



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE
GOVERNOR

EUGENE CONTI
SECRETARY

June 15, 2010

MEMORANDUM TO: Mr. Robert W. Lewis, PE
Division Four Engineer

FROM:  Philip S. Harris, III, P.E., Unit Head
Natural Environment Unit
Project Development and Environmental Analysis Branch

SUBJECT: Wayne County, Replace Bridge No. 37 on SR 1537 over Nahunta Swamp; T.I.P.
Number B-4672; Federal Aid Project No. BRZ-1537(4); State Project 8.2331801

Attached is the modified U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 23, N.C. Division of Water Quality Section 401 General Water Quality Certification and Riparian Buffer Authorization for the above referenced project. All environmental permits have been received for the construction of this project.

A copy of this permit package will be posted on the NCDOT website at:
<http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html>

PSH/gyb



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PURDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

June 14, 2010

To: File B-4672

From: Lance P. Fontaine, Ph.D., Environmental Specialist

Subject: B-4672 - Section 404 Permit Modification by Default

The Section 404 permit modification for this project has been issued by default, as the U.S. Army Corps of Engineers review time period has exceeded 45 days (per Nationwide Permit General Condition number 27). Therefore, NCDOT must comply with all conditions, descriptions, and mitigation allowance in the January 05, 2010 permit modification request (includes the Pre-Construction Notification Form and Permit Drawings), as well as the 404 General Conditions and 401 Standard Conditions. An additional permit modification will be required if any of the above conditions, descriptions, and mitigation allowances cannot be met.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

January 5, 2010

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

Subject: Permit Modification Request for Section 404 Nationwide Permit 23 and Section 401 Water Quality Certification, and Neuse Riparian Buffer Authorization for the replacement of Bridge No. 37 over Nahunta Swamp on SR 1537 in Wayne County. State Project No. 8.2331801. Federal Aid Project Number BRZ-1537(4). TIP No. B-4672.

Dear Sir:

The North Carolina Department of Transportation (NCDOT), Division of Highways, recently submitted an application for a Section 404 Nationwide Permit 23, Section 401 Water Quality Certification, and Neuse Riparian Buffer Authorization for TIP No. B-4672 (dated October 21, 2009).

The Section 401 Water Quality Certification and Neuse Riparian Buffer Authorization were issued by the NC Division of Water Quality (NCDWQ) on November 2, 2009. The Section 404 Nationwide Permit 23 is considered a permit by default as it was received by the USACE on October 28, 2009 and the 45-day review period transpired with no follow-up response made by the USACE.

Subsequently, inaccuracies were identified in the supplied materials. As a result of correcting these issues, impacts to the wetlands and buffers associated with this project have been reduced. Provided with this memo are a revised PCN form (with revisions shown in italics), permit drawings, roadway plans, and revised compensatory mitigation plan.

If you have any questions or need additional information, please call or email:
Lance P. Fontaine, Ph.D. at 919-431-6667 or lpfontaine@ncdot.gov.

Sincerely



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

W/attachment

Mr. Brian Wrenn, NCDWQ (5 copies)

W/o attachment (see website for attachments)

Dr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Victor Barbour, P.E., Project Services Unit
Mr. Mark Staley, Roadside Environmental
Mr. Richard E. Greene, P.E. Div. 4 Engineer
Mr. Chad Coggins, Div. 4 Environmental Officer
Mr. Scott McLendon, USACE, Wilmington
Mr. Gary Jordan, USFWS
Mr. Travis Wilson, NCWRC
Mr. Ron Sechler, NMFS
Ms. Anne Deaton, NCDMF
Mr. Jay Bennett, P.E., Roadway Design
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Ms. Pam Williams, PDEA Project Planning Engineer
Ms. LeiLani Paugh, NEU
Mr. Randy Griffin, NEU



Office Use Only:
 Corps action ID no. _____
 DWQ project no. _____
 Form Version 1.3 Dec 10 2008

Pre-Construction Notification (PCN) Form

A. Applicant Information

1. Processing

| | | |
|--|---|--|
| 1a. Type(s) of approval sought from the Corps: | <input checked="" type="checkbox"/> Section 404 Permit | <input type="checkbox"/> Section 10 Permit |
| 1b. Specify Nationwide Permit (NWP) number: 23 or General Permit (GP) number: | | |
| 1c. Has the NWP or GP number been verified by the Corps? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 1d. Type(s) of approval sought from the DWQ (check all that apply): | | |
| <input checked="" type="checkbox"/> 401 Water Quality Certification – Regular <input type="checkbox"/> Non-404 Jurisdictional General Permit <input type="checkbox"/> 401 Water Quality Certification – Express <input checked="" type="checkbox"/> Riparian Buffer Authorization | | |
| 1e. Is this notification solely for the record because written approval is not required? | For the record only for DWQ 401 Certification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | For the record only for Corps Permit: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 1f. Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts? If so, attach the acceptance letter from mitigation bank or in-lieu fee program. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 1g. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h below. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 1h. Is the project located within a NC DCM Area of Environmental Concern (AEC)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

2. Project Information

| | |
|---|---|
| 2a. Name of project: | Replace Bridge No. 37 on SR 1537 (Airport Road) over Nahunta Swamp. |
| 2b. County: | Wayne |
| 2c. Nearest municipality / town: | Pikeville |
| 2d. Subdivision name: | <i>not applicable</i> |
| 2e. NCDOT only, T.I.P. or state project no: | B-4672 |

3. Owner Information

| | |
|--|---|
| 3a. Name(s) on Recorded Deed: | North Carolina Department of Transportation |
| 3b. Deed Book and Page No.: | <i>not applicable</i> |
| 3c. Responsible Party (for LLC if applicable): | <i>not applicable</i> |
| 3d. Street address: | 1598 Mail Service Center |
| 3e. City, state, zip: | Raleigh, NC 27699-1598 |
| 3f. Telephone no.: | (919) 431-6667 |
| 3g. Fax no.: | (919) 431-2002 |
| 3h. Email address: | lfontaine@ncdot.gov |

| | |
|---|---|
| 4. Applicant Information (if different from owner) | |
| 4a. Applicant is: | <input type="checkbox"/> Agent <input type="checkbox"/> Other, specify: |
| 4b. Name: | <i>not applicable</i> |
| 4c. Business name (if applicable): | |
| 4d. Street address: | |
| 4e. City, state, zip: | |
| 4f. Telephone no.: | |
| 4g. Fax no.: | |
| 4h. Email address: | |
| 5. Agent/Consultant Information (if applicable) | |
| 5a. Name: | <i>not applicable</i> |
| 5b. Business name (if applicable): | |
| 5c. Street address: | |
| 5d. City, state, zip: | |
| 5e. Telephone no.: | |
| 5f. Fax no.: | |
| 5g. Email address: | |

