



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 6, 2006

MEMORANDUM TO: Mr. Anthony W. Roper, PE
Division 4 Engineer

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

SUBJECT: Edgecombe and Halifax Counties; Replace Bridge No. 23 and
Bridge No. 17 over Fishing Creek and Fishing Creek Overflow;
State Work Order Number 8.1301801; Federal-Aid Project No.
BRZ-1101(7); TIP Number B-3453

Attached is the U. S. Army Corps of Engineers Individual 404 Permit and the DWQ 401 Water Quality Certification for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. John F. Sullivan, III, FHWA
Mr. Omar Sultan
Mr. Jamie Shern, Division 4 DEO

PROJECT COMMITMENTS

US 301
Edgecombe and Halifax Counties
Replacement of Bridge No. 23 and Bridge No. 17
Over Fishing Creek and Fishing Creek Overflow
Federal-Aid Project No. BRSTP-301(10)
State Project No. 8.1301801
T.I.P. No. B-3453

In addition to the Individual Section 404 Permit Special Conditions, Regional Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, General Certification Conditions, and Individual Section 401 Conditions of Certification, the following special commitments have been agreed to by NCDOT:

Project Development & Environmental Analysis

Mitigation will be provided for the 1.36 acres of unavoidable wetland losses by the Ecosystem Enhancement Program.

Division Engineer

An in-water work moratorium will be in effect from March 1 to June 30, to ensure the environmental integrity of anadromous fish during spawning.

The Stream Crossing Guidelines for Anadromous Fish Passage will be implemented, as applicable.

This project is located in an environmentally sensitive area for federally protected species, all special procedures for clearing, grubbing, grading, seeding, and mulching will apply. Clearing and grubbing should not occur in these areas during the non-growing season (October 22 through April 13).

If heavy equipment is used along the streambed, a clean rock or timber workpad will be utilized to support the equipment.

The Tar-Pamlico River Buffer Rules will be implemented during construction and maintenance of this project.

The North Carolina Geodetic Survey will be contacted prior to construction regarding the relocation of a survey marker along the project.

A preconstruction meeting between NCDOT, USACE, and NCDWQ will be scheduled (See Individual 404 Special Condition "n" & Individual 401 Condition No. 22)

Hydraulics

No deck drainage will be allowed to discharge directly into the water, main channel or Zone 1 (30 feet (nine meters) from the channel banks).



IN REPLY REFER TO

**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

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

December 20, 2005

Regulatory Division

Action ID. 200510633

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

Dear Dr. Thorpe:

In accordance with the written request of February 6, 2003 , and the ensuing administrative record, enclosed is a permit to remove and replace Bridge Nos. 17 and 23, extend a culvert pipe, and relocate utility lines located on U.S. Highway 301, approximately 1.7 miles southwest of Enfield, crossing over and adjacent to Fishing Creek and Fishing Creek Overflow in Halifax and Edgecombe Counties, North Carolina (T.I.P. No. B-3453).

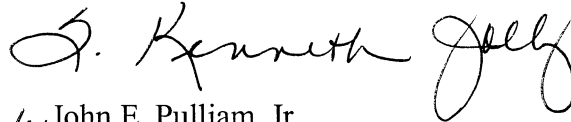
If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

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

- a. You must complete construction before December 31, 2008.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

Should you have questions, contact Mr. William Biddlecome, Washington Regulatory Field Office, telephone (252-975-1616), extension 26.

Sincerely,



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

Enclosures

Copy Furnished with enclosures:

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

Copies Furnished with special conditions and plans:

Mr. Pete Benjamin
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

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

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

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

Mr. Doug Huggett
NC Division of Coastal Management
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421

NC Department of Transportation
ATTN: Beth Harmon
1652 Mail Service Center
Raleigh, NC 27699-1652

DEPARTMENT OF THE ARMY PERMIT

Permittee **North Carolina Department of Transportation, Dr. Gregory Thorpe**

Permit No. **200510633**

Issuing Office **CESAW-RG-W**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: **Remove and replace two functionally obsolete and structurally deficient bridges and extend a culvert pipe. Relocate utility lines and poles.**

Project Location: **The project is located at Bridge Nos. 17 and 23 located approximately 700' apart on U.S. Highway 301, approximately 1.7 miles southwest of Enfield, crossing over and adjacent to Fishing Creek and Fishing Creek Overflow in Halifax and Edgecombe Counties.**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2008**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


 _____ 12/14/05
 (PERMITTEE) **North Carolina Department of Transportation** (DATE)

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


 _____ 12/20/05
 (DISTRICT ENGINEER) **JOHN E. PULLIAM, JR., COLONEL** (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFeree) (DATE)



200020359

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

Alan W. Klimek, P.E. Director
Division of Water Quality

June 7, 2005

RECEIVED

JUN 14 2005

REGULATORY BRANCH

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

Dear Dr. Thorpe:

Re: **Amendment to 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Tar-Pamlico River Buffer Authorization for Proposed replacement of Bridge No. 17 over Fishing Creek Overflow and Bridge No. 23 over Fishing Creek on US 301, Halifax and Edgecombe Counties, TIP No. B-3453, State Project No. 8.1301801, Federal Aid Project No. BRSTP-301(10). DWQ Project No. 050353**

Attached hereto is an amended copy of Certification No. 3513 issued to The North Carolina Department of Transportation dated May 27, 2005.

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

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

cc: **Wilmington District Corps of Engineers**
Mr. Bill Biddlecome, Corps of Engineers Washington Field Office
Mr. Christopher Militsher, US EPA, Region IV
Mr. Jim Trogdon, PE, Division 4 Engineer, PO Box 3165, Wilson, NC 27895
Mr. Jamie Shern, Division 4 Environmental Officer, PO Box 3165, Wilson, NC 27895
Mr. Tyler Stanton, ONE, 2728-168 Capital Blvd., Parker Lincoln Bldg., Raleigh, NC 27604
Mr. William Gilmore, Ecosystem Enhancement Program
NCDWQ Raleigh Regional Office
Central Files
File Copy

**APPROVAL OF AMENDED 401 Water Quality Certification and ADDITIONAL CONDITIONS
And Tar-Pamlico River Buffer Rules**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005 to replace Bridge No. 17 over Fishing Creek Overflow and Bridge No. 23 over Fishing Creek in Halifax and Edgecombe Counties. The approved design is that submitted in your application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005. This certification authorizes the NCDOT to place permanent fill in 1.149 acres of jurisdictional wetlands, 0.001 acres of temporary fill in jurisdictional wetlands, mechanized clearing of 0.199 acres of jurisdictional wetland, 0.688 acres of hand clearing in wetlands for utility relocations, 5,383 square feet of wetlands under Bridge No. 17, 0.402 acres of permanent fill in surface water and 0.001 acres of temporary fill in surface water. This permit also authorizes permanent impacts to 13,503 square feet of protected Tar-Pamlico Riparian Buffers (7,840 square feet in Zone 1 and 5,663 square feet in Zone 2), temporary impacts to 7,115 square feet of protected Tar-Pamlico Riparian Buffers (4,787 square feet in Zone 1 and 2,328 in Zone 2) and hand clearing of 7,386 square feet of protected Tar-Pamlico Riparian Buffers (4,460 square feet in Zone 1 and 2,926 in Zone 2) in Halifax and Edgecombe Counties. The authorized impacts are as described below:

Wetland Impacts in the Tar-Pamlico River Basin

Site	Fill (ac)	Temporary Fill (ac)	Mechanized Clearing (ac)	Hand clearing (ac)	Area under the bridge (sq. ft.)
1 STA 15+02 to 15+67	0.001		0.019		
2 STA 17+88 to 22+00	0.202		0.078		
3 STA 22+00 to 34+88	0.945		0.102		
6 STA 22+00 to 34+88 (bridge bents)	0.001				
4 STA 17+88 to 22+00 (temp. work bridge bents)		0.001			
Utility Relocations				0.688	
Area under Bridge No. 17					5,383
Total	1.149	0.001	0.199	0.688	5,383

