

# STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

April 13, 2018

MEMORANDUM TO: Mr. Greg Burns, P.E.

Division 6 Engineer

FROM: Philip S. Harris, III, P.E., Manager

Environmental Analysis Unit

33883FFFD0F44D3

DocuSigned by:

SUBJECT: Cumberland County; US 401 (Raeford Road) from Old Raeford Road to

East of Fairway Drive in Fayetteville;

Federal Aid No. STPDA-0401(230); WBS 39049.1.1; STIP U-4405.

Attached are the Modified US Army Corps of Engineers Nationwide Permits and N.C. Division of Water Resources (NCDWR) Water Quality Certification. All environmental permits have been received for the construction of this project.

Telephone: (919) 707-6000

Fax: (919) 212-5785

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

A copy of this permit package will be posted on the NCDOT website at: <a href="https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx">https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx</a>

**Quick Links>Permit Documents> Issued Permits.** 

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

Mr. James Rerko, Division Environmental Officer

Dr. Majed Al-Ghandour, P.E., Programming and TIP

Mr. Lamar Sylvester, P.E., State Roadway Construction Engineer

Mr. Gary Lovering, P.E., Project Delivery

Mr. Carl Barclay, P.E., Utilities Unit

Mr. Stephen Morgan, P.E., Hydraulics

Mr. Brian Hanks, P.E., Structure Design

Mr. Mark Staley, Roadside Environmental

Mr. Ron Hancock, P.E., State Roadway Construction Engineer

Ms. Beth Harmon, NCDWR

Ms. Cheterra Sheff, Single Audit Compliance

# U.S. ARMY CORPS OF ENGINEERS

# WILMINGTON DISTRICT

Action Id. SAW-2011-01806 County: Cumberland County U.S.G.S. Quad: Fayetteville

# GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

	`	•
Permittee: Address:	Mr. Phillip S. Harris, III, PE, CF NC DOT-PDEA 1598 Mail Service Center Raleigh, NC 27699	M
	N/A <u>Beaver Creek</u> <u>03030004</u> n: <u>The project site is located along US 4</u> ville, Cumberland County, North Caroli	Nearest Town River Basin Coordinates Cape Fear Latitude: 35.0413189656353 Longitude: -78.9624331673919 01 from SR 1409 (71st School Road) to US 401 Business (Robeson na.
Description of proj DOT road improv Business (Robeson 6 lane roadway w	ects area and activity: This verification a rement project along an approximate 6-1 Street). The existing facility is a seven lith a raised median. Permanent impacts	uthorizes impacts to waters of the U.S. in association with an NC mile section of US 401 from SR 1409 (71st School Road) to US 401 ane roadway with a center turn lane. The proposed facility will be a total 0.21 acre wetlands filled, 840 linear feet of stream channel for ak stabilization and utility line relocations.
Applicable Law:	Section 404 (Clean Water Act, 33 US) Sections 10 (Rivers and Harbors Act.	
Authorization:	Regional General Permit Number or National	onwide Permit Number: NWPs 14 and 12 NERAL, REGIONAL AND SPECIAL CONDITIONS
conditions and yo conditions or devi	ur submitted application and attached	provided it is accomplished in strict accordance with the attached information dated October 25, 2017. Any violation of the attached bject the permittee to a stop work order, a restoration order, a Class
suspended or revolution modified, this verified nation activity would no lunder construction activity is complete.	ked. If, prior to the expiration date ide fication will remain valid until the expirat awide permit. If the nationwide permit aut onger comply with the terms and condition or are under contract to commence in re- led within twelve months of the date of	te identified below unless the nationwide authorization is modified entified below, the nationwide permit authorization is reissued and/or ion date identified below, provided it complies with all requirements or horization expires or is suspended, revoked, or is modified, such that the ns of the nationwide permit, activities which have commenced (i.e., are liance upon the nationwide permit, will remain authorized provided the nationwide permit's expiration, modification or revocation, unless asis to modify, suspend or revoke the authorization.
		Iso require an individual Section 401 Water Quality Certification. You e 919-807-6300) to determine Section 401 requirements.
		abject to regulation under the Coastal Area Management Act (CAMA) f Coastal Management in Wilmington, NC, at (910) 796-7215.
This Department of State or local appro	•	he permittee of the responsibility to obtain any other required Federal
	uestions regarding this verification, any ontion tact Sarah Hair at (910) 251-4049 or Sa	of the conditions of the Permit, or the Corps of Engineers regulatory rah.E.Hair@usace.army.mil.
Corps Regulatory	1 in dais	Date: <u>December 1, 2017</u>

#### **Determination of Jurisdiction:**

A.	There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean
	Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary
	determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part
	331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further
	instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an
	approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work
	in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
В.	There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
C	☐ There are waters, including wetlands, within the above described project area that are subject to the permit requirements of
C.	Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations,
	this determination may be relied upon for a period not to exceed five years from the date of this notification.
	this determination may be reflect upon for a period not to exceed five years from the date of this notification.
D.	The jurisdictional areas within the above described project area have been identified under a previous action. Please reference
	jurisdictional determination issued August 9, 2012. Action ID: <b>SAW-2011-01806</b> .
	Basis For Determination: *see previously verified PJD dated August 12, 2012
	Remarks:

### E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

# F. Appeals Information (This information applies only to approved jurisdiction determinations as indicated in B and C above).

This correspondence constitutes an approved jurisdiction determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers South Atlantic Division Attn: Jason Steele, Review Officer 60 Forsyth Street SW, Room 10M15 Atlanta, Georgia 30303-8801 Phone: (404) 562-5137

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A.

\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\*

Corps Regulatory Official:

Sarah Hair

Date of JD: **August 9, 2012** Expiration Date of JD: N/A

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <a href="http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0">http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0</a>.

Electronic copies furnished:

Ms. Joanne Steenhuis, NC DWR

Mr. Jim Rerko, NC DOT Division 6 DEO

Mr. Colin Mellor, NC DOT PDEA

Mr. Chris Rivenbark, NC DOT PDEA

### **SPECIAL CONDITIONS**

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

<b>Action ID Number:</b>	SAW-2011-01806	<b>County: Cumberland County</b>						
Permittee:	NC DOT/ PDEA, Mr. Phillip	o S. Harris, III, P.E. CPM						
Project Name:	roject Name: NCDOT/U-4405/US 401 and US 401 Business/Division 6							
<b>Date Verification Iss</b>	sued: December 1, 2017							
Project Manager: <u>Sa</u>	<u>arah Hair</u>							
	the activity authorized by thi n and return it to the followin	s permit and any mitigation requing address:	red by the permit,					
		RPS OF ENGINEERS STON DISTRICT						
		Sarah Hair						
		ington Avenue						
	Wilmington, North Carolina 28403							
result in the Corps s administrative penal I hereby certify that	uspending, modifying or revolty, or initiating other approp the work authorized by the a terms and condition of the sa	any terms or conditions of this au oking the authorization and/or issu- riate legal action. bove referenced permit has been of hid permit, and required mitigation	ing a Class I					
Signature of Permit		Date						

### Rivenbark, Chris

From: Hair, Sarah E CIV CESAW CESAD (US) <Sarah.E.Hair@usace.army.mil>

Sent:Thursday, March 22, 2018 3:22 PMTo:Rivenbark, Chris; Cashin, Gordon ECc:Rerko, James J; Steenhuis, Joanne

**Subject:** [External] U-4405 additional temporary impacts

**Attachments:** U-4405 Modification Cumberland February 16 2018.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.<mailto:report.spam@nc.gov>

Please reference the attached permit modification request dated February 16, 2018 for the following project:

Corps Action ID: SAW-2011-01806

County: Cumberland Project TIP: U-4405

The applicant proposes additional temporary impacts associated with impacts sites 2, 3, 4, and 5 as a result of sediment/erosion control requirements.

Additional temporary impacts as proposed are hereby authorized. The original December 1, 2017 verification and all conditions remain applicable for permanent impacts.

The plans dated February 2018 will be added to the administrative erecord. Please allow this email to serve as official notification.

Thank you,

Liz Hair Regulatory Project Manager Wilmington District US Army Corps of Engineers 69 Darlington Avenue Wilmington, NC 28403 Sarah.e.hair@usace.army.mil 910-251-4049

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

### **Wilmington District**

### **Compensatory Mitigation Responsibility Transfer Form**

Permittee: NC DOT, PDEA, MR. Phillip S. Harris, III, PE, CPM

Action ID: SAW-2011-01806

Project Name: U-4405/Raeford Road

County: Cumberland

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

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

#### **Permitted Impacts and Compensatory Mitigation Requirements**

Permitted Impacts Requiring Mitigation\*: 8-digit HUC and Basin: Choose the 8-digit HUC

_							
Stream Impacts (linear feet)		Wetland Impacts (acres)					
	Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
	664				0.21		

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

Compensatory Mitigation Requirements: 8-digit HUC and Basin: Choose the 8-digit HUC

						J	
Stream Mitigation (credits)		Wetland Mitigation (credits)					
	Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
	1,328				0.42		

#### Mitigation Site Debited: NC DMS

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

### Section to be completed by the Mitigation Sponsor

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

Mitigation Sponsor Name:	
Name of Sponsor's Authorized Representative:	
Signature of Sponsor's Authorized Representative	

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

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

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

#### **Comments/Additional Conditions:**

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

USACE Project Manager: Liz Hair

**USACE Field Office:** Wilmington Regulatory Field Office

US Army Corps of Engineers 69 Darlington Avenue

Wilmington, NC 28403

Email: sarah.e.hair@usace.army.mil

**USACE Project Manager Signature** 

<u>December 1, 2017</u>

Date of Signature

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



MICHAEL S. REGAN Secretary

LINDA CULPEPPER

Interim Director

March 15, 2018 Cumberland County NCDWR Project No.20171365 V2 TIP Project No. U-4405

### REVISED APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

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

Dear Mr. Harris:

This certification rescinds and replaces the certification issued on November 17, 2017. You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of improvements to US Highway 401(Raeford Road) from west of Hampton Oaks Drive to east of Fairway Drive (approximately 6 miles) in Cumberland County:

Stream Impacts in the Cape Fear River Basin

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 Impacts (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1			8	43	51	J. P. Strategy
2			201	41	242	
3			33		33	S. S. Ballery J. P.
3b (stabilization)		1 1 2 2	176	171	347	
4	10.3	10000000	216	20	236	- N. C. S. S.
5		2	206	27	233	3 30 30
U5	Billian			45	45	7,1,11
U6			544	48	48	
TOTAL	The same		840	395	1,235	

Total Stream Impact for Project: 1,235 linear feet.

Wetland Impacts in the Cape Fear River Basin

Site	Fill (ac)	Fill (Temporary)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impacts (ac)	Impacts Requiring Mitigation (ac)
2	0.200	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		TARK.	1 10	0.200	N/A
U1	0.007	July and the		All and the second		0.007	N/A
U3	1 10 2 10 10	0.023				0.023	N/A
U4	0.012	1	317	- 1	- 7- 3	0.012	N/A
U	7.3-2.4		12	4 25 84 1920	0.02	0.02	N/A
TOTAL	0.219	0.023	327		The part of the second	0.262	

Total Wetland Impact for Project: 0.262 acres.

Open Water Impacts in the Cape Fear River Basin

Open water impacts in the cape real raiver Busin				
Site	Permanent Fill in Open Waters (ac)	Temporary Fill in Open Waters (ac)	Total Fill in Open Waters (ac)	
1	0.01	0.01	0.02	
2	0.03	0.04	0.07	
3	0.03	0.01	0.04	
4	0.07	0.01	0.08	
5	0.09	0.03	0.12	
U2		0.05	0.05	
U5		0.01	0.01	
U6		0.02	0.02	
TOTAL	0.23	0.18	0.41	

Total Open Water Impact for Project: 0.41 acres.

