



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

January 20, 2012

MEMORANDUM TO: Mr. Tim Johnson, PE  
Division 8 Engineer

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

SUBJECT: Lee County, Sanford Bypass; Federal Aid Project BRNHS-  
32(13); WBS 38461.1.1; **TIP R-2417AA**

*E. S. Justice*

Attached are the modifications to the U.S. Army Corps of Engineers Section 404 Individual Permit and the N.C. Division of Water Quality Section 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

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

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

Mr. Art King, Division Environmental Officer  
Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design Unit  
Mr. Dewayne Sykes, P.E. Utilities Unit  
Mr. Art McMillan, P.E., Hydraulics Unit  
Mr. Tom Koch, P.E., Structure Design Unit  
Mr. Mark Staley, Roadside Environmental Unit  
Mr. Ron Hancock, P.E., State Roadway Construction Engineer  
Mr. Eric Midkiff, P.E., PDEA Central Planning Region  
Ms. Beth Harmon, EEP  
Mr. Phillip Ayscue, NCDOT External Audit Branch

## PROJECT COMMITMENTS

US 421-NC 87  
Sanford Bypass  
US 421/NC 87 (Sanford Bypass)  
from west of SR 1400 to west of US 1-15-501 (R-2417AA)  
Lee County  
Federal-Aid Project STPNHF-421(2)  
WBS Element 34431.1.1  
TIP Project R-2417AA

Current status, changes or additions to the project commitments as shown in the environmental document for the project are printed in *italics*.

### **Commitments Developed Through Project Development and Design**

#### **Roadside Environmental Unit**

NCDOT best management practices for protection of surface waters will be followed during construction of this project to prevent siltation of nearby streams.

*This is a standard NCDOT procedure.*

High Quality Water (HQW) erosion control measures will be utilized for portions of the project west of SR 1415 in order to minimize the project's effect on streams located in the North Carolina Wildlife Resources Commission (NCWRC) proposed critical habitat for the Cape Fear Shiner (see Section V-A-4-a of the environmental assessment).

*This project commitment does not apply to R-2417C; this commitment will be implemented during construction of portions of the project west of SR 1415 (R-2417AA).*

#### **Structure Design Unit**

1.2 meter (4-foot) wide shoulders and 1,372 mm (54-inch) handrails are proposed on both sides of the proposed bridge carrying SR 1002 (Lower Moncure Road) over the proposed bypass. US Bike Route 1 and the Carolina Connection Bicycle Highway are both signed along SR 1002 at its crossing with the proposed bypass.

*This project commitment does not apply to R-2417C; the subject bridge is located on another portion of the proposed bypass (R-2417BA). The recommended shoulder width and handrail height have been included on design plans for that project.*

## **Hydraulics Unit/Structure Design Unit**

Required drainage for the proposed dual bridges over Big Buffalo Creek will be studied during the design phase of the project, and if practical and safe, deck drains for the proposed bridges will be designed not to discharge directly into the creek.

*This environmental commitment does not apply to R-2417C; the subject bridge is located on R-2417AA. This commitment will be implemented during final design for project R-2417AA.*

## **Project Development and Environmental Analysis Branch**

Archaeological field surveys will be conducted along the preferred alternative for the project prior to completion of the final environmental document.

*Archaeological field surveys within the preferred corridor for the project have been completed and a report documenting the results of these surveys was sent to the State Historic Preservation Office for review and comment. No archaeological sites potentially eligible for the National Register of Historic Places were found within the preferred corridor. In a letter dated December 5, 1997, the State Historic Preservation Office concurred that no additional archaeological work is required for this project.*

## **Project Development and Environmental Analysis Branch/Roadway Design Unit**

Noise barriers are likely at three potential locations. This determination is based on traffic noise studies performed to date for the proposed project. If during final design conditions substantially change, the abatement measures might not be provided. NCDOT will monitor new development in the vicinity of the proposed bypass until the date of the design public hearing. A final decision on the installation of noise abatement measures will be made upon completion of the public involvement process (see Section V-J-5 of the environmental assessment).

*The potential noise barrier locations are located along another section of the proposed bypass (TIP Project R-2417 AB). A noise barrier was recommended at one of the potential locations in the design noise report and was constructed.*

NCDOT will provide local governments with information regarding the location of the noise impact area for the proposed bypass (see Section V-J of the environmental assessment) for their use in land-use planning.

*Copies of the environmental assessment for this project were provided to local officials. This document contained information regarding the location of the noise impact area for the proposed bypass. In addition, design noise reports were prepared for other sections of the bypass (R-2417AA and R-2417AB). These reports were also provided to local officials.*

## **Roadway Design Unit/Design Services Unit**

Project construction will not involve the use of San-Lee Park property or result in noise impacts to the park (see Section V-C-4 of the environmental assessment).

*San-Lee Park is located along another section of the proposed bypass (R-2417BB). The property boundaries for San-Lee Park were incorrectly shown on the preliminary mapping for the project. A minor adjustment in the alignment for the bypass was made from what was shown at the design public hearing prior to right of way acquisition in order to avoid the park. The project will not involve the use of San-Lee Park property.*

## **Project Development and Environmental Analysis Branch/Roadway Design Unit**

NCDOT will coordinate with local officials as the proposed project progresses regarding the status of the county's greenway plan, and a possible greenway which might cross the proposed bypass within Section A. Currently, the county does not have an approved greenway plan.