Surface Water Impacts in the Tar-Pamlico River Basin

Site	Permanent Fill in Surface Water (ac)	Temporary Fill in Surface Water (ac)
3 STA 22+00 to 34+88	0.401	
5 STA 17+88 to 22+00 (bridge bents)	0.001	
4 STA 17+88 to 22+00 (temp. work bridge bents)		0.001
Total	0.402	0.001

Tar-Pamlico Riparian Buffer Impacts

Site	Zone 1 Impacts (sq. ft.)	Zone 2 Impacts (sq. ft.)
1 -L- STA 19+11 to -L- STA 21+83 (permanent)	7,840	5,663
Work Bridge (temporary)	4,787	2,328
Utilities (hand clearing – temporary)	4,460	2,926
Total	17,087	10,917

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

This approval is only valid for the purpose and design that you submitted in your application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard.
 - a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project;

3. The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.
4. If the old bridge is removed, no discharge of bridge material into surface waters is preferred. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
5. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
6. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
8. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
9. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed, unless otherwise authorized by this certification, to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.
10. Compensatory mitigation for impacts to 1.348 acres of jurisdictional wetlands shall be done. Total mitigation shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to 1.348 acres of riverine wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP) in the Tar-Pamlico River Basin (Cataloging Unit 03020102), as outlined in the letter dated 4 January 2005.

11. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
12. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
13. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

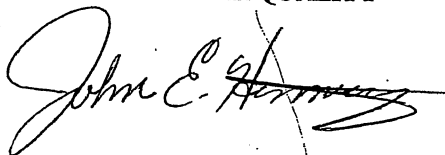
14. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
15. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
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. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
18. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated received February 28, 2005 and subsequent permit drawings dated received April 13 and April 18, 2005.
19. 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.
20. NCDOT and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d). Any new or revised conditions shall be provided to NCDOT in writing and shall be provided to the United States Army Corps of Engineers.
21. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
22. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
23. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
24. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.
25. Pursuant to NCAC15A 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

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

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 7th day of June, 2005

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read "John E. Klimek", written over a faint, illegible stamp or background.

Alan W. Klimek, P.E.
Director

WQC No. 3513

SPECIAL CONDITIONS

COMPLIANCE WITH PLANS

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

ACTIVITIES NOT AUTHORIZED

b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, nor shall any activities take place that cause the degradation of waters or wetlands. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters, including wetlands, outside the permitted area. Additionally, no construction materials or equipment will be placed or stored within jurisdictional waters, including wetlands.

CONSTRUCTION PLANS

c) The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Washington Regulatory Field Office prior to any active construction in waters or wetlands.

d) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

POLLUTION SPILLS

e) All mechanized equipment will be regularly inspected and maintained to prevent

contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

NOTIFICATION

f) The permittee shall advise the Corps in writing at least two weeks prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

CLEAN FILL MATERIAL

g) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

CONTRACTOR COMPLIANCE

h) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

SEDIMENTATION AND EROSION CONTROL MEASURES

i) The permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard. . Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standards. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must

be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of nonerodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.

REPORTING OF VIOLATIONS

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

COMPLIANCE WITH SPECIAL CONDITIONS

k) Failure to institute and carry out the details of these special conditions, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

WET CONCRETE

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

PRECONSTRUCTION MEETING

n) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE,

Washington Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

BORROW AND WASTE

o) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland lines on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with Special Condition b) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the Special Condition b). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

EEP MITIGATION

p) Compensatory mitigation for the unavoidable impacts to 1.36 acres of riverine wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated January 4, 2005, from William D. Gilmore, EEP Director. The EEP will provide 17.52 acres of preservation of riverine wetlands in the Northern Inner Coastal Plain Eco-Region at the Roanoke River Site in Halifax County that has been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of 1.75 acres of restoration of riverine wetlands in the Tar-Pamlico River basin (Hydrologic Cataloging Unit 03020102 by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the

MOA.

MORATORIUMS

q) A moratorium on all work in the waters of Fishing Creek and its tributaries will be in effect from March 1 to June 30 of any year.

The permittee will follow NCDOT adopted anadromous fish stream crossing guidelines.

NAVIGATION INTEREST

s) No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

TEMPORARY STRUCTURES

t) All temporary work bridges shall be removed in their entirety upon completion of the construction at the site.

ENDANGERED AND THREATENED SPECIES

u) This project area is located in an environmentally sensitive area. All special procedures for clearing, grubbing, grading, seeding, and mulching will apply. Clearing and grubbing should not occur in these areas during the non-growing season (October 22 through April 13).

v) If heavy equipment is used along the streambed, a clean rock or timber workpad will be utilized to support the equipment.