The project shall be constructed in accordance with your application modification request dated received February 16, 2018. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Numbers 4088 and 4086. This certification corresponds to the Nationwide Permit 14 and Nationwide Permit 12 issued by the Corps of Engineers. 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 is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If 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). For this approval to remain valid, you must adhere to the conditions listed in the attached certifications and any additional conditions listed below.

### Condition(s) of Certification:

#### **Project Specific Conditions**

- 1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)
- 2. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
- 3. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]

- 4. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
- 5. For the open cut trenching of the utility lines, the mixing of topsoil and the subsoils within the wetlands shall be minimized to the greatest extent practical. During, excavation, the soils shall be placed on fabric to minimize impacts whenever possible. Topsoil excavated from utility trenches in wetlands will be piled separately from the subsoils and will be backfilled into the trench only after the subsoils have been placed in the trench and compacted.
- 6. Sediment and Erosion Control 15A NCAC 02H .0506 (b)(3) and (c)(3)

  Turbidity curtains shall be used to isolate all work areas from the stream at Beaver Creek, including pile or casement installation, placement of riprap, excavation or filling. Strict adherence to the Construction and Maintenance Best Management Practices will be required.

#### **General Conditions**

- 7. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
- 8. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
- 9. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
- 10. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
- 11. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 12. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 13. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 14. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
- 15. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]

- 16. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 17. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 18. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
- 19. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
- 20. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 21. 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. [15A NCAC 02H.0501 and .0502]
- 22. 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.
- 23. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 24. 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 the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 25. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0231(a)(6)]
- 26. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.[15A NCAC 02H.0506(b)(3) and (c)(3)]
- 27. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3) and (c)(3]):
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.

- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 28. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]

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

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

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

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

Mr. Sam M. Hayes, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Joanne Steenhuis at (910) 796-7306 or joanne.steenhuis@ncdenr.gov.

Sincerely,

Linda Culpepper, Interim Director Division of Water Resources

Electronic copy only distribution:

Liz Hair, US Army Corps of Engineers, Wilmington Field Office

Jim Rerko, Division 6 Environmental Officer

Colin Mellor, NC Department of Transportation

Gordon Cashin, NC Department of Transportation

Chris Rivenbark, NC Department of Transportation

Gary Jordan, US Fish and Wildlife Service

Travis Wilson, NC Wildlife Resources Commission

Beth Harmon, Division of Mitigation Services

James Michel, Fayetteville Public Works Commission (james.michel@faypwc.com)