*Lee County has not completed its greenway plan; however, two planned greenways will cross the proposed bypass along other projects (R-2417AA and R-2417BA). These greenways are located along Big Buffalo and Little Buffalo Creeks. NCDOT has coordinated with the City of Sanford regarding these proposed greenways. These greenways were planned following completion of environmental studies for the proposed bypass and were not addressed in the environmental document. NCDOT will continue to coordinate with the City as both projects progress.*

## **Commitments Developed Through 404/401 Permitting for R-2417AA**

In addition to the original special conditions, the following conditions shall be adhered to:

### **Natural Environment Unit**

#### **404 Condition:**

1. The permittee and current and subsequent property owners shall maintain the Sandy Creek, Blue Tract, and Deaton Mitigation sites in their natural conditions, as altered by in the mitigation plans, in perpetuity. Prohibited activities within the mitigation sites specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity or activity that may alter the drainage patterns on the property; the cutting, mowing, destruction, removal, or other damage of any vegetation; disposal or storage of any debris, trash, garbage, or other waste material; except as may be authorized by the mitigation plans, or subsequent modifications that are approved by the Corps of Engineers. In addition, the

permittee shall take no action, whether on or off the mitigation properties, which will adversely impact the wetlands or streams on the mitigation properties, except specifically authorized by this permit, or subsequent modifications that are approved by the Corps of Engineers.

401 Condition:

1. Compensatory mitigation for 1.59 acres of riverine wetlands and 1,314 linear feet of streams are required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands and streams through the North Carolina Ecosystem Enhancement Program (EEP). EEP has agreed to implement the mitigation for 1.58 acres of riverine wetlands and 1,130 linear feet of stream as per a letter dated May 4, 2009. DWQ is requiring mitigation for all riverine wetland impacts and all perennial stream impacts (exceeding 150 linear feet of impact per stream, including riprap bank stabilization). Therefore, prior to wetland and stream impacts, NCDOT must provide documentation demonstrating EEP's ability to provide the remaining mitigation which is required for this project (0.01 acres of wetland impact and 184 linear feet of stream impact).

*Action completed*

**Division 8**

404 Condition:

1. Special Condition ff shall be modified to read: "The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Wilmington Regulatory Field Office, prior to any work within jurisdictional waters and wetlands within Section R-2417AA to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meetings in order to provide that individual with ample opportunity to schedule and participate in the required meetings. One copy of the final half-size construction drawings shall be furnished to the Corps of Engineers Project Manager prior to the pre-construction meeting."

401 Conditions:

1. At Permit Site #1, a 24" culvert discharges to Patterson Creek at an approximate 90 degree angle. NCDOT is advised that if stream bank destabilization occurs as a result of this alignment, corrective actions to stabilize the stream will be required.
2. At Permit Site #2b, a ditch ties into Patterson Creek such that storm flows will be directed upstream once they exit the ditchline. NCDOT is advised that if the

stream destabilizes in this area due to backwater or other conditions caused by the ditchline alignment, corrective actions to stabilize the stream will be required.

3. At Permit Sites #4 and #7, ditches tie into the streams at an approximate 90 degree angle. NCDOT is advised that if stream bank destabilization occurs as a result of this alignment, corrective actions to stabilize the stream will be required.
4. All portions of the proposed project draining to 303(d) listed watersheds that are impaired due to biological criteria exceedances, specifically Big Buffalo Creek, shall not discharge stormwater directly to surface waters. Stormwater shall be treated using appropriate best management practices (e.g., vegetated conveyances, constructed wetlands, detention ponds, etc.) prior to discharging to surface waters.

### **Hydraulics Unit/Division 8**

401 Condition for R-2417C and R-2417AA:

1. Placement of culverts and other structures in waters, streams and wetlands shall be below the elevation of the streambed by one (1) foot for all culverts with a diameter greater than 48 inches and 20 percent of the culvert diameter for culverts having a diameter of less than 48 inches, to allow for 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 disequilibrium 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 DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a modification to this certification will be required.

### **Commitments Developed Through 404/401 Permit Modifications for R-2417AA January 2012**

#### **Division 8**

At Permit Site 5, NCDOT will design and install a series of rock veins on the outlet end of the 54" RCP to create a natural stream profile and enhance aquatic organism passage. NCDOT will coordinate these efforts with the Division of Water Quality and provide "as-built" drawings when completed.

#### **Roadside Environmental/Division 8**

For the 517 linear feet of streams being impacted due to site dewatering activities and temporary crossings, the site shall be graded to its preconstruction contours and revegetated with appropriate native species

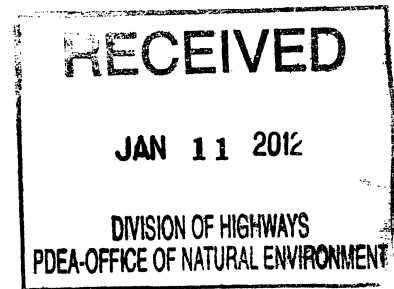
All flow diversion, dewatering and temporary stream crossing activities shall be conducted in accordance with the "Best Management Practices for Construction Maintenance Activities" manual dated August 2003.



