C201737 (R-2809A)

195

Department of Transportation by the authority granting the permit.

Revised 12-21-07 Wake County

PROJECT SPECIAL PROVISION

(10-18-95)

PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the

<u>PERMIT</u>	AUTHORITY GRANTING THE PERMIT
Dredge and Fill and/or	U. S. Army Corps of Engineers
Work in Navigable Waters (404)	
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.

Z-1



DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890 WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

November 29, 2007

Regulatory Division

SUBJECT: Action ID 2007-03114-292; TIP No. R-2809

Added 12-21-07
Fewer

RECEIVED

NOV 30 2007

DIVISION OF HIGHWAYS

PDEA-OFFICE OF NATURAL ENVIRONMENT

Gregory J. Thorpe, Ph.D. Environmental Management Director, PDEA N.C. Department of Transportation 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Dr. Thorpe:

Reference the Department of the Army (DA) permit issued on April 4, 2002, and subsequently modified, to authorize the discharge of dredged and fill material into the waters of United States, for construction of Sections A, B, and C of the NC 98 Wake Forest Bypass (T.I.P.No. R-2809), located generally south of Wake Forest, in Wake County, North Carolina. Reference also your September 10, 2007 letter requesting modification of the permit to authorize additional impacts for Section A of R-2809 based on final design, as well as revised plans for the restoration of the temporary stream and wetland impacts at Site 5 of Section C.

We have reviewed your proposal, issued a public notice for the proposal on October 11, 2007, and have determined that the proposed modification is reasonable and justified. Therefore, the permit is hereby modified to include the revised impacts to an additional 264 linear feet of stream, for total impacts to 354 linear feet of stream and 0.01 acre of wetlands for Section A, as shown on the attached drawings, subject to additional Special Conditions 1) and 2) below.

- 1) Within 270 days from the date of this permit modification, the permittee shall complete the restoration of the temporary stream and wetland impacts at Site 5 in Section C (Station 85+20 –L- LT), as shown in the revised construction plans for Section C at Buffer Sites 4 and 5, in the September 10, 2007 permit modification application.
- ★2) Compensatory mitigation for the unavoidable impacts to 0.01 acre of non-riparian wetlands, and . 95 linear feet of stream associated with Section A of the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 29, 2007 from William D. Gilmore, EEP Director. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide

0.02 acre of restoration equivalent non-riparian wetlands, and 190 linear feet of restoration equivalent warm water stream channel in the Neuse River basin (Hydrologic Cataloging Unit 03020201) by one year of the date of this permit. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.

It is understood that all other conditions of the modified permit, including the extended expiration date of December 31, 2010, remain applicable.

If you have questions, please contact Eric Alsmeyer of the Raleigh Regulatory Field Office, at telephone (919) 876-8441, extension 25.

Sincerely,

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

Copies Furnished:

Mr. Clarence Coleman Federal Highway Administration 310 New Bern Ave., Rm. 410 Raleigh, North Carolina 27601-1442

Mr. Brian Wrenn Division of Water Quality North Carolina Department of Environment and Natural Resources 1650 Mail Service Center Raleigh, NC 27699-1650



DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890 WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

April 4, 2002

APR 10

APR 10 40

Regulatory Division

Action ID, 199601836

Mr. William D. Gilmore, P.E., Manager Project Development & Environmental Anaylsis North Carolina Department of Transportation 1548 Mail Service Center Raleigh, North Carolina 27699-1548



Dear Mr. Gilmore:

In accordance with the written request of March 23, 2001, and the ensuing administrative record, enclosed is a permit to authorize the discharge of dredged and fill material into waters of the United States, for construction of a new bypass alignment for NC 98 (T.I.P. No. R-2809), crossing Richland Creek, Smith Creek, unnamed tributaries, and adjacent wetlands, generally south of Wake Forest, in Wake County, North Carolina.

If any change in the authorized work is required because of unforceseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

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

- a. You must complete construction before December 31, 2005.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

Should you have questions, contact Mr. Eric Alsmeyer of my Raleigh Field Office regulatory staff at telephone (919) 876-8441, extention 23.

Sincerely,

James W. DeLony Colonel, U.S. Army

District Engineer

Enclosures

Copy Furnished with enclosures:

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

Copies Furnished with special conditions and plans:

Mr. Garland Pardue, Field Supervisor U.S. Fish and Wildlife Service Fish and Wildlife Enhancement Post Office Box 33726 Raleigh, North Carolina 27636-3726

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

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

Mr. Ronald Mikulak, Chief
Wetlands Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Mr. Dug Huggett
Division of Coastal Management
North Carolina Department of
Environment and Natural Resources
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

United States Coast Guard Marine Safety Office Wilmington 1502 North 23rd Street Wilmington, North Carolina 28405

Commander, Aoww Coast Guard, Atlantic Area ATTN: Tom Flynn 431 Crawford Street Portsmouth, Virginia 23704

Mr. Ronald E. Ferrell Wetlands Restoration Program Division of Water Quality/NCDENR 1650 Mail Service Center Raleigh, NC 27699-1650

DEPARTMENT OF THE ARMY PERMIT



	MAR 2 8 2067
NC Department of Transportation	With the second
199601836 Permit No	
CESAW-RG-R Issuing Office	
NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or "this office" refers to the appropriate district or division office of the Corps of Engineers having activity or the appropriate official of that office acting under the authority of the commanding of the comman	ng jurisdiction over the permitted
You are authorized to perform work in accordance with the terms and conditions specified below	w.
Project Description:	
Place fill material impacting wetlands and streams, for consbypass alignment for NC 98 (T.I.P. No. R-2809), crossing Richland Creek amamed tributaries, and adjacent wetlands.	
Project Location: Generally south of Wake Forest, in Wake County, North Carolina.	
Permit Conditions:	
General Conditions:	
1. The time limit for completing the work authorized ends on more time to complete the authorized activity, submit your request for a time extension to the 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 srcheological 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.

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

1

- 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).
 - &) 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.

2

- 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.

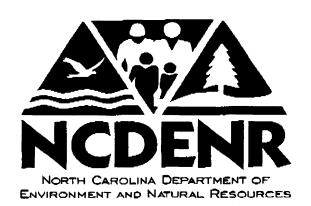
6. Extensions, General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable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

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)

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director



February 26, 2002

Mr. William D. Gilmore, P.E., Manager Planning and Environmental Branch North Carolina Department of Transportation 1548 Mail Service Center Raleigh, North Carolina, 27699-1548

Dear Mr. Gilmore:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, Wake Forest Bypass, on NC 98 from (Jones Dairy Road) to just west of SR 1923 (Thompson Mill Road) in Wake County (TIP R-2809). WQC Project No. 010550

Wake County

Attached hereto is a modification to Certification No. 3343 issued to The North Carolina Department of Transportation dated February 4, 2002. The attached certification supercedes the original 401 Water Quality Certification issued on February 4, 2002.

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

Sincerely,

Gregory J. Thorpe, Ph.I. Acting Director

Attachments\

ce: Wilmington District Corps of Engineers
Corps of Engineers Raleigh Field Office
DWQ Raleigh Regional Office
Ron Ferrell, Wetlands Restoration Program
Central Files
File Copy

Wetlands/401 Unit

1621 Mail Service Center

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Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorne, Ph.D. Acting Director

Gregory J. Thorpe, Ph.D., Acting Director ENVIRONMENT AND NATURAL RESOURCES

APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS and the Neusc River Buffer Rules

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500, and 15A NCAC 2B .233. Attached hereto is a modification to Certification No. 3343 issued to The North Carolina Department of Transportation dated February 4, 2002. This certification supercedes the original 401 Water Quality Certification issued on February 4, 2002. This certification authorizes the NCDOT to place fill material in 1.09 acres of jurisdictional wetlands, 3708 linear feet of streams, and 7.19 acres of protected riparian buffers in Wake County. The project shall be constructed pursuant to the application dated March 23, 2001, and the addendums dated August 7, 2001, October 3, 2001, November 2, 2001, and November 30, 2001to construct the Wake Forest Bypass from west of SR 1923 (Thompson Mill Road) to east of SR 2053 (Jones Dairy Road), State Project Number 8.1402501, Federal Aid Number STP-98(1), TIP R-2809).

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

This approval is only valid for the purpose and design that you submitted in your application, 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 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:

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" or the "North Carolina Surface Mining Manual" whichever is more appropriate
(available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices)
shall be in full compliance with all specifications governing the proper design, installation and
operation and maintenance of such Best Management Practices in order to assure compliance with

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Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all fakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters);

- All sediment and crossion control measures shall not be placed in wetlands or waters to the
 maximum extent practicable. If placement of sediment and erosion control devices in wetlands
 and waters is unavoidable, they shall be removed and the natural grade restored after the Division
 of Land Resources has released the project;
- 3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
- 4. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
- 5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
- 6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.
- Compensatory mitigation shall be done for impacts to 709 acres of jurisdictional wetlands (1.04 acres of non-riparian, 0.04 acres of riparian) at a replacement ratio of 2:1. Thus, 2:10 acres of mitigation for non-riparian wetlands, and 0.08 acres of riparian wetlands shall be provided. In addition, compensatory mitigation shall be done for impacts to 1522 linear feet of streams at a replacement ratio of 1:1. Therefore, 2970 linear feet of stream mitigation shall be provided. We understand that you have chosen to perform mitigation through an in lieu payment to the North Carolina Wetland Restoration Program (NCWRP), and that the WRP has agreed to implement mitigation for the project. In accordance with 15A NCAC 2R.0500, the contribution will satisfy our compensatory mitigation requirements under 15A NCAC 2H.0506(h). Until the Wetland Restoration Program, wetland or stream fill shall not occur. Mr. Ron Ferrell should be contacted at 919-733-5083 ext. 358 if you have any questions concerning the Wetland Restoration Program. The payment to NCWRP shall be sent within two months of issuance of the 404 permit.

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Feb 26

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Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Compensatory mitigation for impacts to Neuse Riparian Buffers shall be provided for as

Zone of Impact	Impacts (Acres)	Replacement Ratio	Total Acres of Mitigation Required
Zone I	4.37	3:1	13.11
Zone 2	2.82	1.5:1	4.23
Total			17.34

Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided through an inlieu payment to the North Carolina Wetlands Restoration Program (NCWRP) at a rate of \$41,625 per acre for 17.25 acres of buffer impact. Therefore, a total payment of \$718,031 shall be submitted to the NCWRP to offset the impacts for the project. No construction activities in buffers shall begin until payment for buffer mitigation is made to the NCWRP.

- 2. Upon completion of the project, the NCDO1' 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.
 - 10. This certification only authorizes construction activities in Segment C of the referenced project. No construction activities are authorized in Segment A or B until a modification request with final project design, appropriate fees, and number of copies is submitted to, and approved by, the North Carolina Division of Water Quality.
 - 11. The proposed stream relocation in Segment B located at Y2 Station Number 11+25 will require approval by the NCDWQ prior to it being accepted as appropriate on-site mitigation. The final design for the referenced stream relocation will need to be presented. In addition, the reference reach used to design the stream segment will need NCDWQ approval. Until the proposed relocation is approved the NCDWQ, no construction activities can occur for Segment B of the project.
 - 12. Construction activities for Segment C shall strictly adhere to sediment and crosion control Best Management Practices as described for High Quality Waters entitled "Design Standards in Sensitive Watersheds" (15A NCAC 04B .0024) throughout design and construction of the project.
 - 13. Future modifications for Segment A shall include the design for Hazardous Spill Catch Basins for any stormwater that drains to Horse Shoe Creek (WS-IV NSW CA) and any of its tributaries. The design shall be such that no stormwater from the project site, either during construction or after the project is opened to the traveling public, shall discharge directly into Horse Shoe Creek. Instead, all stormwater shall be designed to discharge first into a Hazardous Spill Catch Basin.

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Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director

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14. 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 stream beds 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.

