorized by this permit must be prepared in strict compliance with the attached plans, which are a part of this permit. 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. The permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any deviation in the construction design plans shall be brought to the attention of the Corps of Engineers, Mr. Richard Spencer, Wilmington Regulatory Field Office prior to any active construction in waters or wetlands.

2. The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Mr. Richard Spencer, Wilmington Regulatory Field Office, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meetings in order to provide that individual with ample opportunity to schedule and participate in the required meetings.

3. 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. Copies of this permit and any modifications authorized by the USACE shall be available for review at the construction site at all times. All violations, including non-compliance of these conditions, of the authorized permit shall be reported to the District Engineer within 24 hours of the violation.

✱ 4. 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, Wilmington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

5. The temporary work pads at L-station 161+00, Site 5 and the temporary detour fill at Y2DET 12+50, Site 7A, shall be placed on filter cloth and shall be removed in its entirety upon completion of construction at the site. Removal of the fill and stabilization of the disturbed substrate area shall be accomplished within 30 calendar days following completion of construction at the site. A restoration plan shall be submitted to the Corps of Engineers, Wilmington Regulatory Field Office NCDOT Regulatory Project Manager for review and approval 30 calendar days prior to the start of fill removal.

* 6. Compensatory mitigation for the unavoidable impacts to 2.3 acres of wetland and 1,215 linear feet of perennial stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letters dated March 3, 2004 and May 20, 2004 from William D. Gilmore, EEP Transition Manager. The EEP will provide 23.5 acres of preservation of riverine wetlands and 12,150 linear feet of preservation of warm water stream channel in the Southern Inner Coastal Eco-Region at the Great Coharie Site in Sampson County that has been acquired and protected by the EEP. 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 a minimum of 2.3 acres of restoration of riverine wetlands and 1,215 linear feet of restoration of warm water stream channel in the Cape Fear River basin (Hydrologic Cataloging Unit 03030004 by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. Construction within wetlands on the permitted highway project shall begin only after the EEP has provided written confirmation to the District Engineer that the EEP and not the NCDOT is responsible for providing the required mitigation, pursuant to Paragraph VI.B.7 of the MOA. 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.

7. The permittee and its contractors and/or agents shall not excavate, fill, or perform mechanized landclearing at any time in the construction or maintenance of this project within waters and/or wetlands, or cause the degradation of waters and/or wetlands, except as authorized by this permit, or any modification to this permit. 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 fill activities connected with this project.

8. To ensure that all borrow and waste activities occur on high ground and do not result in the loss or 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 ensure that all such areas comply with the preceding condition (#7.) 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 (#7). All information will be available to the Corps of Engineers 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. The permittee shall comply with the conditions specified in the water quality certification, No. 3465, issued by the North Carolina Division of Water Quality on 23 July 2004.

10. The permittee shall place the inverts of culverts and other structures greater than 48 inches in diameter in waters, streams, and wetlands one foot below the bed of the stream to allow low flow passage of water and aquatic life, unless providing passage would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, culverts 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 dis-equilibrium of wetlands or streambeds or banks, adjacent to, upstream or downstream of the structures.

11. 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.

12. 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.

13. 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. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the authorized work, he shall immediately stop work and notify the Wilmington District Engineer who will initiate the required State/Federal coordination.

15. No excavated or fill material shall be placed at any time in waters or wetlands outside the authorized permit area, nor will it be placed in any location or in any manner so as to impair surface water flow into or out of any wetland area.

16. The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without transferring it to a third party.

17. All fill material shall be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

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

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

- 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 Federal activities initiated on behalf of the general public.
- c. Damages to other permitted or un-permitted activities or structures caused by the authorized activity.
- d. Design and construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.



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

Alan W. Klimek, P.E., Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

July 23, 2004

RECEIVED

AUG 02 2004

~~REGULATORY~~

Mr. Gregory J. Thorpe, Ph.D., Environmental Director
NCDOT Planning and Environmental Branch
1548 Mail Service Center
Raleigh, NC, 27699-1548

Dear Dr. Thorpe:

Re: Water Quality Certification Pursuant to §401 of the Federal Clean Water Act,
Hope Mills Bypass, from SR 1141 (Bingham Drive) to SR 1363 (Elk Road), Cumberland County.
Federal Aid No. STP-0622 (2); WBS Element 34408.1.1; State Project No. 8.1442601
TIP No. U-0620
DWQ Project No. 040806

Attached hereto is a copy of Certification No. 3465 issued to The North Carolina Department of Transportation dated July 23, 2004.

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

Sincerely,

Alan W. Klimek, P.E.

Attachments

cc: Wilmington District Corps of Engineers
Richard Spencer, USACE Wilmington Field Office
Ken Averitte, NCDWQ Fayetteville Regional Office
Christopher Miltscher, US Environmental Protection Agency – Region IV
William D. Gilmore, P.E., Transition Manager, NC DENR Division of Ecosystem Enhancement
T. R. Gibson, PE, Division Engineer, NCDOT Division 6
Central Files
File Copy



NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

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 .0500. This Certification authorizes the NCDOT to incur the following permanent impacts:

- 2.3 acres of jurisdictional wetlands;
 - 1,215 linear feet of jurisdictional stream loss;
- in Cumberland County.

Site	Waterbody	Wetlands (ac)	Streams (ft)
1B	Beaver Creek Trib A	0.77	
2	Buckhead Creek		280
3	UT to Buckhead Creek	0.82	334
4	UT to Buckhead Creek	0.14	
5	UT to Little Rockfish Creek	0.15	
6	Ut to Little Rockfish Creek	0.39	259
7	Beaver Creek Trib B	0.03	78
7A	Beaver Creek Trib B		62
	TOTALS	2.30	1215

The Hope Mills Bypass project, from SR 1141 (Bingham Drive) to SR 1363 (Elk Road), Cumberland County, shall be constructed pursuant to the Application dated May 7, 2004.

The Application provides adequate assurance that the discharge of fill material into the waters of the state 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. All work authorized by this Certification must be done in strict compliance with the plans attached to the Application. If this project changes, incurring additional impacts to streams or wetlands; you are required to notify the DWQ *in writing*, and you may be required to submit a new application. 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, Non-discharge and Water Supply watershed regulations. This Certification shall expire three (3) years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding US Army Corps of Engineers Permit, whichever is later.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.

NCDOT TIP No. U-0620

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- 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. Any reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Application. All construction activities shall be performed so that no violations of state water quality standards, statutes, or rules occur.
3. 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 within 30 days after the project has been released.
4. 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. Impacts to those areas are prohibited unless otherwise authorized by this certification.
5. NCDOT and its contractors and/or agents shall not excavate, fill, or perform mechanized land clearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this Certification, or any modification to this Certification. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this Certification without appropriate modification. If this occurs, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. Excavation of stream crossings should be conducted in the dry unless demonstrated by the applicant or its authorized agent to be unfeasible and approved by the DWQ. Sandbags, cofferdams, flexible pipe, or other diversion structures should be used to minimize excavation in flowing water.
7. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it is otherwise approved by the 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.

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8. The natural dimension, pattern and profile of the streams above and below the approved crossings shall not be modified by widening the stream channel or changing the depth of the stream, except as approved by this certification.
9. The removal of vegetation in riparian areas should be minimized. NCDOT is encouraged to use existing on-site vegetation and materials for stream bank stabilization and to minimize the use of rip rap. Riprap shall not be placed in the stream bottom.
10. Riparian vegetation, using native trees and shrubs, must be re-established within the construction limits of the project by the end of the growing season following completion of construction to reestablish the riparian zone and to provide long-term erosion control.
11. Heavy equipment should be operated from the bank rather than in the stream channel unless demonstrated by the applicant or its authorized agent to be unfeasible and approved by the DWQ. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids or other toxic substances.
12. Live or fresh concrete shall not come into contact with waters of the state until the concrete has hardened. Water that inadvertently contacts uncured concrete should not be discharged to surface waters.
13. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
14. NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.
- *15. *Mitigation:*

Wetland Mitigation

Compensatory mitigation for 2.3 acres of wetland impacts shall be provided through the following schemes:

- The NCDENR Ecosystem Enhancement Program has agreed to provide compensatory mitigation for 2.82 acres of wetland impacts incurred for construction of U-0620. DWQ acknowledges that the NCDENR Ecosystem Enhancement Program has agreed to provide compensation for the subject project (reference EEP letters of March 3, 2004 and May 20, 2004).

NCDOT TIP No. U-0620
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Stream Mitigation

Compensatory mitigation for 1215 feet of stream impacts shall be provided through the following schemes:

- The NCDENR Ecosystem Enhancement Program has agreed to provide compensatory mitigation for 1215 feet of stream impacts incurred for construction of U-0620 (reference EEP letters of March 3, 2004 and May 20, 2004).
- *16. 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.

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.

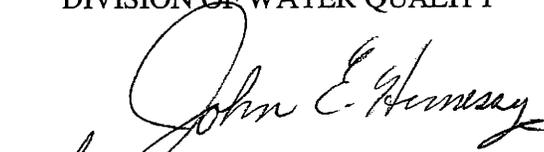
If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use), or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H .0507(d). 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.

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 Permit. This Certification shall expire upon the expiration of the 404 Permit.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This Certification and its conditions are final and binding unless you ask for a hearing.

This the 23rd day of July 2004

DIVISION OF WATER QUALITY


 for Alan W. Klimek, P.E.