REPLY TO  
ATTENTION OF:

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

January 6, 2012



Regulatory Division

Subject: Action ID No. SAW 2008-20899, TIP No. R-2417AA, US 421-NC 87 Sanford Bypass, Lee County, North Carolina.

Dr. Gregory J. Thorpe, Ph.D.  
Environmental Management Director  
Project Development & Environmental Analysis  
1548 Mail Service Center  
Raleigh, NC 27699-1598

Dear Dr. Thorpe:

I am responding to your request dated October 14, 2011 for modifications to the existing Department of the Army (DA) permit issued for the above referenced project on May 28, 2002.

The permit modification is proposed to include additional impacts that were not authorized by the May 28, 2002 Department of the Army permit. The project impacts proposed in the modification request include an additional 50 linear feet of permanent stream impact and 40 linear feet of temporary stream impact for access, dewatering and stabilization purposes.

I have determined that the proposed project modifications described above are minor and are not contrary to the public interest and therefore, the DA permit is hereby modified. It is understood that all conditions of the original permit and subsequent modifications remain applicable and that the expiration date is unchanged.

The permit modifications are as follows:

- 1. Compensatory mitigation for the unavoidable impacts to 50 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated December 20, 2011 from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010 between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 50 linear feet of restoration equivalent warm water stream channel in the Cape Fear River Basin (Hydrologic Cataloging Unit 03030003) in accordance with Section F of the instrument."**
- 2. All flow diversion, dewatering and temporary stream crossing activities shall be conducted in accordance with the "Best Management Practices for Construction Maintenance Activities" manual, dated August 2003.**

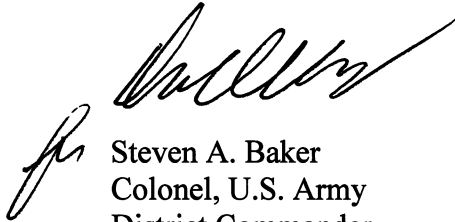


**3. All temporary fill shall be removed and all waters of the United States shall be returned to pre-construction grade immediately upon completion of the work.**

**4. All work authorized by this permit modification must be performed in strict compliance with the attached plans, which are part of the permit.**

Should you have any questions, please contact Mr. Ronnie Smith, Wilmington Field Office, Regulatory Division, at telephone (910) 251-4829.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Baker', written over a faint, larger signature.

Steven A. Baker  
Colonel, U.S. Army  
District Commander

Copies Furnished w/ attachments:

Ms. Rachelle Beauregard  
North Carolina Department of Transportation  
Project Development and Analysis Branch  
1548 Mail Service Center  
Raleigh, NC 27699-1598

Mr. Timothy Johnson, PE  
Division Engineer, Division 8  
North Carolina Department of Transportation  
902 North Sandhills Boulevard  
Aberdeen, NC 28315

Mr. Art King  
Division Engineer, Division 8  
North Carolina Department of Transportation  
902 North Sandhills Boulevard  
Aberdeen, NC 28315

Copies furnished w/out attachments:

Mr. Mason Herndon  
NCDENR-DWQ  
225 Green Street, Suite 214  
Fayetteville, NC 28301-5094

Mr. Travis W. Wilson  
NC Wildlife Resource Commission  
1142 I-85 Service Rd.  
Creedmoor, NC 27522

Mr. Gary Jordan  
U.S. Fish and Wildlife Service  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, NC 27636-3726

Mr. Chris Militcher  
United States Environmental Protection Agency  
c/o Federal Highway Administration  
310 New Bern Avenue, Room 206  
Raleigh, NC 27601

Ms. Renee Gledhill-Early  
North Carolina Department of Cultural Resources  
4617 Mail Service Center  
Raleigh, NC 27699

Electronic copies furnished:

CESAW-RG-L/Smith  
CESAW-RG-L/Beter  
CESAW-RG/McLendon

# Site # 5

-L-  
 PIS Sta 85+33.81  
 $\Delta = 22' 25" 40.9" (RT)$   
 $D = 0' 30" 00.0"$   
 $L = 4,485.60'$   
 $T = 2,271.89'$   
 $R = 11,459.16'$   
 $SE = 0.02$   
 $V = 70 \text{ MPH}$

PROJECT REFERENCE NO. R-2417AA	SHEET NO. EC-9/CONST 9
RW SHEET NO. 9	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

**RECEIVED**  
 OCT 18 2011  
 REG. WILM. FLD. OFC

25 x 12 x 3  
 1.5 inch Skimmer  
 with 0.375 inch  
 Orifice Diameter  
 4 ft. weir  
 ID 9.4 F

24 x 12 x 3  
 1.5 inch Skimmer  
 with 0.375 inch  
 Orifice Diameter  
 4 ft. weir  
 ID 9.5 F