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

If 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 26th day of February 2002

DIVISION OF WATER QUALITY

Acting Director

WQC No. 3343

Wetlands/401 Unit

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NCDENR NORTH CAROLINA DEPARTMENT OF

Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DWQ Project No.:	County:
Applicant:	
Project Name:	
Date of Issuance of 401 Water Qu	ality Certification:
Rules, and any subsequent modificat 401/Wetlands Unit, North Carolina 1 27699-1621. This form may be retu	red within the 401 Water Quality Certification or applicable Buffer tions, the applicant is required to return this certificate to the Division of Water Quality, 1621 Mail Service Center, Raleigh, NC, trned to DWQ by the applicant, the applicant's authorized agent, or the to send certificates from all of these.
Applicant's Certification	hander seem short to the heat of my shiliting due core and
diligence was used in the observatio within substantial compliance and in approved plans and specifications, a	, hereby state that, to the best of my abilities, due care and n of the construction such that the construction was observed to be built itent of the 401 Water Quality Certification and Buffer Rules, the nd other supporting materials.
Signature:	Date:
diligence was used in the observation	. hereby state that, to the best of my abilities, due care and n of the construction such that the construction was observed to be built nent of the 401 Water Quality Certification and Buffer Rules, the and other supporting materials.
Signature:	Date:
the project, for the Permittee hereby the observation of the construction s	inal, as a duly registered Professional Engineer in the State orized to observe (periodically, weekly, full time) the construction of state that, to the best of my abilities, due care and diligence was used in such that the construction was observed to be built within substantial ater Quality Certification and Buffer Rules, the approved plans and materials.
Signature	Registration No.
Date	
Wetlands/401 Unit Telephone 91	1621 Mail Service Center Raleigh, North Carolina 27699-1621 9-733-1786 FAX 733-9959 Affirmative Action Employer 50% recycled/10% post consumer page.

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

NORTH CAROLINA DEPARTMENT OF

Michael F. Easley, Governor William G. Ross, Jr., Secretary Gregory J. Thorpe, Ph.D., Acting Director

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

NORTH CAROLINA – DIVISION OF WATER QUALITY 401 WATER QUALITY CERTIFICATION SUMMARY OF PERMITTED IMPACTS AND MITIGATION REQUIREMENTS

In accordance with 15A NCAC 2H.0500, the North Carolina Department of Transportation is authorized to impact the waters of the State of North Carolina as indicated below for the purpose of constructing the Wake Forest Bypass from west of SR 1923 (Thompson Mill Road) to east of SR 2053 (Jones Dairy Road) in Wake County (TIP No. R-2809, DWQ No. 010550). All activities associated with these authorized impacts must be conducted in accordance with the conditions listed in the attached certification transmittal letter. THIS CERTIFICATION IS NOT VALID WITHOUT THE ATTACHMENTS.

COMPENSATORY MITIGATION REQUIREMENTS FOR WETLAND RESTORATION:

LOCATION:

Wake Forest Bypass from west of SR 1923 (Thompson Mill Road) to east of SR

2053 (Jones Dairy Road)

COUNTY:

Wake

BASIN/SUBBASIN:

Neuse River, Cataloging Unit 03020201

DWQ No.:

010550

As required by 15A NCAC 2H.0506, and the conditions of this certification, you are required to compensate for the above impacts through the restoration, creation, enhancement or preservation of wetlands and surface waters as outlined below prior to conducting any activities that impact or degrade waters of the state. Note: Acreage requirements proposed to be mitigated through the Wetland Restoration Program must be rounded to one-quarter increments according to 15A 2R.0503(b).

2.18 acres of Class WL wetlands

0.08 acres of riparian wetlands

2.10 acres of non-riparian wetlands

17.34 acres of Neuse Riparian Buffers

2970 linear feet of stream channel

One of the options you have available to satisfy the compensatory mitigation requirements is through payment of a fee to the Wetland Restoration Fund per 15A NCAC 2R.0503. If you choose this option, please sign this form and mail it to the Wetlands Restoration Fund at the address listed below. An invoice for the appropriate amount of payment will be sent to you upon receipt of this form. PLEASE NOTE, THE ABOVE IMPACTS ARE NOT AUTHORIZED UNTIL YOU RECEIVE NOTIFICATION THAT YOUR PAYMENT HAS BEEN PROCESSED BY THE WETLANDS RESTORATION PROGRAM.

Signature

Date

WETLANDS RESTORATION PROGRAM DIVISION OF WATER QUALITY P.O. BOX 29535 RALEIGH, NC, 27626-0535 (919) 733-5208

Wetlands/401 Unit

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SPECIAL CONDITIONS (Action ID. 199601836; NCDOT/TIP R-2809)

- a. All work authorized by this permit must be completed in strict compliance with the attached plans, which are a part of this permit.
- b. The permittee shall mitigate for 2,970 linear feet of important stream impact and 1.1 acre of wetland impact for this project, as described below (384 linear feet of onsite stream relocation, and 5,172 linear feet of stream mitigation and 2.2 acres of wetland mitigation through the North Carolina Wetlands Restoration Program (NCWRP), in the upper Neuse River basin (Cataloging Unit 03020201)).

ONSITE STREAM RELOCATION

- c. The permittee shall mitigate for 384 linear feet of unavoidable impacts to important stream channel associated with this project by completing 384 linear feet of onsite stream relocation, as described in the permit application. The stream relocation shall be constructed in accordance with the North Carolina Wildlife Resources Commission's (NCWRC) "Stream Relocation Guidelines", and with the attached permit drawings, and the attached "Natural Channel Design; Long Branch", dated August 17, 1999- NCDOT shall consult with NCWRC on all stream relocations and implement all practicable recommendations in the design of specific site requirements for reestablishment of bank vegetation, and placement of meanders and habitat structures. Vegetation shall be used to the maximum extent practicable to stabilize banks, and riprap and other man-made structural measures shall be minimized. NCDOT shall ensure that the stream channel is sufficiently stabilized prior to the diversion of water into the new channel.
- d. The permittee shall visually monitor the vegetative plantings on all mitigation stream banks to assess and insure complete stabilization of the mitigation stream segments. This monitoring shall include adequate visual monitoring of planted vegetation quarterly for a minimum of one year after final planting, and appropriate remedial actions (e.g., replanting, streambank grading, etc.). If within any monitoring year, bank stabilization is not acceptable as determined by the Corps of Engineers, and remedial action required by the Corps of Engineers is performed, the one year monitoring of the affected portions of the stream will begin again. The permittee will coordinate stream mitigation activities with the Corps of Engineers, Raleigh Regulatory Field Office Project Manager, and will report verbally on the status of the stream mitigation within thirty days of the quarterly monitoring. The permittee will submit a brief written report with representative photographs within 90 days after the monitoring year is completed.

NCWRP STREAM MITIGATION

e. The permittee shall mitigate for 2,586 linear feet of unavoidable impacts to important stream channel associated with this project by payment to the North Carolina Wetlands Restoration Program (NCWRP) in an amount determined by the NCWRP sufficient to perform 5,172 linear feet of warm water stream mitigation, or the equivalent water quality improvement projects, as approved by the Corps of Engineers, in the upper Neuse River basin (Cataloging Unit 03020201). Construction within streams on the permitted highway project shall begin only after the permittee has made full payment to the NCWRP, and the NCWRP has made written confirmation to the District Engineer, that it agrees to accept responsibility for the mitigation work required, pursuant to Paragraph IV.D. of the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998.

NCWRP WETLANDS MITIGATION

- f. The permittee shall mitigate for 1.1 acres of unavoidable impacts to wetlands associated with this project by payment to the North Carolina Wetlands Restoration Program (NCWRP) in an amount determined by the NCWRP sufficient to perform 2.2 acres of riparian, palustrine forested wetland mitigation in the Cape Fear River basin (Cataloging Unit 03020201). Construction within wetlands on the permitted highway project shall begin only after the permittee has made full payment to the NCWRP, and the NCWRP has made written confirmation to the District Engineer, that it agrees to accept responsibility for the mitigation work required, pursuant to Paragraph IV.D. of the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998.
- g. Failure to institute and carry out the details of special conditions a. f., above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with R-2809, or such other remedy as the District Engineer or his authorized representatives may seek.

OTHER CONDITIONS

- h. When final design plans are completed for Sections R-2809A and R-2809B, any necessary permit modifications shall be submitted to the District Engineer and the North Carolina Division of Water Quality (NCDWQ). If necessary, a public notice will be circulated for review. Final designs shall reflect all appropriate avoidance, minimization and mitigation for impacts within streams and wetlands. Construction within streams and wetlands on Sections R-2809A and R-2809B shall begin only after approval by the District Engineer of the modified impacts.
- i. NCDOT shall restore the temporary wetland impact area at Site 5 in Section C (Station 85+20 -L- LT) to original contours and seed it with appropriate wetland species.
- j. Prior to commencing construction within jurisdictional waters of the United States, 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 are acceptable.

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- k. The permittee shall schedule an onsite preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meeting in order to provide that individual with ample opportunity to schedule and participate in the required meeting.
- 1. 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, except as authorized by this permit, or any modification to this permit. There shall be no excavation from, or waste disposal into, 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.
- m. To ensure that all borrow and waste activities occur on high ground, 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 (m.) 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 (m.). All information will be available to the Corps of Engineers upon request.
- n. 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.
- o. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the authorized work, he will immediately notify the Wilmington District Engineer who will initiate the required State/Federal coordination.
- p. No excavated or fill material will be placed at any time in waters or wetlands outside the permitted construction areas, 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.
- q. The permittee will 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.
- r. All fill material will be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

- s. This Department of the Army permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
 - t. This permit does not grant any property rights or exclusive privileges.
 - u. In issuing this permit, the Federal Government does not assume any liability for:
 - 1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - 2. Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.
 - 3. Damages to other permitted or unpermitted activities or structures caused by the authorized activity.
 - 4. Design and construction deficiencies associated with the permitted work.
 - 5. Damage claims associated with any future modification, suspension, or revocation of this pennit.



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

> Coleen Sullins, Director Division of Water Quality

October 29, 2007

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

2007

DIVISION OF HIGHWAYS PDEA-OFFICE OF NATURAL ENVIRONMENT

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and NEUSE BUFFER RULES, with ADDITIONAL CONDITIONS for Proposed construction of NC 98 Bypass in Wake County, Federal Aid Project No. HPSTP-55(12), State Project No. 8.1402501, TIP No. R-2809A & R-2809C, US COE Action ID No. 2007-03114.

DWQ Project No. 20010550 version 7.

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3343 issued to The North Carolina Department of Transportation dated February 4, 2002 and subsequent modifications dated September 25, 2002; October 22, 2003; October 13, 2004; September 30, 2005; and February 28, 2006. This modification is applicable only to the additional proposed activities in Section A and proposed modification in Section C. All the authorized activities and conditions of certification associated with the original Water Quality Certification and subsequent modifications still apply except where superceded by this certification.

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

Sincerely,

Coleen Sullip

Director

Attachments

cc: Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office Brett Feulner, NCDOT PDEA Chris Murray, Division 5 Environmental Officer Kathy Matthews, Environmental Protection Agency Travis Wilson, NC Wildlife Resources Commission Gary Jordan, US Fish and Wildlife Service Beth Harmon, Ecosystem Enhancement Program File Copy



William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director Division of Water Quality

Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and NEUSE BUFFER RULES, with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0233. This certification authorized the NCDOT to impact 0.01acres of jurisdictional wetlands, 354 linear feet of jurisdictional streams and 43,382 square feet of protected riparian buffers in Wake County. The project shall be constructed pursuant to the modification dated received September 18, 2007. The revised authorized impacts for Section A of the project are as described below:

Revised Stream Impacts in the Neuse River Basin (R-2809A)

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)
1	0	0	95	23	118
2	62.	20	0	0	82
3	118	36	0	0	154
Total	180	56	. 95	23	354

Total Stream Impact for Project: 354 linear feet.

