



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

October 30, 2015

Regulatory Division

Action ID. 1992-03237

Mr. Richard Hancock, P.E.
Manager, PDEA
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Mr. Hancock:

Reference the Department of the Army (DA) permit issued on December 12, 2012, for the discharge of fill material into waters of the U.S., including wetlands, in order to construct Section A of TIP# R-2303 (NC 24), Cumberland County, North Carolina. Reference is also made to your Section A permit modification request dated October 20, 2015, with revision to work plan drawings dated September 23, 2015. This information was submitted to clarify and correct inaccurate permit drawings for Site #8 as well as the corresponding impact summary table (Section A). Specifically, the request is to impact an additional 0.05 of an acre of wetland that was omitted at the inlet end of the proposed pipes.

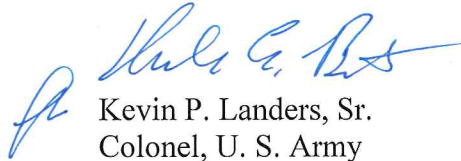
The impact of your proposal on the environment has been reviewed and found to be not significant. The proposed project modifications described above are not contrary to the public interest and consistent with the 404 (B)(1) guidelines and therefore, the DA permit is hereby modified with one condition addressing mitigation needs. It is understood that all other conditions of the original permit and previous modifications remain applicable, including the permit expiration date of December 31, 2017. The authorized changes are included in the attached revised sheets 23, 24, 25, 39, and 40 of 40 (dated 9/23/2015).

Additional Special Condition:

1. In order to compensate for additional 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 modification authorization.

This approved modification should be attached to the original permit and will be utilized for future compliance of the project. If you have questions, please contact Brad Shaver of the Wilmington Regulatory Field Office, at telephone (910) 251-4611.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin P. Landers, Sr.", is written over the typed name.

Kevin P. Landers, Sr.
Colonel, U. S. Army
District Commander

Electronic Copies Furnished:

Mr. Mason Herndon, NCDEQ-DWR
Mr. Stoney Mathis, NCDOT
Mr. Chris Rivenbark, NCDOT
Mr. Gordon Cashin, NCDOT

Electronic Copies Furnished (w/ mitigation transfer form):

Mr. Todd Tugwell, USACE
Ms. Cindy Corbett, USACE
Ms. Leilani Paugh, NCDOT

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

October 30, 2015

Mr. Colin Mellor, Group Leader
Project Development and Environmental Analysis
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Subject: Modification to 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water with
ADDITIONAL CONDITIONS for Proposed improvements to NC 24 from 2.8 miles east of I-95 to I-40 in
Cumberland, Sampson and Counties, Federal Aid Project No. STPNHF-F-8-2(17), WBS No. 34416.1.1,
TIP R-2303A.
NCDWR Project No. 20120240v.6

Dear Mr. Mellor:

Attached hereto is a modification of Certification No. 3942 issued to The North Carolina Department of
Transportation (NCDOT) dated September 24, 2012 and subsequent modifications issued on February 25, 2013;
March 18, 2013; July 12, 2013 and May 1, 2014.

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

Sincerely,



S. Jay Zimmerman, Director
Division of Water Resources

Attachments

Electronic copy only distribution:

Brad Shaver, US Army Corps of Engineers, Wilmington Field Office
Stoney Mathis, Division 3 Environmental Officer
Chris Rivenbark, NC Department of Transportation
Dr. Cynthia Van Der Wiele, US Environmental Protection Agency
Travis Wilson, NC Wildlife Resources Commission
Jason Elliott, NCDOT, Natural Environment Section
Beth Harmon, Division of Mitigation Services
File Copy

**Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act
with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact an additional 0.05 acres of jurisdictional wetlands in Cumberland County. The project shall be constructed pursuant to the modification dated received October 20, 2015. The authorized impacts are as described below:

Wetland Impacts in the Cape Fear River Basin (riparian)

| Site | Fill (ac) | Fill (temporary) (ac) | Excavation (ac) | Mechanized Clearing (ac) | Hand Clearing (ac) | Total Wetland Impact (ac) |
|---|-----------|-----------------------|-----------------|--------------------------|--------------------|---------------------------|
| Original approved impacts at Site 8 (Sta. 296+63 to 304+66-L-) | 2.03 | 0 | 0.02 | 0.2 | 0 | 2.25 |
| New additional impacts with this approval at Site 8 (Sta. 296+63 to 304+66-L-) | 0 | 0 | 0.02 | 0.03 | 0 | 0.05 |
| Total | 2.03 | 0 | 0.04 | 0.23 | 0 | 2.30 |

Revised Total Wetland Impact for (Site 8): 2.30 acres.