ALGERIA STAMPS

D.C. MOLLER JR.  
 JOSEPHINE H. WOMACK  
 DB 425 PG 216

BERM DITCH  
 W/CL 8 RIP RAP  
 EST 43 TONS  
 EST 130 SY FF  
 SEE DETAIL "P"

BERM DITCH  
 W/CL 8 RIP RAP  
 EST 19 TONS  
 EST 58 SY FF  
 SEE DETAIL "P"

**SITES**  
 - IMPACT + TEMP. IMPACT  
 IN SURFACE WATER

HELENA EDWARDS, et al  
 DB 324 PG 943  
 PLAT SLIDE 4-12

20' LE @ 2.0%  
 4" BASE CHANNEL  
 EST 30 SY DOE  
 SEE DETAIL "P"

TOE PROTECTION  
 W/CL 8 RIP RAP  
 EST 3 TONS  
 EST 16 SY FF  
 SEE DETAIL "P"

MATCHLINE- STA. 90+00.00 SEE SHEET NO. 10

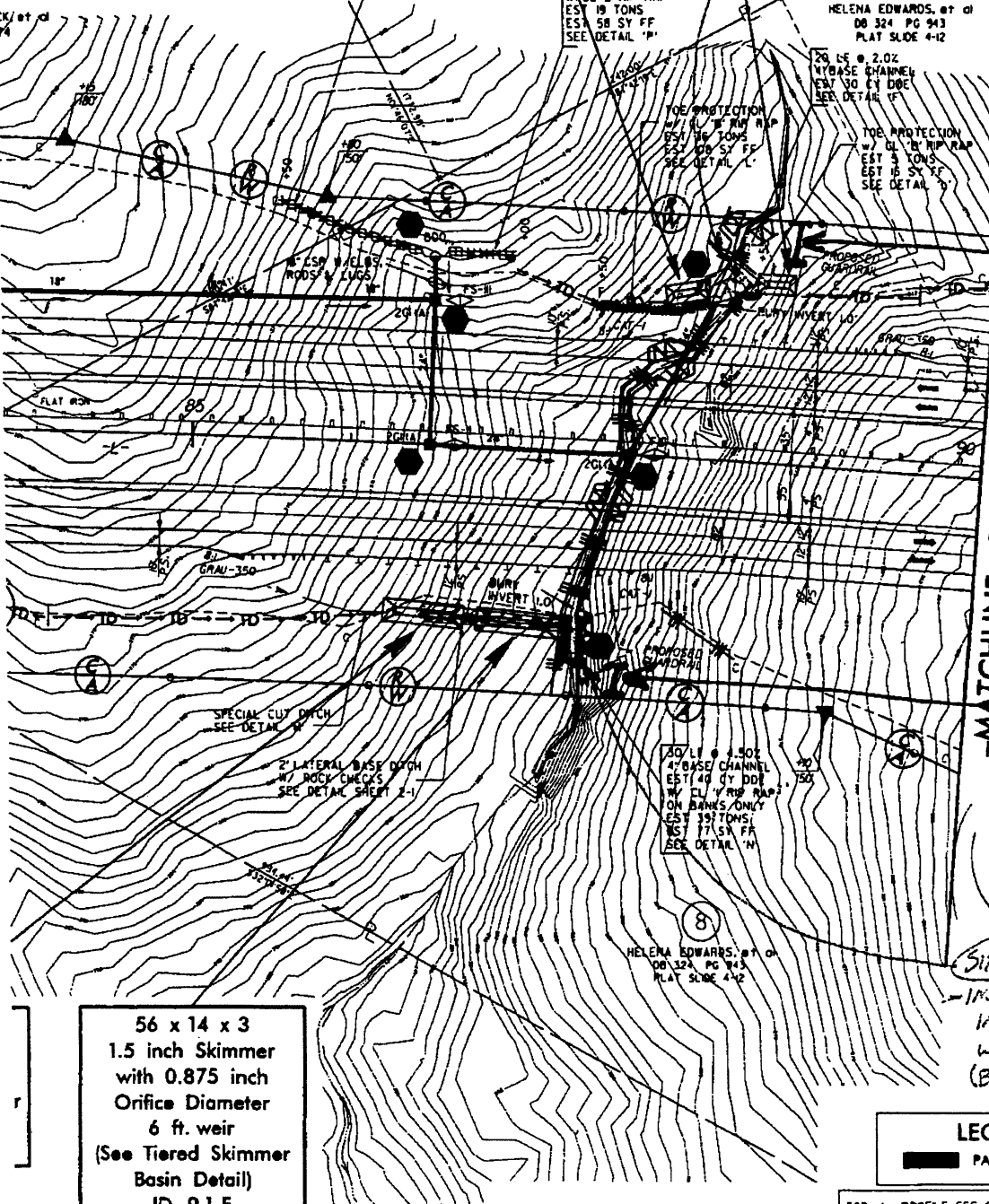
30'

20'

20'

**SITES**  
 - IMPACT + TEMP.  
 IMPACT IN SURFACE  
 WATER  
 (BANK STABILIZATION)

24' of d  
 74



56 x 14 x 3  
 1.5 inch Skimmer  
 with 0.875 inch  
 Orifice Diameter  
 6 ft. weir  
 (See Tiered Skimmer  
 Basin Detail)  
 ID 01 F

**LEGEND**  
 ■ PAVED SHOULDER

Site #6

RECEIVED

OCT 18 2011

REG. WILM. FLD. OFC.