| B. Project Information and Prior Project History | |
|--|--|
| 1. Property Identification | |
| 1a. Property identification no. (tax PIN or parcel ID): | <i>not applicable</i> |
| 1b. Site coordinates (in decimal degrees): | Latitude: 35.511745 (DD.DDDDDD) Longitude: - 77.94832 (-DD.DDDDDD) |
| 1c. Property size: | 1.9 acres |
| 2. Surface Waters | |
| 2a. Name of nearest body of water (stream, river, etc.) to proposed project: | Nahunta Swamp |
| 2b. Water Quality Classification of nearest receiving water: | C; Sw; NSW |
| 2c. River basin: | Neuse |
| 3. Project Description | |
| 3a. Describe the existing conditions on the site and the general land use in the vicinity of the project at the time of this application: Existing conditions on the site include maintained/disturbed, agricultural/cultivated land, mixed hardwood forest and bottomland hardwood forest. General land use is residential with low-density detached dwelling and cropland and pasture | |
| 3b. List the total estimated acreage of all existing wetlands on the property: 0.7 | |
| 3c. List the total estimated linear feet of all existing streams (intermittent and perennial) on the property: 1,247 | |
| 3d. Explain the purpose of the proposed project: To replace a structurally deficient and functionally obsolete bridge. | |
| 3e. Describe the overall project in detail, including the type of equipment to be used: The project involves replacing an 87-foot bridge with a 120-foot bridge on the existing alignment with an off-site detour. Standard road building equipment, such as trucks, dozers, and cranes will be used. | |
| 4. Jurisdictional Determinations | |
| 4a. Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this property / project (including all prior phases) in the past? Comments: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| 4b. If the Corps made the jurisdictional determination, what type of determination was made? | <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final |
| 4c. If yes, who delineated the jurisdictional areas? Name (if known): A. Karaqosian and J. Schwaller | Agency/Consultant Company: STV/Ralph Whitehead Associates Other: |
| 4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation. October 17, 2008 | |
| 5. Project History | |
| 5a. Have permits or certifications been requested or obtained for this project (including all prior phases) in the past? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown |
| 5b. If yes, explain in detail according to "help file" instructions. <i>Sec. 401 Water Quality Cert. & Neuse Riparian Buffer Auth. issued by NCDWQ on 11/02/09; Sec. 404 - NW 23 Permit Application received by USACE on 10/28/09.</i> | |

| | |
|--------------------------------|---|
| 6. Future Project Plans | |
| 6a. Is this a phased project? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6b. If yes, explain. | |

C. Proposed Impacts Inventory

1. Impacts Summary

1a. Which sections were completed below for your project (check all that apply):

- Wetlands Streams - tributaries Buffers
 Open Waters Pond Construction

2. Wetland Impacts

If there are wetland impacts proposed on the site, then complete this question for each wetland area impacted.

| 2a. Wetland impact number – Permanent (P) or Temporary (T) | 2b. Type of impact | 2c. Type of wetland (if known) | 2d. Forested | 2e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other) | 2f. Area of impact (acres) |
|--|--------------------------------------|-----------------------------------|--|---|-------------------------------|
| Site 1 <input checked="" type="checkbox"/> P <input checked="" type="checkbox"/> T | Perm Fill; Mech Clearing; Excavation | Riparian | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ | 0.12 |
| Site 2 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | |
| Site 3 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | |
| Site 4 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | |
| Site 5 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | |
| Site 6 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | |
| 2g. Total wetland impacts | | | | | 0.12 Perm. 0.00 Temp. |

2h. Comments:

3. Stream Impacts

If there are perennial or intermittent stream impacts (including temporary impacts) proposed on the site, then complete this question for all stream sites impacted.

| 3a. Stream impact number - Permanent (P) or Temporary (T) | 3b. Type of impact | 3c. Stream name | 3d. Perennial (PER) or intermittent (INT)? | 3e. Type of jurisdiction (Corps - 404, 10 DWQ – non-404, other) | 3f. Average stream width (feet) | 3g. Impact length (linear feet) |
|---|-----------------------|--------------------|---|---|------------------------------------|------------------------------------|
| Site 1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T | Rip-rap at embankment | Nahunta Swamp | <input checked="" type="checkbox"/> PER <input type="checkbox"/> INT | <input checked="" type="checkbox"/> Corps <input type="checkbox"/> DWQ | 25 | 22 |
| Site 2 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> PER <input type="checkbox"/> INT | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | | |
| Site 3 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> PER <input type="checkbox"/> INT | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | | |
| Site 4 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> PER <input type="checkbox"/> INT | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | | |
| Site 5 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> PER <input type="checkbox"/> INT | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | | |
| Site 6 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> PER <input type="checkbox"/> INT | <input type="checkbox"/> Corps <input type="checkbox"/> DWQ | | |
| 3h. Total stream and tributary impacts | | | | | | 22 Perm 0 Temp |

3i. Comments:

4. Open Water Impacts

If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.

| 4a. Open water impact number – Permanent (P) or Temporary (T) | 4b. Name of waterbody (if applicable) | 4c. Type of impact | 4d. Waterbody type | 4e. Area of impact (acres) |
|--|--|-----------------------|-----------------------|-------------------------------|
| O1 <input type="checkbox"/> P <input type="checkbox"/> T | | | | |
| O2 <input type="checkbox"/> P <input type="checkbox"/> T | | | | |
| O3 <input type="checkbox"/> P <input type="checkbox"/> T | | | | |
| O4 <input type="checkbox"/> P <input type="checkbox"/> T | | | | |
| 4f. Total open water impacts | | | | 0 Permanent 0 Temporary |

4g. Comments:

5. Pond or Lake Construction

If pond or lake construction proposed, then complete the chart below.

| 5a. Pond ID number | 5b. Proposed use or purpose of pond | 5c. Wetland Impacts (acres) | | | 5d. Stream Impacts (feet) | | | 5e. Upland (acres) |
|-----------------------|--|--------------------------------|--------|-----------|------------------------------|--------|-----------|-----------------------|
| | | Flooded | Filled | Excavated | Flooded | Filled | Excavated | Flooded |
| P1 | | | | | | | | |
| P2 | | | | | | | | |
| 5f. Total | | | | | | | | |

5g. Comments:

| | | | |
|---|------------------------------|-----------------------------|-----------------------|
| 5h. Is a dam high hazard permit required? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, permit ID no: |
| 5i. Expected pond surface area (acres): | | | |
| 5j. Size of pond watershed (acres): | | | |
| 5k. Method of construction: | | | |

6. Buffer Impacts (for DWQ)

If project will impact a protected riparian buffer, then complete the chart below. If yes, then individually list all buffer impacts below. If any impacts require mitigation, then you **MUST** fill out Section D of this form.