Joanne Steenhuis, NC Division of Water Resources Wilmington Regional Office

File Copy



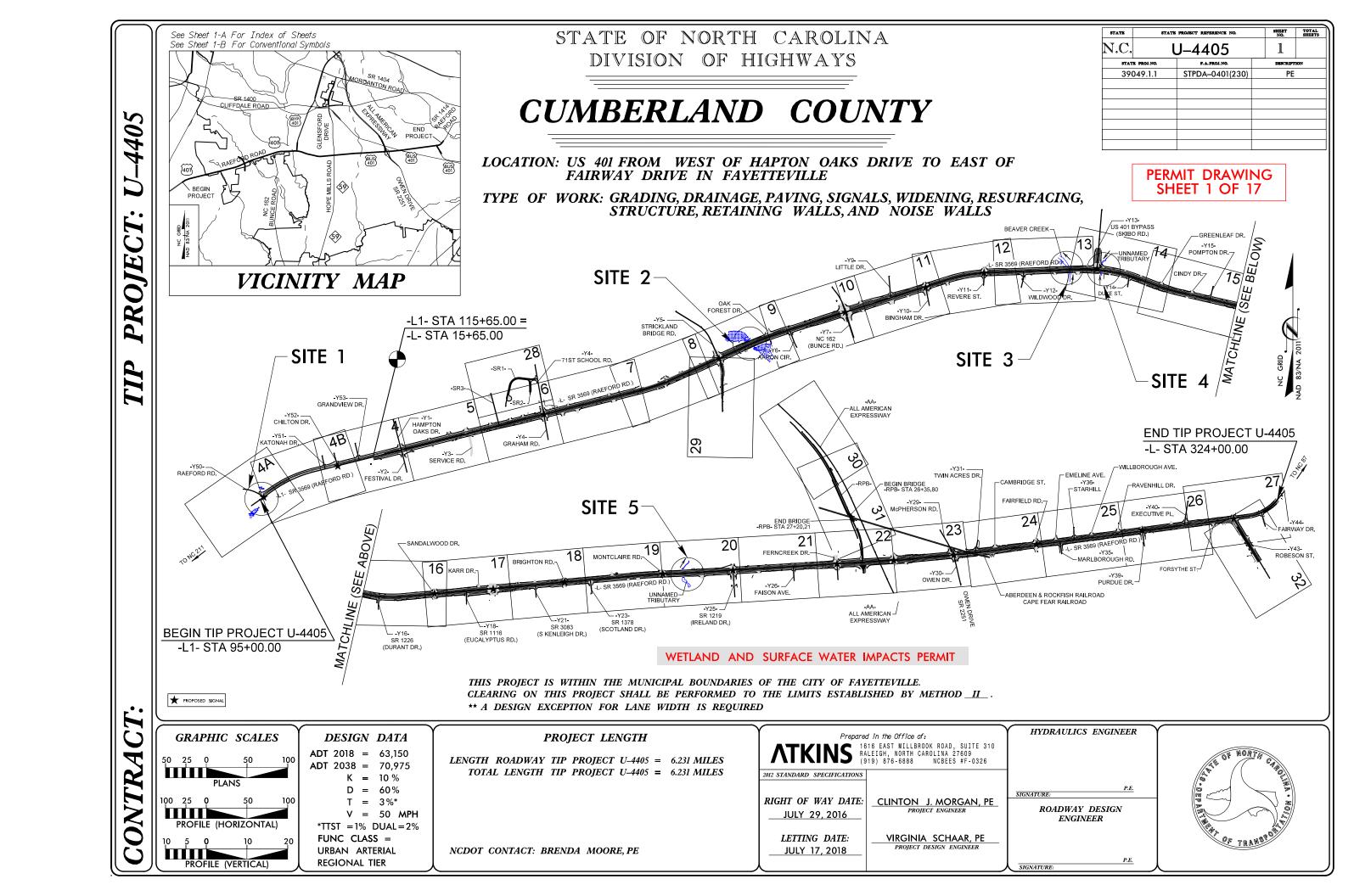


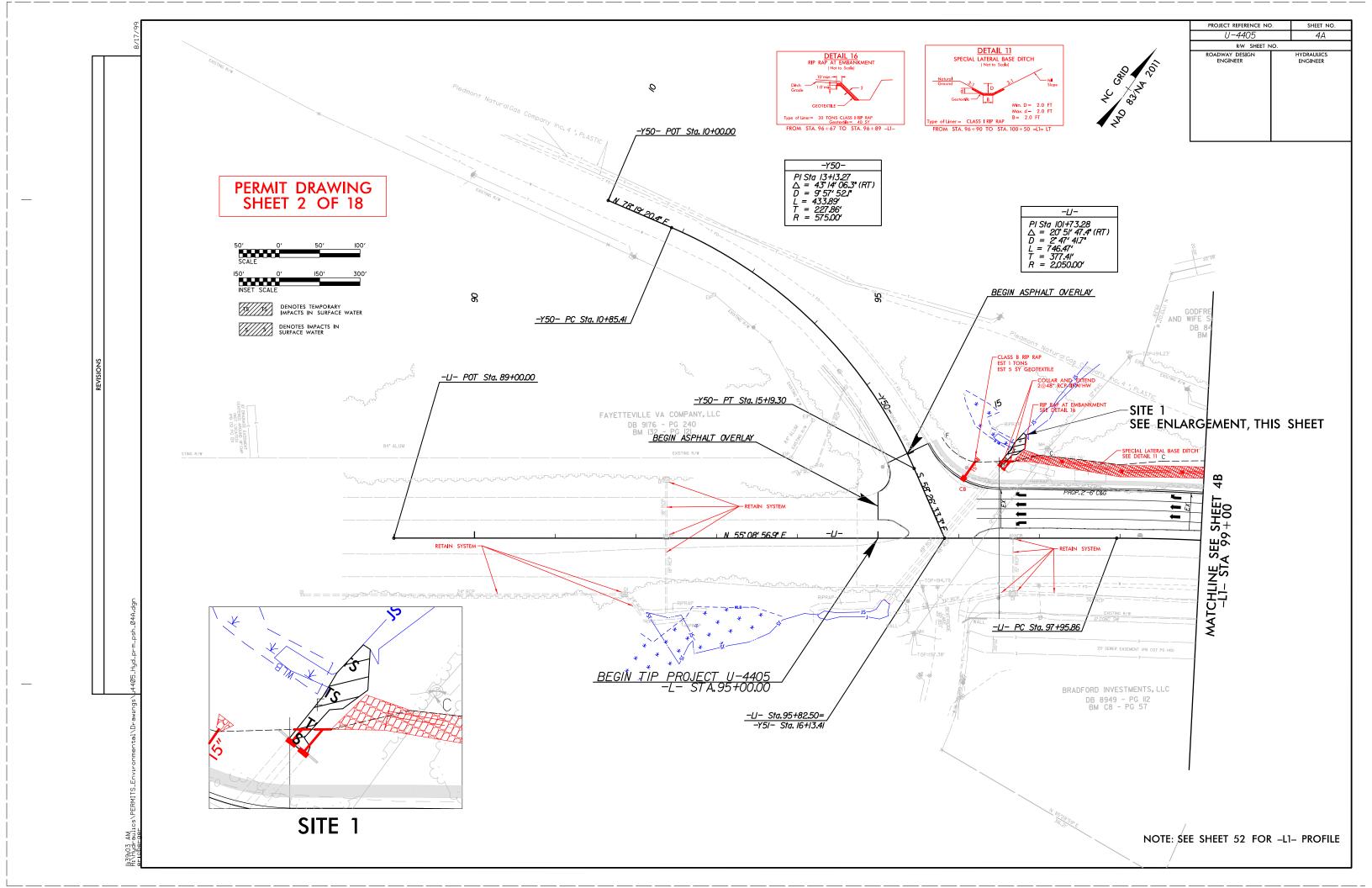
MICHAEL S. REGAN Secretary

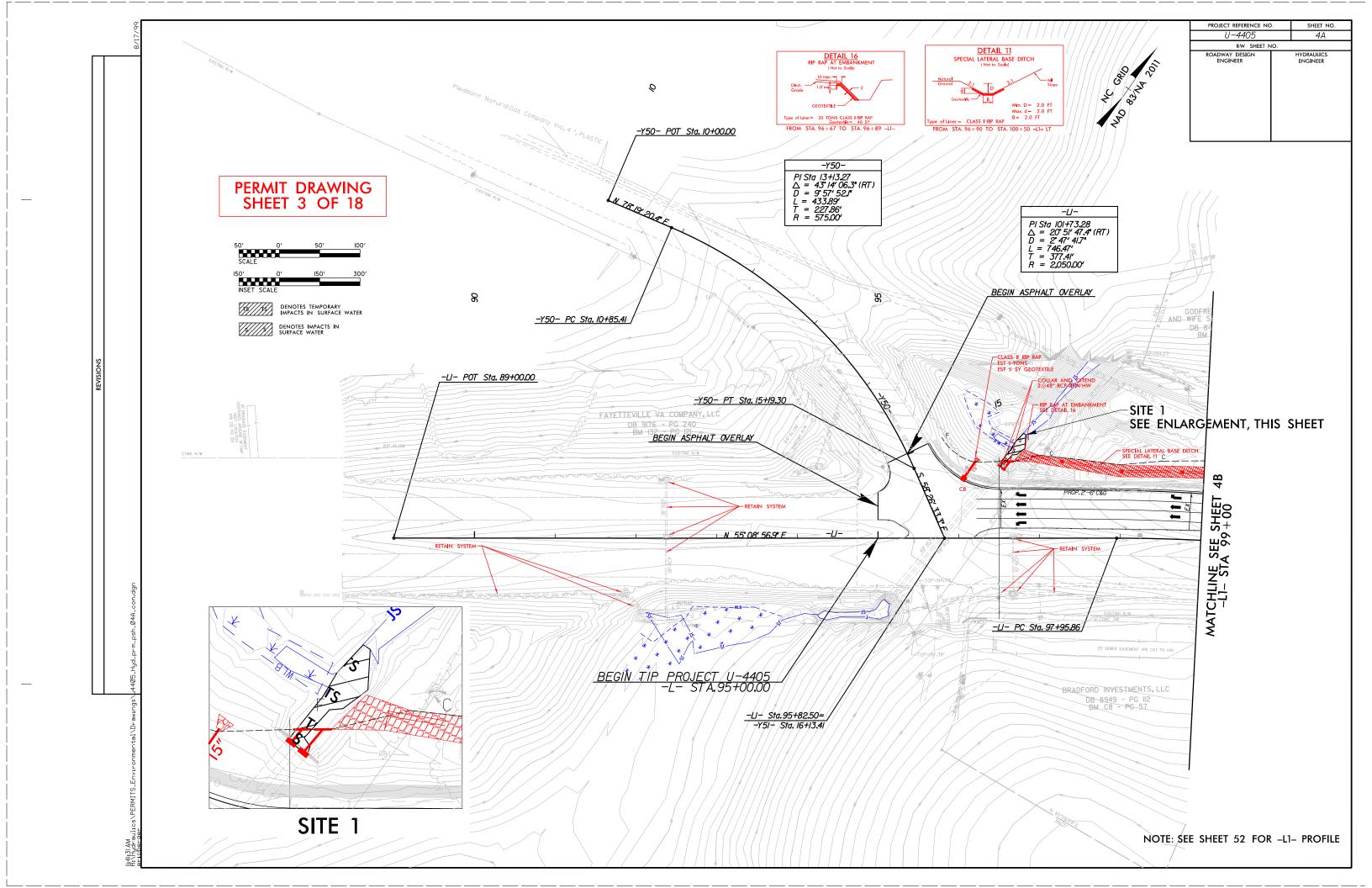
### LINDA CULPEPPER

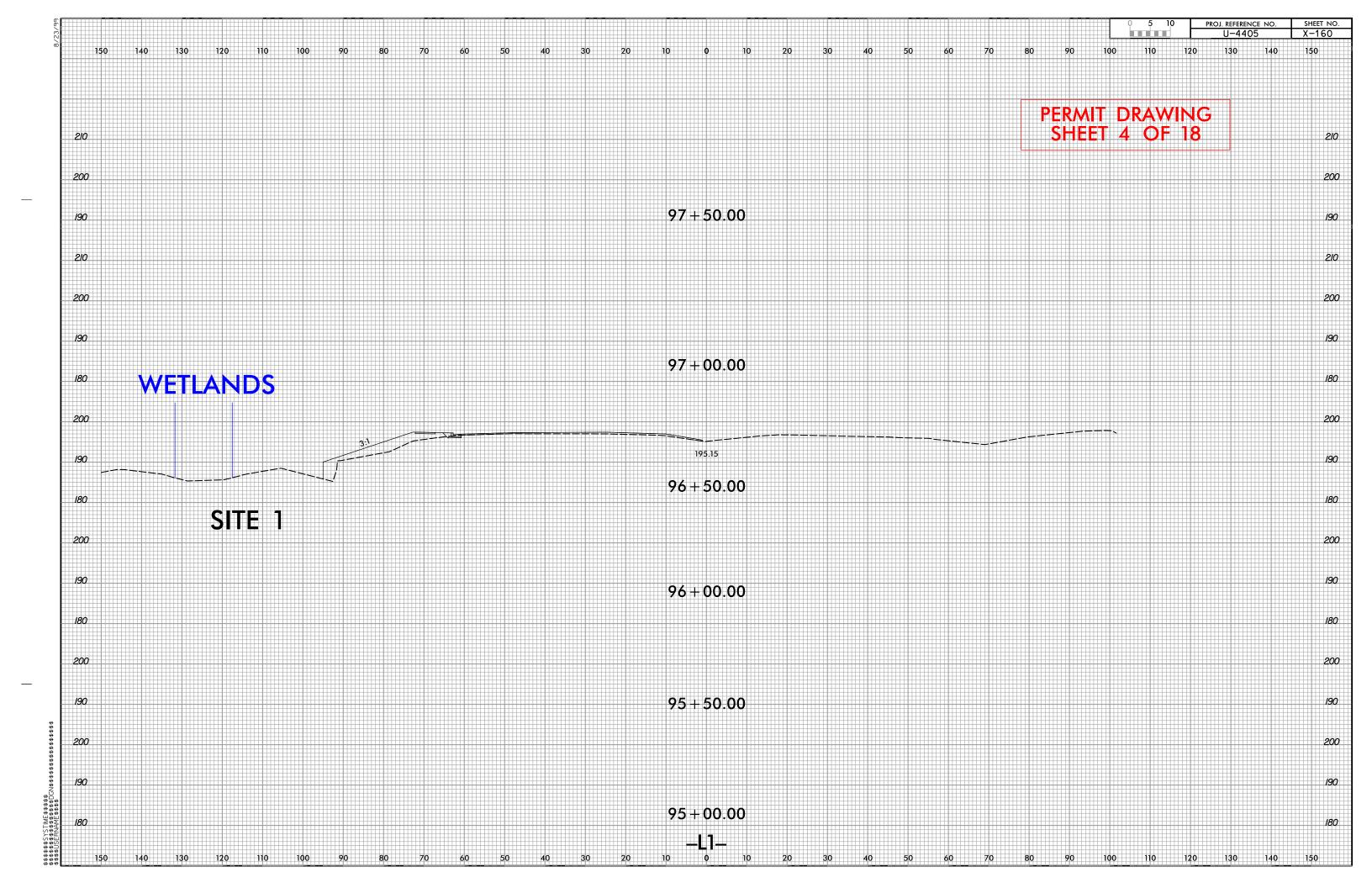
Interim Director

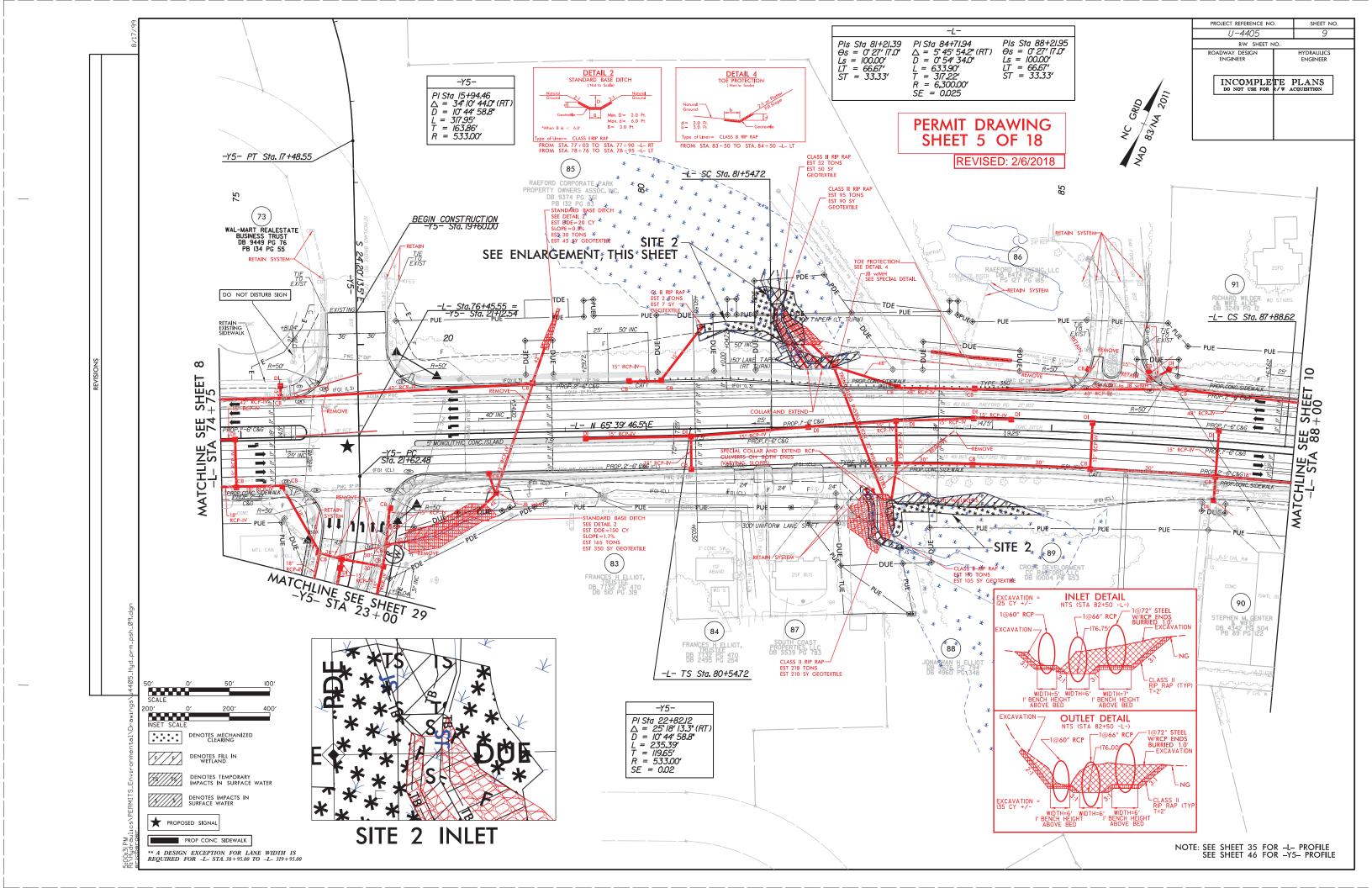
lity NCDWR Project No.:	County:
Applicant:	
Project Name:	
Date of Issuance of 401 Water Quality Cen	rtification:
any subsequent modifications, the applicant Unit, North Carolina Division of Water Reso	in the 401 Water Quality Certification or applicable Buffer Rules, and is required to return this certificate to the 401 Transportation Permitting burces, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This formult, the applicant's authorized agent, <b>or</b> the project engineer. It is not see.
Applicant's Certification	
	, hereby state that, to the best of my abilities, due care and diligence for such that the construction was observed to be built within substantiality Certification and Buffer Rules, the approved plans and ls.
Signature:	Date:
Agent's Certification	
was used in the observation of the constructi	, hereby state that, to the best of my abilities, due care and diligence ion such that the construction was observed to be built within substantiality Certification and Buffer Rules, the approved plans and lls.
Signature:	Date:
Engineer's Certification	
PartialFinal	
Permittee hereby state that, to the best of my construction such that the construction was of	, as a duly registered Professional Engineer in the State of North (periodically, weekly, full time) the construction of the project for the vabilities, due care and diligence was used in the observation of the observed to be built within substantial compliance and intent of the 401 s, the approved plans and specifications, and other supporting materials
Signature	Registration No
Date	