AMS TYPE - B  
TYPE - A AT

NC GRID  
NAD 83

UT 7: BUFFALO CREEK

SHEET  
TEMP. PROPOSED  
30

TO SURFACE WATERS

18 x 9 x 3  
1.5 inch Skimmer  
with 0.125 inch  
Orifice Diameter  
4 ft. weir  
ID 12.1 F

38 x 12 x 3  
1.5 inch Skimmer  
with 0.5 inch  
Orifice Diameter  
4 ft. weir  
ID 12.2 F

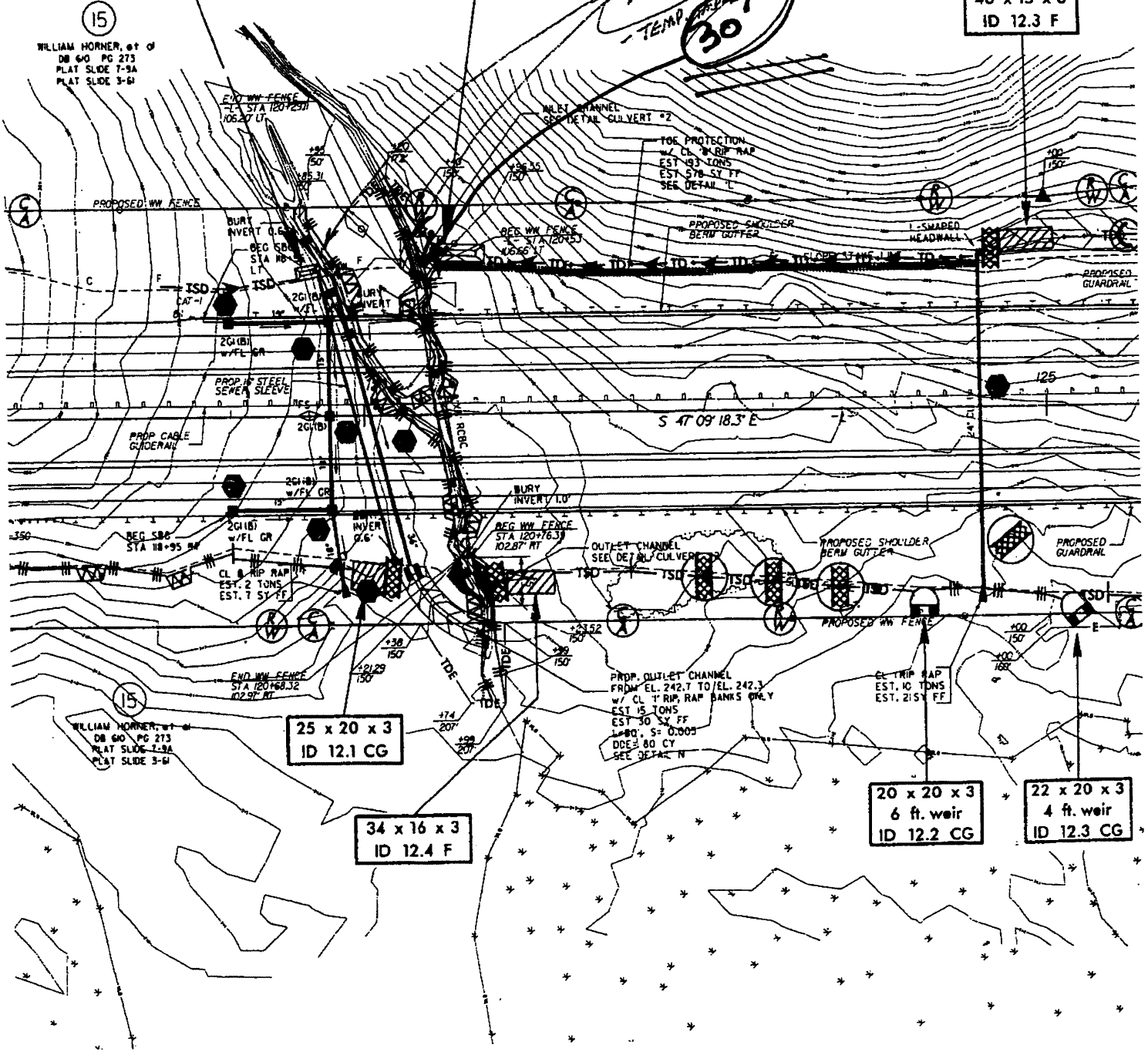
40 x 15 x 3  
ID 12.3 F

25 x 20 x 3  
ID 12.1 CG

34 x 16 x 3  
ID 12.4 F

20 x 20 x 3  
6 ft. weir  
ID 12.2 CG