| | | | | | |
|---|--------------------------|--------------------|---|--|------------------------------------|
| 6a. Project is in which protected basin? | | | <input checked="" type="checkbox"/> Neuse <input type="checkbox"/> Catawba | <input type="checkbox"/> Tar-Pamlico <input type="checkbox"/> Randleman | <input type="checkbox"/> Other: |
| 6b. Buffer impact number – Permanent (P) or Temporary (T) | 6c. Reason for impact | 6d. Stream name | 6e. Buffer mitigation required? | 6f. Zone 1 impact (square feet) | 6g. Zone 2 impact (square feet) |
| B1 <input checked="" type="checkbox"/> P <input type="checkbox"/> T | Bridge | Nahunta Swamp | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2202 | 0 |
| B2 <input checked="" type="checkbox"/> P <input type="checkbox"/> T | Roadway Fill | Nahunta Swamp | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 0 | 713 |
| B3 <input type="checkbox"/> P <input type="checkbox"/> T | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 6h. Total buffer impacts | | | | 2202 | 713 |
| 6i. Comments: | | | | | |

| | | |
|---|---|----------|
| D. Impact Justification and Mitigation | | |
| 1. Avoidance and Minimization | | |
| 1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing project. The proposed bridge is 33 feet longer than the existing bridge; the proposed bridge will be at approximately the same grade as the existing structure; off-site detour will be used; 3:1 fill slopes where practicable; <i>reduced quantity of and changed location of bridge deck drains to avoid discharge into stream and buffer; altered terminus of fill line near end of project construction limits to avoid impacts to buffer zone of tributary to Nahunta Swamp.</i> | | |
| 1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques. Sedimentation and erosion control measures; design standards in sensitive watersheds; top-down construction; off-site detour will be used; adherence to in-water work moratorium. | | |
| 2. Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State | | |
| 2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, explain: | |
| 2b. If yes, mitigation is required by (check all that apply): | <input type="checkbox"/> DWQ <input checked="" type="checkbox"/> Corps | |
| 2c. If yes, which mitigation option will be used for this project? | <input type="checkbox"/> Mitigation bank <input type="checkbox"/> Payment to in-lieu fee program <input checked="" type="checkbox"/> Permittee Responsible Mitigation | |
| 3. Complete if Using a Mitigation Bank | | |
| 3a. Name of Mitigation Bank: not applicable | | |
| 3b. Credits Purchased (attach receipt and letter) | Type | Quantity |
| 3c. Comments: | | |
| 4. Complete if Making a Payment to In-lieu Fee Program | | |
| 4a. Approval letter from in-lieu fee program is attached. | <input type="checkbox"/> Yes | |
| 4b. Stream mitigation requested: | linear feet | |
| 4c. If using stream mitigation, stream temperature: | <input type="checkbox"/> warm <input type="checkbox"/> cool <input type="checkbox"/> cold | |
| 4d. Buffer mitigation requested (DWQ only): | square feet | |
| 4e. Riparian wetland mitigation requested: | acres | |
| 4f. Non-riparian wetland mitigation requested: | acres | |
| 4g. Coastal (tidal) wetland mitigation requested: | acres | |
| 4h. Comments: | | |
| 5. Complete if Using a Permittee Responsible Mitigation Plan | | |
| 5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan. see attached--Compensatory Mitigation Plan for Wiggins Mill | | |

6. Buffer Mitigation (State Regulated Riparian Buffer Rules) – required by DWQ

6a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation? Yes No

6b. If yes, then identify the square feet of impact to each zone of the riparian buffer that requires mitigation. Calculate the amount of mitigation required.

| Zone | 6c. Reason for impact | 6d. Total impact (square feet) | Multiplier | 6e. Required mitigation (square feet) |
|--|--------------------------|--------------------------------------|-------------------|---|
| Zone 1 | | | 3 (2 for Catawba) | |
| Zone 2 | | | 1.5 | |
| 6f. Total buffer mitigation required: | | | | |

6g. If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., payment to private mitigation bank, permittee responsible riparian buffer restoration, payment into an approved in-lieu fee fund).

6h. Comments:

| E. Stormwater Management and Diffuse Flow Plan (required by DWQ) | |
|---|---|
| 1. Diffuse Flow Plan | |
| 1a. Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 1b. If yes, then is a diffuse flow plan included? If no, explain why. Comments: See attached permit drawings. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Stormwater Management Plan | |
| 2a. What is the overall percent imperviousness of this project? | N/A |
| 2b. Does this project require a Stormwater Management Plan? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2c. If this project DOES NOT require a Stormwater Management Plan, explain why: | |
| 2d. If this project DOES require a Stormwater Management Plan, then provide a brief, narrative description of the plan: See attached permit drawings and stormwater management plan. | |
| 2e. Who will be responsible for the review of the Stormwater Management Plan? | <input type="checkbox"/> Certified Local Government <input type="checkbox"/> DWQ Stormwater Program <input type="checkbox"/> DWQ 401 Unit |
| 3. Certified Local Government Stormwater Review | |
| 3a. In which local government's jurisdiction is this project? | not applicable |
| 3b. Which of the following locally-implemented stormwater management programs apply (check all that apply): | <input type="checkbox"/> Phase II <input type="checkbox"/> NSW <input type="checkbox"/> USMP <input type="checkbox"/> Water Supply Watershed <input type="checkbox"/> Other: |
| 3c. Has the approved Stormwater Management Plan with proof of approval been attached? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. DWQ Stormwater Program Review | |
| 4a. Which of the following state-implemented stormwater management programs apply (check all that apply): | <input type="checkbox"/> Coastal counties <input type="checkbox"/> HQW <input type="checkbox"/> ORW <input type="checkbox"/> Session Law 2006-246 <input type="checkbox"/> Other: |
| 4b. Has the approved Stormwater Management Plan with proof of approval been attached? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. DWQ 401 Unit Stormwater Review | |
| 5a. Does the Stormwater Management Plan meet the appropriate requirements? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5b. Have all of the 401 Unit submittal requirements been met? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| F. Supplementary Information | |
|--|--|
| 1. Environmental Documentation (DWQ Requirement) | |
| 1a. Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 1b. If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 1c. If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.) Comments: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Violations (DWQ Requirement) | |
| 2a. Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2b. Is this an after-the-fact permit application? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2c. If you answered "yes" to one or both of the above questions, provide an explanation of the violation(s): | |
| 3. Cumulative Impacts (DWQ Requirement) | |
| 3a. Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3b. If you answered "yes" to the above, submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWQ policy. If you answered "no," provide a short narrative description. Due to the minimal transportation impact resulting from this bridge replacement, this project will neither influence nearby land uses nor stimulate growth. Therefore, a detailed indirect or cumulative effects study will not be necessary. | |
| 4. Sewage Disposal (DWQ Requirement) | |
| 4a. Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge) of wastewater generated from the proposed project, or available capacity of the subject facility. not applicable | |