DWQ Project No.: 040806

County: Cumberland

Applicant: NCDOT

Project Name: U-0620 Hope Mills Bypass

Date of Issuance of 401 Water Quality Certification: July 23, 2004

*** 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, 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, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

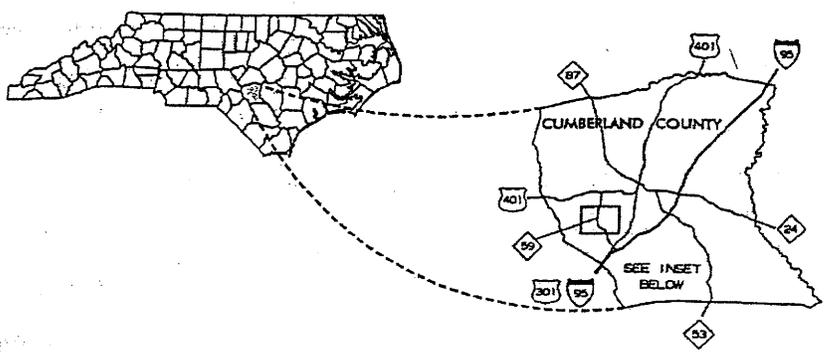
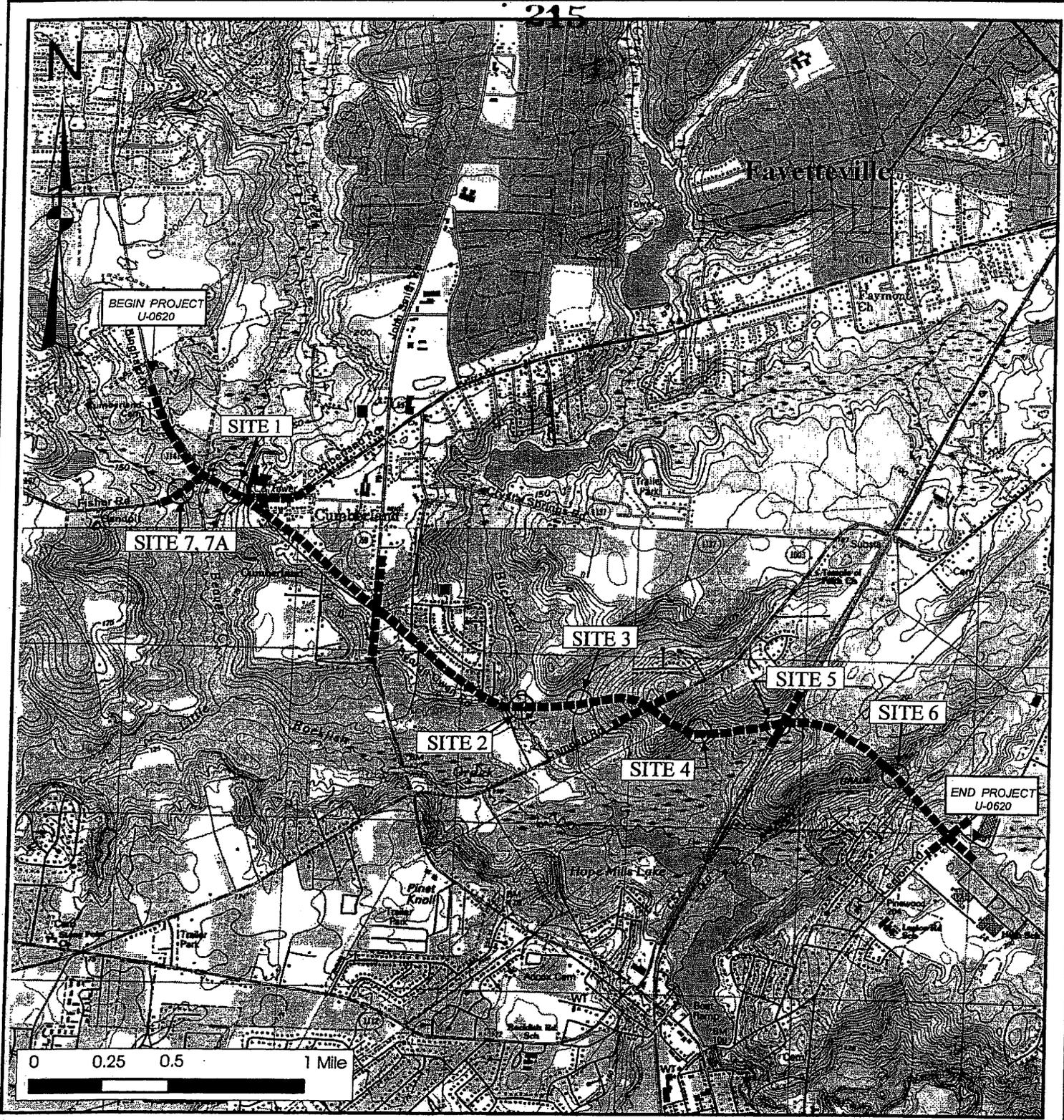
Engineer's Certification

_____ 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, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____



N.C. DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS

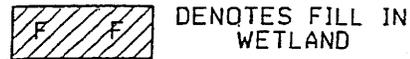
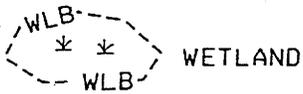
CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)

SHEET 1 OF 27 03/08/02

WETLAND LEGEND

--- WLB --- WETLAND BOUNDARY



— 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

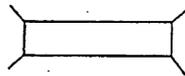
X X X LIVE STAKES

○ BOULDER

--- COIR FIBER ROLLS

216

PROPOSED BRIDGE



PROPOSED BOX CULVERT

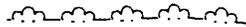


PROPOSED PIPE CULVERT

(DASHED LINES DENOTE EXISTING STRUCTURES)