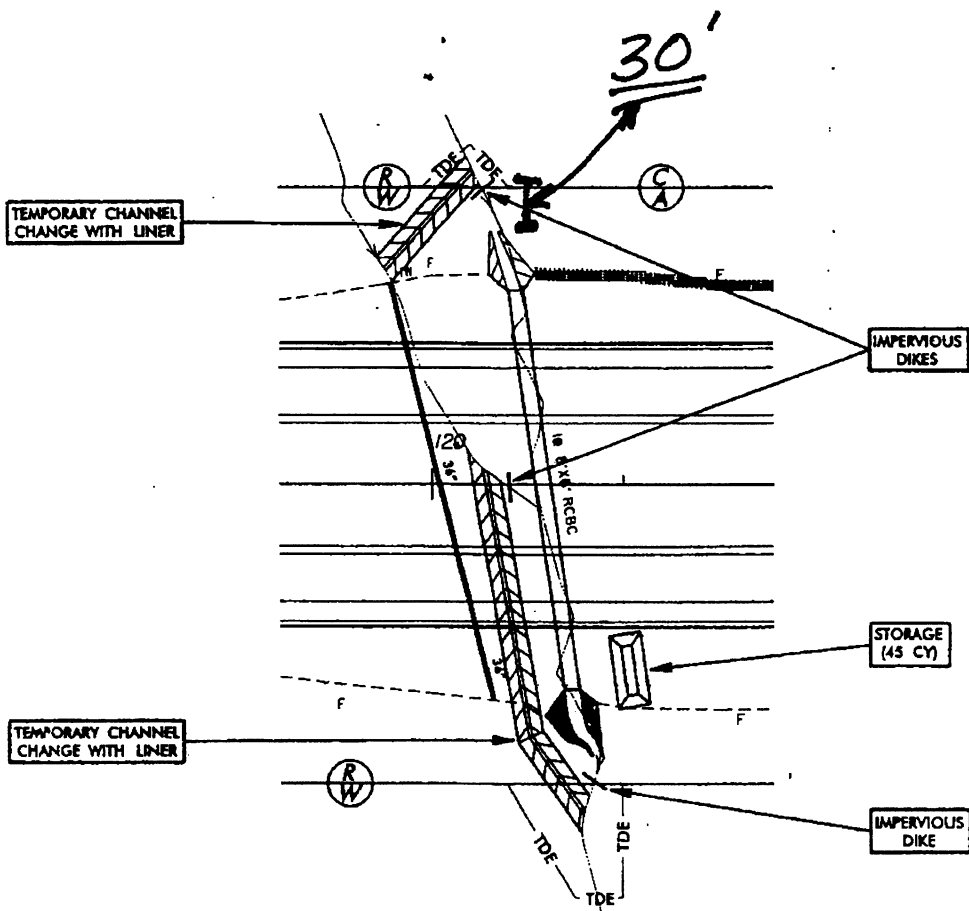
22 x 20 x 3  
4 ft. weir  
ID 12.3 CG



# CONSTRUCTION SEQUENCE STA. 120+57

WITH LINER (2 FT. BASE, 3 FT. DEEP, 2:1 SIDE SLOPES), DIVERTING FLOW.  
TEMPORARY CHANNELS.  
DIRECTING FLOW THROUGH PROPOSED CULVERT.

*Site #6*



RECEIVED

OCT 18 2011

REG. WILM. FLD. OFC.

# Site #9

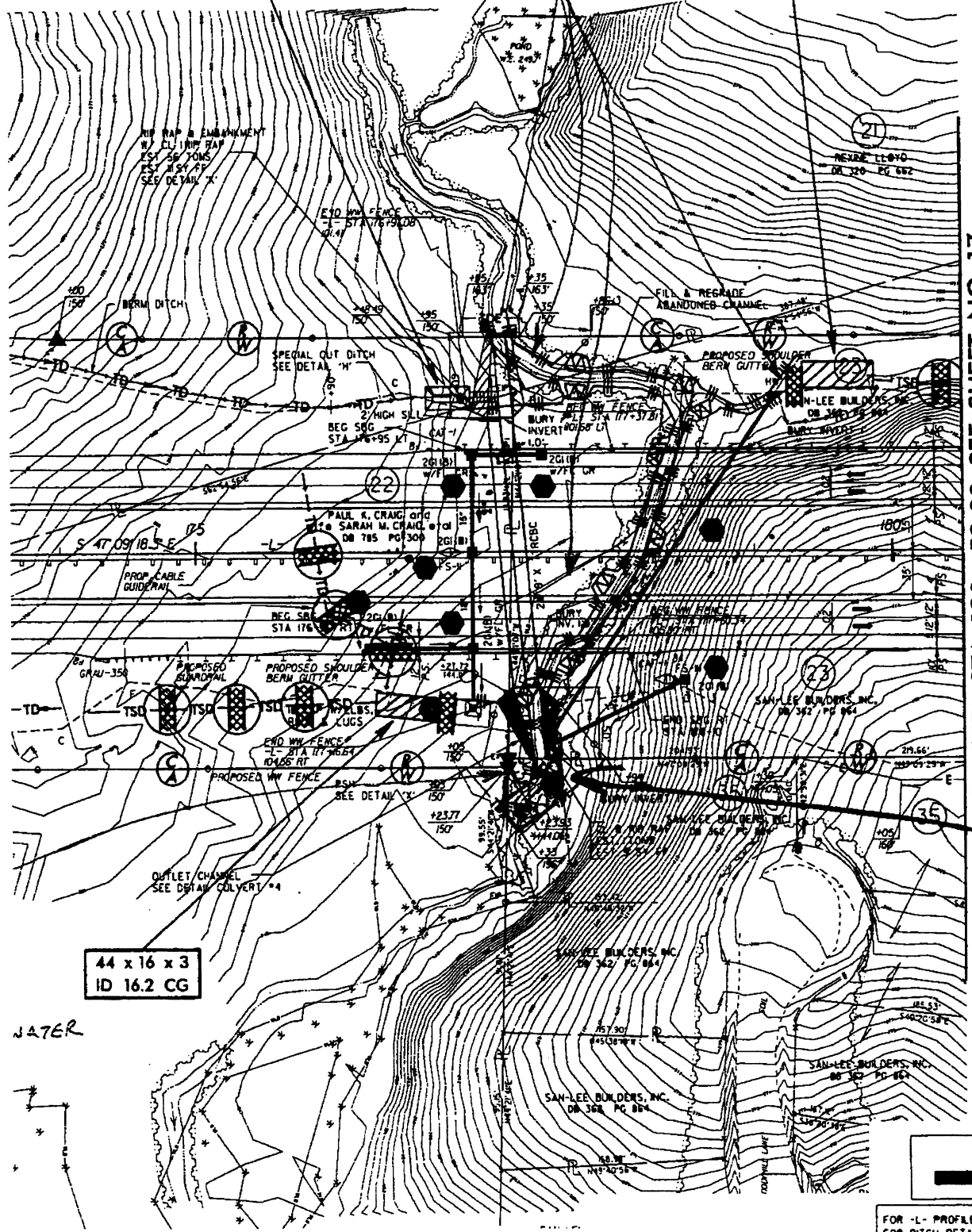
PROJECT REFERENCE NO. R-2417AA	SHEET NO. EC-19/CONST.16
RAW SHEET NO. 16	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