Revised Wetland Impacts in the Neuse River Basin (R-2809A)

Site	Fill (ac)	Fill (temporary) (ac)	Total Wetland Impact (ac)
1	0.01	0	0.01
Total	0.01	. 0	0.01

Total Wetland Impact for Project: 0.01 acres.

Revised Neuse Riparian Buffer Impacts (R-2809A)

Site	Zone 1 Impact (sq ft)	minus Wetlands in Zone 1 (sq ft)	= Zone 1 Buffers (not wetlands) (sq ft)	Zone 1 Buffer Mitigation Required (using 3:1 ratio)	Zone 2 Impact (sq ft)	minus Wetlands in Zone 2 (sq ft)	= Zone 2 Buffers (not wetlands) (sq ft)	Zone 2 Buffer Mitigation Required (using 1.5:1 ratio)
1.	5,651	0	5,651	N/A	3,283	0	3,283	N/A
2	4,338	0	4,338	N/A	2,788	0	2,788	N/A
3	7,556	0	7,556	22,668	4,198	0	4,198	6,297
Totals	25,814	0	25,814	22,668	17,568	0	17,568	6,297

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required Total Buffer Impact for Project: 43,382 square feet.

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

NorthCarolina Naturally



William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director Division of Water Quality

This approval is only valid for the purpose and design that you submitted in your modified application dated received September 18, 2007. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated February 4, 2002 and all subsequent modifications still apply except where superceded by this certification. The revised impact tables above apply for project Section A only, and does not change the jurisdictional impacts of Sections B or C. However, the proposed design changes for Section C, sites 4 and 5, are also covered by this modification. Should your project make additional changes, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

- 1. All other conditions written into previous Water Quality Certifications and modifications for this project still apply except where superceded by this modification.
- 2. Compensatory mitigation for impacts to 7,556 square feet of protected riparian buffers in Zone 1 and 4,198 square feet of protected riparian buffers in Zone 2 shall be required at the following rates:

Zone of Impact	Impacts (Square Feet)	Replacement Ratio	Total Square Feet of Mitigation Required
Zone 1	7,556	3:1	22,668
Zone 2	4,198	1.5:1	6,297
Total	11,754		28,965

We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through use of the North Carolina Ecosystem Enhancement Program (EEP). Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided in the Neuse River Basin and done in accordance with 15A NCAC 2B. EEP has indicated in a letter dated August 29, 2007 that they will assume responsibility for satisfying the compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.

- 3. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
- 5. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
- 6. For any streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.





William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director Division of Water Quality

- 7. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.
- 8. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
- 9. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
- 10. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
- 11. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
- 12. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
- 13. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
- 14. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
- 15. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.
- 16. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
- 17. 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.
- 18. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
- 19. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- 20. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If 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.

 NorthCarolina Naturally

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
2321 Crabtree Boulevard, Suite 250, Raleigh, North Carolina 27604
Phone: 949 733 1798 / FAN 949 733 6993 / Intermet http:////20

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William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director Division of Water Quality

- 21. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification..
- 22. A copy of this Water Quality Certification shall be maintained on site at 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.
- 23. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
- 24. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
- 25. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- 26. Upon completion of the project (including any impacts at associated borrow or waste site), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.
- 27. Native riparian vegetation (trees and shrubs native to the project's geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
- 28. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 29. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
- 30. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.





William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director Division of Water Quality

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

If 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, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. 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 29th day of October 2007

DIVISION OF WATER QUALITY

Coleen Sullins Director

WQC No. 3343

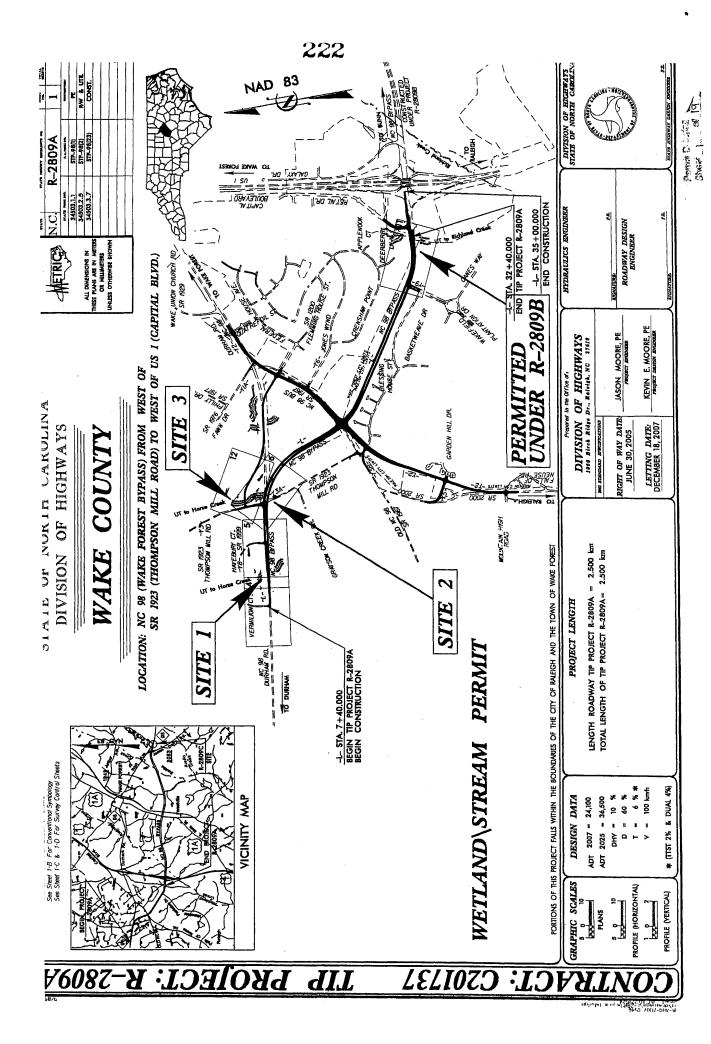


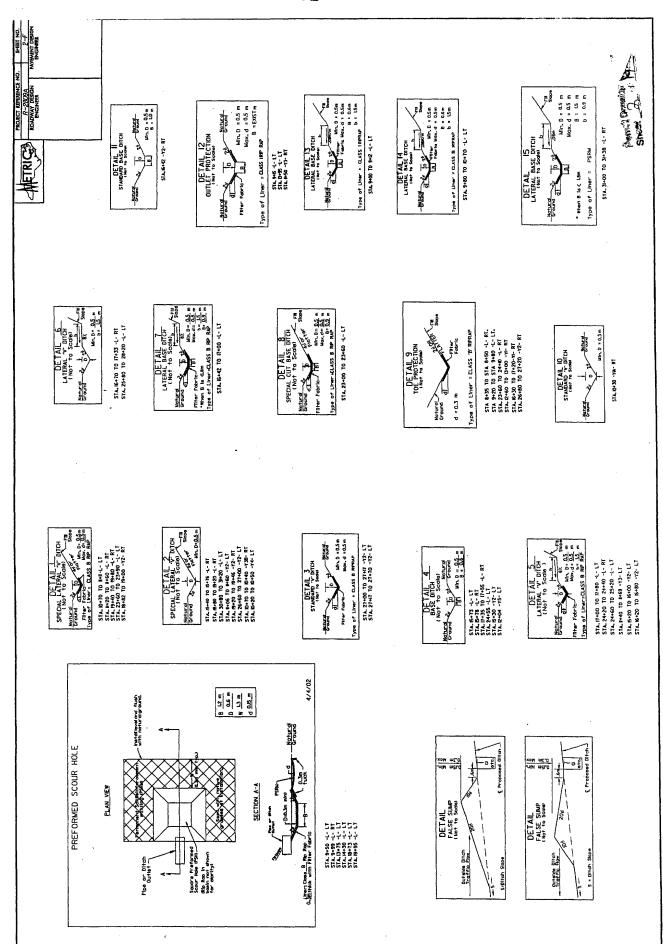
William G. Ross Jr., Secretary North Carolina Department of Environment and Natural Resources Coleen Sullins, Director Division of Water Quality

DWQ Project No.: Applicant: Project Name: Date of Issuance of 401 Water Quality Certification: Certificate of Completion Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules. and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water 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 Applicant's Certification

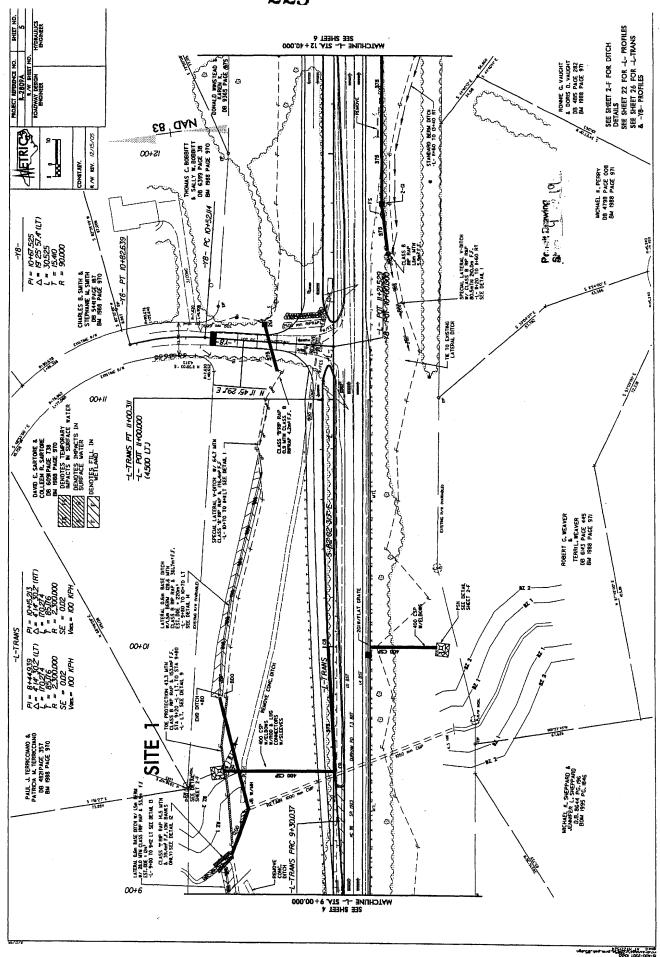
I, ______, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and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

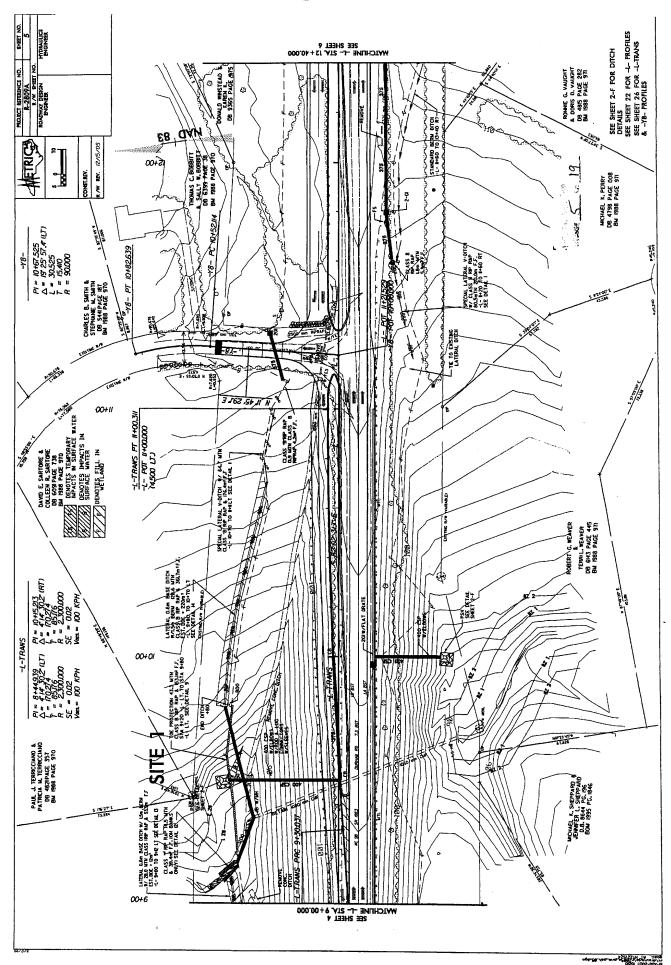
I, hereby state that, to the best of my abilities, due care and diligence processes and diligence to be built within substantial was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials. Date: Signature: Engineer's Certification _____Partial , 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. Registration No.