| | | |
|--|---|--|
| 5. Endangered Species and Designated Critical Habitat (Corps Requirement) | | |
| 5a. Will this project occur in or near an area with federally protected species or habitat? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5b. Have you checked with the USFWS concerning Endangered Species Act impacts? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5c. If yes, indicate the USFWS Field Office you have contacted. | <input type="checkbox"/> Raleigh <input type="checkbox"/> Asheville | |
| 5d. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat? NCNHP, USFWS, field surveys | | |
| 6. Essential Fish Habitat (Corps Requirement) | | |
| 6a. Will this project occur in or near an area designated as essential fish habitat? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6b. What data sources did you use to determine whether your site would impact Essential Fish Habitat? NMFS County Index | | |
| 7. Historic or Prehistoric Cultural Resources (Corps Requirement) | | |
| 7a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7b. What data sources did you use to determine whether your site would impact historic or archeological resources? NEPA Documentation | | |
| 8. Flood Zone Designation (Corps Requirement) | | |
| 8a. Will this project occur in a FEMA-designated 100-year floodplain? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8b. If yes, explain how project meets FEMA requirements: NCDOT Hydraulics coordination with FEMA | | |
| 8c. What source(s) did you use to make the floodplain determination? FEMA Maps | | |
| Dr. Gregory J. Thorpe, Ph D Applicant/Agent's Printed Name |  Applicant/Agent's Signature (Agent's signature is valid only if an authorization letter from the applicant is provided.) | 1.5.10 Date |

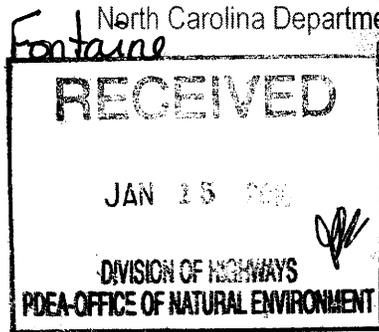


North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary



January 12, 2010
Wayne County
NCDWQ No. 20091148 ver. 2
Bridge 37 on SR 1537
TIP No. B-4672

MODIFICATION of APPROVAL of 401 WATER QUALITY CERTIFICATION and NEUSE BUFFER AUTHORIZATION, with ADDITIONAL CONDITIONS

Dr. Gregory J. Thorpe, Ph.D., Environmental Management Director
NCDOT PDEA
1598 Mail Service Center
Raleigh, NC 27699-1598

Dear Dr. Thorpe:

You have our approval, in accordance with the conditions listed below, for the following revised impacts for the purpose of replacing Bridge 37 in Wayne County:

Stream Impacts in the Neuse River Basin

| Site | RipRap Fill to Perennial Stream (linear ft) | Total Stream Impact (linear ft) |
|--------------|---|---------------------------------|
| 1 | 22 | 22 |
| Total | 22 | 22 |

Total Stream Impact for Project: 22 linear feet.

Revised Wetland Impacts in the Neuse River Basin

| Site | Permanent Fill (ac) | Temporary Fill (ac) | Excavation (ac) | Mechanized Clearing (ac) | Total Wetland Impact (ac) |
|--------------|---------------------|---------------------|-----------------|--------------------------|---------------------------|
| 1 | 0.01 | 0 | 0.07 | 0.05 | 0.13 |
| Total | 0.01 | 0 | 0.07 | 0.05 | 0.13 |

Total Revised Wetland Impact for Project: 0.13 acres.

Revised Neuse Riparian Buffer Impacts

| 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) |
|---------------|-----------------------|----------------------------------|---|---|-----------------------|----------------------------------|---|---|
| Bridge | 2202 | 0 | 2202 | N/A | 0 | 0 | 0 | N/A |
| Road | 0 | 0 | 0 | N/A | 713 | 8 | 705 | N/A |
| Totals | 2202 | 0 | 2202 | 0 | 713 | 8 | 705 | 0 |

* n/a = Impact allowable; No mitigation required

Total Revised Buffer Impact for Project: 2,915 square feet.

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604
Phone: 919-733-1786 | FAX: 919-733-6893
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>

An Equal Opportunity / Affirmative Action Employer



The project shall be constructed in accordance with your modification application dated received January 11, 2010. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3701. This certification corresponds to the Nationwide Permit 23 issued by the Corps of Engineers. This approval is also valid for the Neuse Riparian Buffer Rules (15A NCAC 2B.0233). In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit. **This approval replaces the one issued on November 2, 2009.**

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWQ 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in For this approval to remain valid, you must adhere to the conditions listed in the attached certification as well as those listed below.

Conditions of Certification:

1. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
2. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.
3. Bridge deck drains should not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
4. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from NCDWQ first.
5. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly.
6. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.
7. 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 NCDOT 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.
8. 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 NCDWQ. At this time, 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
14. 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.
15. 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.
16. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
17. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
18. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
19. 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 NCDWQ 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, NCDWQ may reevaluate and modify this certification.
20. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
21. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
22. 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.
23. 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.
24. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
25. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.
26. Native riparian vegetation (i.e., trees and shrubs native to your geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
27. 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.

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.

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. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Rob Ridings at 919-733-9817.

Sincerely,


Per Coleen H. Sullins
Director

Cc: Chad Coggins, Division 4 Environmental Officer
Tom Steffens, US Army Corps of Engineers, Washington Field Office
Lance Fontaine, NCDOT NEU
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Compensatory Mitigation REVISED JANUARY 4, 2010

The Wiggins Mill Mitigation Site is located in Wilson County, south of the Wiggins Mill Reservoir and southwest of the City of Wilson. It encompasses approximately 89 acres. The site grading was completed in October 2000 and planting in March 2001. The site provided 84 acres of small stream swamp hardwood (1st and 2nd order streams), bottomland hardwood, swamp hardwood, and headwater forest/low elevation seep wetland communities restoration, 5.3 acres of bottomland hardwood enhancement, 7,020 linear feet of stream restoration, and 11.31 acres of buffer restoration. The site successfully completed five years of monitoring in 2005.