**SITE 9** UT TO BIG BUFFALO CREEK  
 - IMPACT + TEMP. IMPACT IN SURFACE WATERS  
 - FILL IN WETLANDS

32 x 16 x 3  
 1.5 inch Skimmer  
 with 0.5 inch  
 Orifice Diameter  
 8 ft. weir  
 ID 16.2 F

52 x 18 x 3  
 ID 16.3 CG

**RECEIVED**  
 OCT 18 2011  
 REG. WILM. FLD. OFC.



-MATCHLINE- STA. 180 + 50.00 SEE SHEET NO. 17

44 x 16 x 3  
 ID 16.2 CG

**LEGEND**  
 PAVED SHOULDER

FOR -L- PROFILE, SEE SHEET NO. 32  
 FOR DITCH DETAILS, SEE SHEET NOS. 2-F & 2-G

NATER

STATE	STATE PROJECT REFERENCE NO.	REPORT NO.	TOTAL SHEETS
		1	

PROJECT REF:  
R-241  
BY  
ROADWAY DES  
ENGINEER

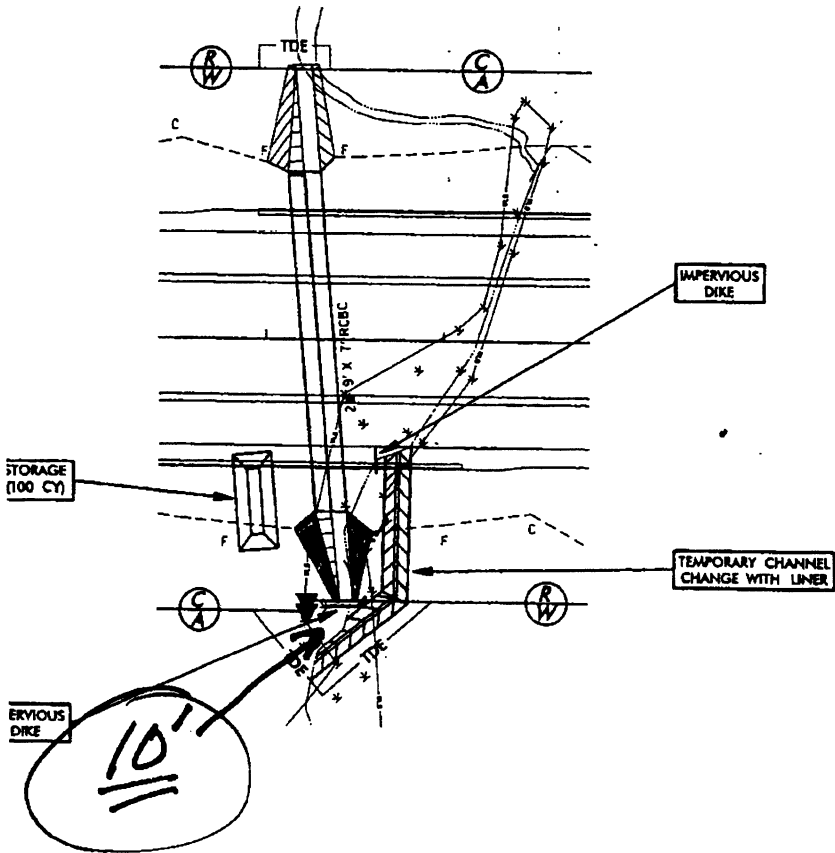
# ON SEQUENCE STA. 177+29 -L-

2 FT. BASE, 3 FT. DEEP, 2:1 SIDE SLOPES), DIVERTING FLOW.

THROUGH PROPOSED CULVERT.