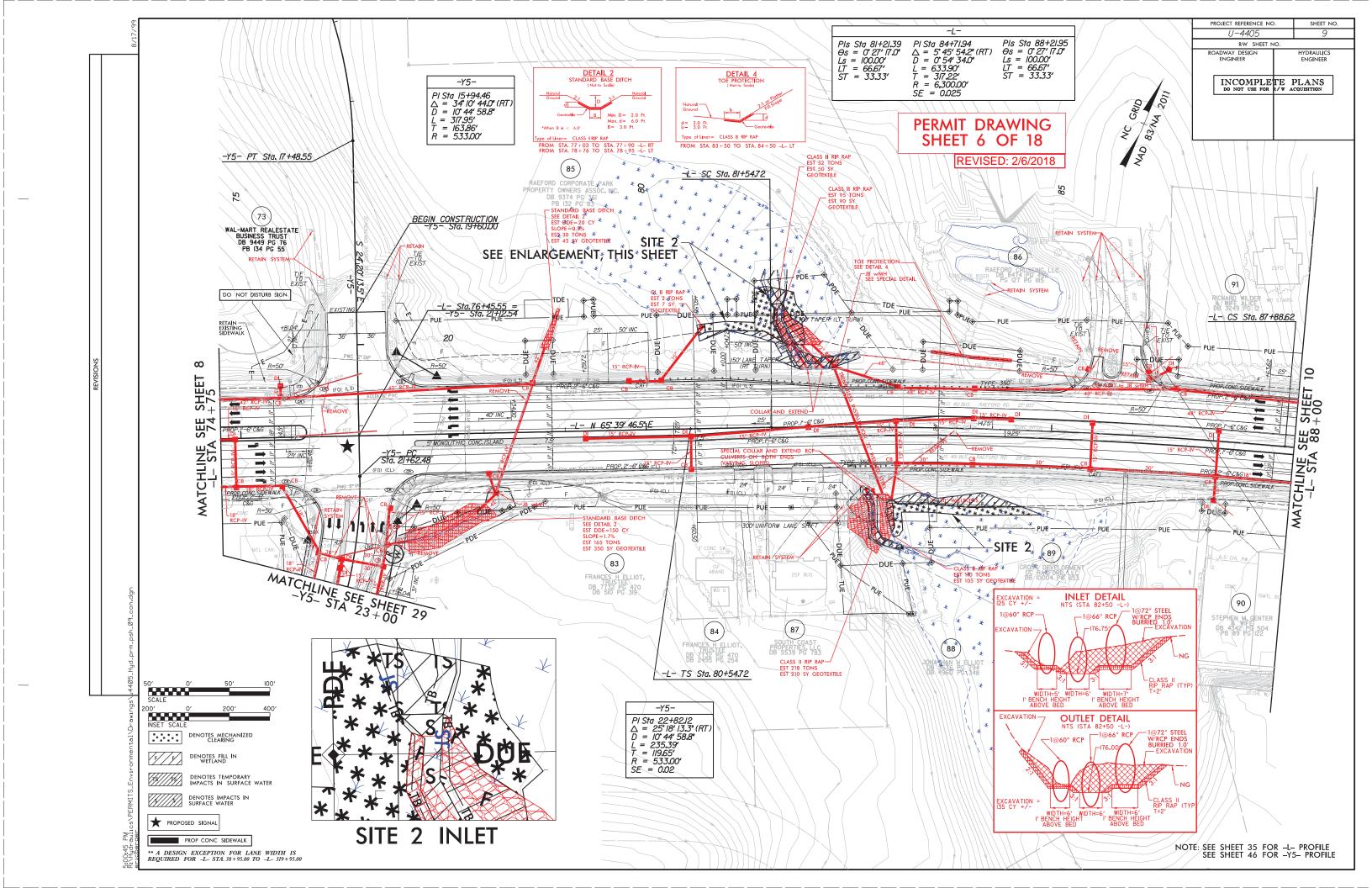






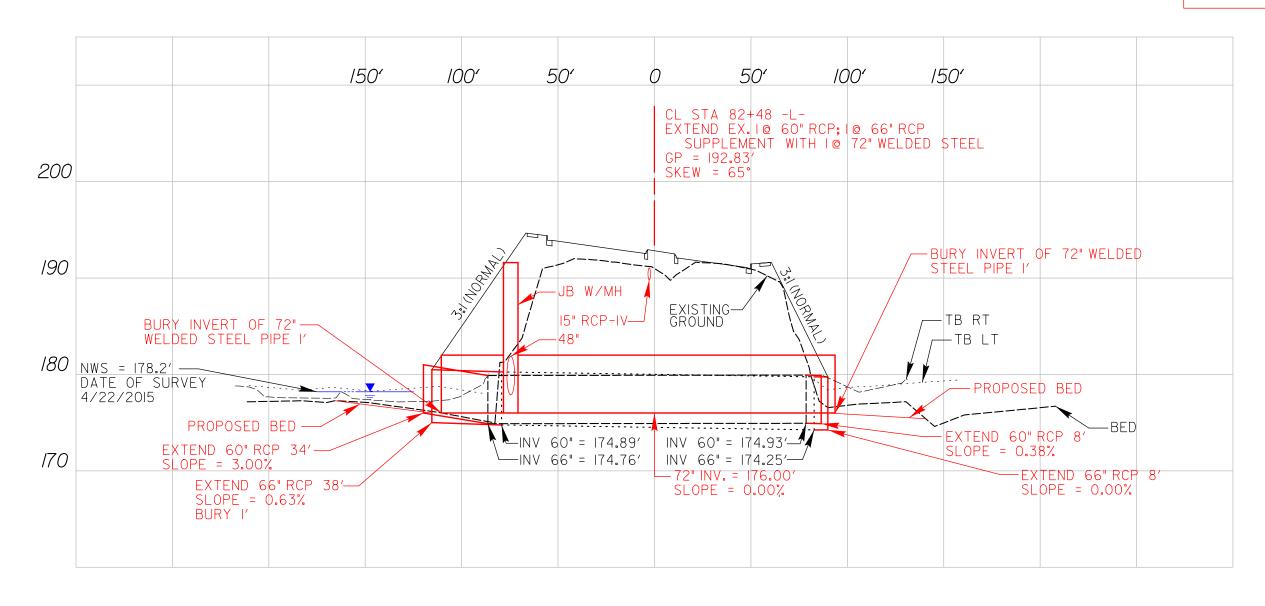




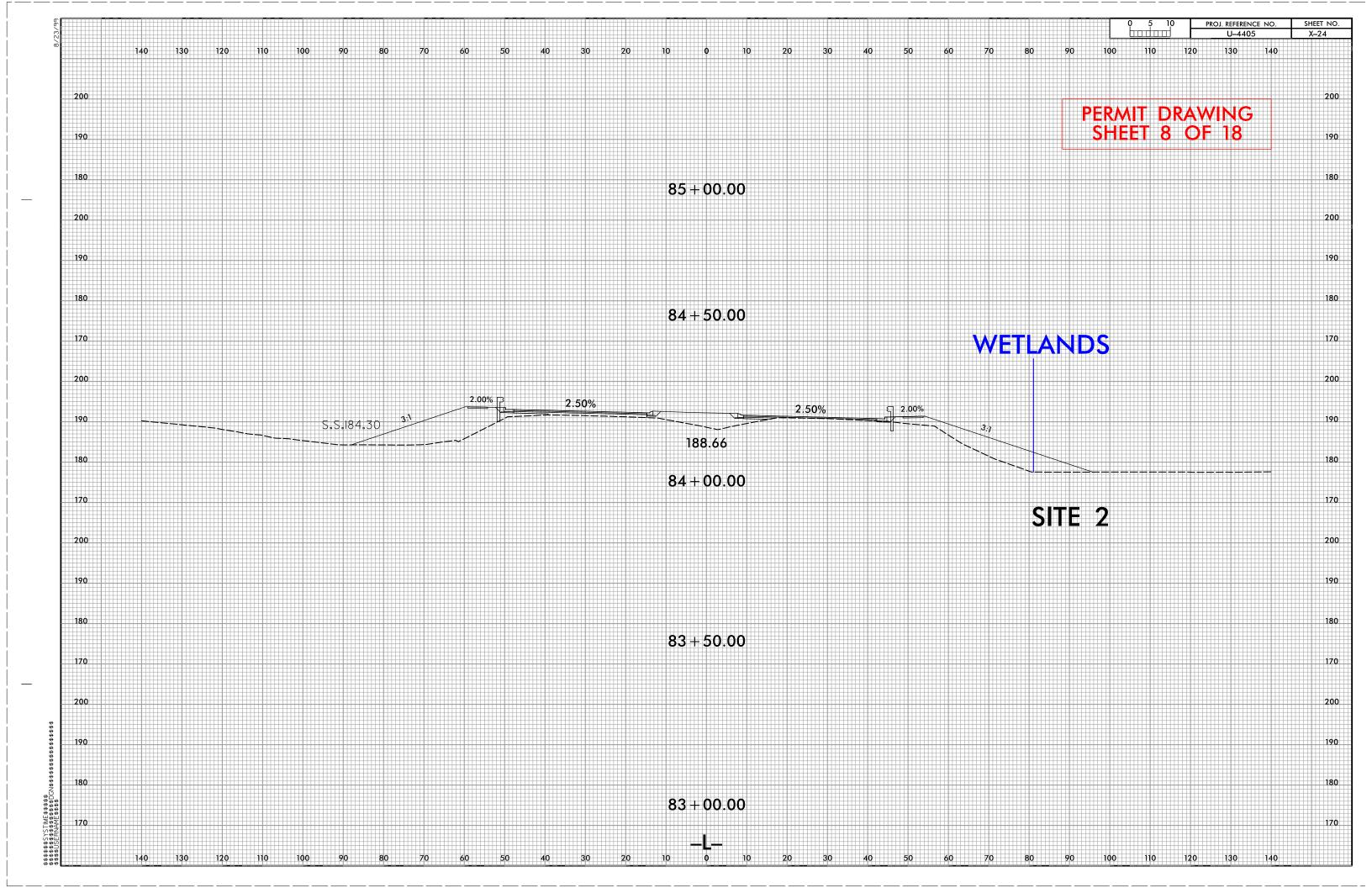


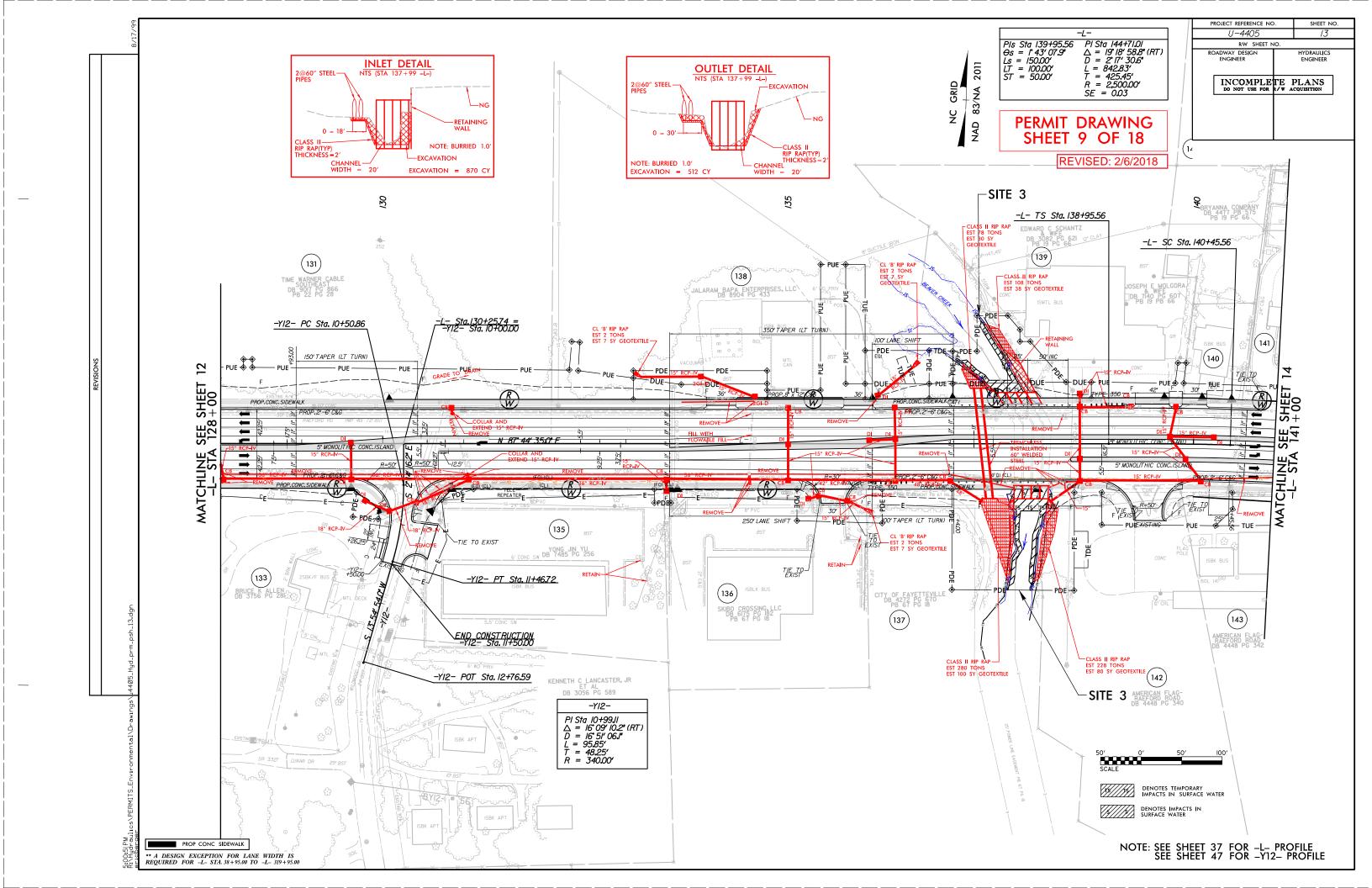
PROJECT REFERENCE NO  U-4405			
ROADWAY DESIGN ENGINEER	Ю.	HYDRAULICS ENGINEER	
INCOMPLE' DO NOT USE FOR	re i	PLANS cquisition	