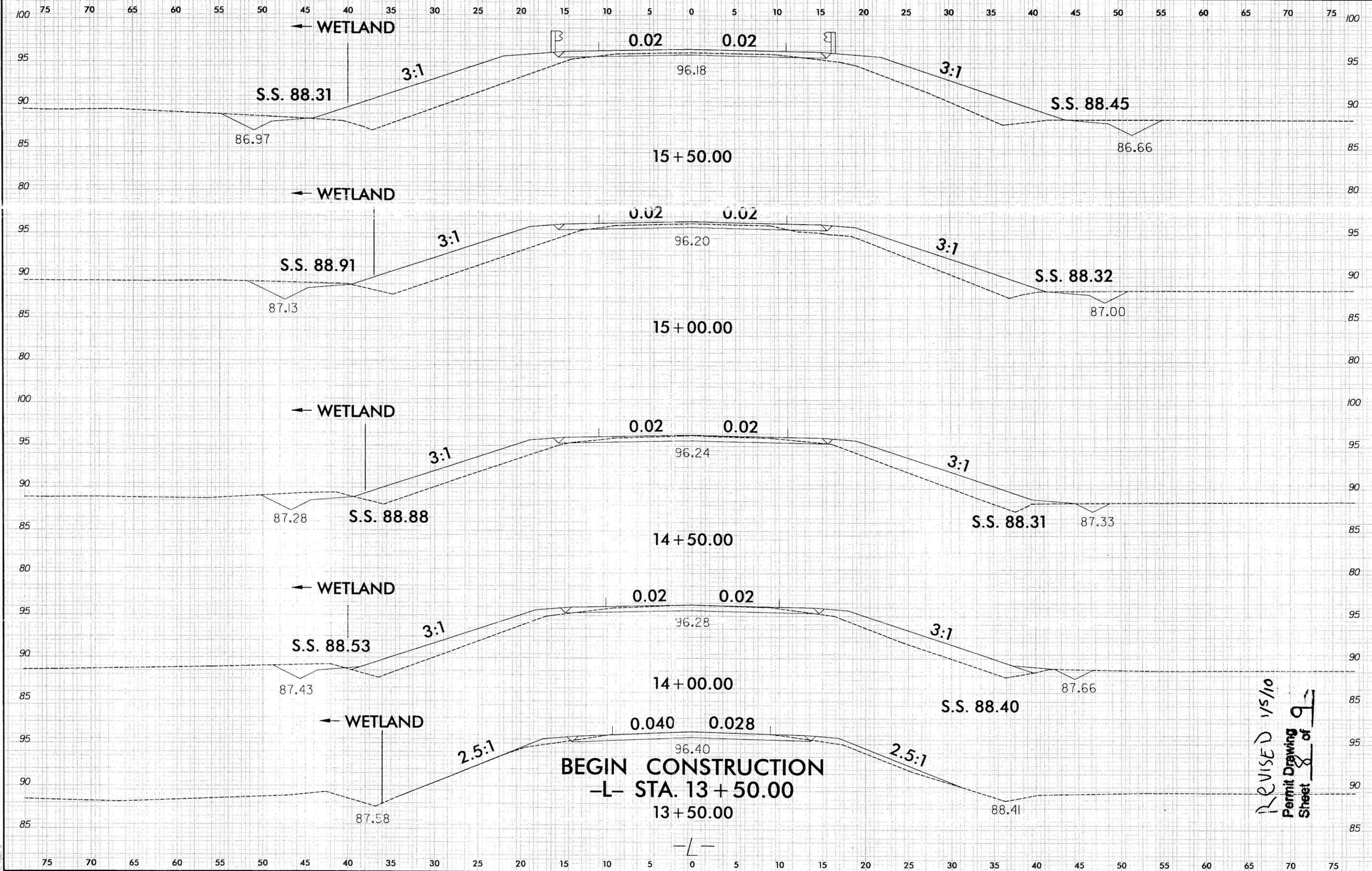
As shown below, NCDOT has debited 0.12 acres of riverine wetland restoration from the Wiggins Mill Mitigation Site to provide compensatory mitigation to offset the 0.12 acres of unavoidable riverine wetland impacts associated with the replacement of Bridge 37 over Nahunta Swamp on SR 1537 T.I.P B-4672.

| NCDOT Onsite Mitigation Debit Ledger | | | | | | | |
|---|----------------|--------------------|-----------------|---------------|------------------------------|------------------|---------------|
| Site name | HUC | River Basin | Division | County | Mitigation Type | Available | Debit |
| Wiggins Mill | 3020203 | Neuse | 4 | Wilson | | | B-4672 |
| | | | | | Riverine Wetland Restoration | 10.45 | 0.12 |

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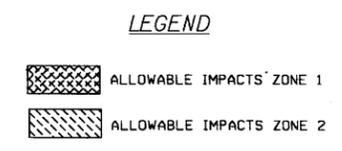
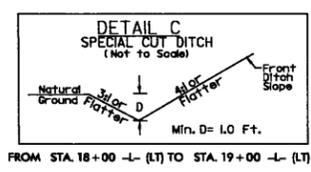
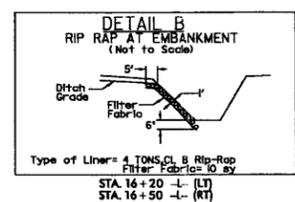
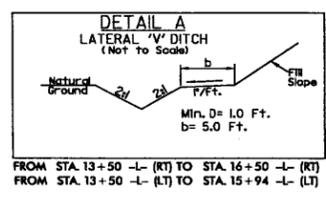
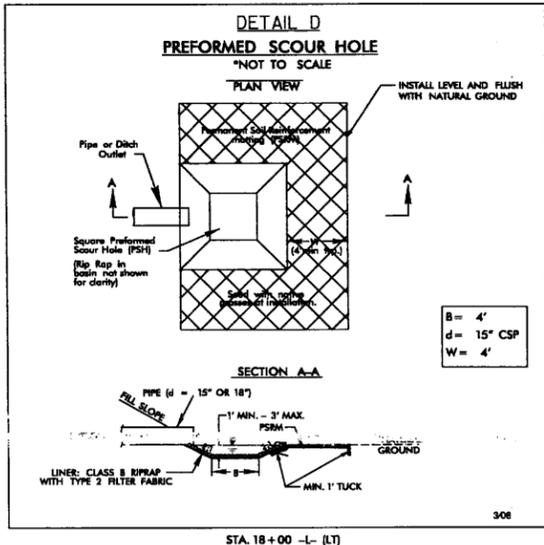
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Permit Drawing
Sheet 8 of 9