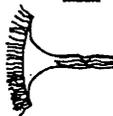
SINGLE TREE



WOODS LINE



DRAINAGE INLET



ROOTWAD



RIP RAP



ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

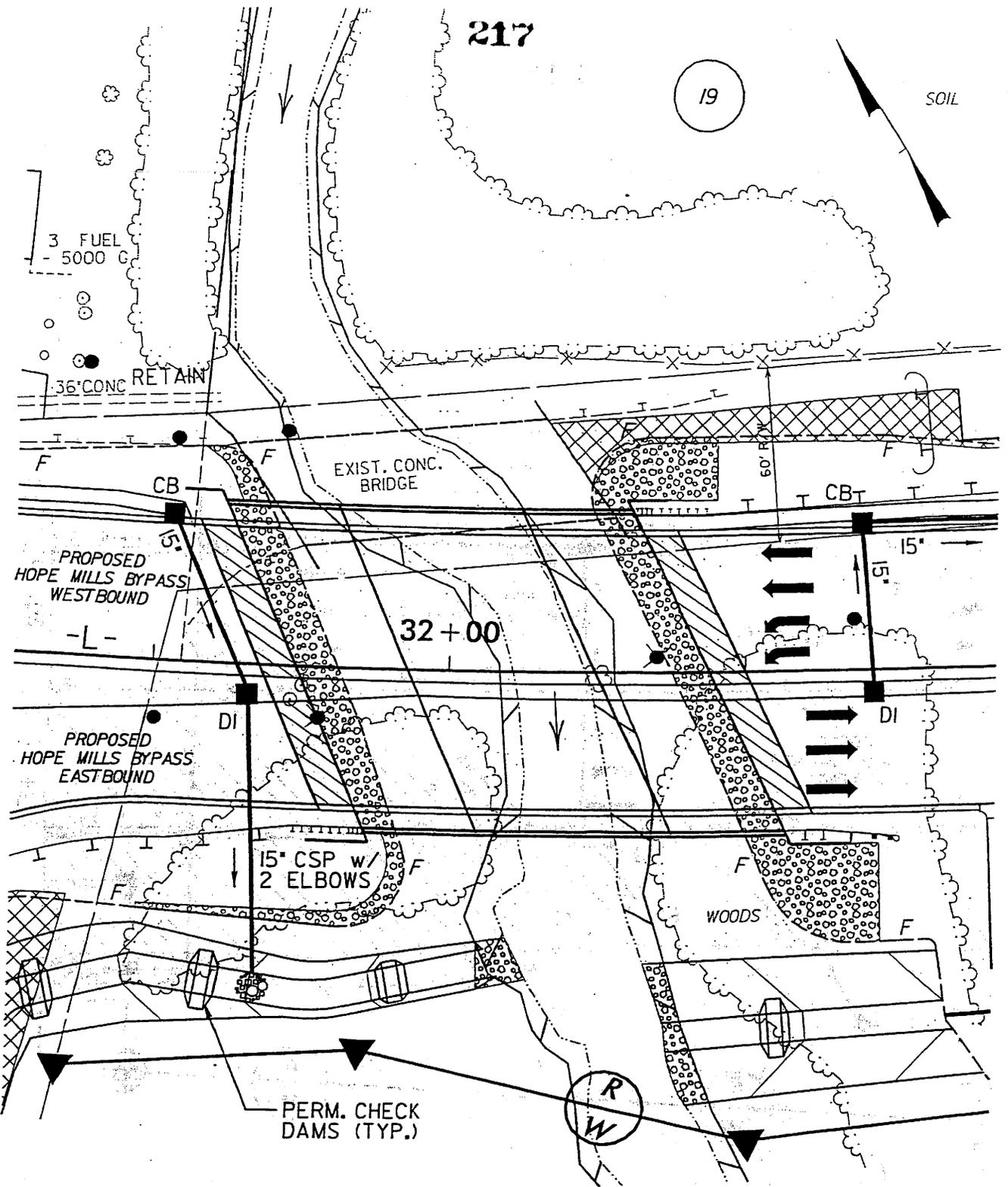
SHEET 2 OF 27

01/21/03

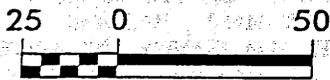
217

19

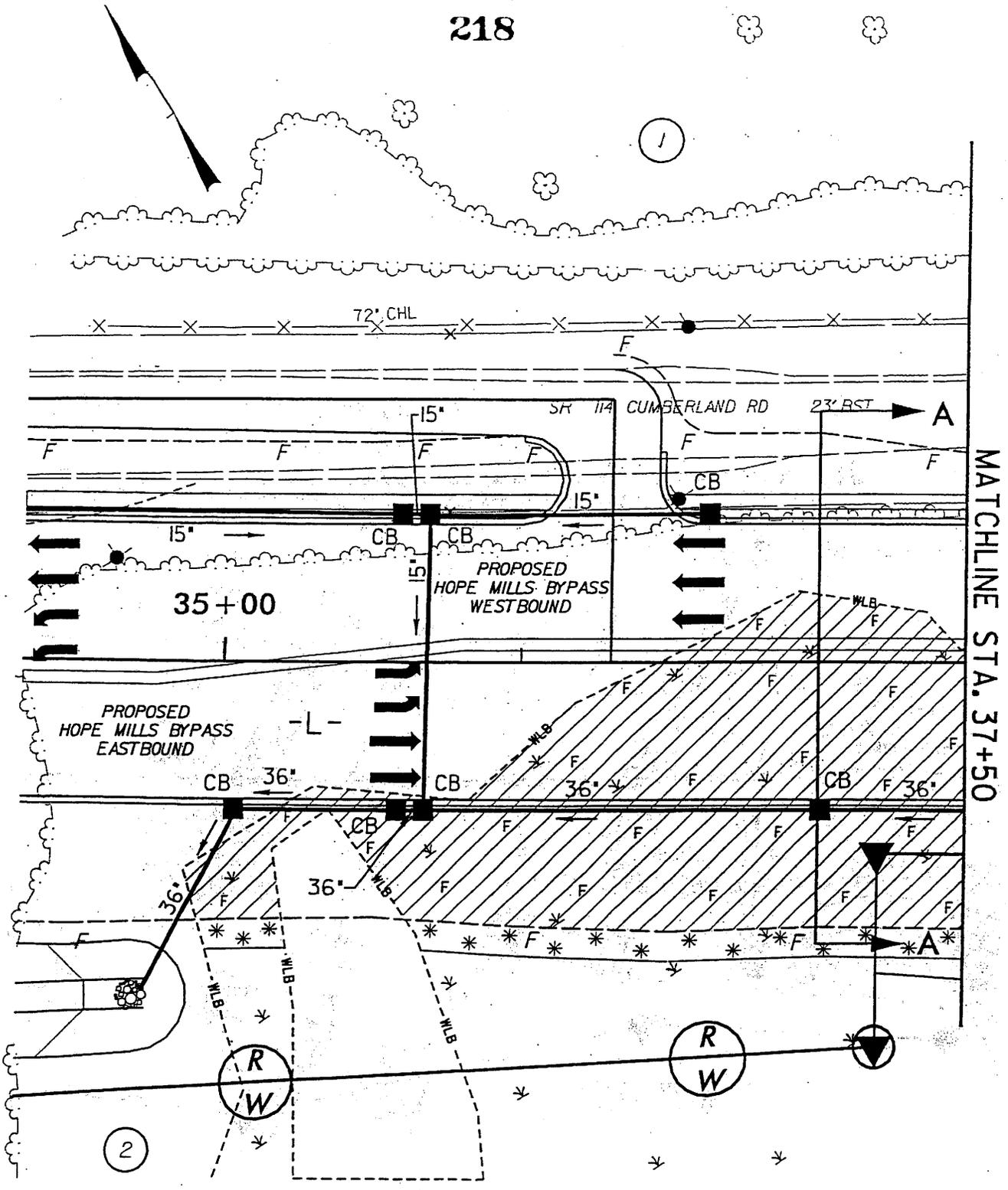
SOIL



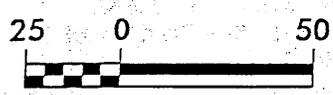
**PLAN VIEW
SITE 1A**



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)
 SHEET 3 OF 27
 01/21/03
 REVISED 2/3/04



**PLAN VIEW
SITE 1B**



DENOTES MECHANIZED CLEARING 
 DENOTES FILL IN WETLANDS 

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)
 SHEET 4 OF 27 01/21/03

REVISED 4/15/04

219

WOODS

RETAIN EX R/W

EXISTING R/W

EXISTING R/W

REMOVE
196' CURB

MATCHLINE STA. 37+50

40+00

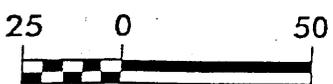
PROPOSED
HOPE MILLS BYPASS
WESTBOUND

PROPOSED
HOPE MILLS BYPASS
EASTBOUND

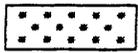
30'

UT TO BEAVER CREEK
PERENNIAL

PLAN VIEW SITE 1B



DENOTES MECHANIZED
CLEARING



DENOTES FILL IN
WETLANDS



DENOTES FILL IN
SURFACE WATERS



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

SHEET 5 OR 21

01/21/03

REVISED 4/15/04

37+00 -L-

135

130

125

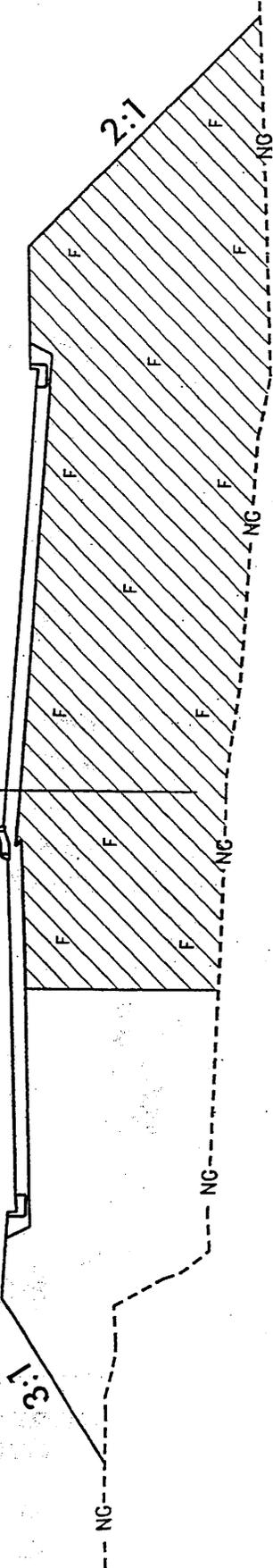
120

135

130

125

120



220

SITE 1 SECTION A-A



DENOTES FILL IN
WETLANDS



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)

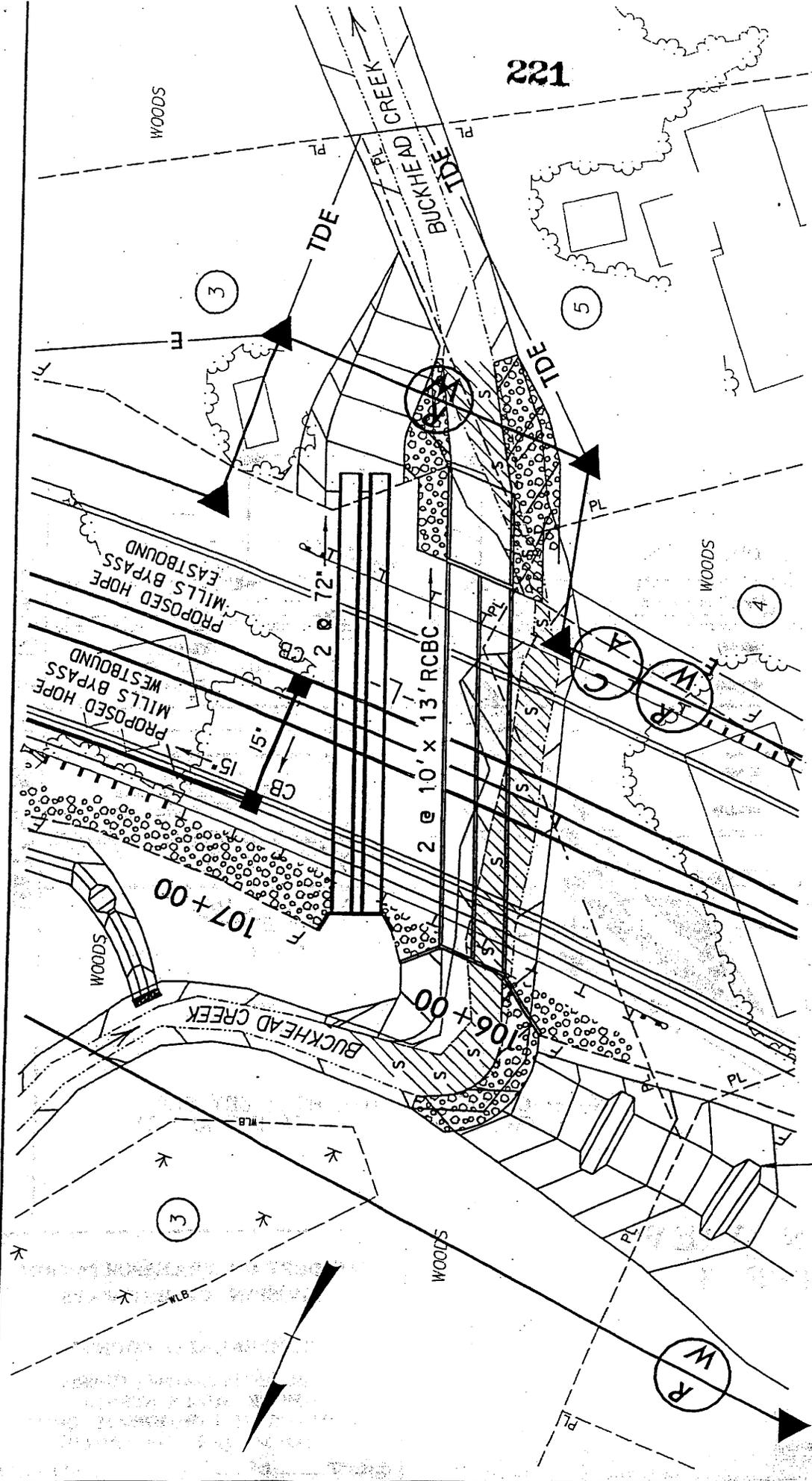
HOPE MILLS BYPASS

FROM SR 1141 (BINGHAM DRIVE)

TO SR 1363 (ELK ROAD)