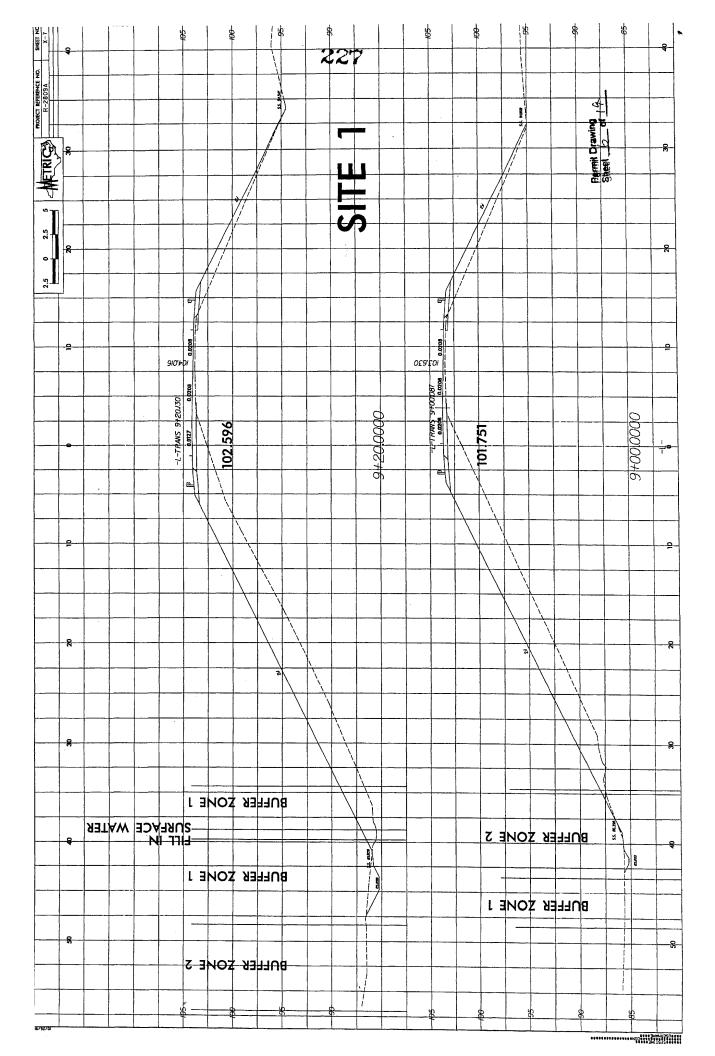


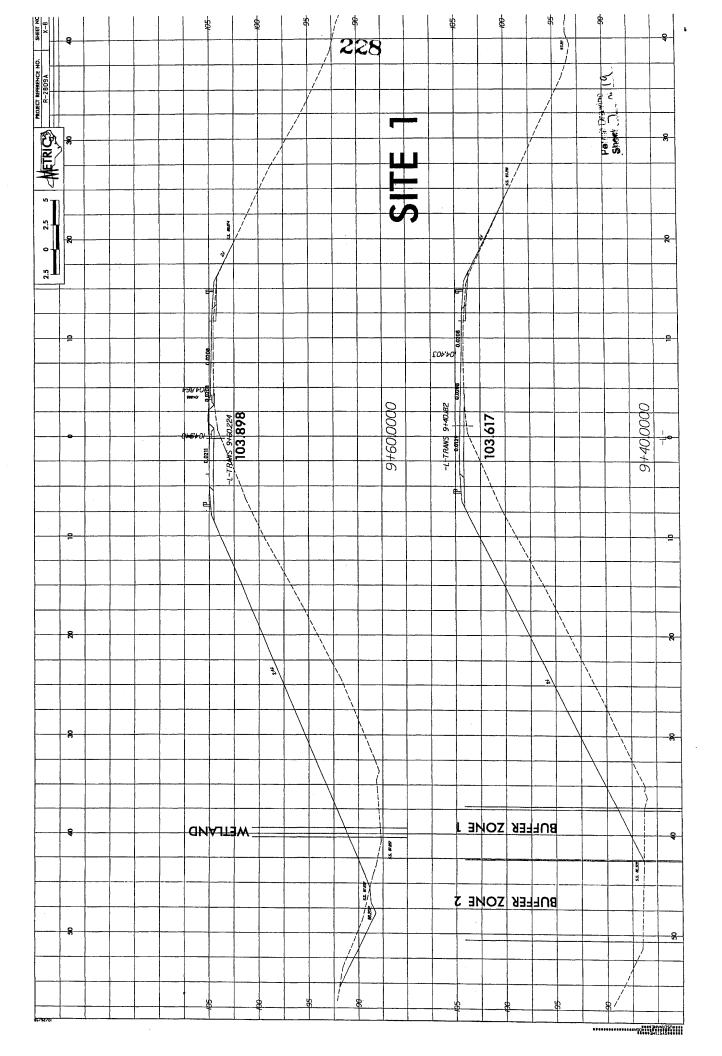


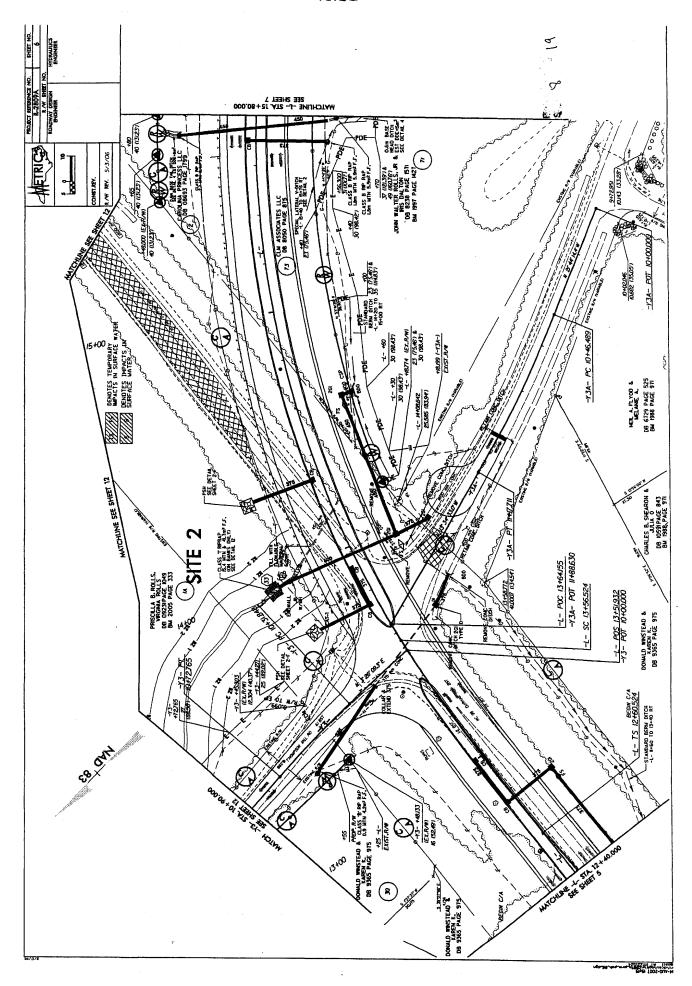
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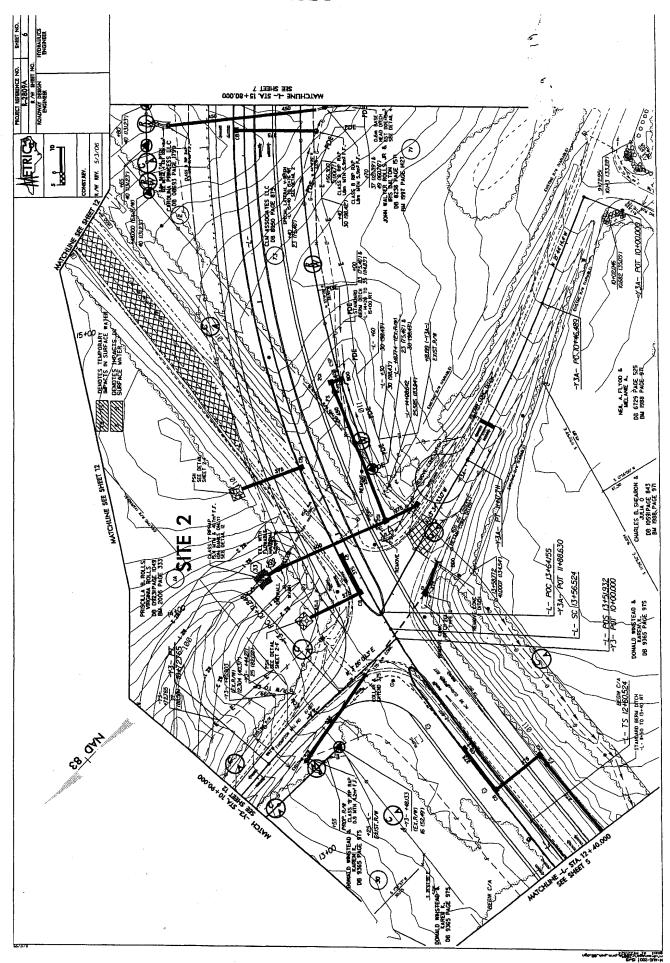