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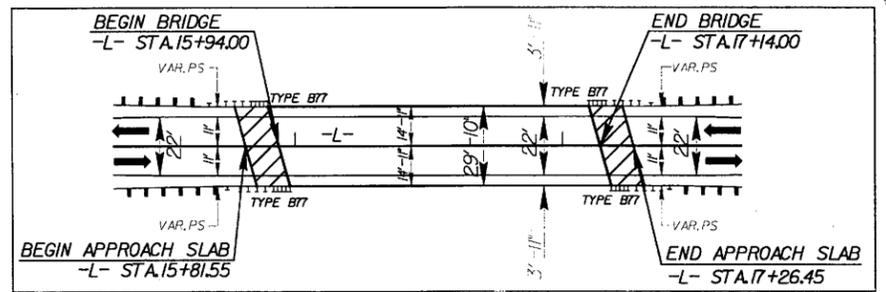
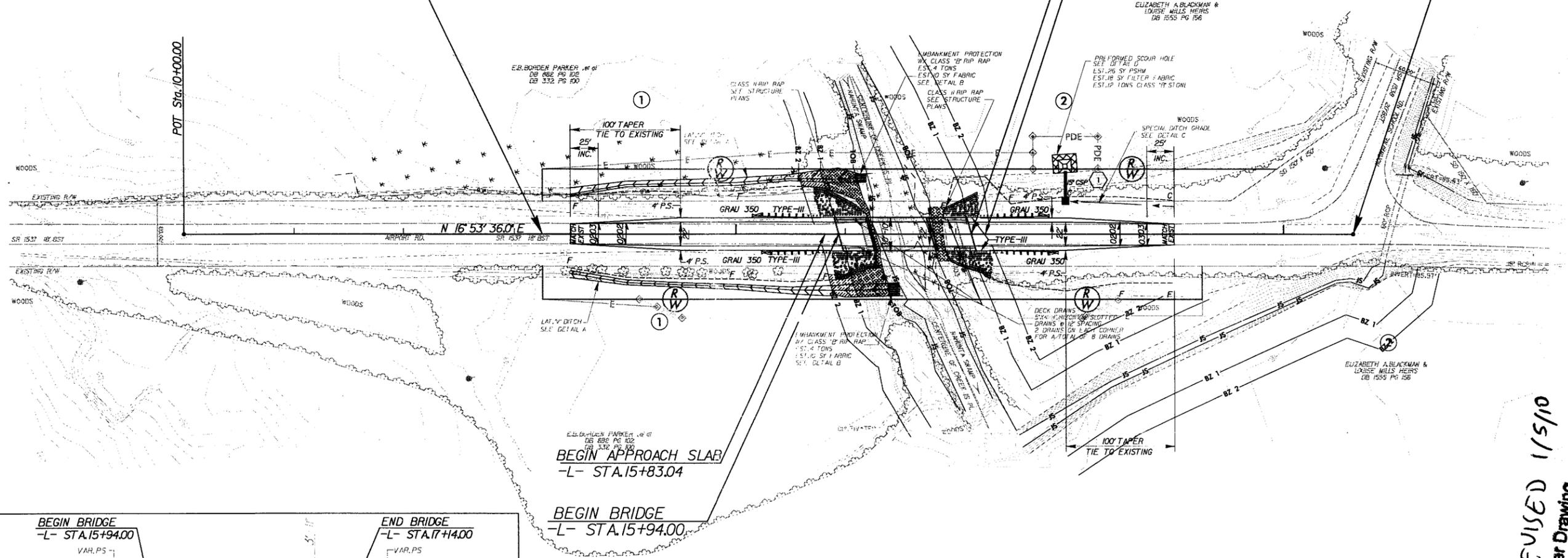
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| INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION | |



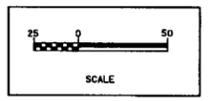
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 END APPROACH SLAB
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-L- POT STA. 13+25.00
 BEGIN TIP PROJECT B-4672



SKETCH SHOWING RELATIONSHIP OF BRIDGE TO PAVEMENT AND SHOULDERS



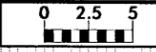
NOTES:
 SEE SHEET 5 FOR -L- PROFILE

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 Buffer Drawing
 Sheet 7 of 10