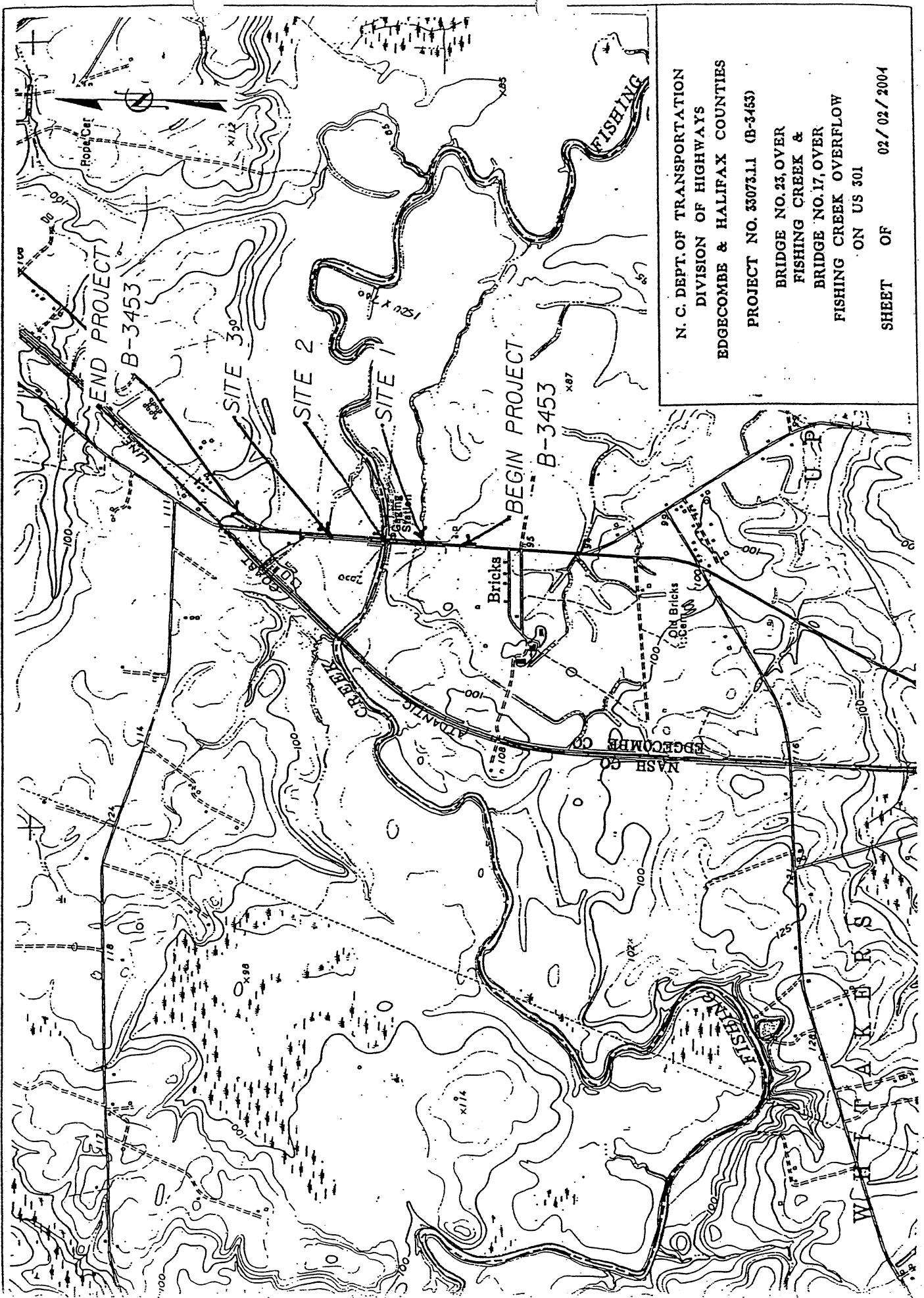
UTILITY LINE RELOCATIONS

w) The minimum clearance for aerial communication lines, or any line not transmitting electrical power, will be ten (10) feet above the clearance required for nearby stationary bridges as established by the U.S. Coast Guard. In the event the U.S. Coast Guard has not established a bridge clearance, minimum vertical clearances for power and aerial lines will not be less than required by Section 23, Rule 232, of the latest revision of the National Electrical Safety Code

(ANSI C2). Clearances will not be less than shown in Table 232-1, Item 7, ANSI C2.

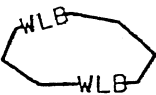
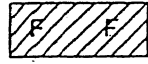



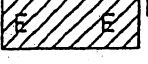
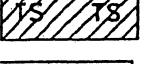
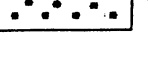

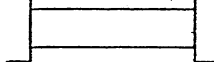
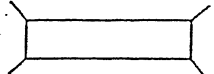
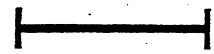



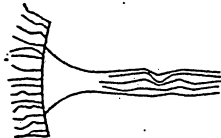



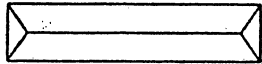
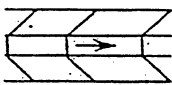
x) The clearance for an aerial line is based on the low point of the line under conditions that produce the greatest sag, taking into consideration temperature, load, wind, length or span and the type of supports. The minimum clearance for an aerial electrical power transmission line shall be governed by the system voltage, as indicated below:

<u>Nominal System Voltage, kilovolt</u>	<u>Minimum Clearance Above Bridge Clearance</u>	(As Established by the U.S. Coast Guard)
115 and below	20 feet	
138	22 feet	
161	24 feet	
230	26 feet	
350	30 feet	
500	35 feet	
700	42 feet	
750 to 765	45 feet	



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE & HALIFAX COUNTIES
 PROJECT NO. 33073.1.1 (B-3453)
 BRIDGE NO. 23, OVER
 FISHING CREEK &
 FISHING CREEK OVERFLOW
 BRIDGE NO. 17, OVER
 FISHING CREEK OVERFLOW
 ON US 301
 SHEET OF 02/02/2004

WETLAND LEGEND

<p>— WLB — WETLAND BOUNDARY</p> <p> WETLAND</p> <p> DENOTES FILL IN WETLAND</p> <p> DENOTES FILL IN SURFACE WATER</p> <p> DENOTES FILL IN SURFACE WATER (POND)</p> <p> DENOTES TEMPORARY FILL IN WETLAND</p> <p> DENOTES EXCAVATION IN WETLAND</p> <p> DENOTES TEMPORARY FILL IN SURFACE WATER</p> <p> DENOTES MECHANIZED CLEARING</p> <p>→ → FLOW DIRECTION</p> <p>— TB — TOP OF BANK</p> <p>— WE — EDGE OF WATER</p> <p>— C — PROP. LIMIT OF CUT</p> <p>— F — PROP. LIMIT OF FILL</p> <p>—▲— PROP. RIGHT OF WAY</p> <p>— NG — NATURAL GROUND</p> <p>— PL — PROPERTY LINE</p> <p>— TDE — TEMP. DRAINAGE EASEMENT</p> <p>— PDE — PERMANENT DRAINAGE EASEMENT</p> <p>— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY</p> <p>— EPB — EXIST. ENDANGERED PLANT BOUNDARY</p> <p>—▽— WATER SURFACE</p> <p>x x x x x x x x LIVE STAKES</p> <p> BOULDER</p> <p>— — COIR FIBER ROLLS</p>	<p> PROPOSED BRIDGE</p> <p> PROPOSED BOX CULVERT</p> <p> PROPOSED PIPE CULVERT 12"-48" PIPES 54" PIPES & ABOVE</p> <p>(DASHED LINES DENOTE EXISTING STRUCTURES)</p> <p> SINGLE TREE</p> <p> WOODS LINE</p> <p> DRAINAGE INLET</p> <p> ROOTWAD</p> <p> RIP RAP</p> <p> ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE</p> <p> PREFORMED SCOUR HOLE</p> <p> LEVEL SPREADER (LS)</p> <p> DITCH / GRASS SWALE</p>
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N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGEcombe & HALIFAX COUNTIES

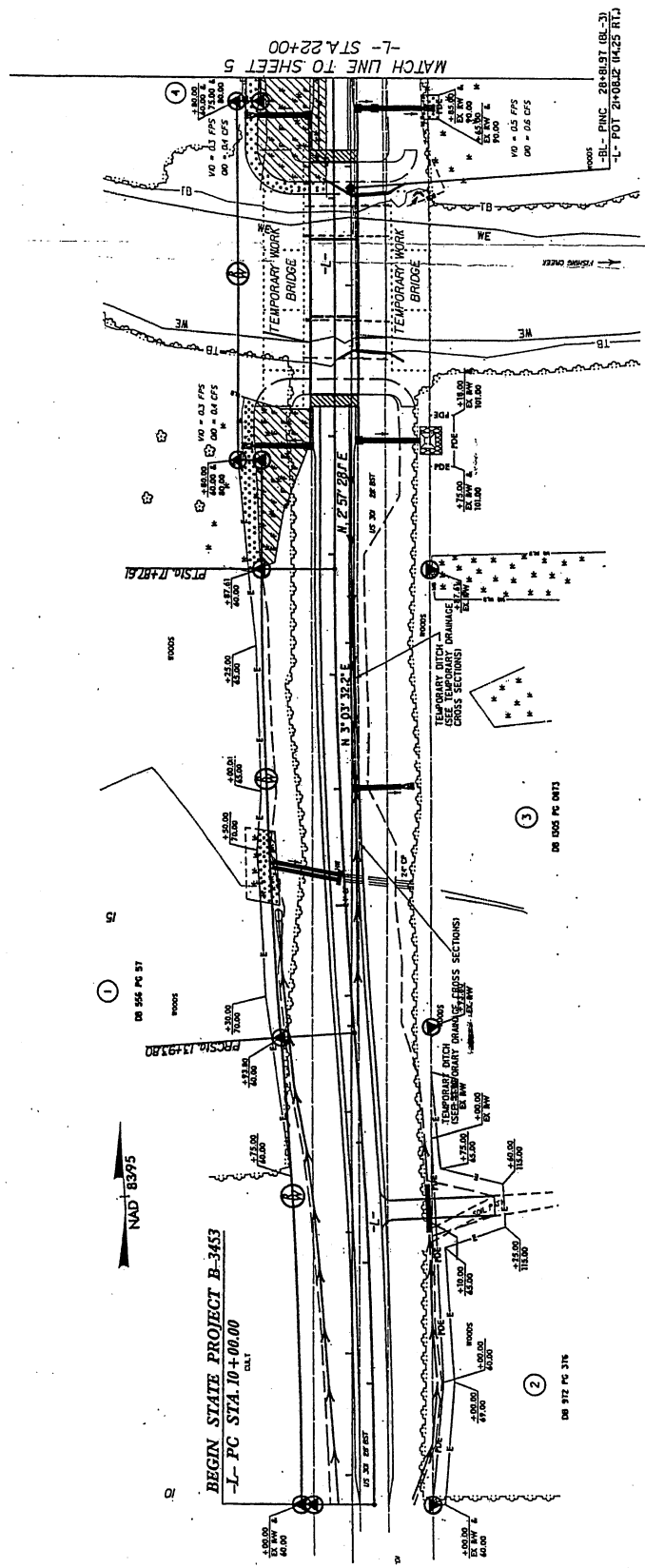
PROJECT NO. 33073.1.1 (B-3453)