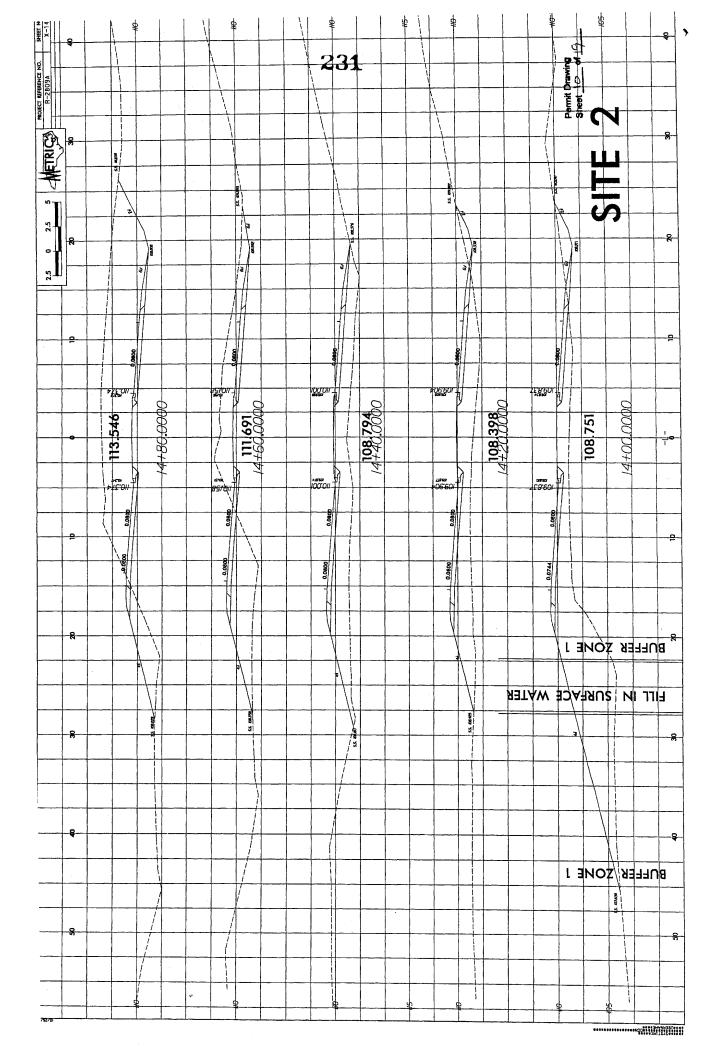




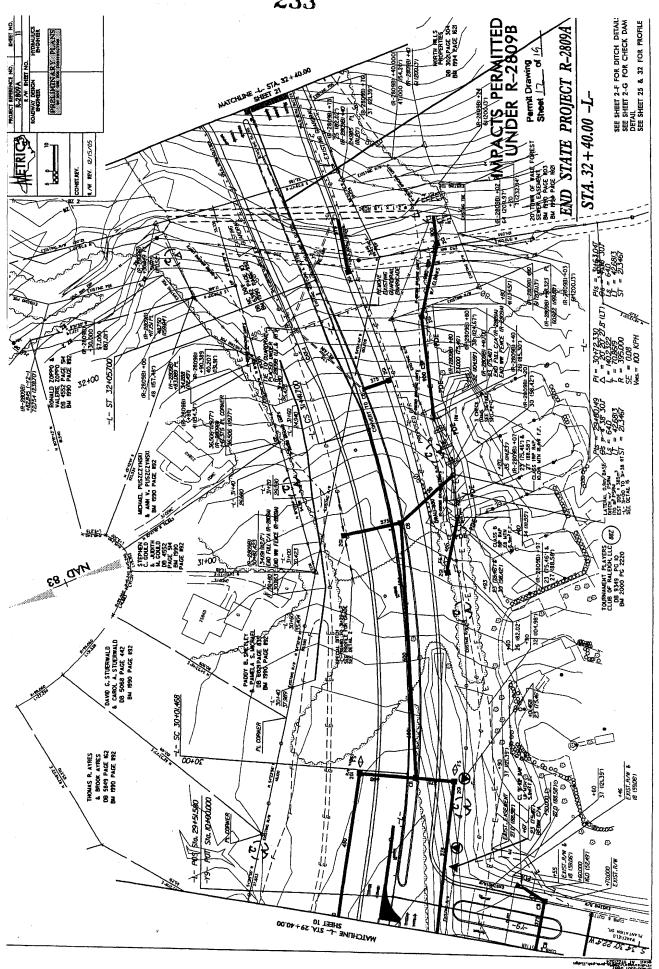


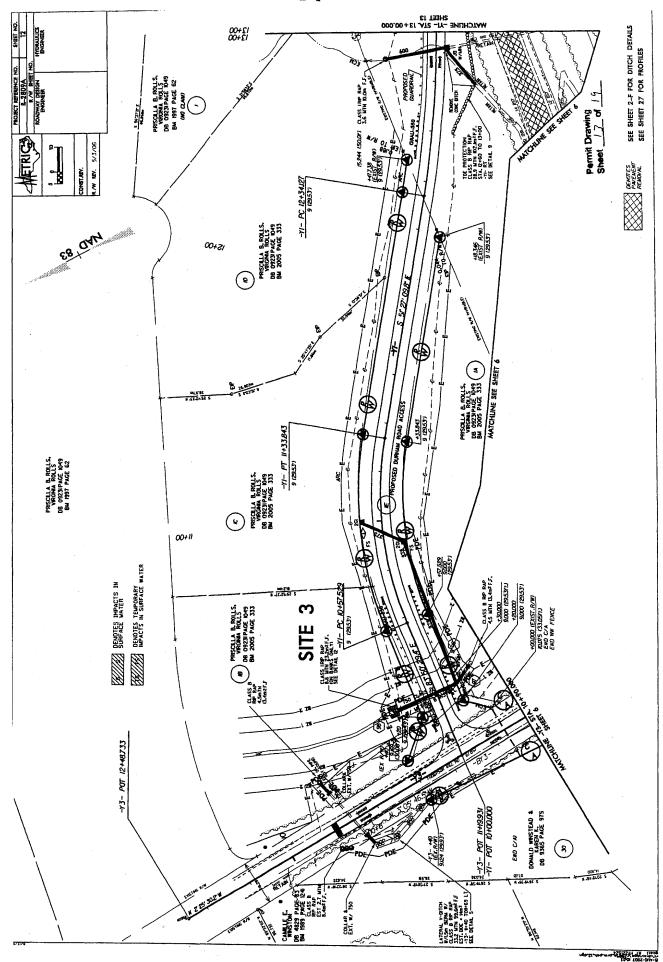


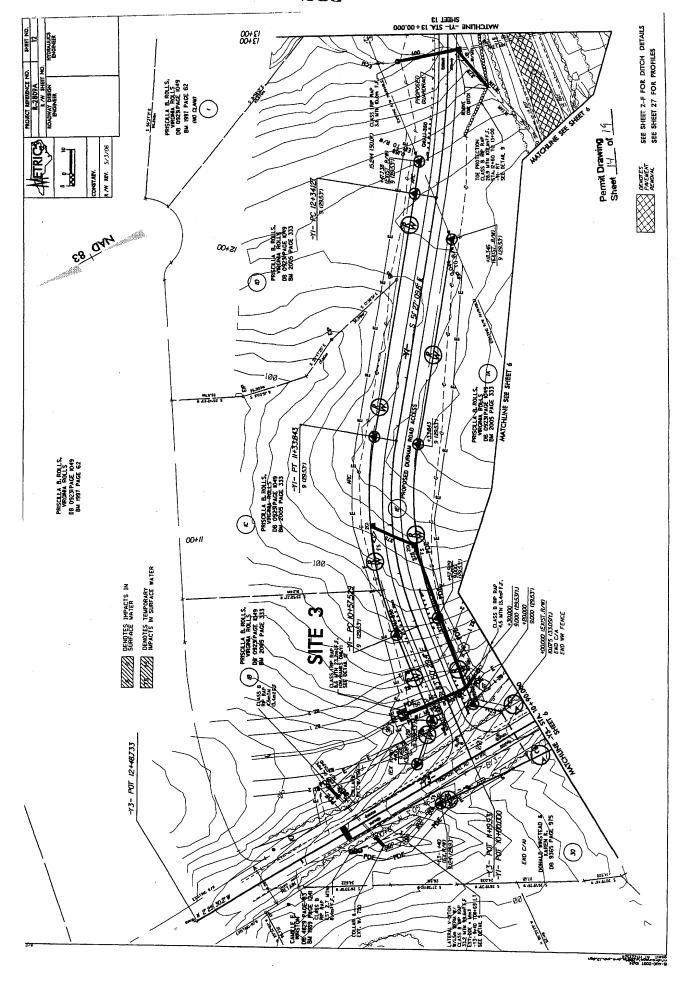


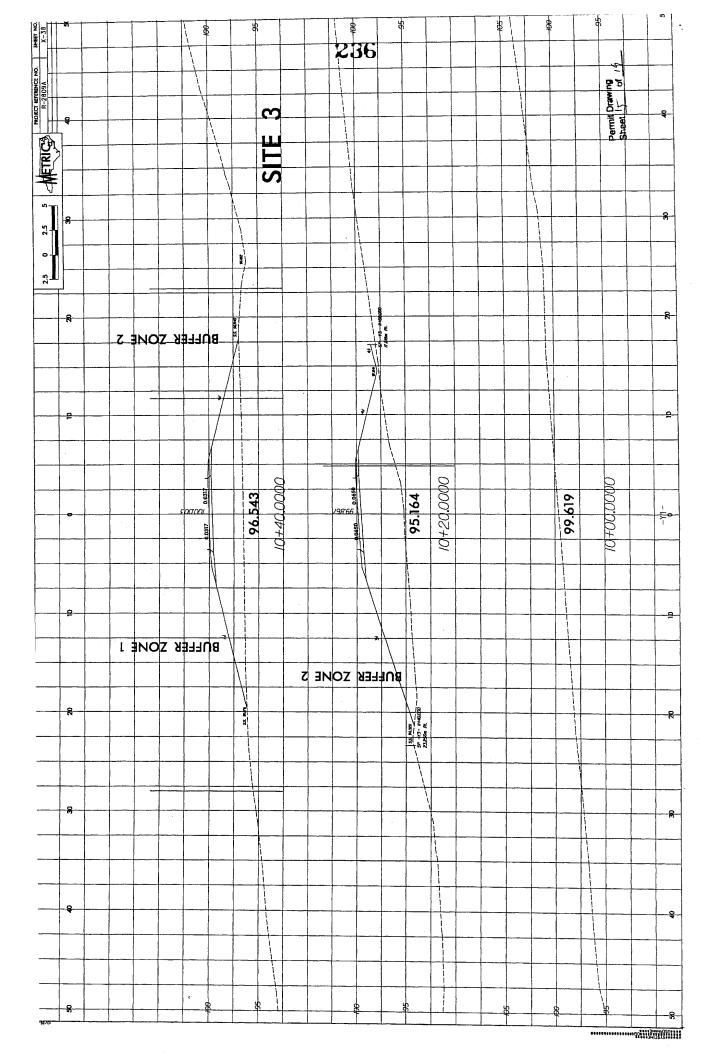


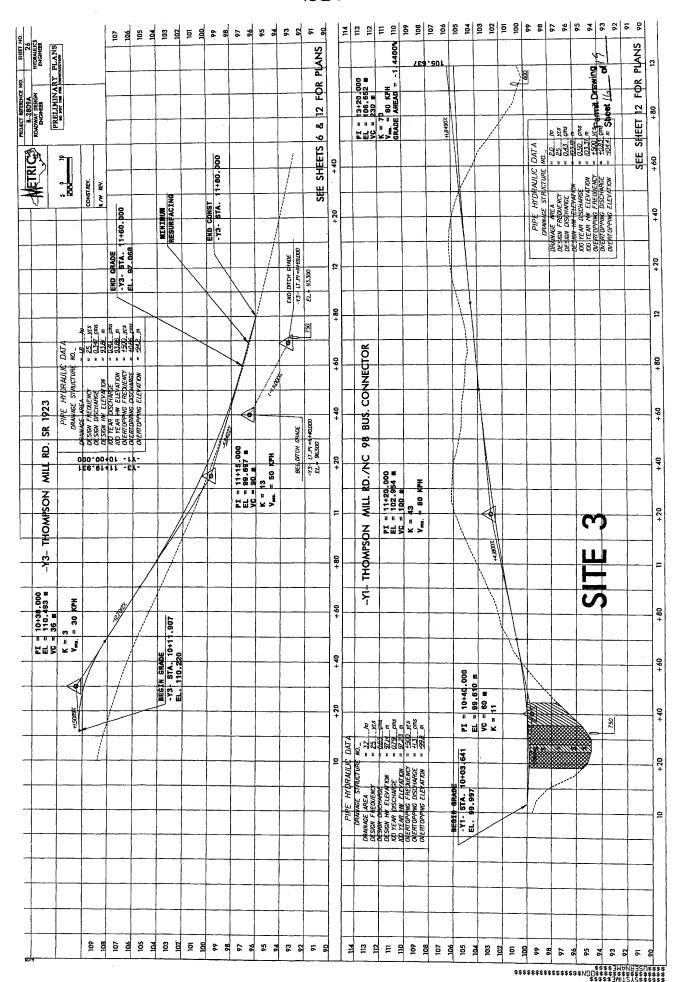
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	Natural Stream Design (ft)												
ACTS	Existing Channel Impacts Temp. (ft)	23	20	36								70 1	
RY SURFACE WATER IMPACTS	Existing Channel Impacts Permanent (ft)	95	62	118								276	
RY SURFACE	Temp. SW impacts (ac)	<0.01	<0.01	<0.01								0.00	
CT SUMMA	Permanent SW impacts (ac)	0.01	0.01	0.01		,						0.03	
MIT IMPAC	Hand Clearing in Wetlands (ac)											0.00	
TLAND PER	Mechanized Clearing in Wetlands (ac)												
WETLAND PERMIT IMPACT SUMMARY WETLAND IMPACTS	Excavation Mechanized in Clearing Wetlands in Wetlands (ac)											0.00	
WET	Temp. Fill In Wetlands (ac)												
	Permanent Fill In Wetlands (ac)	0.01								L.		0.01	
	Structure Size / Type	48" RCP	24" CSP	30" RCP							AND THE PARTY OF T		
	Station (From/To)	9+25 -L- LT	14+00 -L- LT	10+30 -Y1-								erie par pempinan i ete e sue aprim en ann mered estructuraren maner	
	Site No.	-	2	ю								TOTALS	