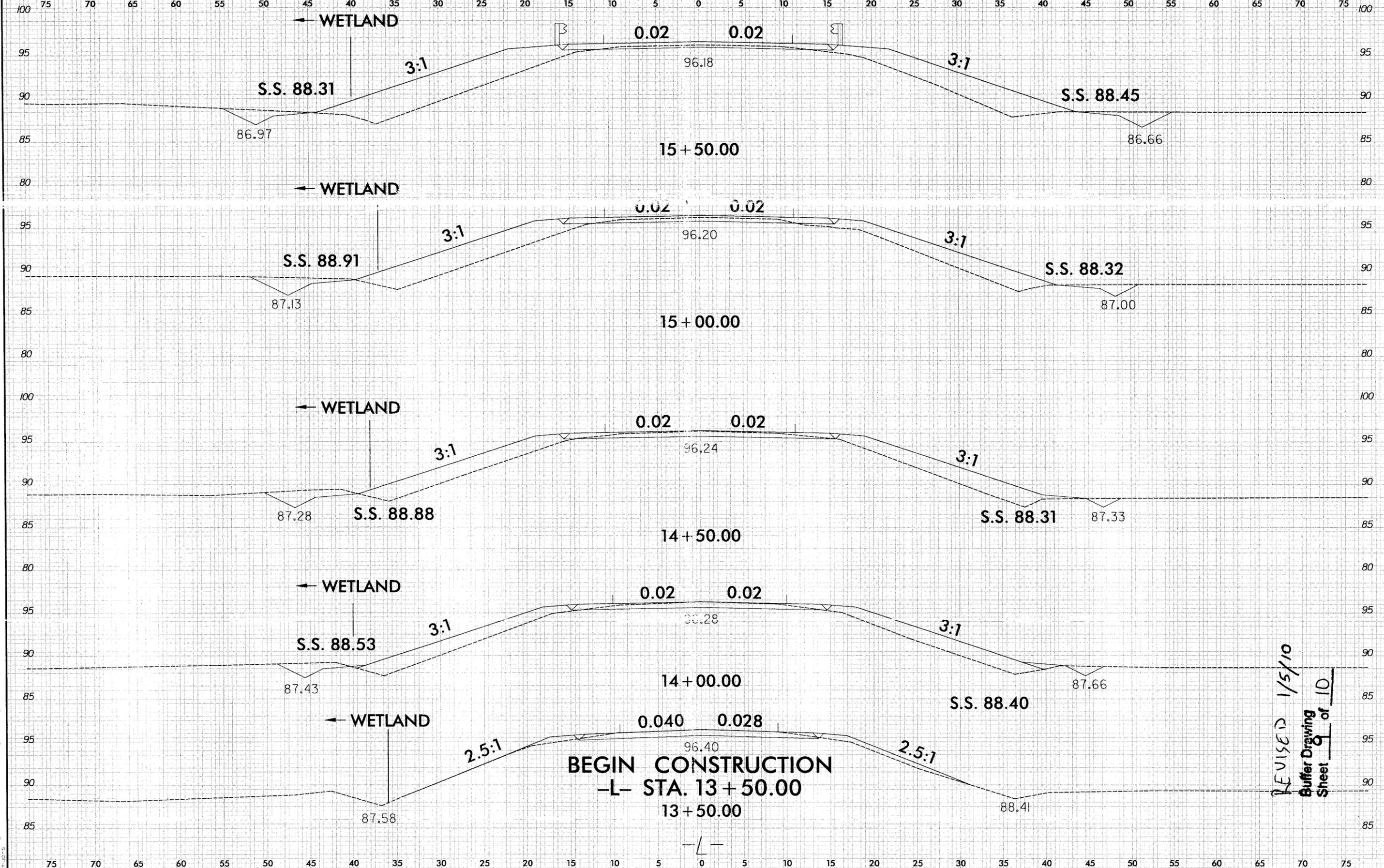
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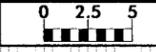
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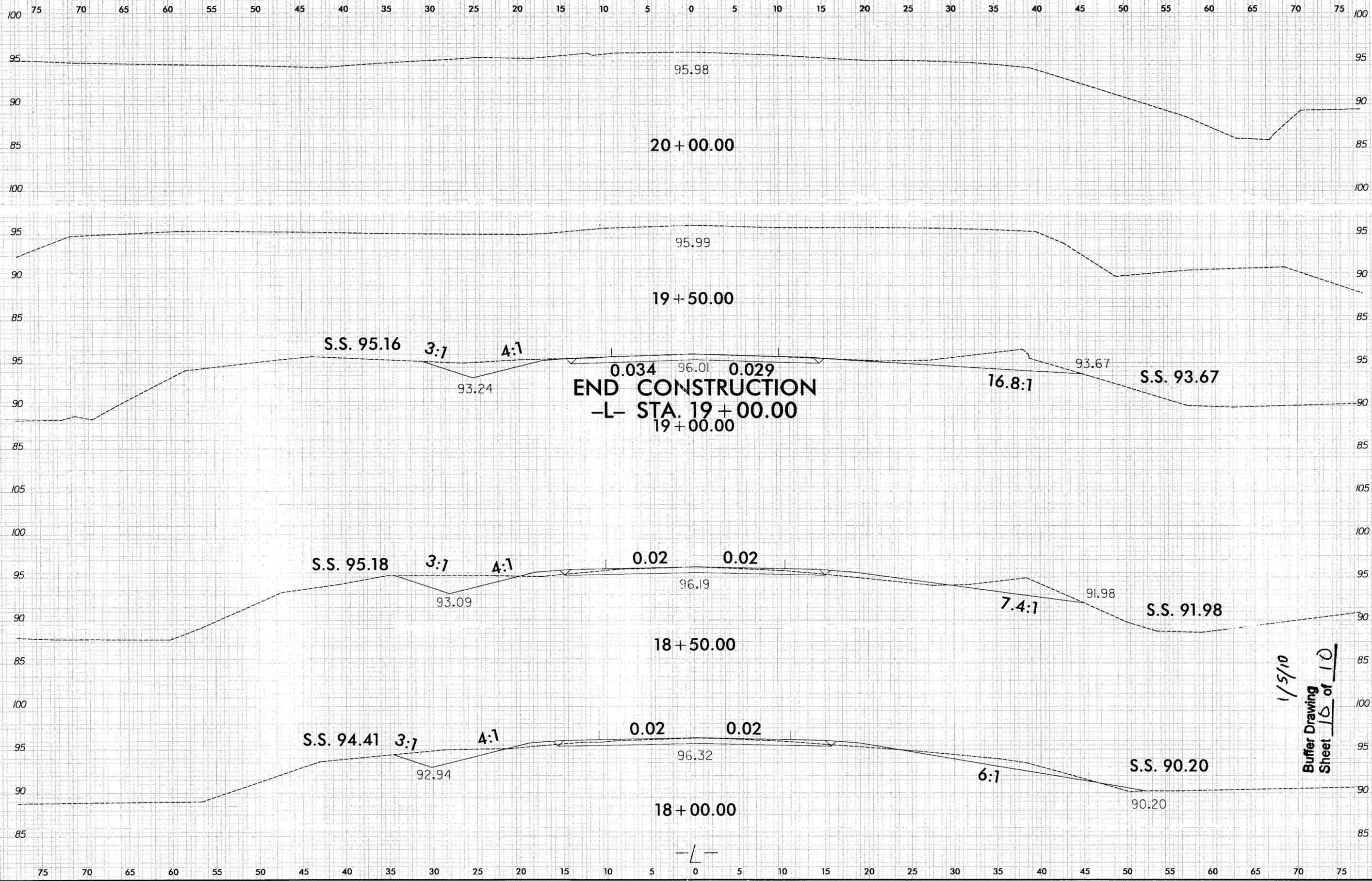
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 Sheet 9 of 10