BRIDGE NO. 23, OVER
FISHING CREEK &
BRIDGE NO. 17, OVER
FISHING CREEK OVERFLOW
ON US 301

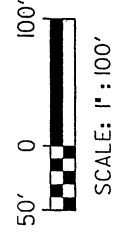
SHEET OF 02 / 02 / 2004



SITE 1 -L- STA. 15+02 TO 15+67
 SITE 2 -L- STA. 17+88 TO 22+00

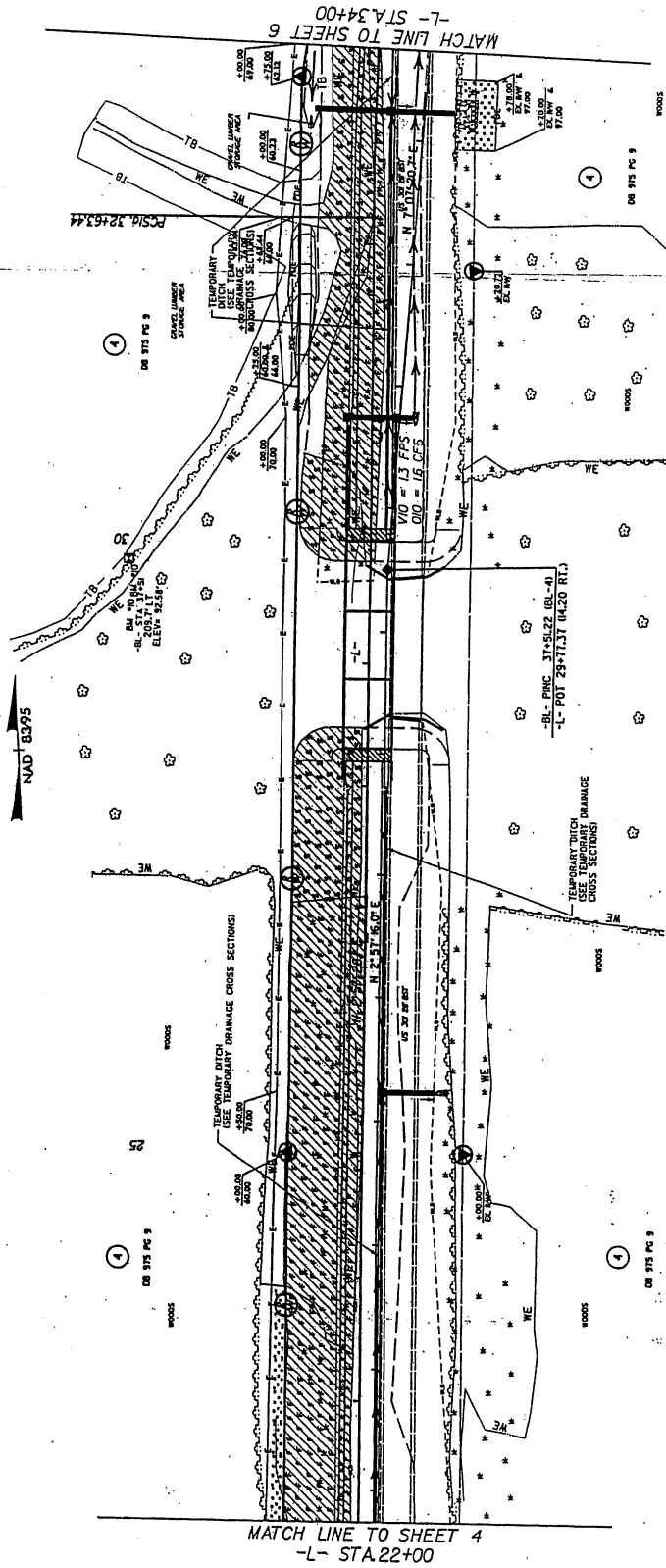


N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE & HALIFAX COUNTIES
 PROJECT NO. 330711 (E-3453)
 BRIDGE NO. 24 OVER
 FISHING CREEK &
 BRIDGE NO. 17 OVER
 FISHING CREEK OVERFLOW
 ON US 301 REV 12/04
 SHEET OF 02/02/2004



SITE 3 -L- STA. 22+00 TO 34+88

ENGLISH



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE & HALIFAX COUNTIES
 PROJECT NO. 3307LLI (B-3463)
 BRIDGE NO. 23 OVER
 FISHING CREEK &
 BRIDGE NO. 17 OVER
 FISHING CREEK OVERFLOW
 ON US 301
 SHEET OF 07/01/2004



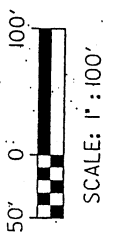
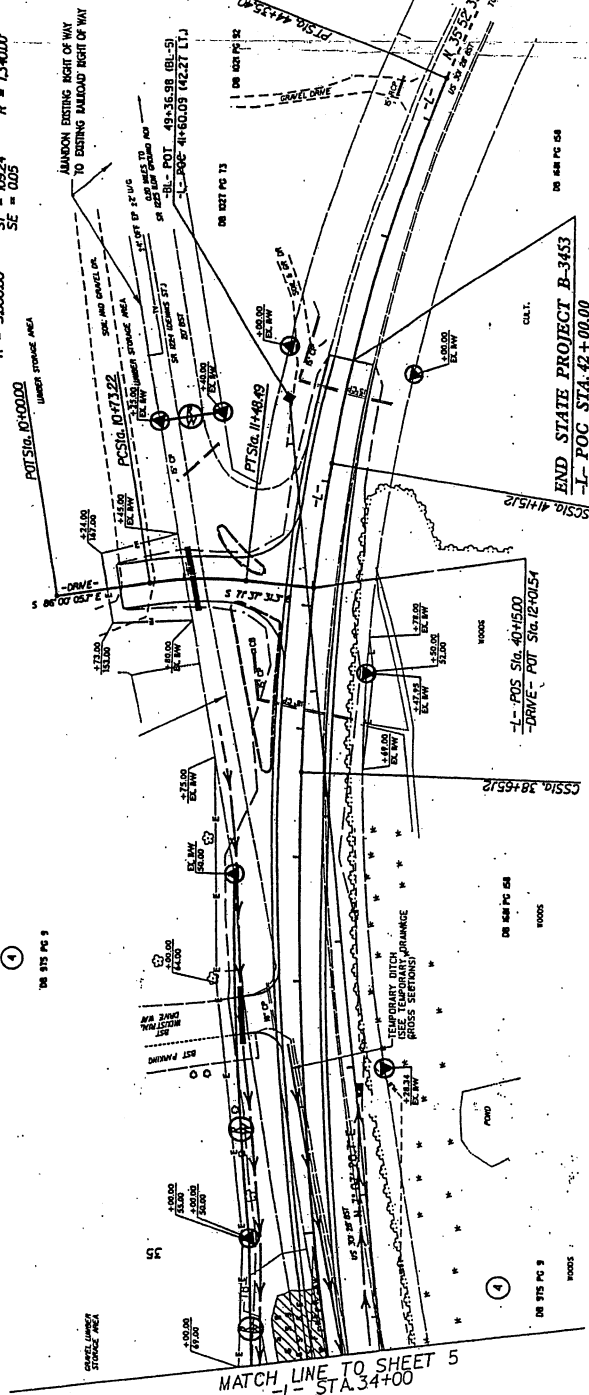
SITE 3 - L- STA. 22+00 TO 34+88