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS

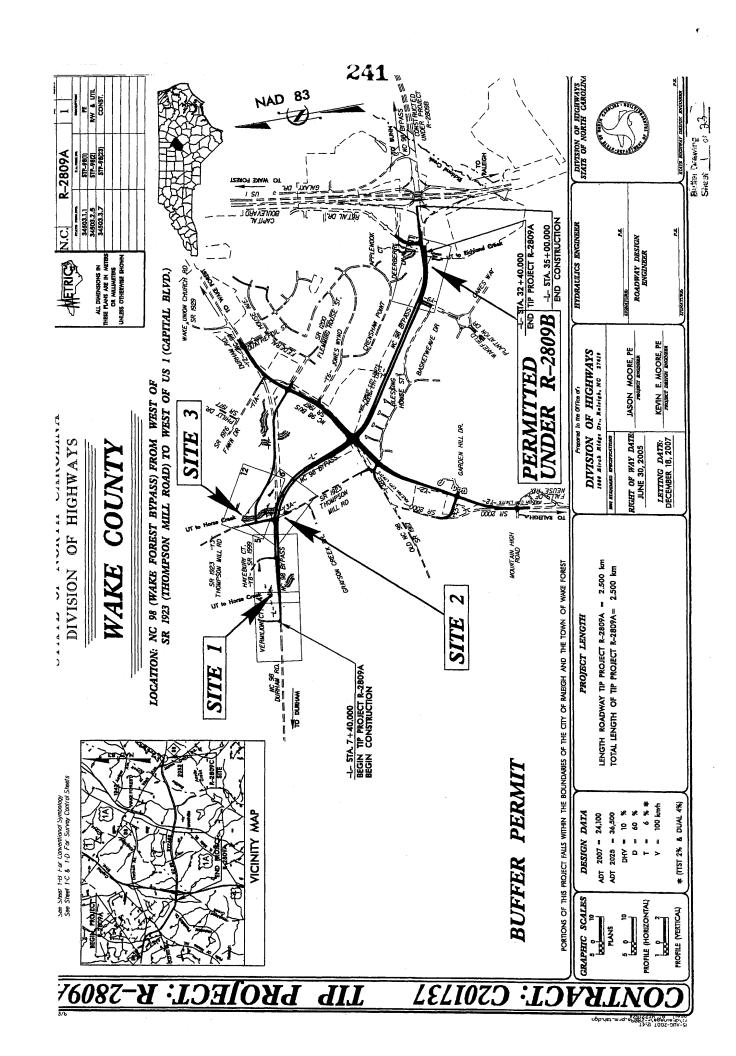
WAKE COUNTY PROJECT: 34503.1.1 (R-2809A)

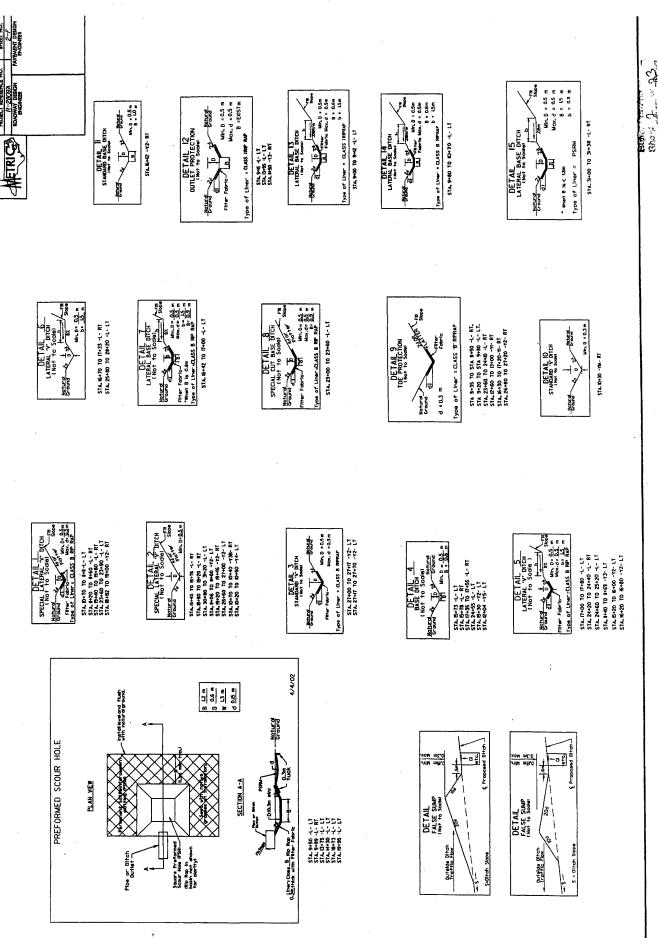
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90,400

					 	 	<i>.</i> 0	<u>.,</u>	 	 			 _				
	Temp. SW Impacts (m)	7	9	-								24		PORTATION	/AYS	(80000	(K-2809A)
SURFACE WATER IMPACTS		29	19	36								84		NC DEPARTMENT OF TRANSPORTATION	DIVISION OF HIGHWAYS	WAKE COUNTY	¥.
FACE WAT	Temp. Sw Impacts (ha)	0.001	0.001	0.001								0.003		NC DEPART	DIVI	, som	WBS - 34303.1.1
	Permanent SW Impacts (ha)	0,003	0.002	0.004								0.009	L		_		
PACT SU	Hand Clearing In Wetlands (ha)																
WETLAND PERMIT IMPACT SUMMARY	Excavation Mechanized in Clearing Wetlands In Wetlands (ha)																
WETLAND PE	Excavation in Wetlands (ha)																
WET	Temp. Fill In Wetlands (ha)																
	Permanent Fill In Wetlands (ha)	0.003															
	Structure 8lze / Type	1200 RCP	600 CSP	750 RCP													
	Station (From/To)	9+26 -1 - LT	14+00 -L- LT	10+30 -Y8-													
	Site No.	-	2	m								TOTALS:					

List of Property Owners:		
SITE#	PROPERTY OWNER	ADDRESSES
<u>-</u>	NCDOT	
2	NCDOT	
m	PRISCILLA ROLLS 7.	7104 THOMPSON MILL ROAD WAKE FOREST, NC 27587
		NC DEPARTMENT OF TRANSPORTION DIVISION OF HIGHWAYS
		WAKE COUNTY 34503.1.1 (R-2809A)
		WAKE FOREST BYPASS
		Sheet 19 of 19





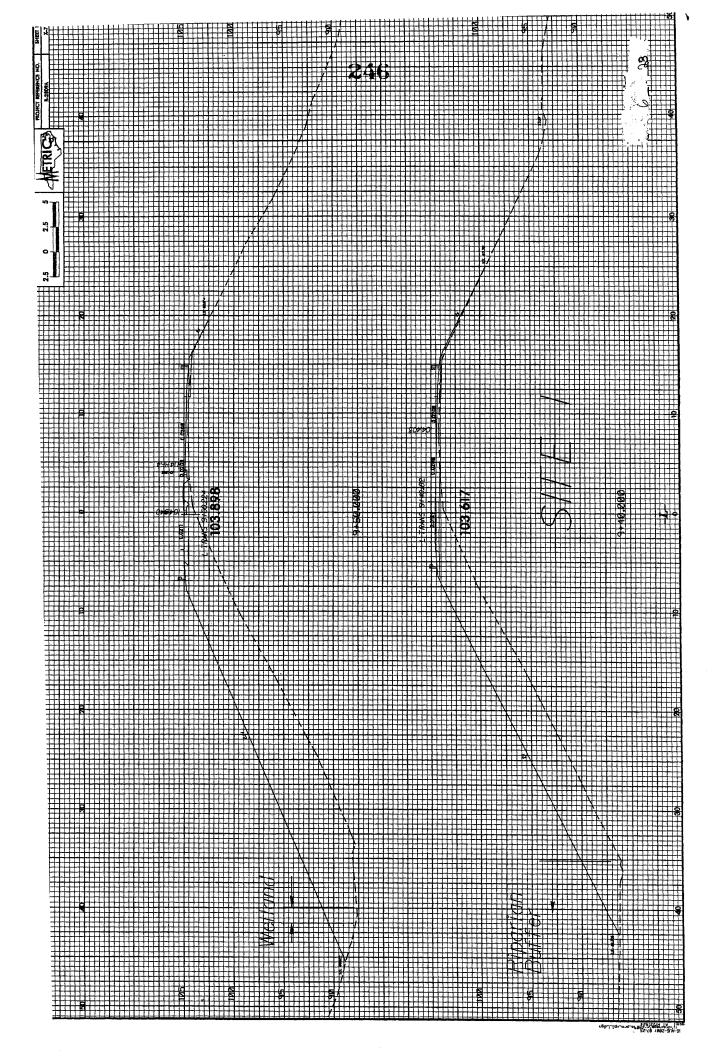
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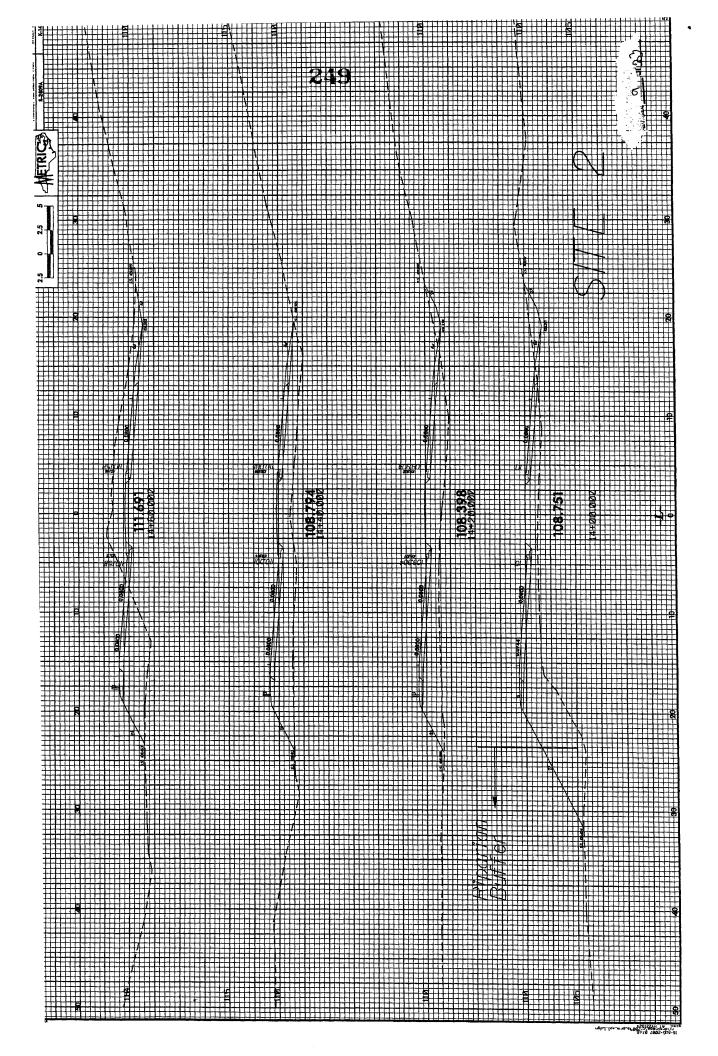
NOT TO SCALE