SHEET ___ OF ___ 03/08/02

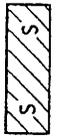
REVISED 4/15/04



**PLAN VIEW
SITE 2**

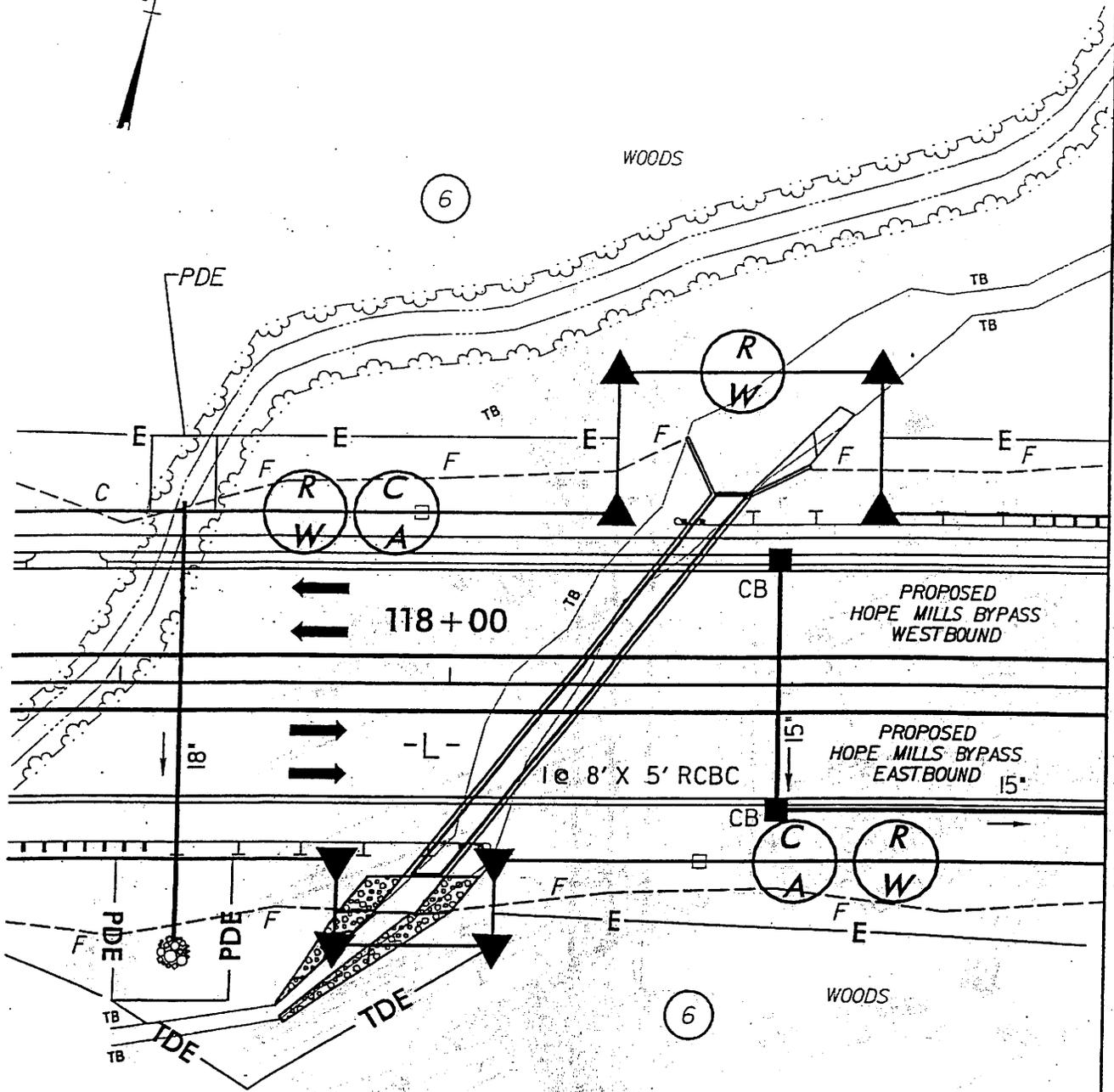


DENOTES FILL IN
SURFACE WATERS



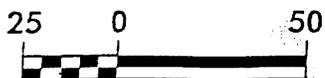
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
CUMBERLAND COUNTY
PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)
SHEET ___ OF ___ 01/21/03

REVISED 2/3/04



NOTE: CHANNEL IS CURRENTLY DRY DUE DIVERSION AT -L- STA 122+50 (LT)

PLAN VIEW
SITE 3



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

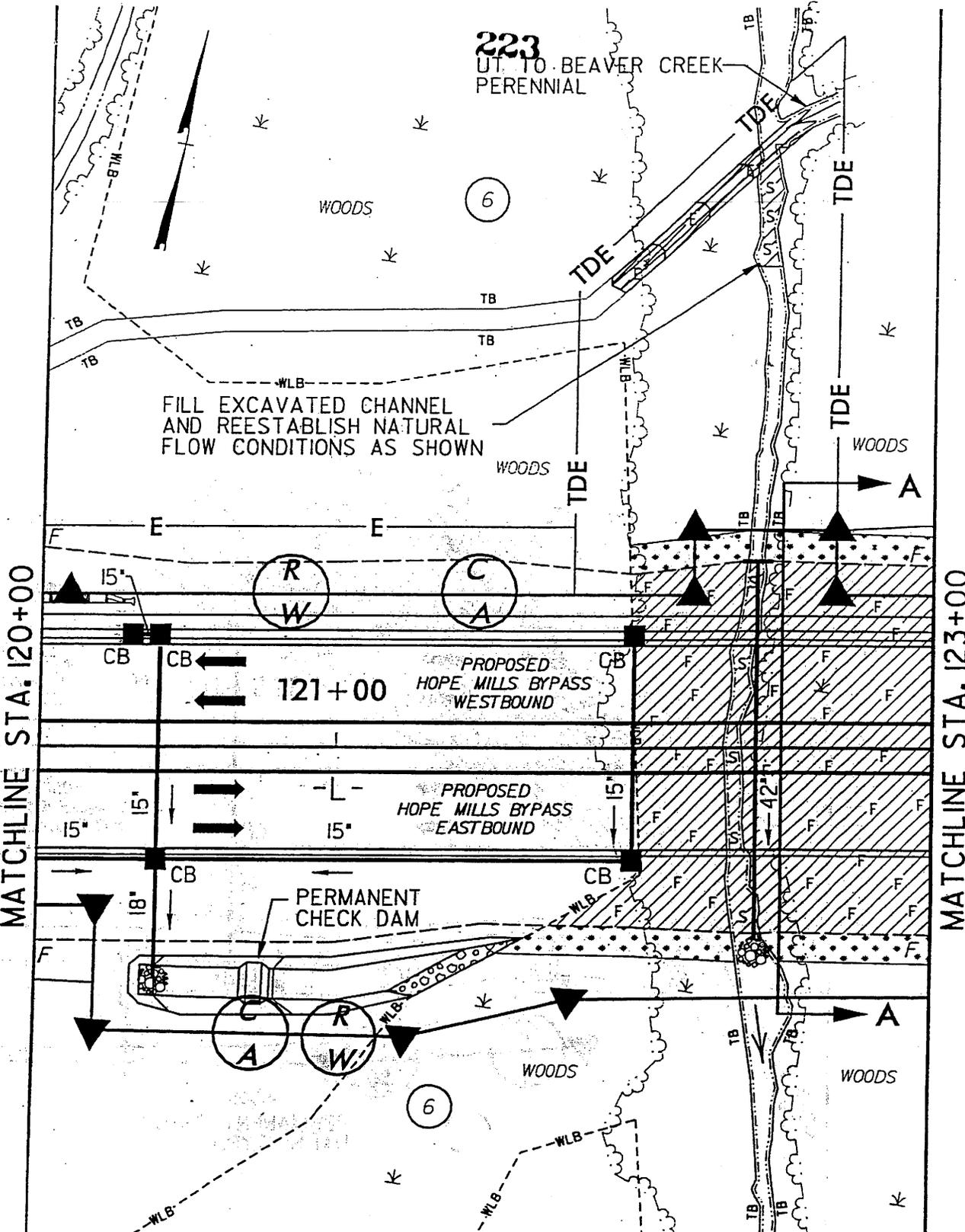
CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

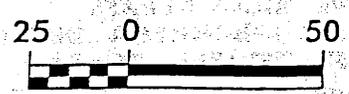
SHEET 8 OF 27

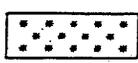
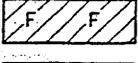
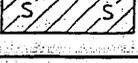
01/21/03

REVISED 2/3/04



**PLAN VIEW
SITE 3**



- 
 DENOTES MECHANIZED CLEARING
- 
 DENOTES EXCAVATION IN WETLANDS
- 
 DENOTES FILL IN WETLANDS
- 
 DENOTES FILL IN SURFACE WATERS

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)