ENGLISH

-DRIVE-
 P/Sig 14+10.0
 Δ = 14° 22' 34" (RT)
 D = 19' 05" 545'
 L = 37.84'
 T = 300.00'
 R = 300.00'

P/Sig 35+65.29 (RT) Δ = 13° 47' 40" (RT)
 D = 154' 35.5'
 L = 60.68'
 T = 300.85'
 R = 300.000'
 ST = 1093.24'
 SE = 0.05'

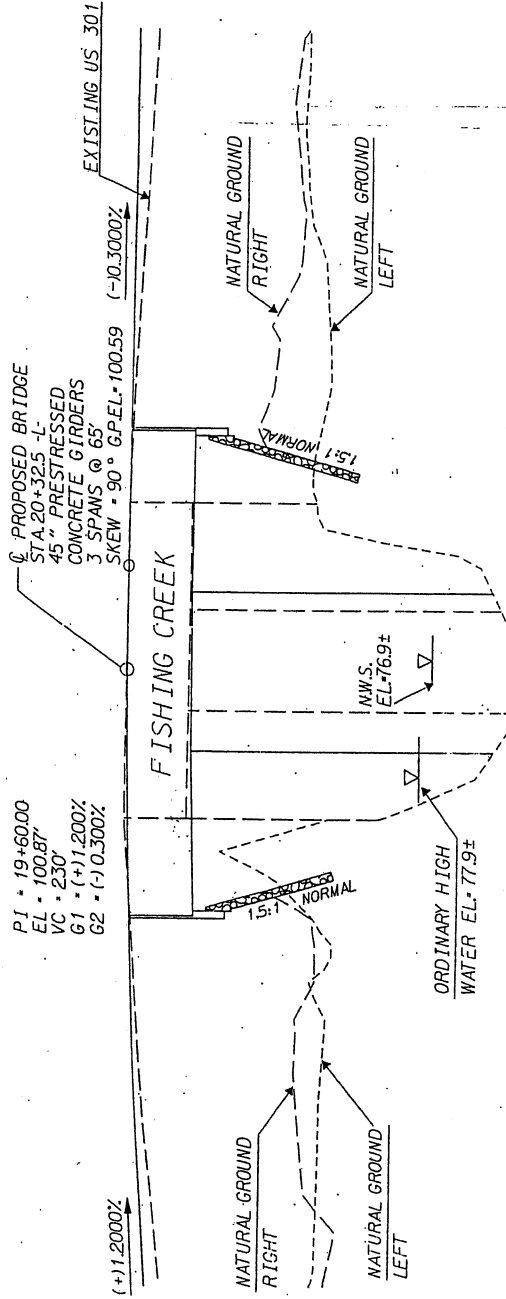
P/Sig 40+06.24 P/Sig 42+76.03
 Δ = 13° 47' 40" (RT)
 D = 154' 35.5'
 L = 60.68'
 T = 300.85'
 R = 300.000'



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGEcombe & HALIFAX COUNTIES
 PROJECT NO. 3407111 (B-3453)
 BRIDGE NO. 21 OVER
 FISHING CREEK &
 BRIDGE NO. 17 OVER
 FISHING CREEK OVERFLOW
 ON US 301
 SHEET OF 02 / 02 / 2004

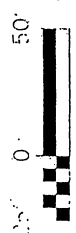
SITE 2 PROPOSED BRIDGE PROFILE

ENGLISH



100
90
80
70

18 19 20 21 22 23



HORIZONTAL SCALE: 1" = 50'

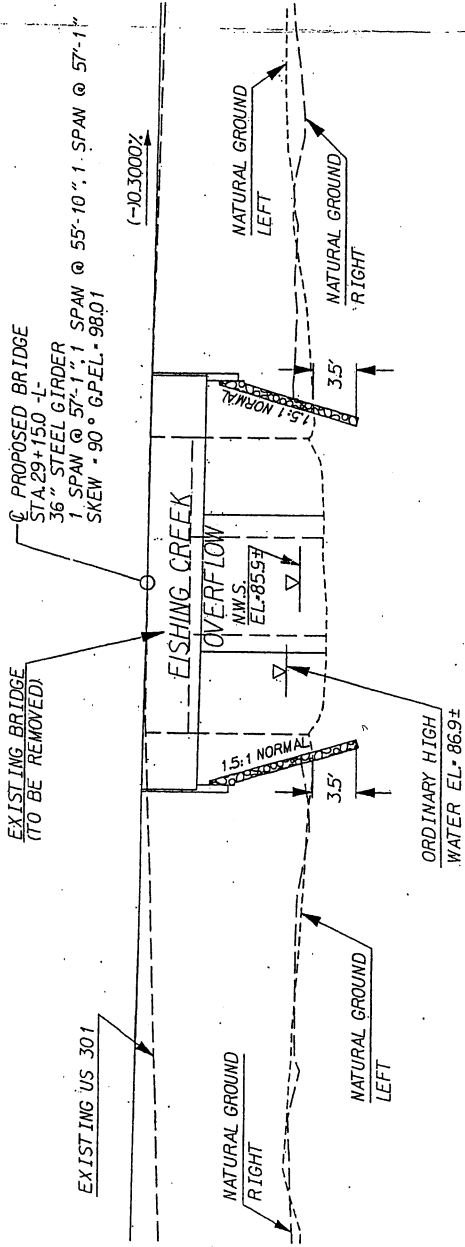


VERTICAL SCALE: 1" = 10'

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE & HALIFAX COUNTIES
PROJECT NO. 530711UB-3453
BRIDGE NO. 35.070R
FISHING CREEK &
BRIDGE NO. 17.070R
FISHING CREEK OVERFLOW
ON US 301
SHEET OF 02 OF 200

SITE 3 PROPOSED BRIDGE PROFILE

ENGLISH



100
90
80
70

27 28 29 30 31 32



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGEcombe & HALIFAX COUNTIES

PROJECT NO. 387211 (B-5655)

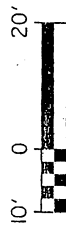
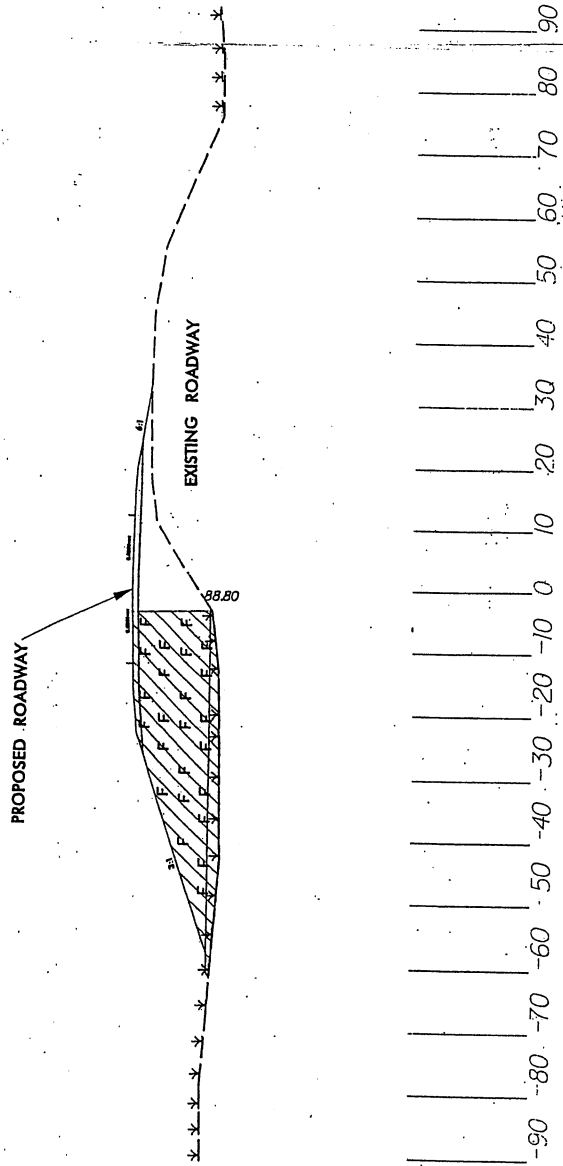
BRIDGE NO. 23 OVER
 FISHING CREEK &
 BRIDGE NO. 17 OVER
 FISHING CREEK OVERFLOW
 ON US 301