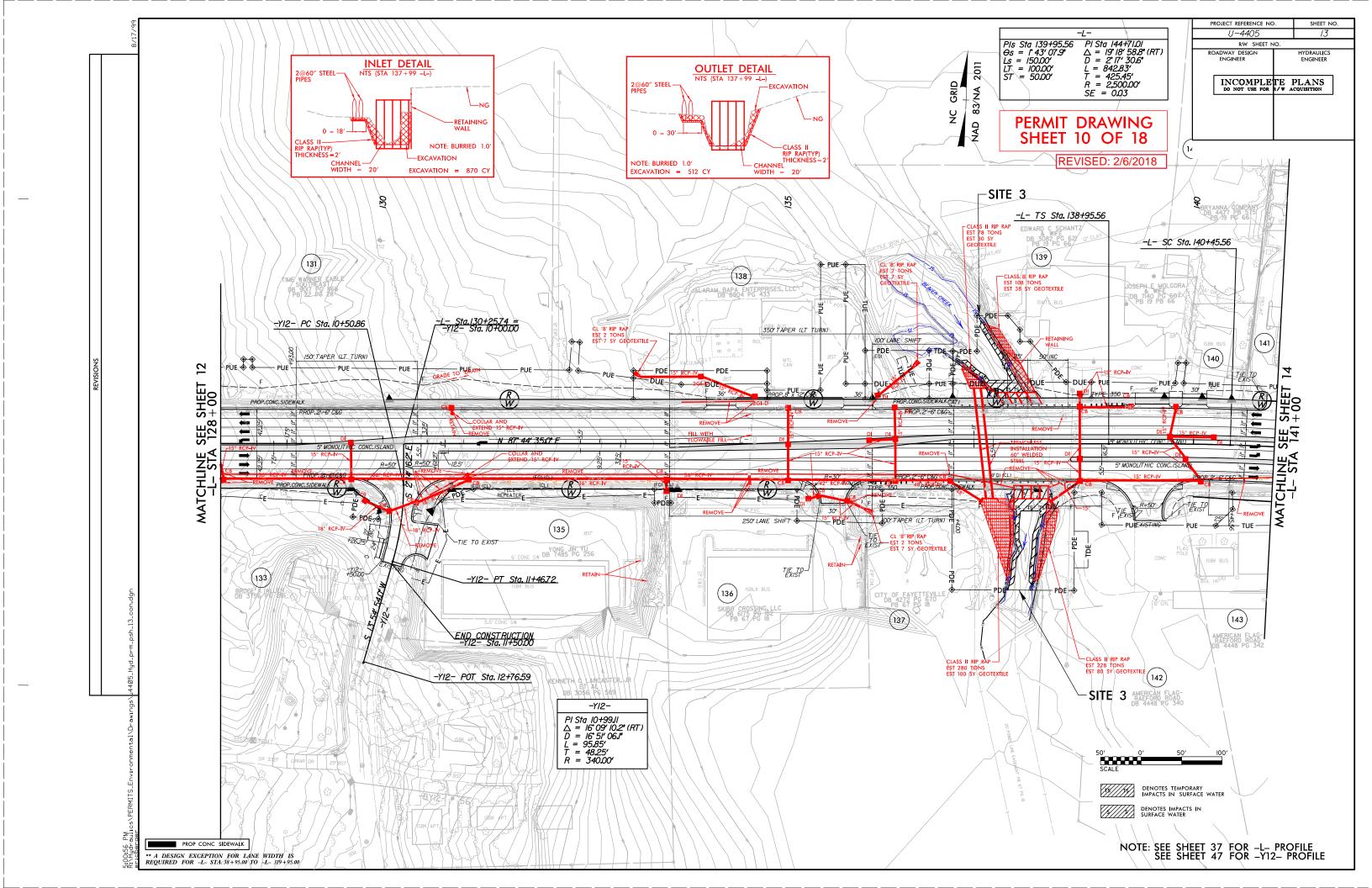
# PERMIT DRAWING SHEET 7 OF 18



\$\$\$\$\$\$YSTIME\$\$\$\$ \$ \$\$\$\$USERNAME\$\$\$\$

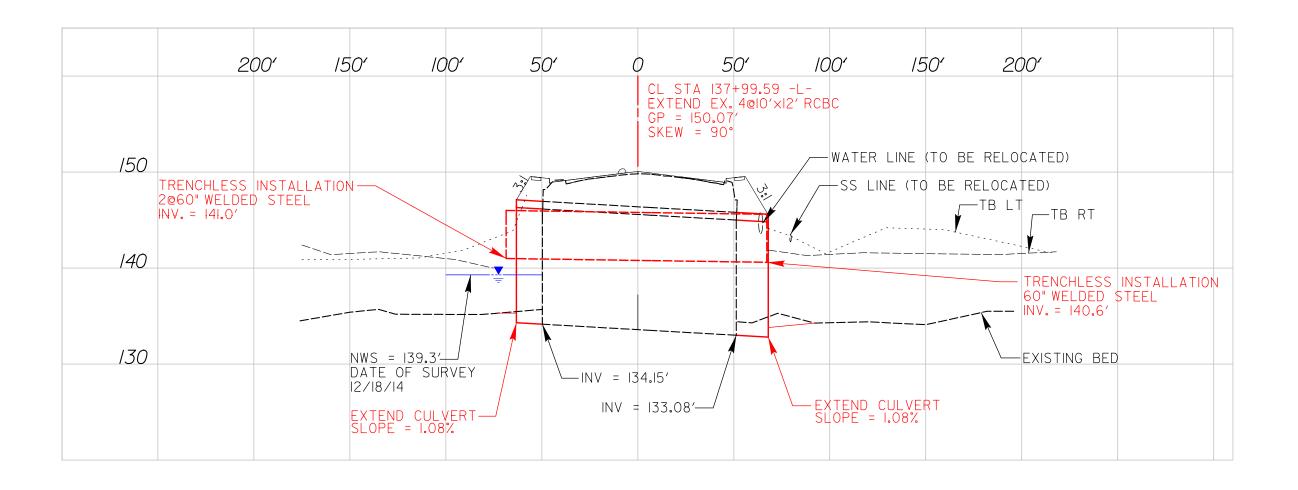


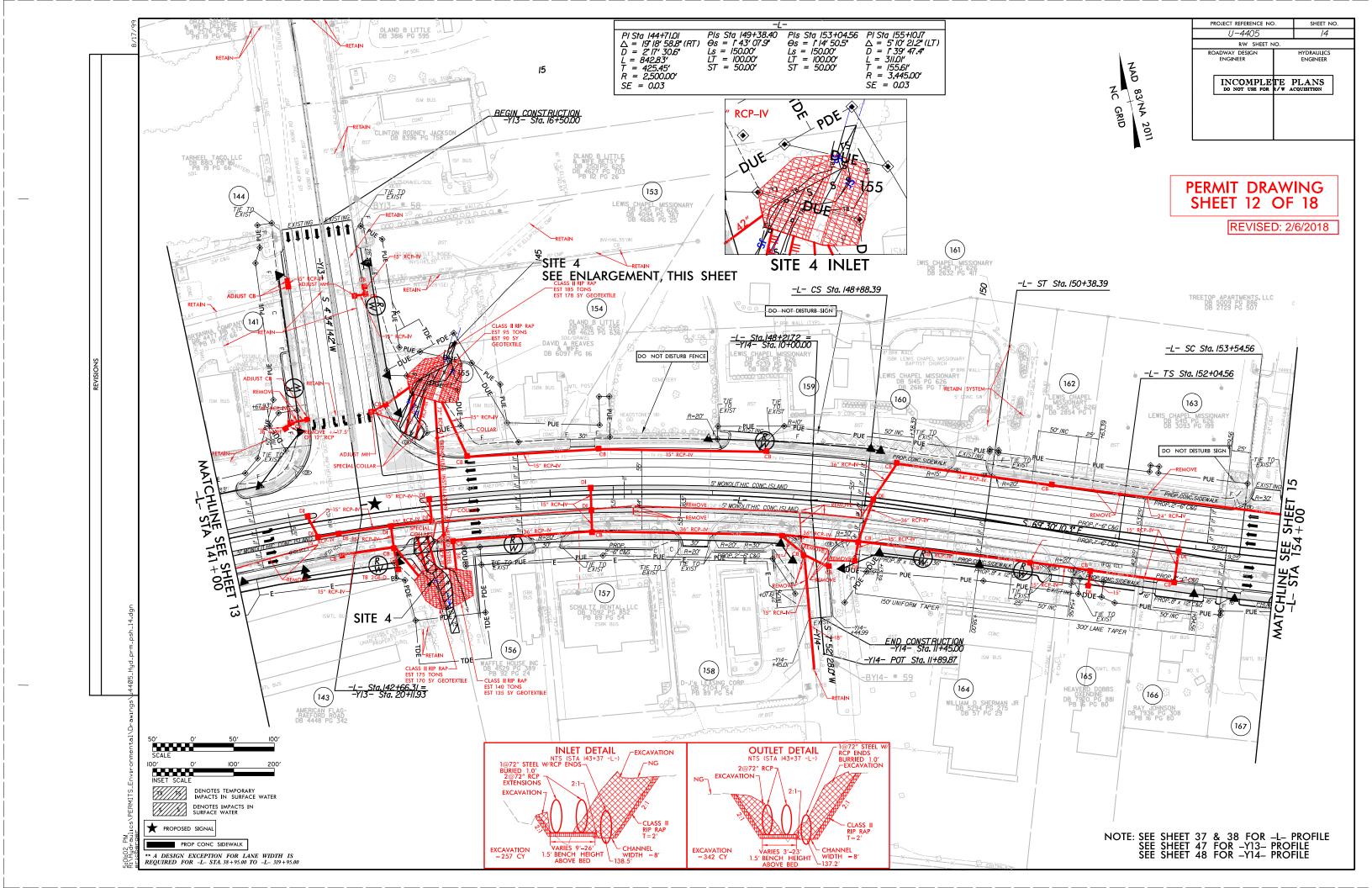


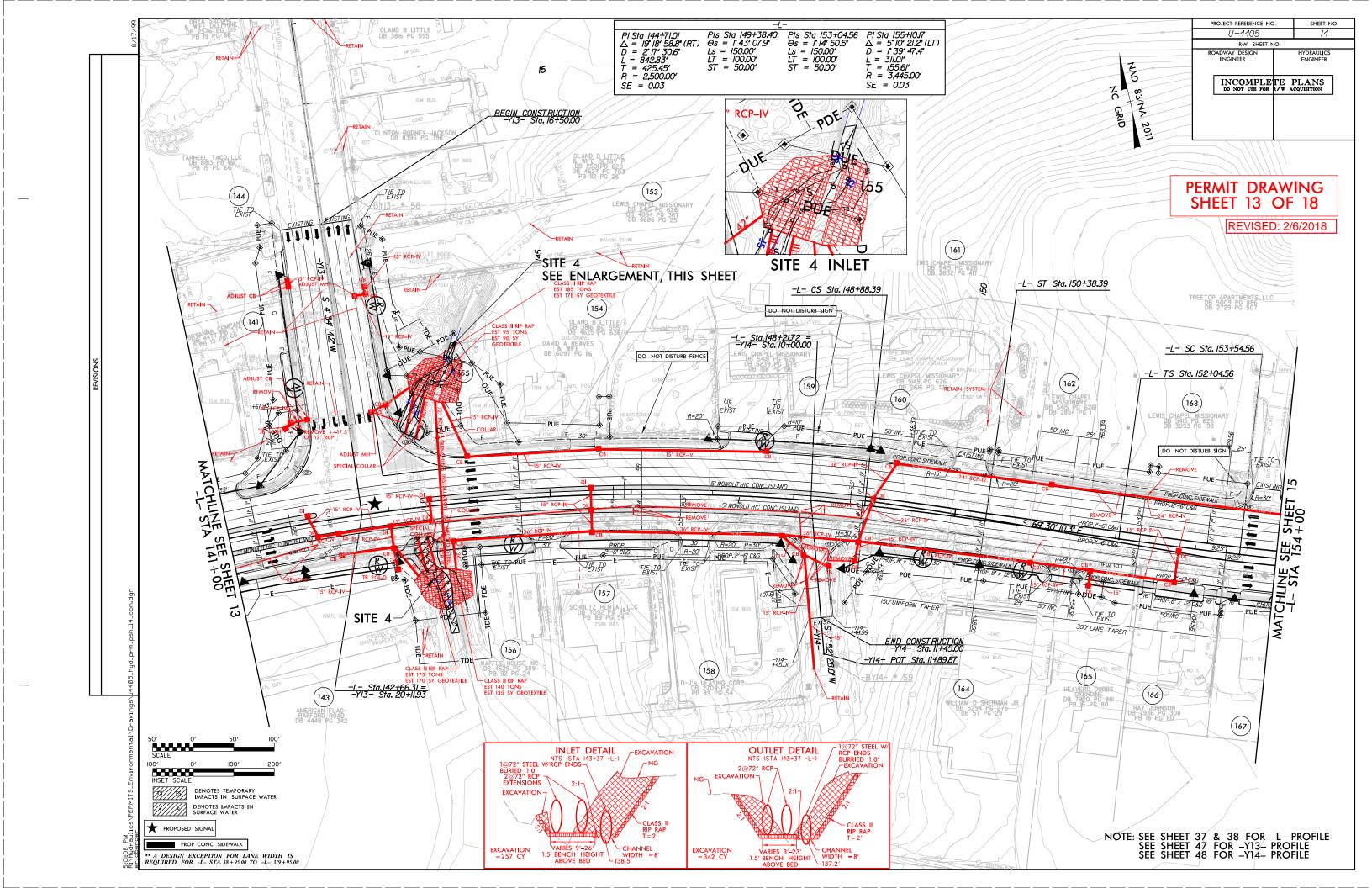


PROJECT REFERENCE NO	. SHEET NO.
<i>U-44</i> 05	
R/W SHEET N	O
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLE' DO NOT USE FOR	FE PLANS R/W ACQUISITION
	1