SHEET ____ OF ____ 01/21/03

REVISED 2/3/04

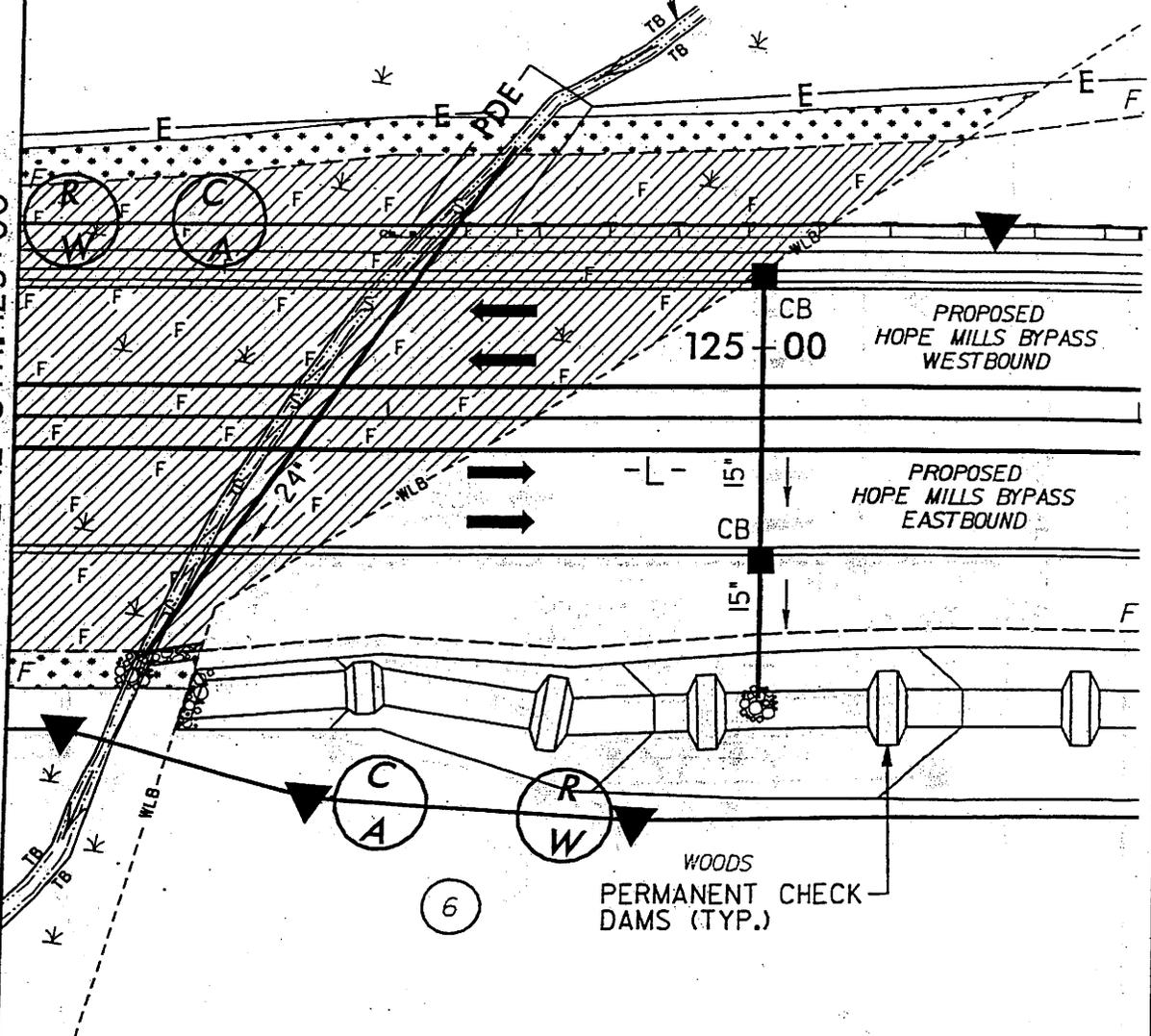
224

UT TO BEAVER CREEK PERENNIAL

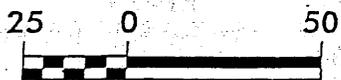
WOODS

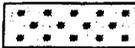
6

MATCHLINE STA. 123+00



PLAN VIEW SITE 3



- DENOTES MECHANIZED CLEARING 
- DENOTES FILL IN WETLANDS 
- DENOTES FILL IN SURFACE WATERS 

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

SHEET OF 01 / 21 / 03

REVISED 2 / 3 / 04

MATCHLINE STA. 121+50

140

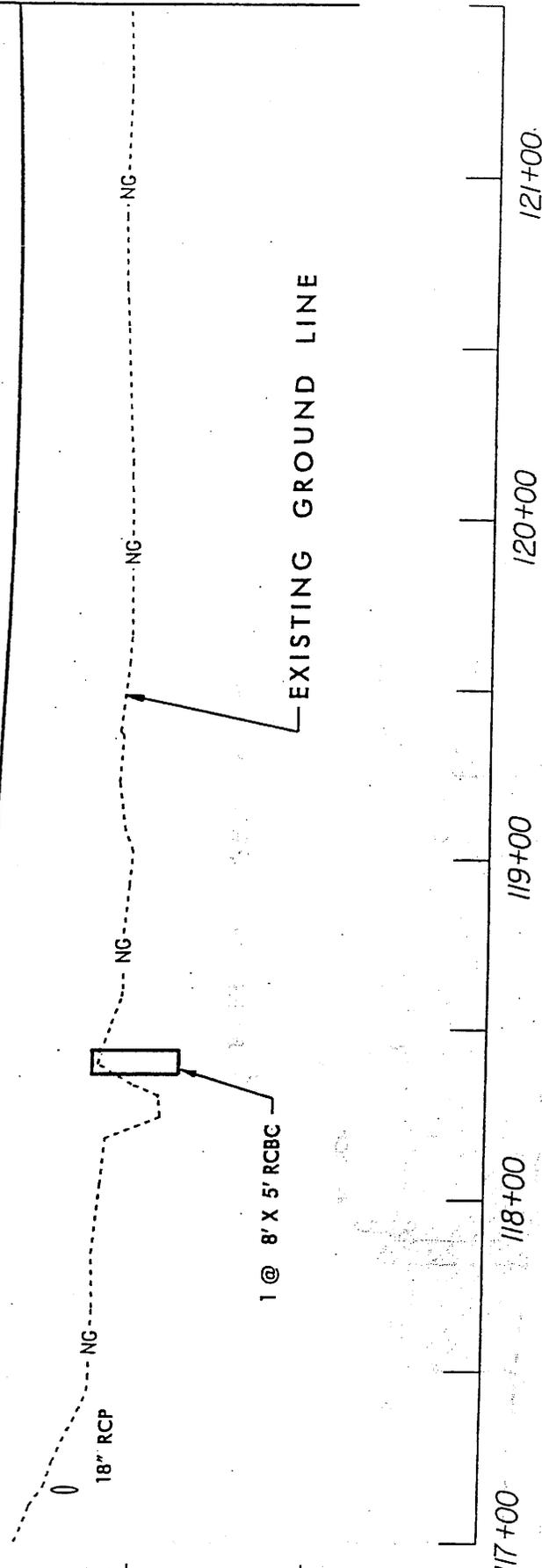
130

120

110

L- PROFILE GRADE LINE

EXISTING GROUND LINE

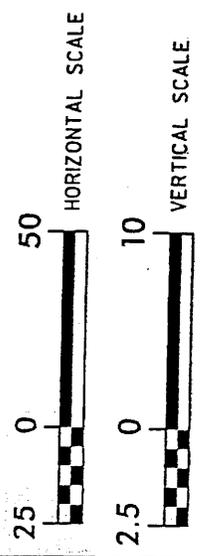


225
110

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)

SHEET 1 OF 11 01/21/03

PROFILE SITE 3

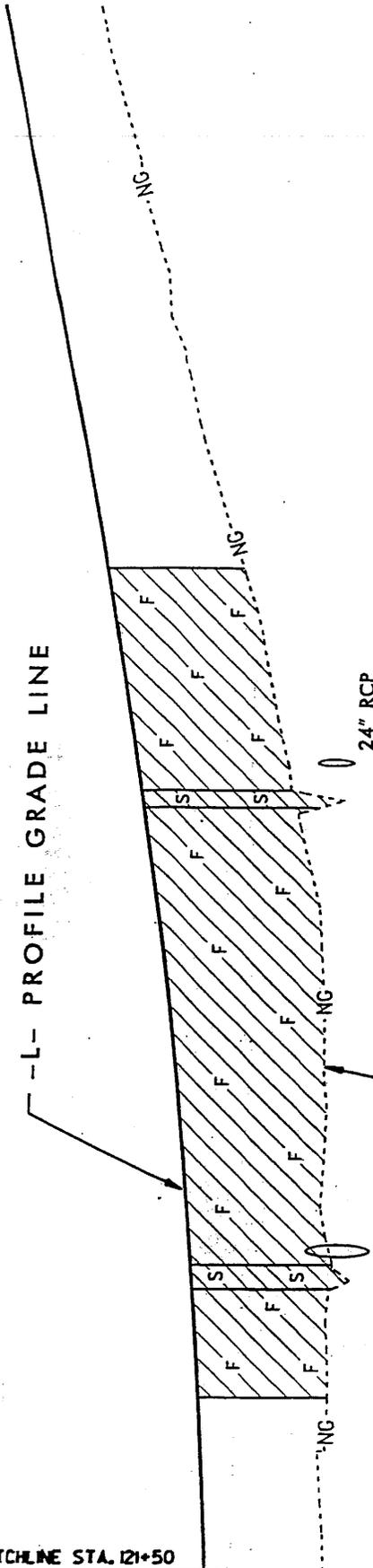


MATCHLINE STA. 121+50

140
130
120
110

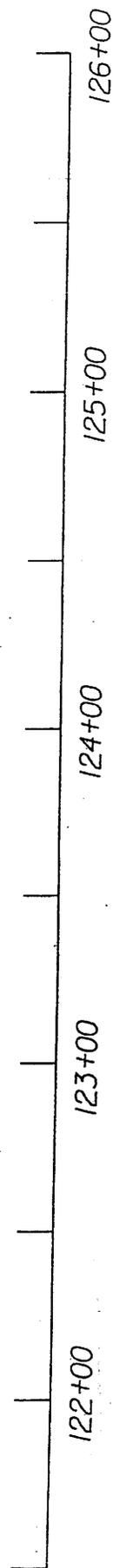
--L-- PROFILE GRADE LINE

EXISTING GROUND LINE



226

110



PROFILE SITE 3



DENOTES FILL IN WETLANDS

DENOTES FILL IN SURFACE WATERS

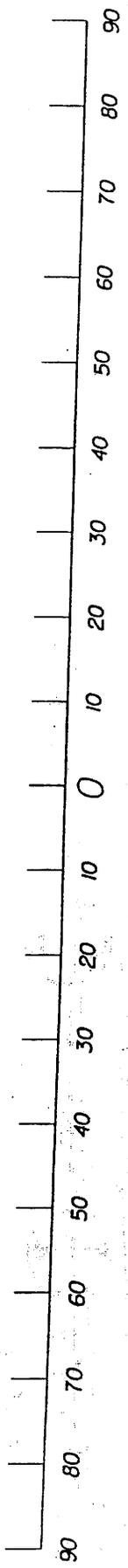
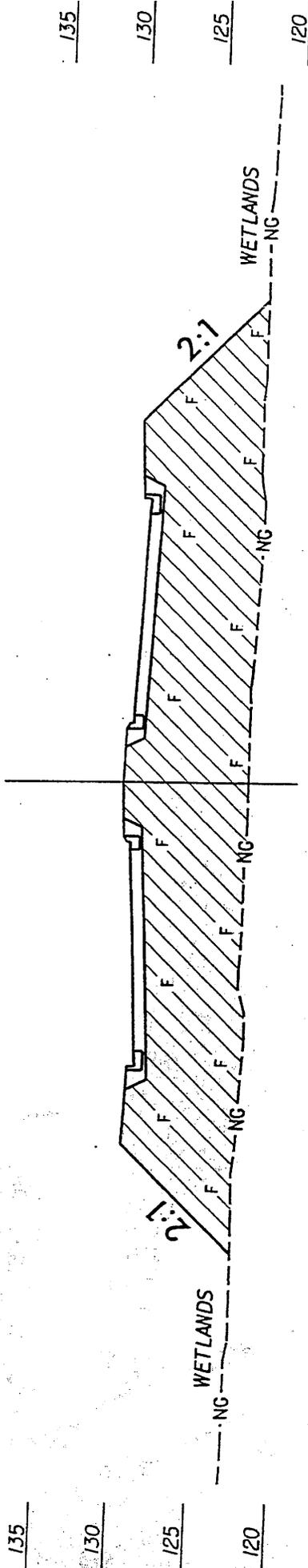
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