SHEET OF 02/02/2004

SITE 3 SECTION VIEW

ENGLISH

TYPICAL SECTION OF NEW ROADWAY
FROM 22+00 TO BEGIN BRIDGE AND FROM END
BRIDGE TO 34+88

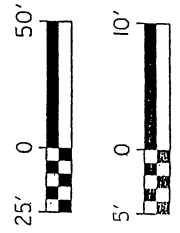
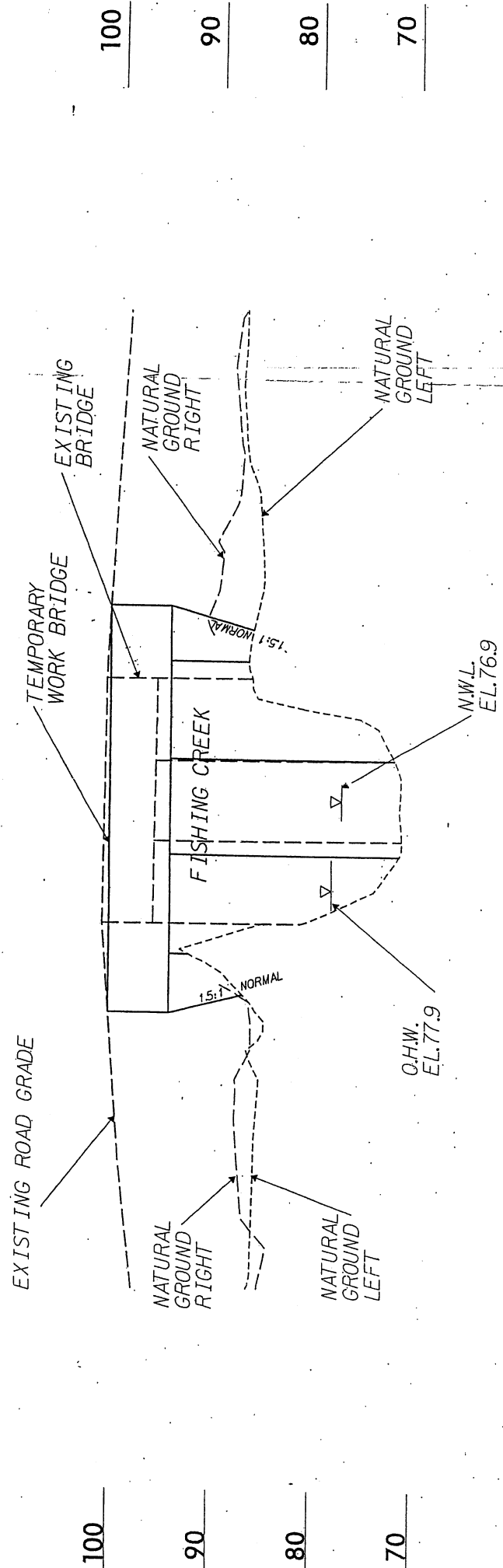


SCALE: 1" = 20'

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGEcombe & HALIFAX COUNTIES
PROJECT NO. 3307311 (B-3453)
BRIDGE NO. 23 OVER
FISHING CREEK &
BRIDGE NO. 17 OVER
FISHING CREEK OVERFLOW
ON US 301
SHEET OF 02/02/2004

SITE 2 TEMPORARY WORK BRIDGE PROFILE (WEST SIDE)

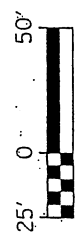
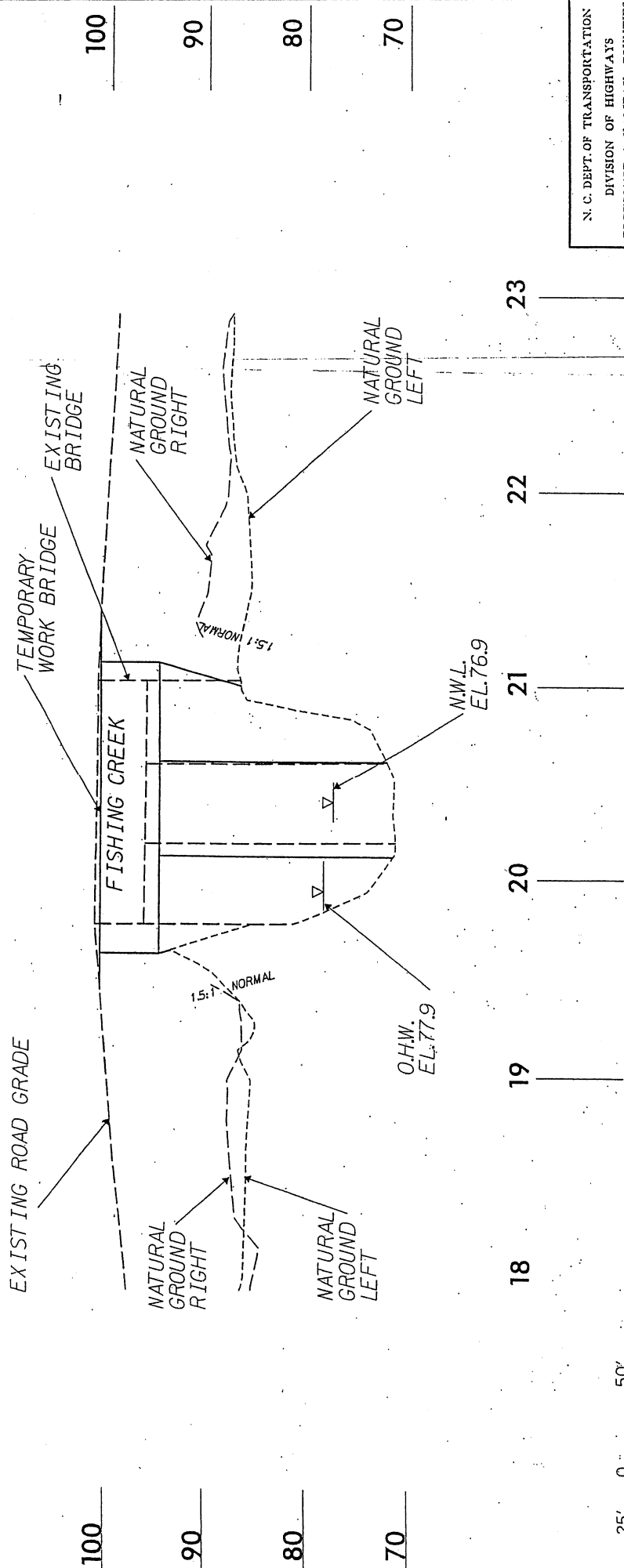
ENGLISH



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE & HALIFAX COUNTIES
 PROJECT NO. 33073.11 (B-3-463)
 BRIDGE NO. 25, OVER
 FISHING CREEK &
 BRIDGE NO. 17, OVER
 FISHING CREEK OVERFLOW
 ON US 301