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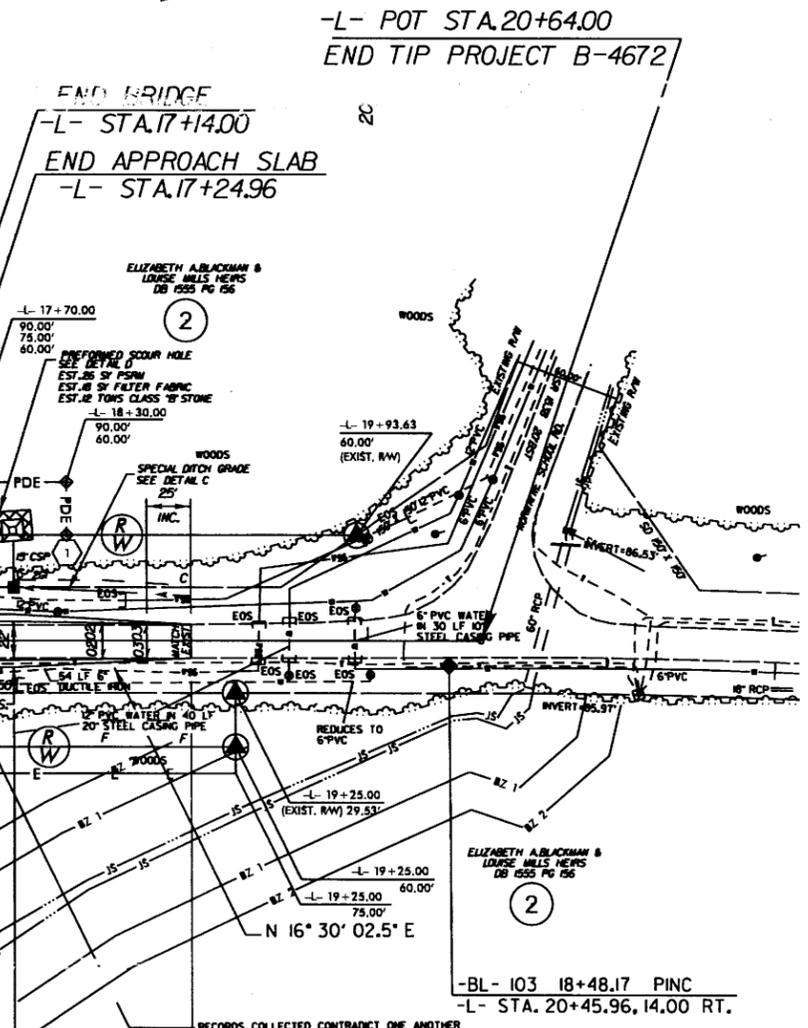
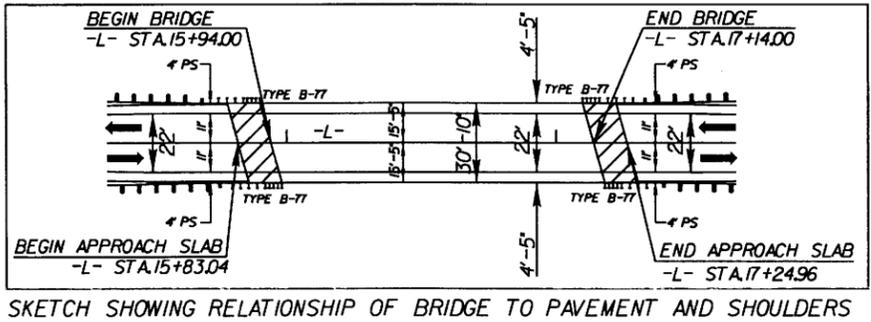
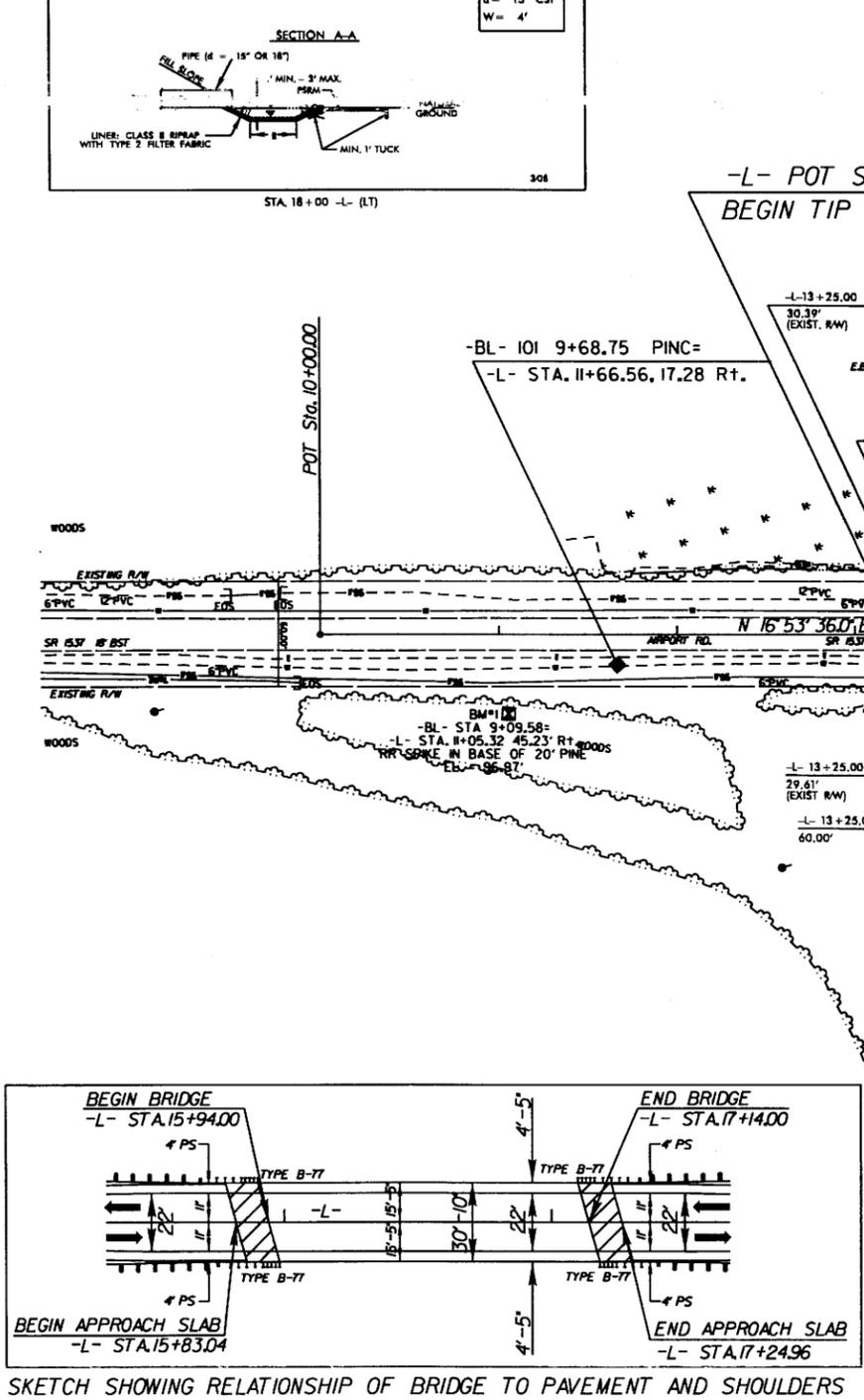
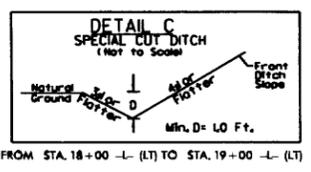
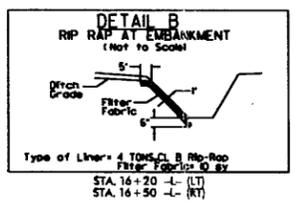
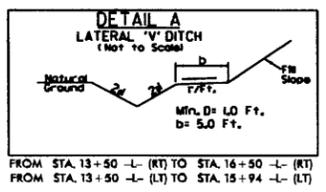
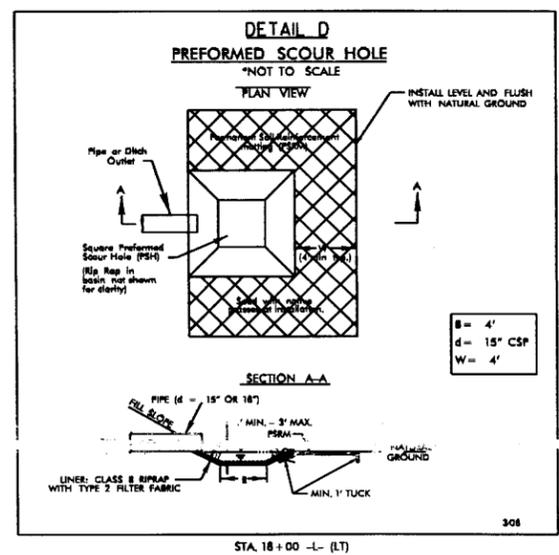


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 Sheet 10 of 10

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| R/W SHEET NO. | |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER |



NOTES:
SEE SHEET 5 FOR -L- PROFILE

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