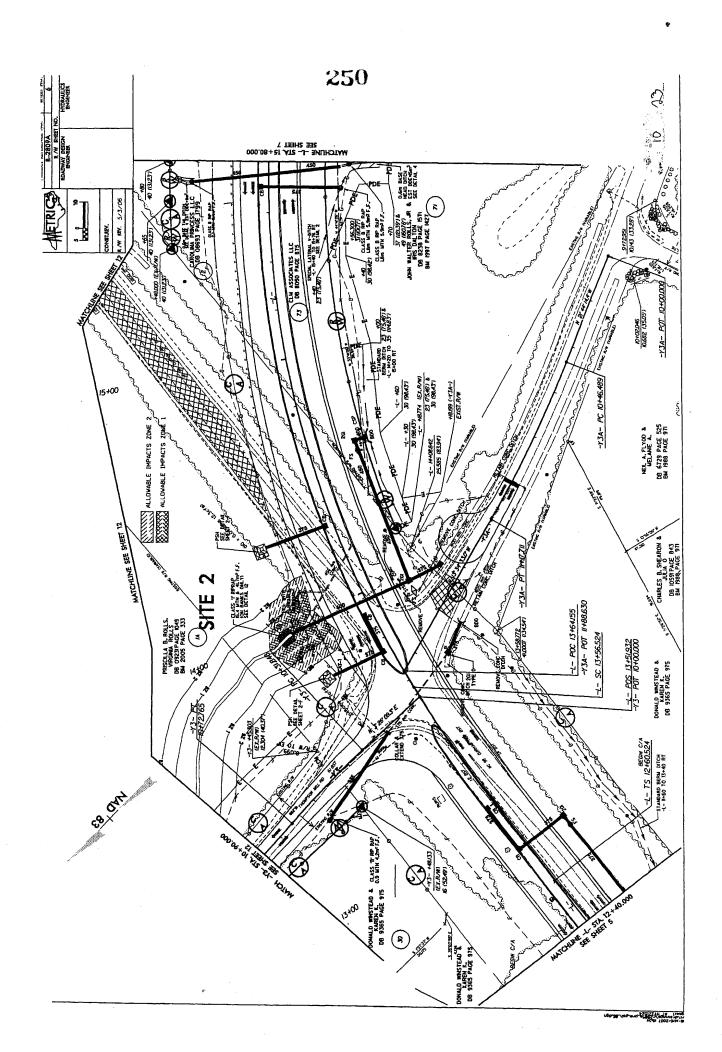
20-311-5001 22-60 30-311-5001 22-60 30-311-5001 22-60

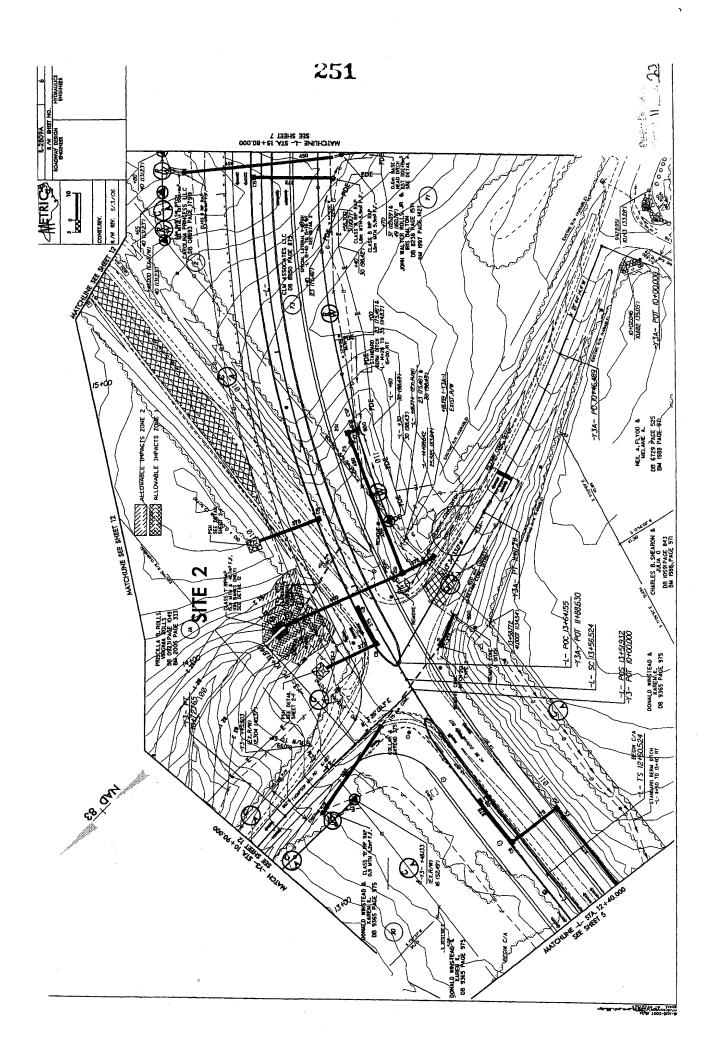
u i

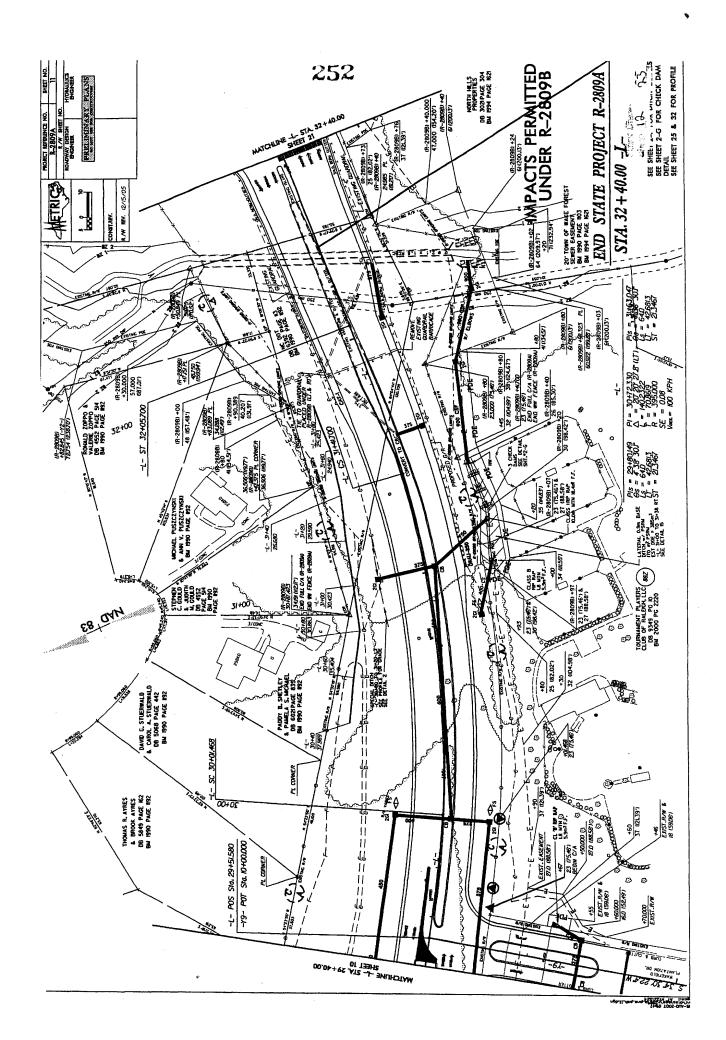
- mg-5003 & 77

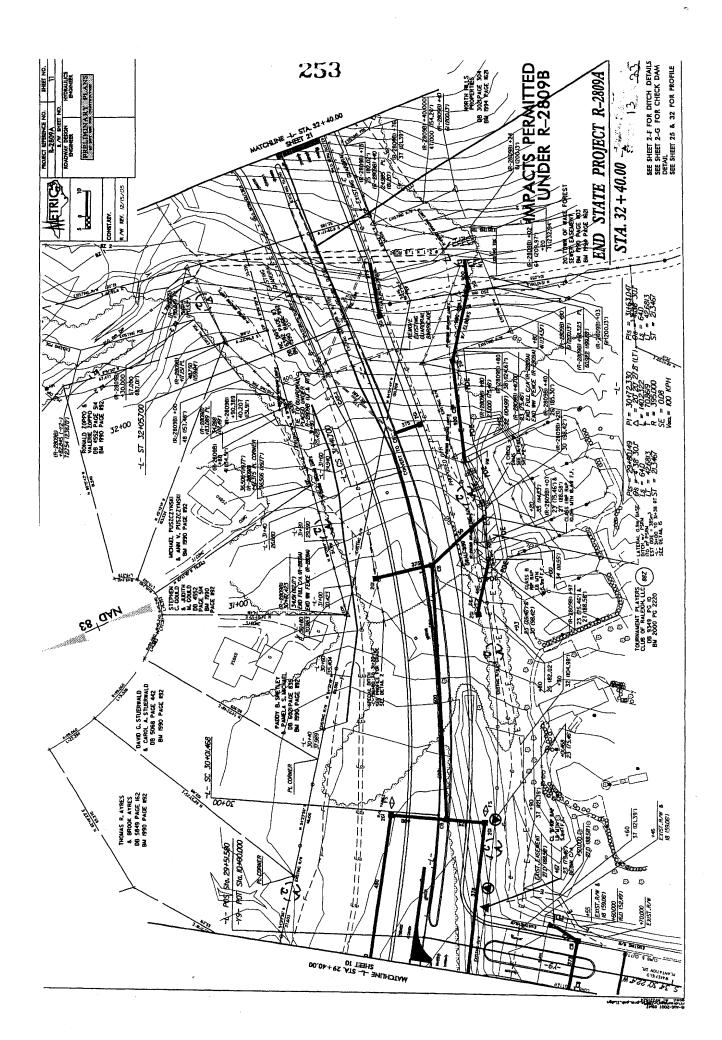














	RUFFFR	REPLACEMENT	ZONE 1 ZONE 2 (ft²)												N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS	WAKE COUNTY PROJECT: 34503.1.1 (R-2809A)	it-07 OF 2-3
			TOTAL 2 (ft²)			11754								11754	DEPT. OF TR. DIVISION OF	WAKE CO ROJECT: 34500	August-07 SHEET ' OF
		MITIGABLE	ZONE 2 (ft²)			4198								4198	N.O.	ā	į
			ZONE 1 (ft²)			7556								7556			
IARY	_	LE	TOTAL (ff²)	8934	7126									16060			
SUMM	IMPACT	ALLOWABLE	ZONE 2 (ft²)	3283	2788									6071			
CTS 8		A	ZONE 1 (ft²)	5651	4338									9989			
BUFFER IMPACTS SUMMARY			PARALLEL IMPACT													·	
FFER		TYPE	BRIDGE														
BU			ROAD CROSSING	×	×	×											
			STATION (FROM/TO)	-L- 9+25 LT	-L- 14+00 LT	-Y1- 10+30									stream		
			STRUCTURE SIZE / TYPE	48" RCP	24" CSP	30" RCP									Site 3 Impacts 154' of stream		
			SITE NO.	7-	2	က							1	TOTAL:			