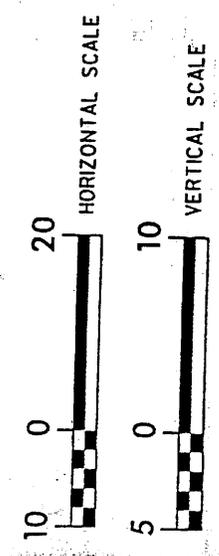
PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

SHEET 110 OF 226 01/21/03

122+50 -L-



SITE 3
SECTION A-A

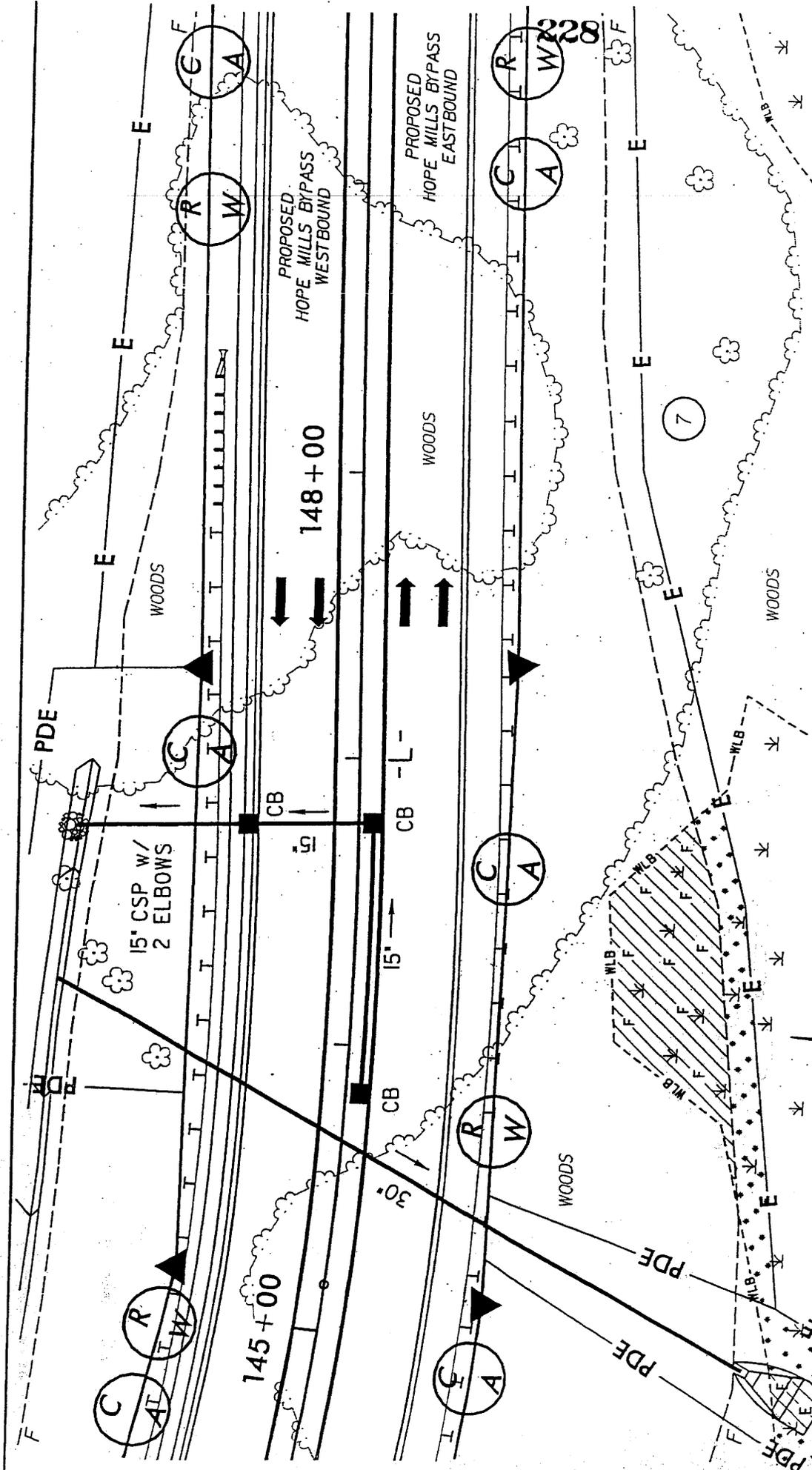


DENOTES FILL IN
WETLANDS



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
CUMBERLAND COUNTY
PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)
SHEET 12 OF 17

01/21/03

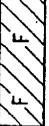


N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (BLK ROAD)
 SHEET 11 OF 27

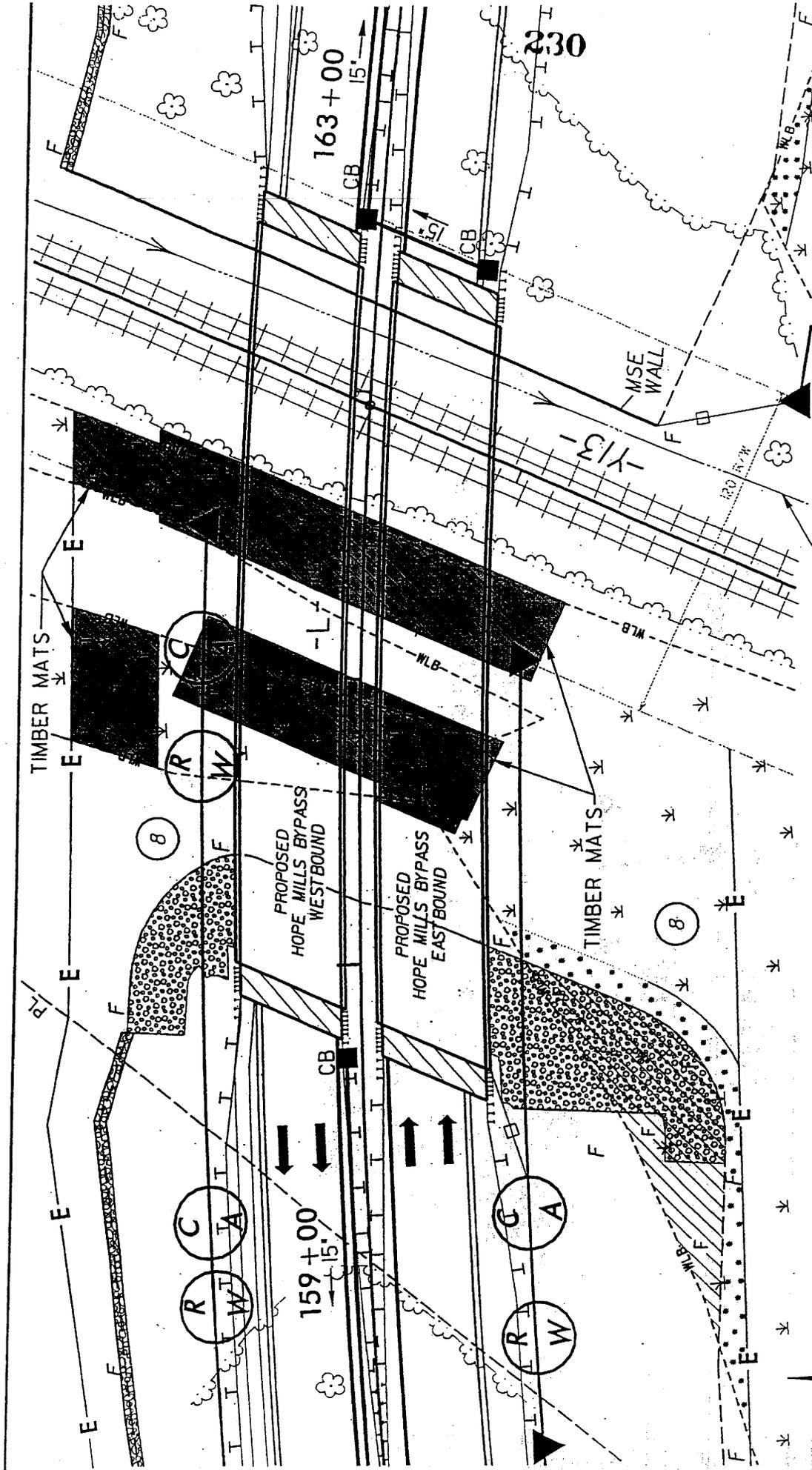
01/21/03
 REVISED 2/3/04

PLAN VIEW SITE 4

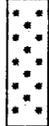
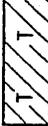
ENERGY DISSIPATOR
 Q10=16.2CFS
 V10=1.63FPS