SITE 2 TEMPORARY WORK BRIDGE PROFILE (EAST SIDE)

ENGLISH



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGEcombe & HALIFAX COUNTIES
 PROJECT NO. 33073.11 (B-3-653)
 BRIDGE NO. 23, OVER
 FISHING CREEK &
 BRIDGE NO. 17, OVER
 FISHING CREEK OVERFLOW
 ON US 301

SHEET OF 02 / 02 / 2004

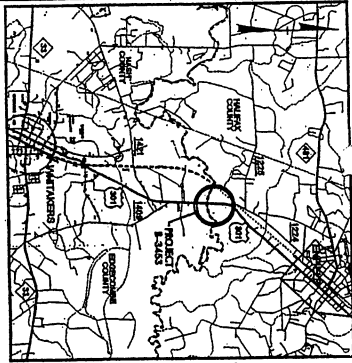
B-3453

**EDGECOMBE & HALIFAX
COUNTIES**

UTILITY PLANS

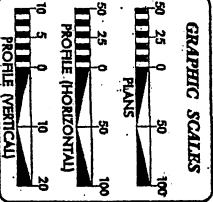
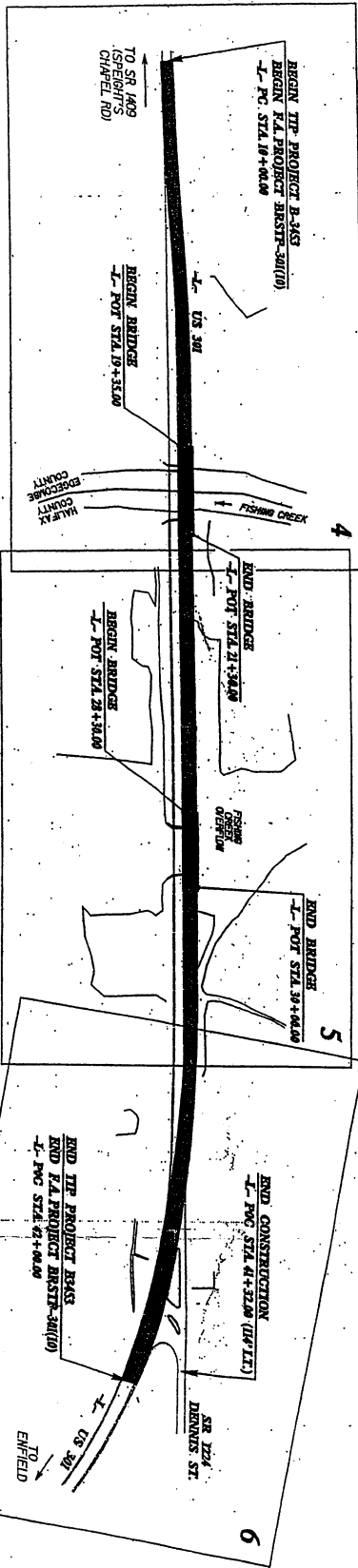
CONTRACT:

TIP PROJECT: B-3453



STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS
EDGECOMBE & HALIFAX COUNTIES
 LOCATION: BRIDGE NO. 23 OVER FISHING CREEK AND BRIDGE NO. 17
 OVER FISHING CREEK OVERFLOW ON US 301
 TYPE OF WORK: GRADING, DRAINAGE, STRUCTURES, PAVING, AND GUARDRAIL

NO.	1
DATE	12-30-03
PROJECT	B-3453
NO.	3407211
DATE	08/11/03
NO.	3407211
DATE	08/11/03
NO.	
DATE	
NO.	
DATE	



DESIGN DATA

ADT 2005 = 7,735
 ADT 2025 = 14,900
 DHV = 10 %
 D = 60 %
 T = 13 %
 V = 60 MPH
 * TST 9 %
 DUAL 4 %

PROJECT LENGTH

LENGTH OF ROADWAY TIP PROJECT B-3453 = 437 mt
 LENGTH OF STRUCTURES TIP PROJECT B-3453 = 669 mt
 TOTAL LENGTH OF TIP PROJECT B-3453 = 1106 mt

DIVISION OF HIGHWAYS

MA ENGINEERING CONSULTANTS, INC.
 509 E. CHATELAIN STREET, SUITE 137
 CARY, NORTH CAROLINA 27513
 (919) 857-4220

RIGHT OF WAY DATE: DECEMBER 15, 2003
 LITTING DATE: APRIL 19, 2005

R.W. PORTER, JR., P.E.
 PROJECT ENGINEER
 KEVIN S. HITCHENS
 PROJECT ASSISTANT ENGINEER

HYDRAULICS ENGINEER

ROADWAY DESIGN ENGINEER

PRELIMINARY PLANS

PREPARED BY: TERRY LARSON, P.E.
 PROJECT ENGINEER
 DESIGN SERVICES UNIT

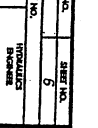
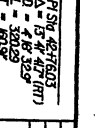
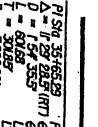
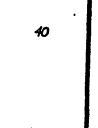
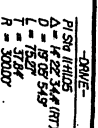
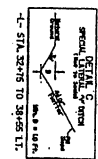
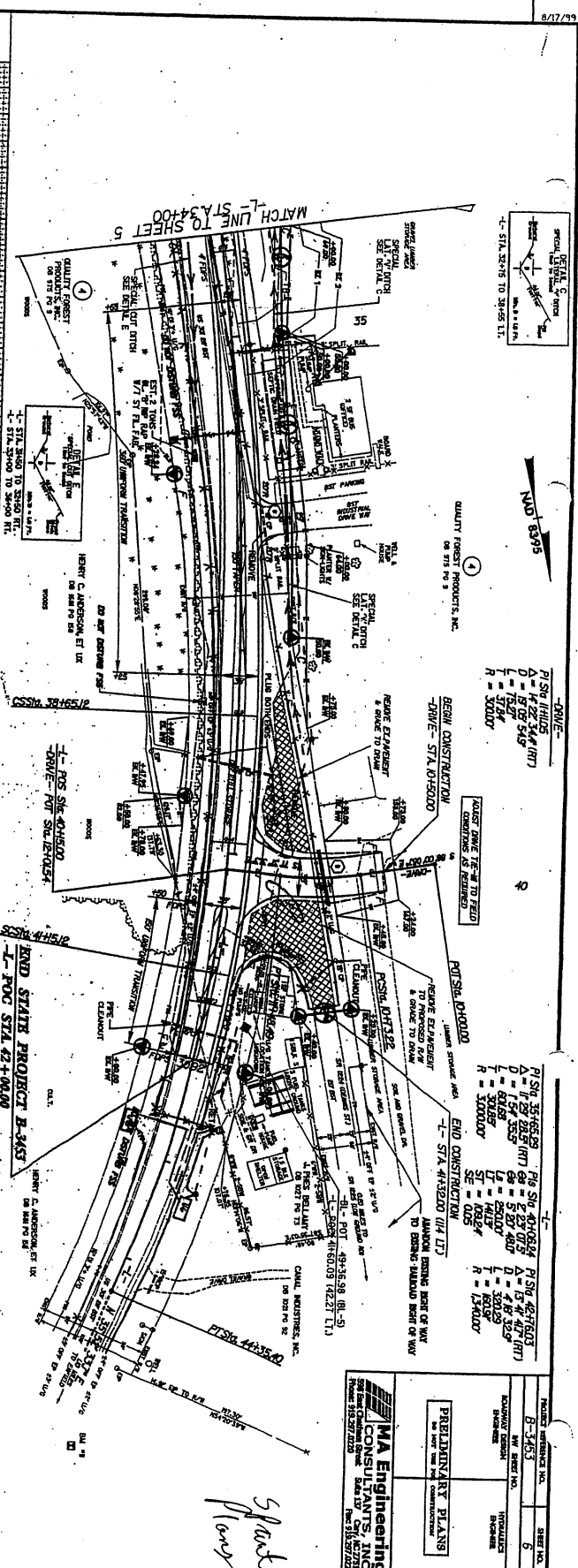
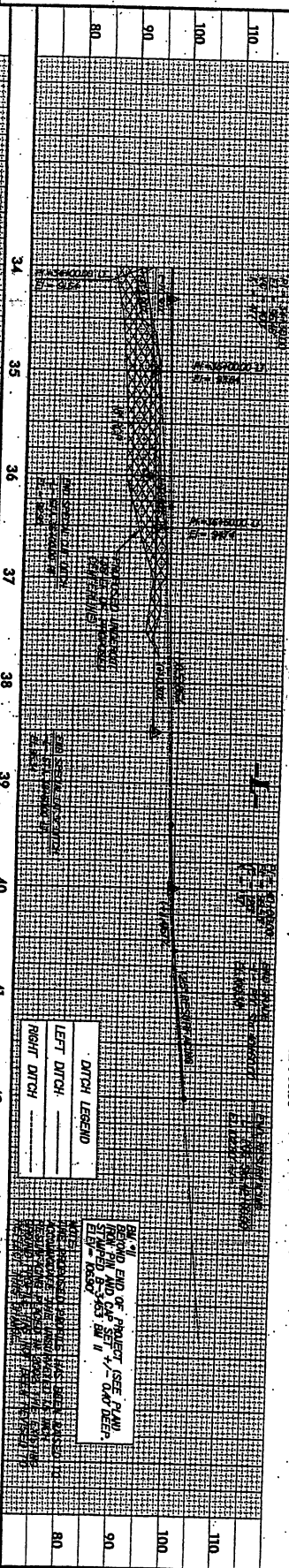
APPROVED BY: [Signature]