Kev. May 2006

STRUCTUBE STATION ROAD PARALLEL ZONE TOTAL ZONE ZONE ZONE TOTAL ZONE ZONE ZONE ZONE ZONE ZONE ZONE ZONE				BUF	BUFFER IMPACTS SUMMARY	ACTS	S SUM	IMAR					
STRUCTURE STATION ROAD HARALEL ZONE TOTAL ZONE TOTAL T				Ž	DE		IMPAC			IGADITION	U	BUF	FER
1200 RCP	SITE NO.	STRUCTURE SIZE / TYPE	STATION (FROM/TO)	ROAD	PARALLEL IMPACT	ZONE 1 (m²)	ZONE 2 (m ²)	TOTAL (m²)		ZONE 2 (m²)		ZONE 1 (m ²)	ZONE 2 (m²)
1200 RCP													
600 CSP	-	1200 RCP		×		525.0	305.0	830.0					
750 RCP -Y1-10+30 X 702.0 390.0	2	600 CSP	-1 - 14+00 I T	×		703.0	250.0	0.533					
750 RCP -Y1- 10+30 X 702.0 390.0 -Y1- 10+30 X 702.0 390.0 -Y1- 10+30 X 702.0 390.0						400.0	7.23.0	005.0					
928.0 564.0 1492.0 390.0	3	750 RCP	-Y1-10+30	×					702.0	390.0	1092.0		
928.0 664.0 1492.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 390.0													
928.0 564.0 1492.0 390.0													
928.0 564.0 1492.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
928.0 564.0 1492.0 702.0 390.0													
390.0													
N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS WAKE COUNTY PROJECT: 34503.1.1 (R-2809A)	TOTAL:					928.0	564.0	1492.0	702.0	390.0	1092.0		
N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS WAKE COUNTY PROJECT: 34503.1.1 (R-2809A)											,		
WAKE COUNTY PROJECT: 34503.1.1 (R-2809A) August-07										Z	.C. DEPT. OF DIVISION	TRANSPORT OF HIGHWAY	'ATION 'S
August-07											WAKI PROJECT: 3	E COUNTY 4503.1.1 (R-2)	809A)
									_	· · · · · ·	A L	ngust-07	~

Remarks Provided Treatment PSH PSH Q10 Q10 vel. NA NA ths 0.03 2.65 cfs Q2 vel. Ä фs NA Q2 cfs 0.02 2.0 Discharge? Treated ON Š Slopes Side ₹ ¥ Slope (m/m) Channel 0 Length (m) Actual 0 Required length for treatment Œ) 2 2 40.8 (f) 0.7 (ac) Total D.A. 0.17 0.29 ha Type E E 2GI = 2 GRATED INLET SBG = SHOULDER BERM GUTTER Station 8+60 MED 10+00 MED Structure 2 SHT.

8/15/2007 FFF SDG

Date: Dsn. By: Check:

Site #1

R-2809A Wake Forest Bypass, Affected Buffer Areas Discharge is considered to be treated if it meets the following criteria: 100 ft. of grass swale for every 1 acre of drainage area. AND 2 yr. velocity is less than or equal to 2 ft./sec.

BDOS = BERM DRAINAGE OUTLET STRUCTURE OTCB = OPEN THROAT CATCH BASIN OPEN = OPEN END PIPE PSH = PRE FORMED SCOUR HOLE LS = LEVEL SPREADER

DDB = DRY DETENTION BASIN

B = BASIN GS = GRASS SWALE

CB = CATCH BASIN

Site #2 R-2809A Wake Forest Bypass. Affected Buffer Areas. Discharge is considered to be treated if it meets the following criteria: 100 ft. of grass swale for every 1 acre of drainage area. AND 2 yr. velocity is less than or equal to 2 ft./sec.

Date: Dsn. By: Check;

8/15/2007 FFF SDG

_			_	_				_		_	-		_	_	-	\sim	~~	U	_	_		,	т	.	 	_	 	
	Demarks	Nonian No																										
O10 Tanger		нуд	Hod	35	35	3	SE	3																				
191, 010	Great Veil.	Z V	ΔN	0.50	1 02		1.57																					
010		1 30	28.0	3.27	1 70		2.60																					
lay CO	fne fne	ΑN	ĄZ	0.43	0.85		1.51																					
8	, 45	0.94	0.42	2.38	1.23		1.89					4																
Treated	Discharge?	ON	ON	YES	YES		ON																					BDOS = BERM DRAINAGE OFTET FT STRIPE
Qide	Slopes	ΨN	NA	4:/6:1	4:/6:1	SAINAGE	AN																					
Channel	Slope (m/m)	NA	NA	0.003	0.003	OFFSITE OR CROSS DRAINAGE	NA														•							A DRAINAGH
Actual	Length (m)	NA	ΝΑ	7.5	09	OFFSITE	NA																					RDOC = RFR
for treatment	(m.)	7	3	38	12	38	14			-						4												
Required length for treatment	(ft.)	22.2	6.6	126.0	40.3	123.6	44.5		-									,										
4	(ac)	0.2	0.1	1.3	0.4	1.2	0.4																					
Total D A	ha	0.00	0.04	0.51	0.16	0.50	0.18																					
	Type	CB	CB	2GI	2GI	2GI	CB																					
	Station	13+90 Med.	13+75 Med	13+60 RT	13+95 RT	13+95 RT	14+30 RT																					
	Structure	25	26	30	31	28	34				-																	ロン C = 1つ C
•	SHT.	9	9	9	9	9	9																					

2GI = 2 GRATED INLET SBG = SHOULDER BERM GUTTER CB = CATCH BASIN DDB = DRY DETENTION BASIN B = BASIN

GS = GRASS SWALE

BDOS = BERM DRAINAGE OUTLET STRUCTURE OTCB = OPEN THROAT CATCH BASIN

OPEN = OPEN END PIPE PSH = PRE FORMED SCOUR HOLE

LS = LEVEL SPREADER

15

Remarks

Date: 8/15/2007 Dsn. By: FFF Check: SDG

Site #3

R-2809A Wake Forest Bypass. Affected Buffer Areas Discharge is considered to be treated if it meets the following criteria: 100 ft. of grass swale for every 1 acre of drainage area. AND 2 yr. velocity is less than or equal to 2 ft./sec.

SS SS

Provided Treatment Q10 vel. 2.03 2.03 fps 010 0.17 0.21 cts Q2 vel. 1.97 1.97 gdy 0.12 0.15 Q2 cfs Discharge? Treated YES Slopes 4:1/6:1 4:1/6:1 Side Slope (m/m) Channel .029 Length (m) Actual 3 5 Required length for treatment (iii 7 17 46.5 56.8 (H) Total D.A. ha (ac) 0.5 9.0 0.2 0.7 Type **7**CI 2GI Station 11+00 10+90 Structure 95 96 SHT. 12 12

BDOS = BERM DRAINAGE OUTLET STRUCTURE OTCB = OPEN THROAT CATCH BASIN

OPEN = OPEN END PIPE PSH = PRE FORMED SCOUR HOLE LS = LEVEL SPREADER

21 of 23

DDB = DRY DETENTION BASIN

CB = CATCH BASIN

2GI = 2 GRATED INLET SBG = SHOULDER BERM GUTTER

GS = GRASS SWALE B = BASIN

R-2809A Wake Forest Bypass. Affected Buffer Areas Discharge is considered to be treated if it meets the following criteria: 100 ft. of grass swale for every 1 acre of drainage area. AND 2 yr. velocity is less than or equal to 2 ft./sec.

Site @ End R-2809A &Begin R-2809B @ Existing RCBC
Dsn. By: FFF
Check: SDG

SDG 8/15/2007 Date:

														 					_			.,	-	 	-	 	-	 	
	Pemarke	INCIII INS							*			*																	
Trontmont	Provided	GS	55	GS		GS	GS	GS	8	GS	CS	CD	GS	**SEE 172	**SEE 172	CS													
10.010	12 ven.	2.2	2.2	2.2			1.	2.2		2.3	0.8		6.0	0.0	0.0	6.0													
010		0.26	0.35	0.29	0.00	0.20	0.21	0.17	90.0	0.46	0.09	0.11	0.31	0.00	0.00	3.03													
leit CO	fns fns	1.5	1.8	1.7		6.0	6.0	1.8		2.0	0.3		0.4	0.0	0.0	0.4	TO TO T	E SLOPE											
50	, 4 <u>5</u>	0.19	0.26	0.21	00.0	0.14	0.15	0.13	0.05	0.34	90.0	0.08	0.23	0.00	0.00	0.20	נים ביים		i C										H
8/15/200/ Treated	Discharge?	YES	YES	YES		YES	YES	YES	NO	YES	YES	NO	YES	*	**	YES	ומשת שאואת	DAINIS REDI	KED LENGI										STRUCTUR
Date:	Slones	4:1/2:1	4:1/2:1	4:1/2:1		4:1/2:1	4:1/2:1	4:1/2:1		4:1/2:1	4:1/2:1		4:1/2:1			4:1/2:1	TUTEOR	o. inese											OUTLET
Channel	Slone (m/m)	0.018	0.018	0.018		0.018	0.018	0.018		0.018	0.003		0.003			0.018	יעבכע האני	THEOR DAIM	EINLEIS. II										MDRAINAGE
Actual	Leneth (m)	160	160	110	AGE	110	140	200	0	200	100	0	100	0	0	57) uasoao aa	TROPOSED OF	NI OF THESE	GIH IS 23M.									BDOS = RERM DRAINAGE OUTLET STRUCTURE
anoth for treatment	(m.)	32	09	33	OFFSITE DRAINAGE	33	35	25	7	52	6.	11	25	14	2	16	THOU NATH TUBER DEODOSED CUECK DANS THESE DANS DENICE HIM OF COLUMN	WILL LINKE	KE IKEAIME	THE ACTOAL LENGTH IS 23M									
Dominad langth		103.8	195.2	108.7	IO	108.7	113.7	81.5	21.5	170.5	29.7	37.1	81.5	44.5	7.4	51.9	NTO A DITCE	AND THENESO	Ξ,										
-	(ac)	0.1	2.0	1.1		1.1	1.1	8.0	0.2	1.7	0.3	0.4	8.0	0.4	0.1	0.5	m ET Y	03370	י שנייי	INCE	r								
Total D.A	ha	0.42	0.79	0.44		0.44	0.46	0.33	0.09	69.0	0.12	0.15	0.33	0.18	0.03	0.21	& 83 OI	TEVE 7	11E V E 2.	SE I WC									
z or renha	Type	2GI	2GI	2GI	Open	2GI	2GI	2GI	B	ZGI	2GI	CB	2GI	8	CB	OUTLET	27 St O'M 5		10 A O 1 II	FOR THE									
2 yr. velochy is less man or equal to 2 11./sec.	Station	26+60 rt	26+60 lt.	27+70 lt.	27+70 lt.	27+70 rt.	29+20 rt.	30+00 Lt.	30+00 Med	30+00 Rt.	30+80 Rt.	31+02 Med	31+02 Lt.	10+60 -Y9-RT	TJ-6A-09+01	10+50-Y9-LT (*STRICTINE NO 8 28 & 83 OILLE TO A PA	ביית פעד פנ	Jr ine Diic	IKEATMENT FOR THESE TWO INLETS IS 18M.									3GI = 2 GRATED INI ET
yı. velocity	Structure	72	73	74	75	76	169	7	7	29	83	1	81		7	172	*			Ī									3GI = 3 GB I
•	SHT.	10	10	01	01	01	02	=	=	=	=	=	=	=	=	=													

2GI = 2 GRATED INLET SBG = SHOULDER BERM GUTTER CB = CATCH BASIN DDB = DRY DETENTION BASIN B = BASIN

GS = GRASS SWALE

BDOS = BERM DRAINAGE OUTLET STRUCTURE OTCB = OPEN THROAT CATCH BASIN OPEN = OPEN END PIPE PSH = PRE FORMED SCOUR HOLE LS = LEVEL SPREADER CD= CHECK DAMS

200 Carly

List of Property Owners:		
SITE#	PROPERTY OWNER	ADDRESSES
_	NCDOT	
2	NCDOT	
ന	PRISCILLA ROLLS	7104 THOMPSON MILL ROAD WAKE FOREST, NC 27587
		NC DEPARTMENT OF TRANSPORTION
		MAKE COUNTY
		MAKE FOREST BYPASS
		Sheet 23of 273 August-07