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear 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 modified application dated received October 20, 2015. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 24, 2012 and subsequent modifications issued on February 25, 2013; March 18, 2013; July 12, 2013 and May 1, 2014 still apply except where superceded by this certification. Should your project change, you are required to 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 24, 2012 and subsequent modifications issued on February 25, 2013; March 18, 2013; July 12, 2013 and May 1, 2014 still apply except where superseded by this certification.
2. Compensatory mitigation for the additional 0.05 acres of riparian wetland impacts is required. We understand that you have chosen to debit mitigation from Privateer Farm Mitigation Bank. Privateer Farm Mitigation Bank is located in Cumberland and Bladen County in HUC 03030005; adjacent to Section A of the project HUC (03030006). Since there are no available credits existing in HUC 03030006, it is DWR's policy to debit adjacent HUCs at a 3:1 ratio. This certification gives you approval to debit an additional 0.15 acres of riparian wetland mitigation from the Privateer Farm Mitigation Bank to satisfy the mitigation requirements of this permit modification.

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 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:

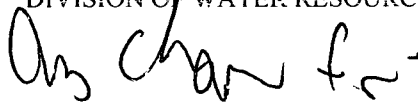
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

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

This the 30th day of October 2015

DIVISION OF WATER RESOURCES



S. Jay Zimmerman, Director

WQC No. 3942

North Carolina Department of Environmental Quality

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

NCDWR Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

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

Signature: _____ Date: _____

Agent's Certification

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

Signature: _____ Date: _____

Engineer's Certification

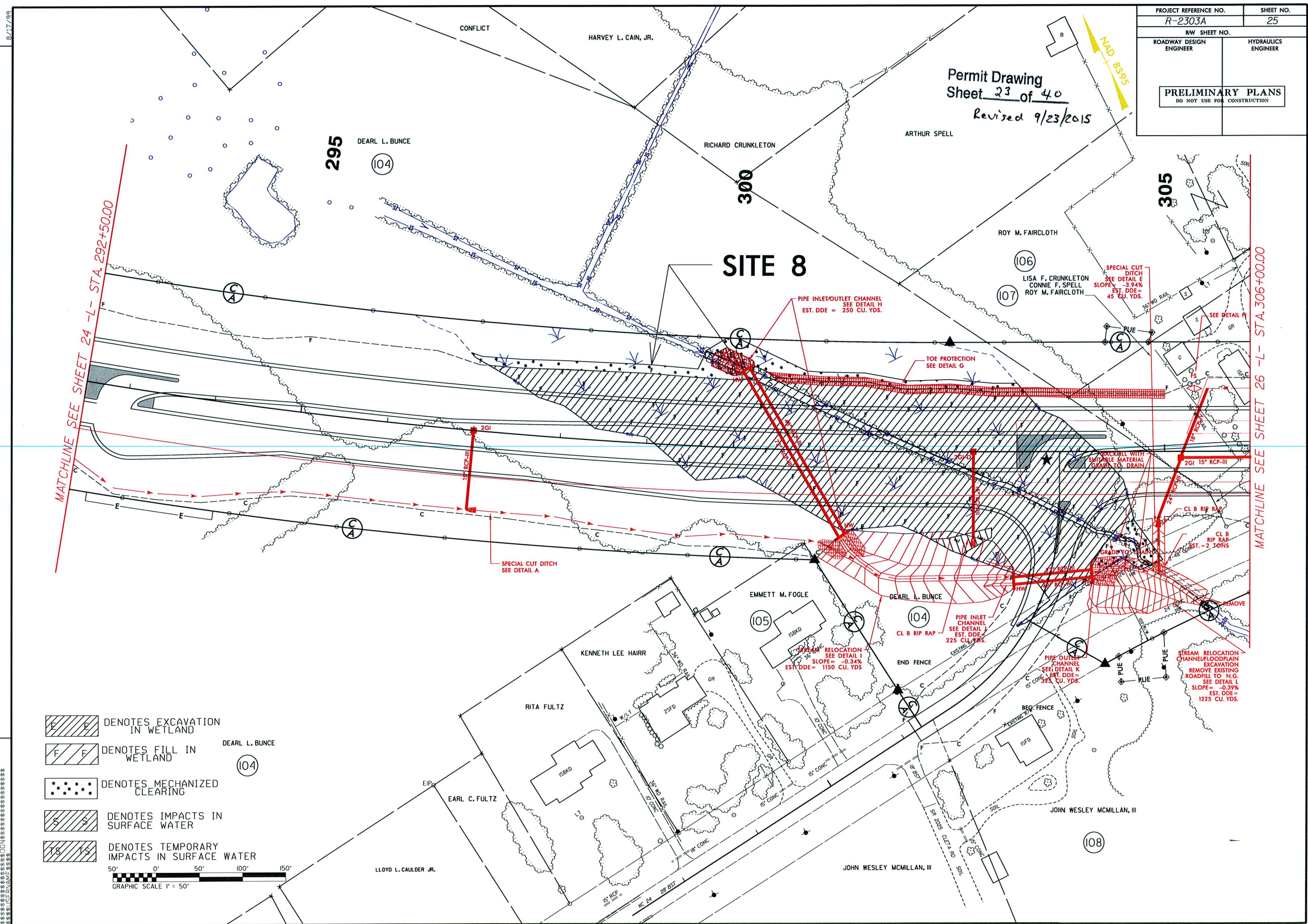
_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____ Date _____