-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN WETLANDS
-  DENOTES EXCAVATION IN WETLANDS





PLAN VIEW SITE 5

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

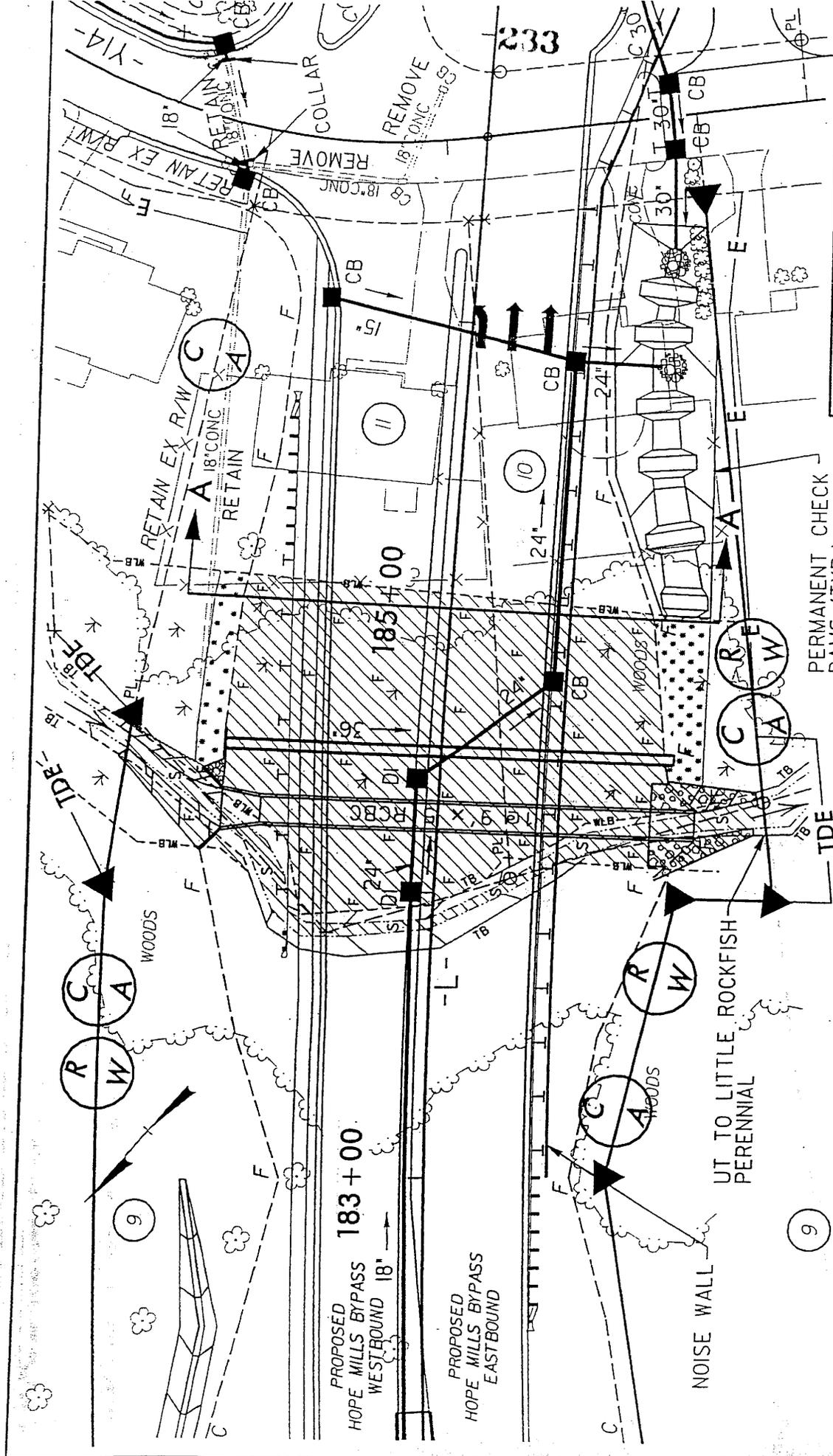
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

SHEET 16 OF 17 09/08/03

REVISED 4/15/04



PLAN VIEW SITE 6



- 
 DENOTES MECHANIZED CLEARING
- 
 DENOTES FILL IN WETLANDS
- 
 DENOTES FILL IN SURFACE WATERS

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 81442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)
 SHEET ___ OF ___ 01/21/03
 REVISED 4/15/04

160

-L- PROFILE GRADE LINE

150

150

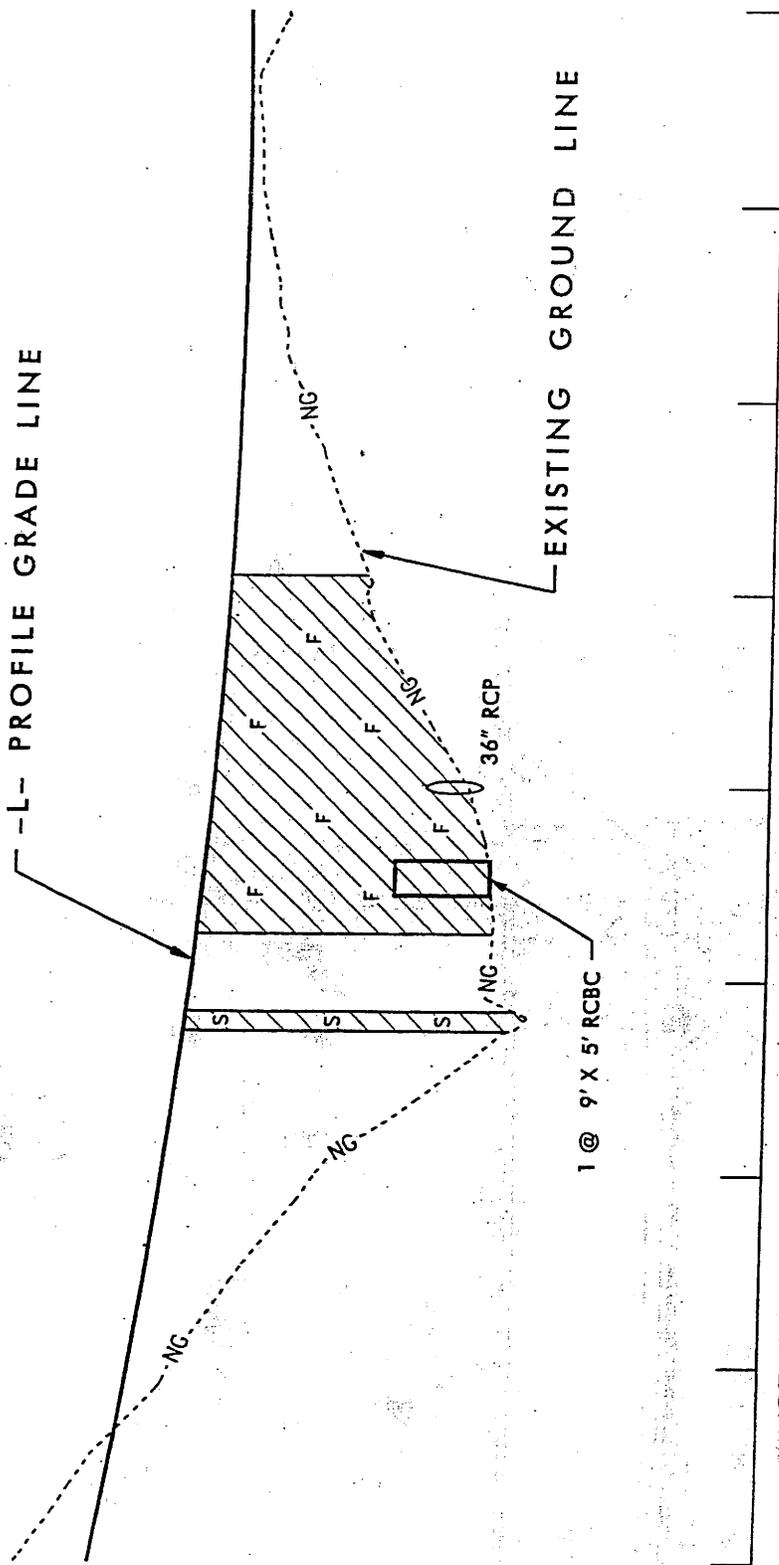
140

140

130

234

130



PROFILE SITE 6



DENOTES FILL IN WETLANDS



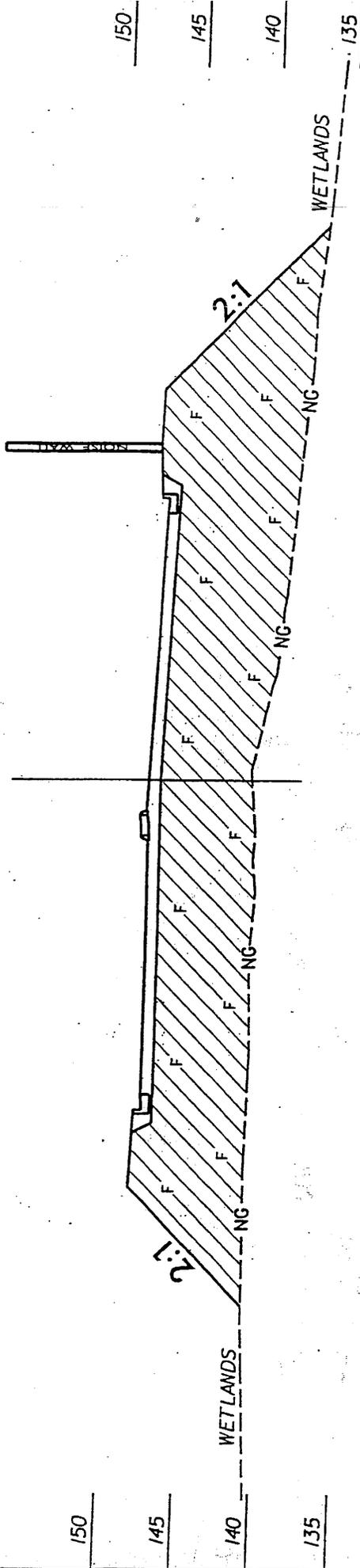
DENOTES FILL IN SURFACE WATERS

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY
PROJECT: 8.1442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)