CLEANING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.



Spreads Plans

10	11	12
90	100	110
80	90	100
34	35	36
37	38	39
40	41	42
43	44	
90	100	110



MA Engineering CONSULTANTS, INC.
 10000 W. 10th Street, Suite 100
 Overland Park, KS 66211
 Phone: 913.571.2222

PRELIMINARY PLANS

PROJECT NUMBER: B-3453
 SHEET NO. 6
 DATE: 8/17/93
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

Start Plans

MATCH LINE TO SHEET 5
 L- STA 34+00

END STATE PROJECT B-3453
 L- POC STA 42+00.00

DITCH LEGEND
 LEFT DITCH
 RIGHT DITCH

ALL END OF PROJECT (SEE PLAN) SHALL BE 10' WIDE AND 18" DEEP. ALL END OF PROJECT SHALL BE 10' WIDE AND 18" DEEP. ALL END OF PROJECT SHALL BE 10' WIDE AND 18" DEEP.

QUALITY FOREST PRODUCTS, INC.
 ON STA 34+00 TO 34+45 LT.

QUALITY FOREST PRODUCTS, INC.
 ON STA 34+00 TO 34+45 LT.

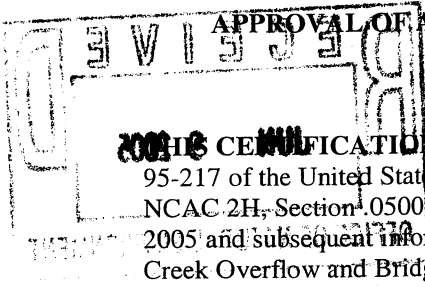
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**APPROVAL OF AMENDED 401 Water Quality Certification and ADDITIONAL CONDITIONS
And Tar-Pamlico River Buffer Rules**



2005 CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005 to replace Bridge No. 17 over Fishing Creek Overflow and Bridge No. 23 over Fishing Creek in Halifax and Edgecombe Counties. The approved design is that submitted in your application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005. This certification authorizes the NCDOT to place permanent fill in 1.149 acres of jurisdictional wetlands, 0.001 acres of temporary fill in jurisdictional wetlands, mechanized clearing of 0.199 acres of jurisdictional wetland, 0.688 acres of hand clearing in wetlands for utility relocations, 5,383 square feet of wetlands under Bridge No. 17, 0.402 acres of permanent fill in surface water and 0.001 acres of temporary fill in surface water. This permit also authorizes permanent impacts to 13,503 square feet of protected Tar-Pamlico Riparian Buffers (7,840 square feet in Zone 1 and 5,663 square feet in Zone 2), temporary impacts to 7,115 square feet of protected Tar-Pamlico Riparian Buffers (4,787 square feet in Zone 1 and 2,328 in Zone 2) and hand clearing of 7,386 square feet of protected Tar-Pamlico Riparian Buffers (4,460 square feet in Zone 1 and 2,926 in Zone 2) in Halifax and Edgecombe Counties. The authorized impacts are as described below:

Wetland Impacts in the Tar-Pamlico River Basin

Site	Fill (ac)	Temporary Fill (ac)	Mechanized Clearing (ac)	Hand clearing (ac)	Area under the bridge (sq. ft.)
1 STA 15+02 to 15+67	0.001		0.019		
2 STA 17+88 to 22+00	0.202		0.078		
3 STA 22+00 to 34+88	0.945		0.102		
6 STA 22+00 to 34+88 (bridge bents)	0.001				
4 STA 17+88 to 22+00 (temp. work bridge bents)		0.001			
Utility Relocations				0.688	
Area under Bridge No. 17					5,383
Total	1.149	0.001	0.199	0.688	5,383

Surface Water Impacts in the Tar-Pamlico River Basin

Site	Permanent Fill in Surface Water (ac)	Temporary Fill in Surface Water (ac)
3 STA 22+00 to 34+88	0.401	
5 STA 17+88 to 22+00 (bridge bents)	0.001	
4 STA 17+88 to 22+00 (temp. work bridge bents)		0.001
Total	0.402	0.001

Tar-Pamlico Riparian Buffer Impacts

Site	Zone 1 Impacts (sq. ft.)	Zone 2 Impacts (sq. ft.)
1 -L- STA 19+11 to -L- STA 21+83 (permanent)	7,840	5,663
Work Bridge (temporary)	4,787	2,328
Utilities (hand clearing – temporary)	4,460	2,926
Total	17,087	10,917

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

This approval is only valid for the purpose and design that you submitted in your application dated received February 28, 2005 and subsequent information dated received April 13 and April 18, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard.
 - a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project;

3. The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.
4. If the old bridge is removed, no discharge of bridge material into surface waters is preferred. Strict adherence the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
5. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
6. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
8. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
9. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed, unless otherwise authorized by this certification, to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.
10. Compensatory mitigation for impacts to 1.348 acres of jurisdictional wetlands shall be done. Total mitigation shall be provided as described below:

Offsite Compensatory Mitigation
Compensatory mitigation for the unavoidable impacts to 1.348 acres of riverine wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP) in the Tar-Pamlico River Basin (Cataloging Unit 03020102), as outlined in the letter dated 4 January 2005.
11. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
12. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
13. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

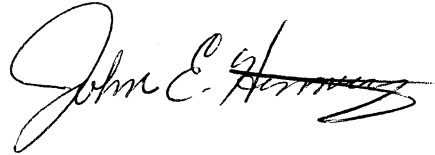
14. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
15. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
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. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
18. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated received February 28, 2005 and subsequent permit drawings dated received April 13 and April 18, 2005.
19. 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.
20. NCDOT and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d). Any new or revised conditions shall be provided to NCDOT in writing and shall be provided to the United States Army Corps of Engineers.
21. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
22. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
23. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
24. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.
25. Pursuant to NCAC15A 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

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

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 7th day of June, 2005

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read "John E. Klimek", written over a horizontal line.

Alan W. Klimek, P.E.
Director

WQC No. 3513