| | |
|--|---------------------|
| PROJECT REFERENCE NO. R-2303A | SHEET NO. 25 |
| RW SHEET NO. | |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER |
| PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION | |

Permit Drawing
Sheet 23 of 40
Revised 9/23/2015



- DENOTES EXCAVATION IN WETLAND
 - DENOTES FILL IN WETLAND
 - DENOTES MECHANIZED CLEARING
 - DENOTES IMPACTS IN SURFACE WATER
 - DENOTES TEMPORARY IMPACTS IN SURFACE WATER
- DEARL L. BUNCE (104)
- GRAPHIC SCALE 1" = 50'

MATCHLINE SEE SHEET 24 -L- STA. 292+50.00

MATCHLINE SEE SHEET 26 -L- STA. 306+00.00

9/23/2015
gcall
R:\NYCraules\PERMITS_Environment\A\Drawings\2303a.nyc.prm_wet_psh25.dgn

REVISIONS

DATE
TIME
DRAWN
CHECKED
APPROVED

SITE 8

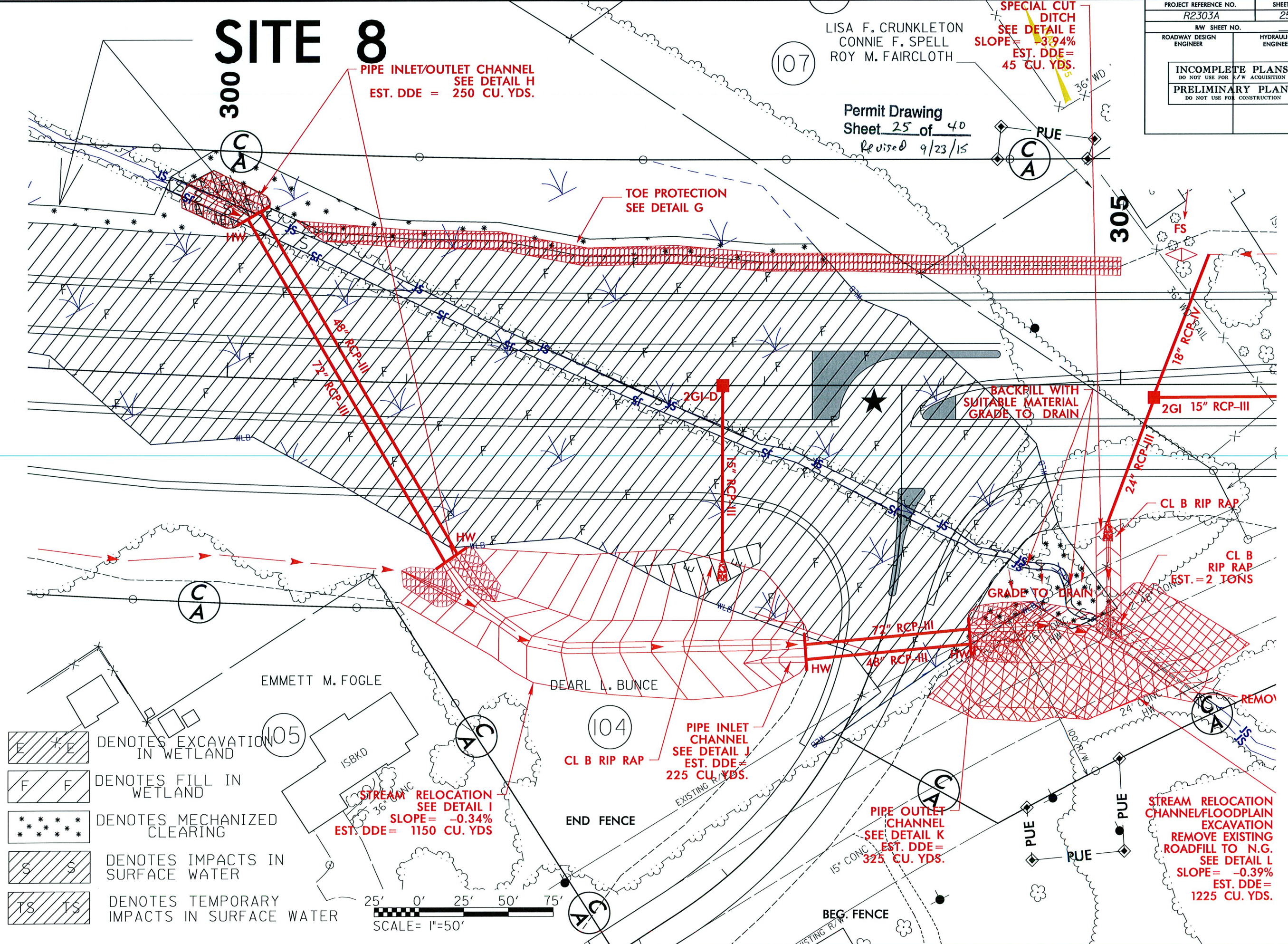
PIPE INLET/OUTLET CHANNEL
SEE DETAIL H
EST. DDE = 250 CU. YDS.