PERMIT DRAWING SHEET 11 OF 18

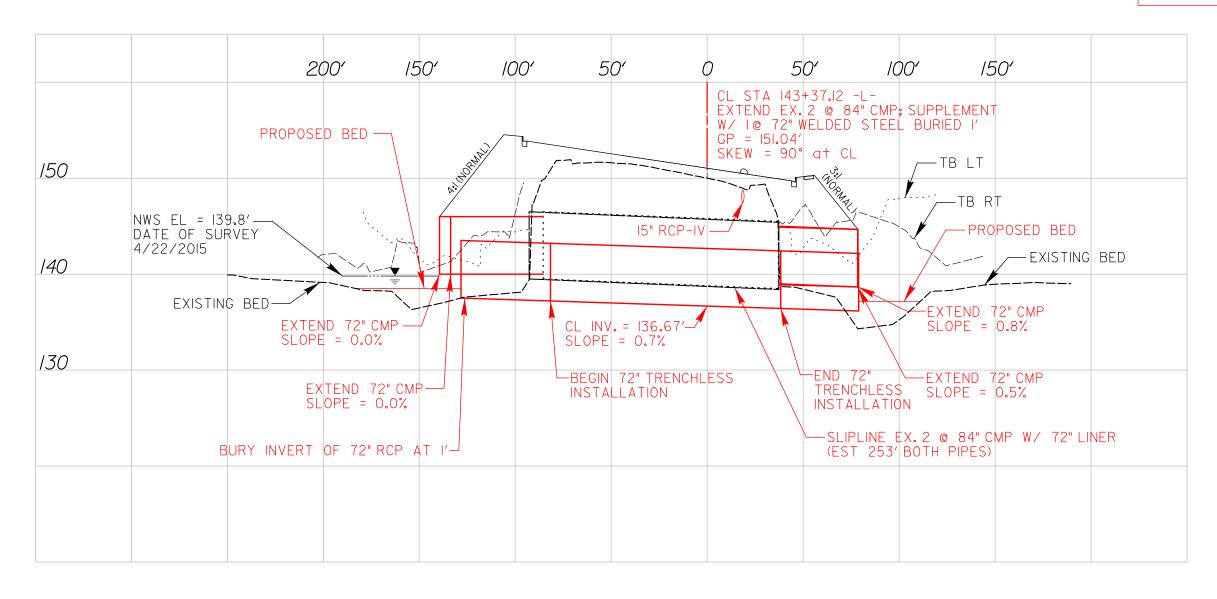


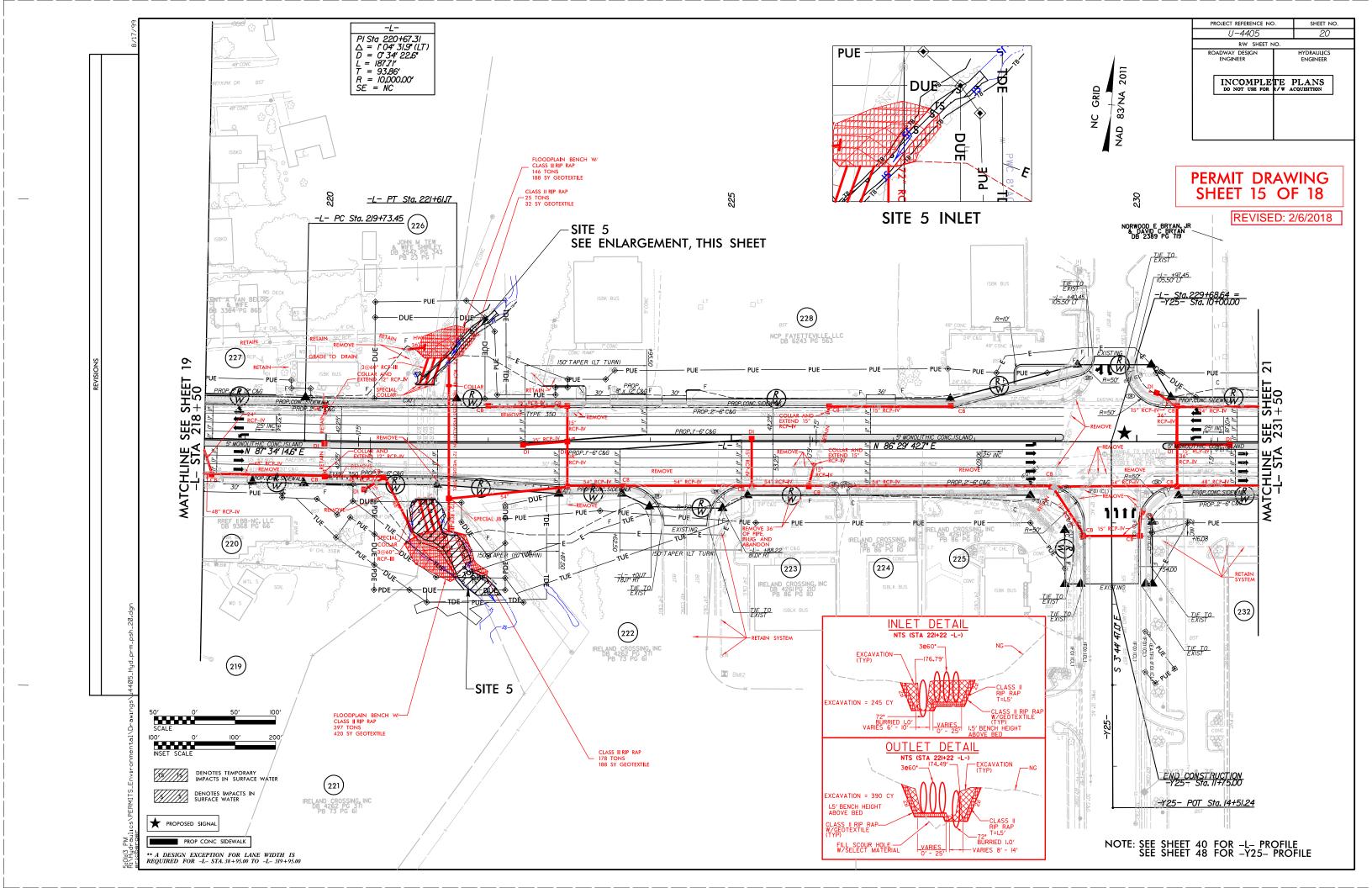


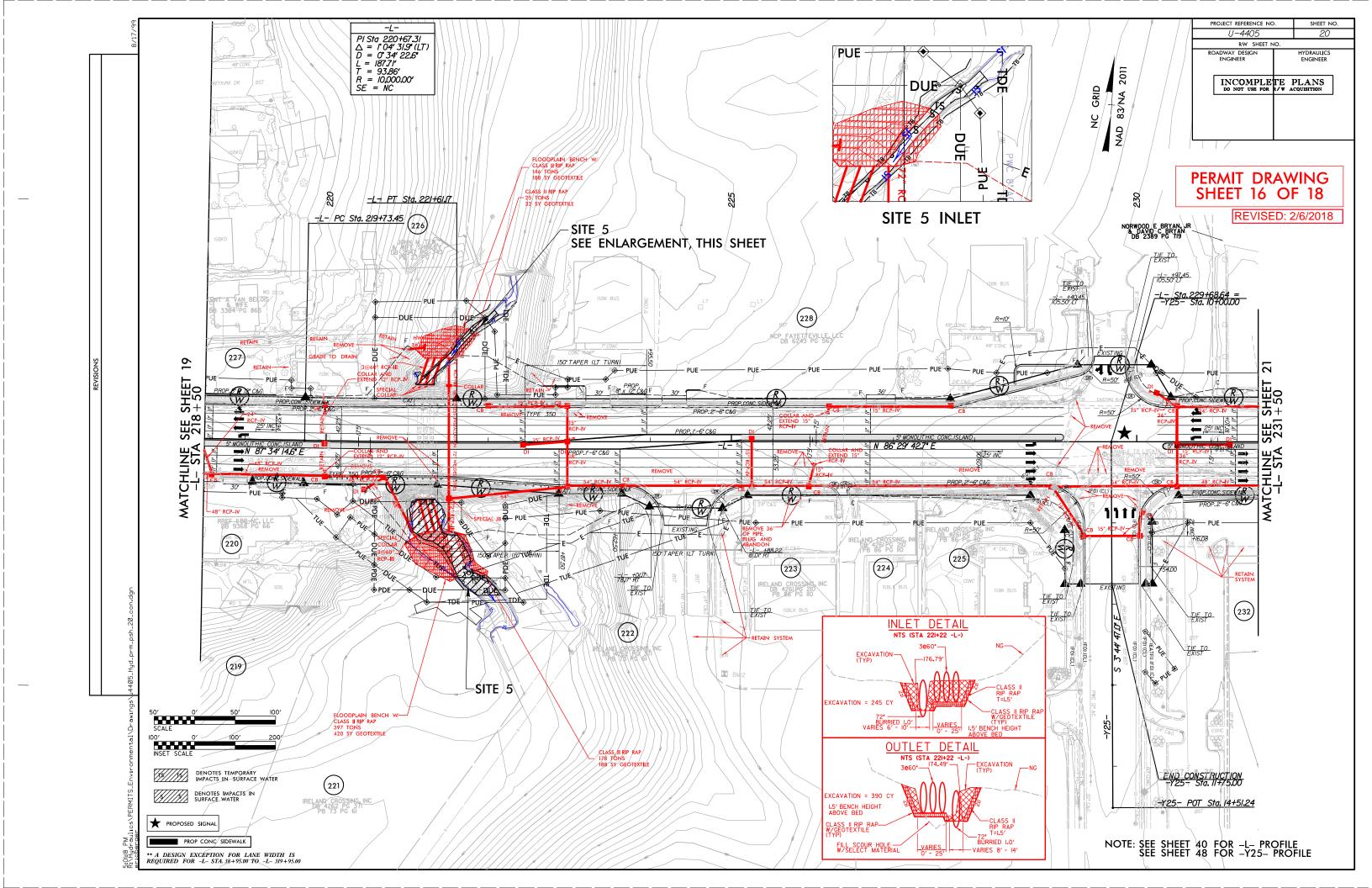


ROADWAY DESIGN HYDRAULICS ENGINEER  INCOMPLETE PLANS DO NOT USE POR R/W ACQUISITION	RW SHEET NO.  ROADWAY DESIGN HYDRAULICS ENGINEER ENGINEER  INCOMPLETE PLANS	PROJECT REFERENCE NO		SHEET NO
ROADWAY DESIGN HYDRAULICS ENGINEER  INCOMPLETE PLANS	ROADWAY DESIGN HYDRAULICS ENGINEER  INCOMPLETE PLANS	<i>U-44</i> 05		
ENGINEER ENGINEER  INCOMPLETE PLANS	INCOMPLETE PLANS	RW SHEET N	Ю.	

# PERMIT DRAWING SHEET 14 OF 18

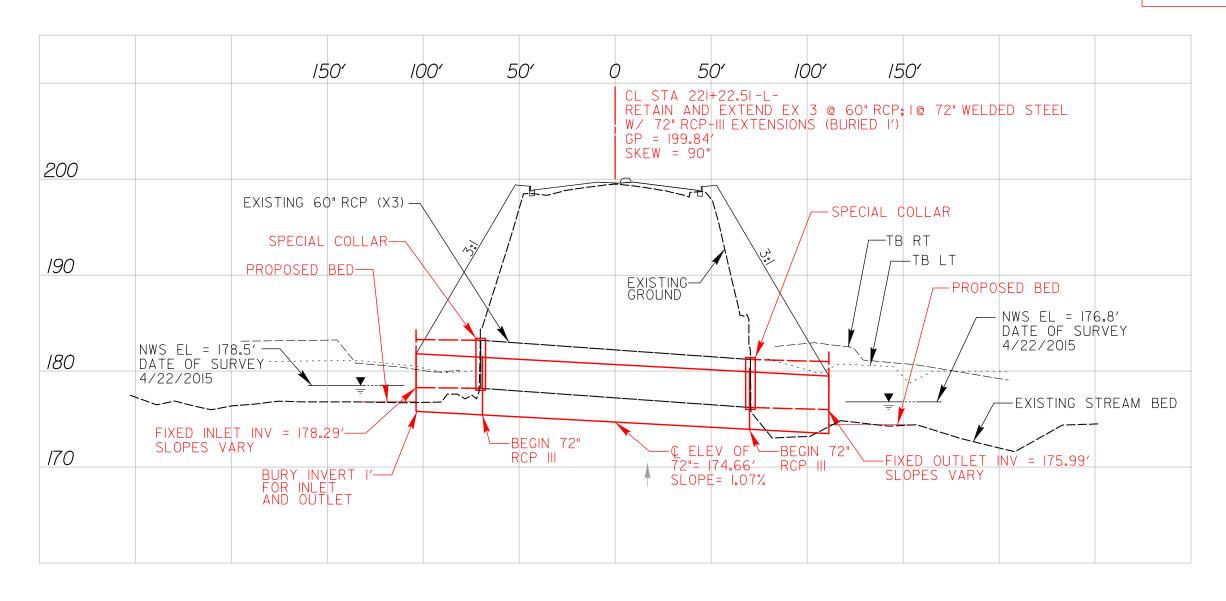






U-4405  RW SHEET NO.  ROADWAY DESIGN HYDRAI	
ROADWAY DESIGN HYDRAI	
ENGINEER ENGIN	
INCOMPLETE PLAN DO NOT USE FOR R/W ACQUISITION	

# PERMIT DRAWING SHEET 17 OF 18



				WET	Land Impa	CTS			SURFA	CE WATER IN	₹ IMPACTS	
Site	Station	Structure	Permanent Fill In	Temp. Fill In	Excavation in	Mechanized Clearing	Hand Clearing in	Permanent SW	Temp. SW	Existing Channel Impacts	Existing Channel Impacts	Natural Stream
No.	(From/To)	Size / Type	Wetlands (ac)	Wetlands (ac)		in Wetlands (ac)	Wetlands (ac)	impacts (ac)	impacts (ac)	Permanent (ft)	Temp. (ft)	Design (ft)
1	-L1- 96+44/96+82 LT	EXTENSION OF 2@48" RCP						< 0.01	< 0.01	8	43	
2	-L- 81+47/84+92 RT & LT	EXTENSION OF 1@60", 1@66" RCP & 1@72" TRENCHLESS WELDED STEEL	0.10			0.10		0.03	0.04	201	41	
3	-L- 137+03/138+25 RT & LT	EXTENSION OF 4@10'X12' RCBC & 2@60" TRENCHLESS WELDED STEEL						0.03	0.03	33	42	
	BANK STABLIIZATION	EXTENSION OF 4@10'X12' RCBC & 2@60" TRENCHLESS WELDED STEEL								176	171	
4	-L- 143+03/144+02 RT <	SLIPLINE EX. 2@84" CMP W/ 72" LINER & 1@72" TRENCHLESS WELDED STEEL						0.07	< 0.01	216	51	
5	-L- 143+03/144+02 RT <	EXTENSION OF 3@60" RCP & 1@72" TRENCHLESS WELDED STEEL						0.09	0.02	206	27	
												_
												_
DTALS*			0.10			0.10		0.22	0.11	840	375	0

*Rounded	totals	are	sum	of	actual	impacts
----------	--------	-----	-----	----	--------	---------

NOTES:

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
REVISED 2/6/2018
CUMBERLAND COUNTY
U-4405
39049.1.1
SHEET 18 OF 18

evised 2018 02 06

CLIFFDALE ROAD PROJECT<sub>></sub> BEGIN PROJECT VICINITY MAP

05

OF NORTH CAROLINA

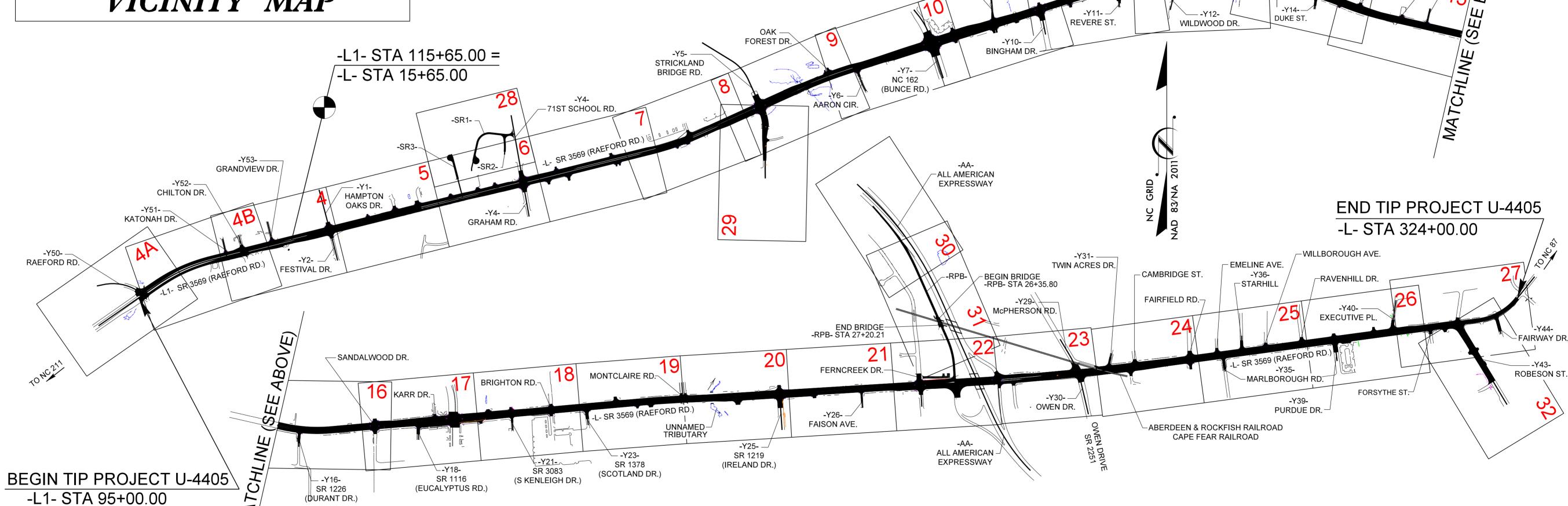
DIVISION OF HIGHWAYS

# NEU PERMIT PLANS CUMBERLAND COUNTY

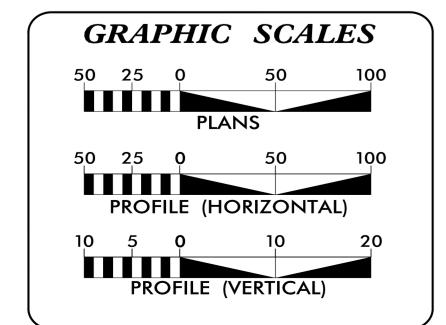
LOCATION: US 401 FROM WEST OF HAMPTON OAKS DRIVE TO EAST OF FAIRWAY DRIVE IN FAYETTEVILLE

-Y9- — LITTLE DR.