SHEET ___ OF ___ 01/21/06

☉ 185+00 -L-

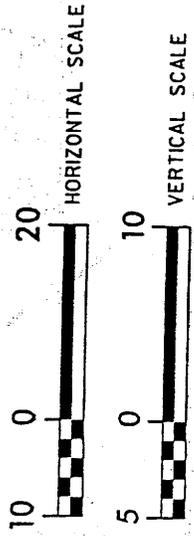


150
145
140
135



235

SITE 6
SECTION A-A

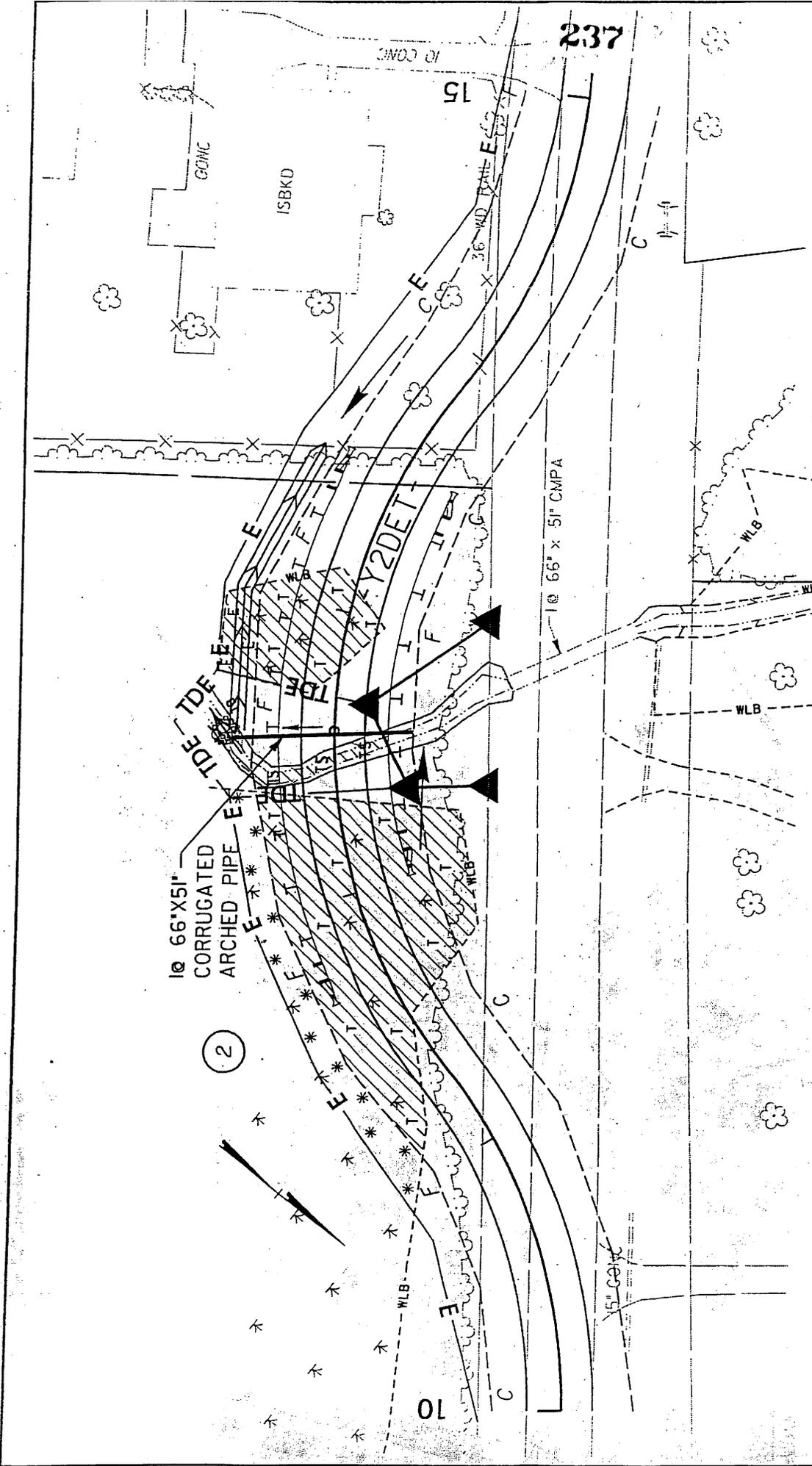


DENOTES FILL IN
WETLANDS



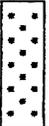
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
CUMBERLAND COUNTY
PROJECT: 81442601 (U-0620)
HOPE MILLS BYPASS
FROM SR 1141 (BINGHAM DRIVE)
TO SR 1363 (ELK ROAD)
SHEET ___ OF ___

01/21/03
REVISED 2/3/04



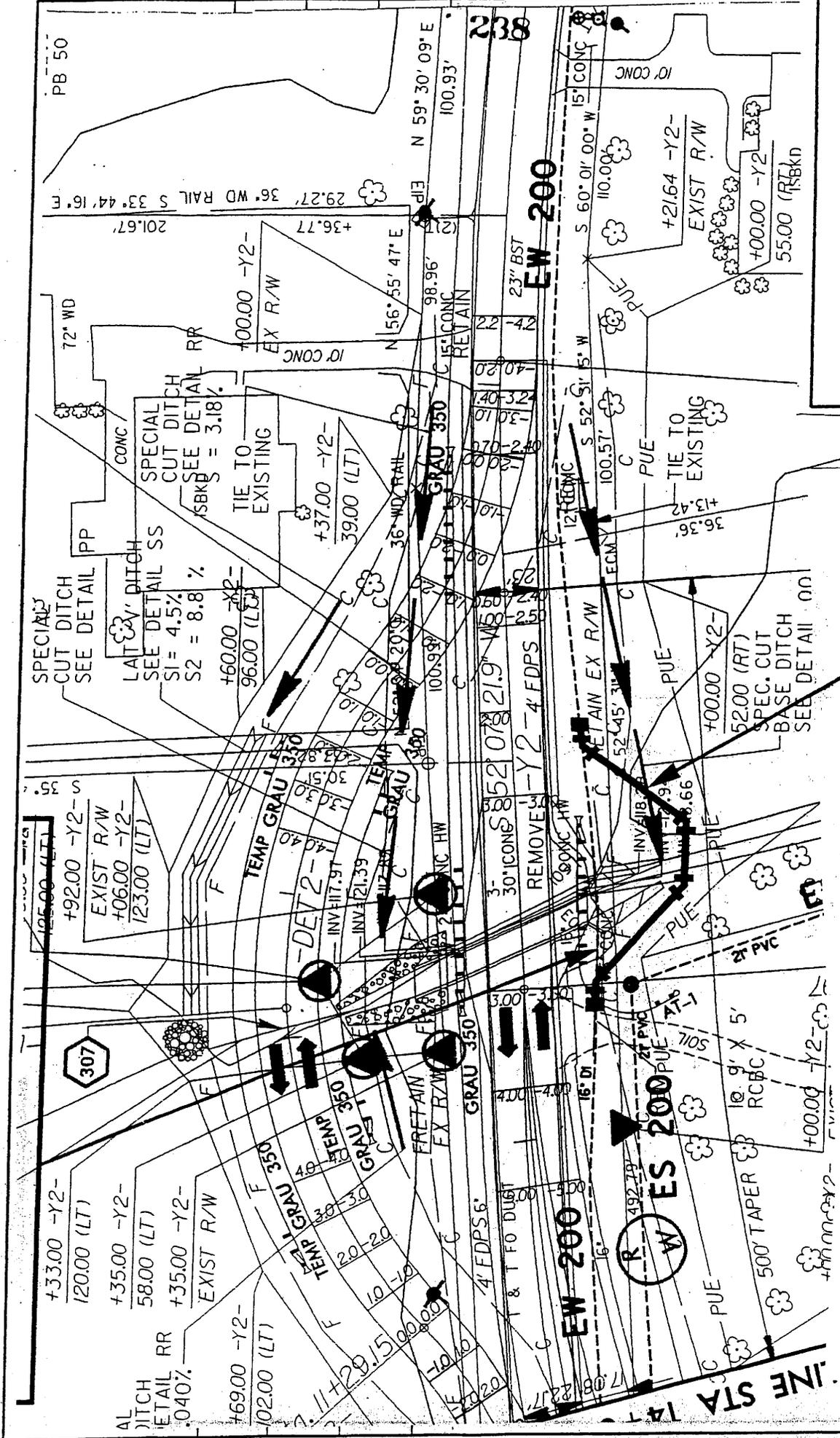
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.1442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)

SHEET OF 01/21/03
 REVISED 4/15/04

-  DENOTES MECHANIZED CLEARING
-  DENOTES TEMP. FILL IN WETLANDS
-  DENOTES EXCAVATION IN WETLANDS
-  DENOTES TEMP. FILL IN SURFACE WATERS

PLAN VIEW
SITE 7A





N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 81442601 (U-0620)
 HOPE MILLS BYPASS
 FROM SR 1141 (BINGHAM DRIVE)
 TO SR 1363 (ELK ROAD)

POSSIBLE WATER LINE
 REALIGNMENT
 SITE 7



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

Applicant: NCDOT/TIP U-620 (Hope Mills Bypass)		File Number: 1997-0-4287	Date: August 5, 2004
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

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

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

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

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

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

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

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

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

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

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

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

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

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Richard K. Spencer, Regulatory Project Manager
U.S. Army Corps of Engineers, Wilmington District
Wilmington Regulatory Field Office
69 Darlington Avenue
Wilmington, North Carolina 228402

If you only have questions regarding the appeal process you may also contact:

Mr. Arthur Middleton, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

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

Signature of appellant or agent.

Date:

Telephone number:

DIVISION ENGINEER:

Commander
U.S. Army Engineer Division, South Atlantic
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-3490