LISA F. CRUNKLETON
CONNIE F. SPELL
ROY M. FAIRCLOTH

SPECIAL CUT DITCH
SEE DETAIL E
SLOPE = -3.94%
EST. DDE = 45 CU. YDS.

Permit Drawing
Sheet 25 of 40
Revised 9/23/15

| | |
|--|---------------------|
| PROJECT REFERENCE NO. R2303A | SHEET NO. 25B |
| RW SHEET NO. | |
| ROADWAY DESIGN ENGINEER | HYDRAULICS ENGINEER |
| INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION | |



- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING
- DENOTES IMPACTS IN SURFACE WATER
- DENOTES TEMPORARY IMPACTS IN SURFACE WATER

SCALE = 1"=50'

9/23/2015
 gcaii
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REVISIONS

8/17/99
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WETLAND PERMIT IMPACT SUMMARY

| Site No. | Station (From/To) | Structure Size / Type | WETLAND IMPACTS | | | | | SURFACE WATER IMPACTS | | | | |
|----------------|------------------------|-----------------------|---------------------------------|-----------------------------|-----------------------------|--------------------------------------|--------------------------------|---------------------------|-----------------------|---|-------------------------------------|----------------------------|
| | | | Permanent Fill In Wetlands (ac) | Temp. Fill In Wetlands (ac) | Excavation in Wetlands (ac) | Mechanized Clearing in Wetlands (ac) | Hand Clearing in Wetlands (ac) | Permanent SW impacts (ac) | Temp. SW impacts (ac) | Existing Channel Impacts Permanent (ft) | Existing Channel Impacts Temp. (ft) | Natural Stream Design (ft) |
| 1 | 69+45 to 70+63-L-RT. | Fill | | | | | | 0.16 | | | | |
| | 70+93 to 72+81-L-RT | Fill | | | | | | 0.11 | | | | |
| 2 | 73+00 to 85+00-L- | Fill | 4.44 | | | 0.53 | | | | | | |
| 3 | ELIMINATED | | | | | | | | | | | |
| 4 | 131+57 to 133+50-L- RT | Fill | | | | | | 0.18 | | | | |
| 5 | 167+09 to 168+51-L- RT | Fill | 0.04 | | | 0.03 | | | | | | |
| 6 | 178+97 to 179+07-L- RT | Fill | | | | | | 0.02 | | | | |
| 7 | 200+65 to 202+44-L- | Fill | | | | | | 0.24 | | | | |
| 8 | * 296+63 to 304+66-L- | Fill | 2.03 | | 0.04 | 0.23 | | | | | | |
| | 300+06 to 305+40-L- | 2*(1@72" & 1@48") | | | | | | 0.08 | | 531.00 | | |
| | 304+40 to 304+51-L- LT | Bank Stabilization | | | | | | <0.01 | <0.01 | 41.00 | 27.00 | |
| TOTALS: | | | 6.51 | | 0.04 | 0.79 | | 0.79 | <0.01 | 572 | 27 | |

Site 1, 4 and 7 are Pond surface water impacts.

*Site 8 Wetland sta. 296+63 -L- impact shown as a total take due to ditch. Additional impact outside of ditch is 0.02acres. Also, there will be 294 ft of stream relocation.

Permit Drawing
Sheet 39 of 40
Revised 9/23/15

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY
WBS - 34416.1.1 (R-2303A)