TYPE OF WORK: RELOCATION OF WATER, SEWER, TELEPHONE, CABLE, GAS, POWER



PRELIMINARY PLANS



# INDEX OF SHEETS

SHEET NO.: **DESCRIPTION:** *UE-1* NEU PERMIT TITLE SHEET *UE-2* UE PLAN SHEET

# UTILITY OWNERS WITH CONFLICTS

(A) WATER - PWC WATER AND SEWER (B) SEWER - PWC WATER AND SEWER (C) POWER - PWC POWER (D) TELEPHONE – CENTURYLINK (E) CABLE - SPECTRUM (F) POWER - PWC POWER (G) GAS - PIEDMONT NATURAL GAS

(H) WATER - AQUA INC.



T.I.P. NO.

U-4405

-GREENLEAF DR.

- SR 3569 (RAEFORD RD)

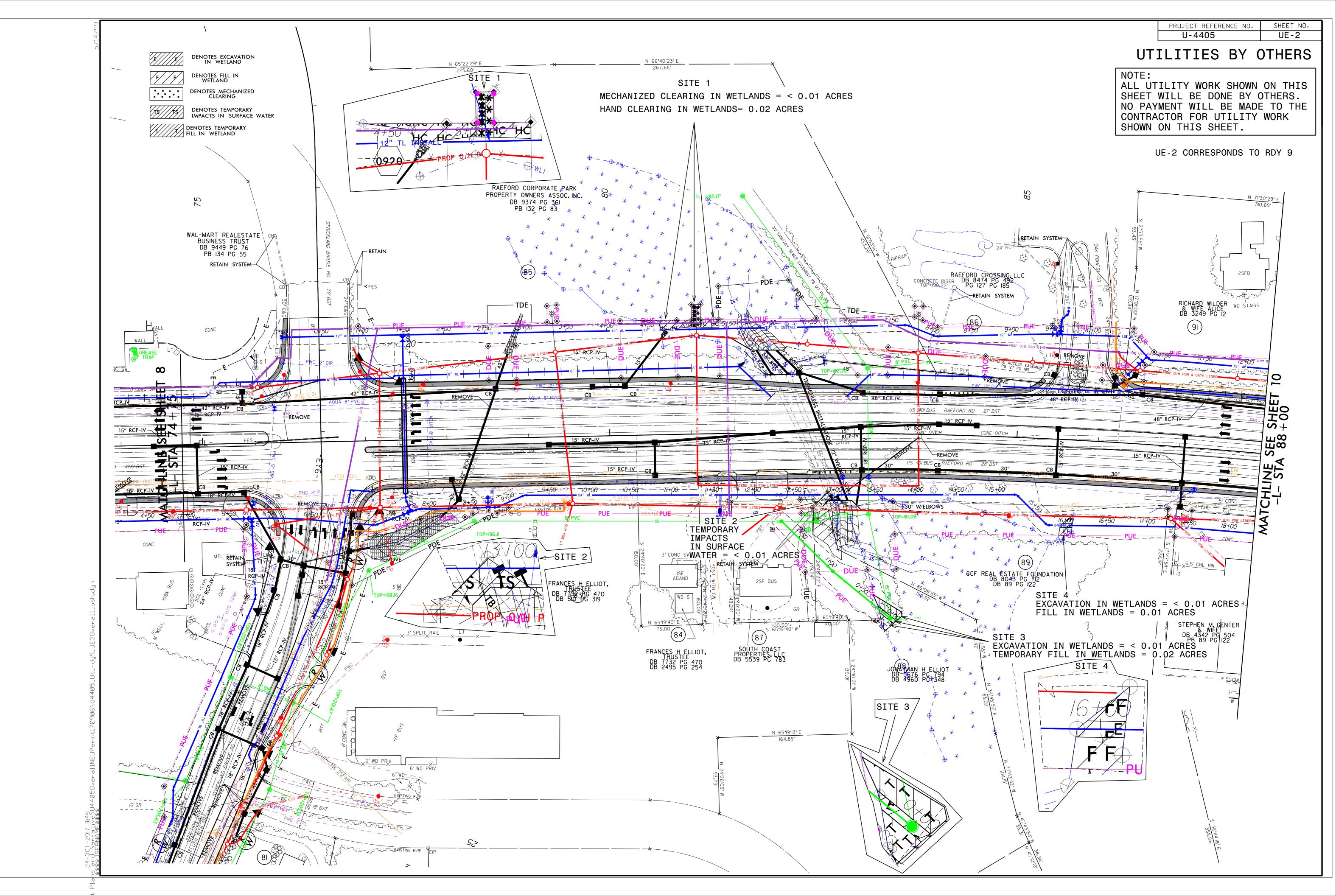
SHEET NO.

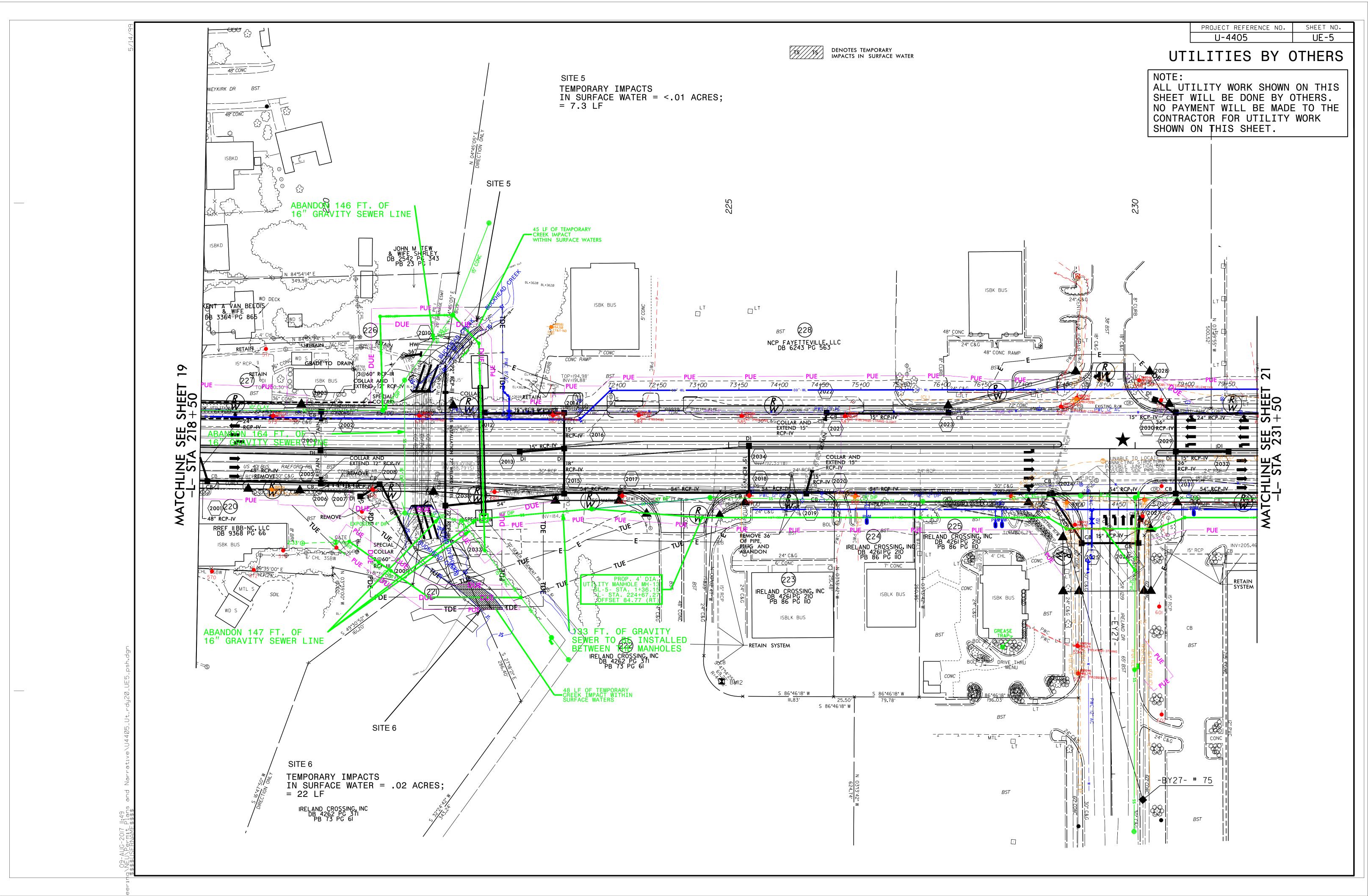
UE-1

**DIVISION OF HIGHWAYS** UTILITIES UNIT 1555 MAIL SERVICES CENTER RALEIGH NC 27699–1555 PHONE (919) 707–6690 FAX (919) 250–4151

BO HEMPHILL, P.E. UTILITIES REGIONAL ENGINEER KELVIN MARTIN UTILITIES ENGINEER KYLE PLEASANT UTILITIES AREA COORDINATOR

LARRY JAMES JR. UTILITIES COORDINATOR





				ARY SURFACE WATER IMPACTS								
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	in	Mechanized Clearing in Wetlands (ac)	in	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
U1	80+33 to 81+36 -L-	Water/Power Line	,	, ,		< 0.01	0.02	, ,	,	,	<b>.</b> , ,	
U2	82+54 to 82+88 -L-	Water Line							< 0.01			
U3	83+24 to 83+63 -L-	Sewer Line		0.02	< 0.01							
U4	85+57 to 85+74 -L-	Water Line	0.01		< 0.01							
U5	221.52 to 222+01	Sewer Line							< 0.01		45	
U6	221+59 to 222+28	Sewer Line							0.02		48	
OTALS*:			0.01	0.02	< 0.01	< 0.01	0.02		0.03	0	93	0

<sup>\*</sup>Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

10/24/17
CUMBERLAND
U-4405
39049.1.1
SHEET 1 OF 2

Revised September 2014