*Site #9*

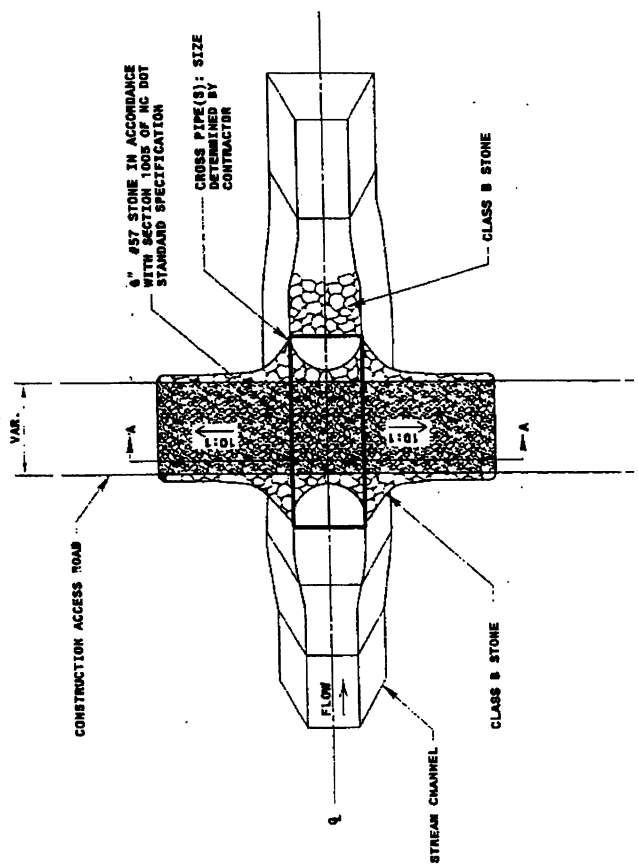
NC GRID  
NAD 83



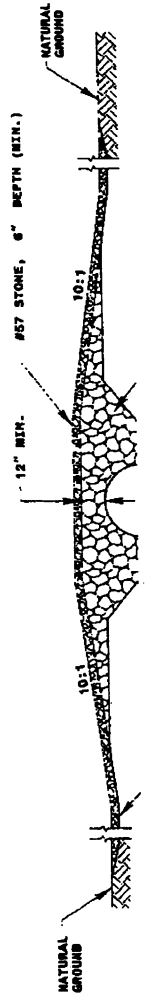
RECEIVED  
OCT 18 2011  
REG. WILM. FLD. OFC

# TEMPORARY STREAM CROSSING

PROJECT REFERENCE NO. R-2471A	SHEET NO. EC-20
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER



PLAN VIEW



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 REG. WILM. FLD. OFC.

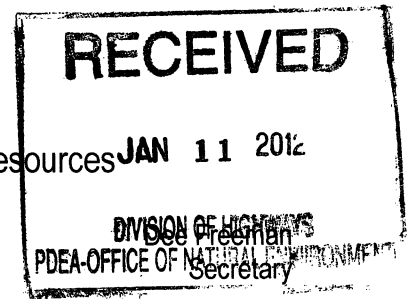




North Carolina Department of Environment and Natural Resources

Division of Water Quality  
Charles Wakild, P. E.  
Director

Beverly Eaves Perdue  
Governor



January 5, 2012

Dr. Greg Thorpe, PhD., Manager  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1598


Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to US 421-NC 87 (Sanford Bypass) from West of SR 1400 to West of US-1/15/501 in Lee County. Federal Aid Project No. STPNHF-421(2)), State Project 8.T540402, WBS Element No. 34431.1.1 TIP Project No. R-2417AA. NCDWQ Project No. 00-1432 v.9

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3378 issued to The North Carolina Department of Transportation (NCDOT) dated April 10, 2002. All authorized activities and conditions of the original Water Quality Certification and all subsequent modifications still apply except where superseded by this certification.

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

Sincerely,

  
for Charles Wakild, P.E.  
Director

Attachments

cc: Ronnie Smith, US Army Corps of Engineers, Wilmington Field Office (electronic copy only)  
Tim Johnson, PE, Division 8 Engineer  
Art King, Division 8 Environmental Officer (electronic copy only)  
Chris Militscher, Environmental Protection Agency (electronic copy only)  
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)  
Beth Harmon, Ecosystem Enhancement Program  
Sonia Carillo, NCDWQ Central Regional Office (electronic copy only)  
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 Quality (NCDWQ) Regulations in 15 NCAC 2H .0500. This certification authorized the NCDOT to impact an additional 90 linear feet of jurisdictional streams in Lee County. The project shall be constructed pursuant to the modification dated received October 19, 2001 and additional information dated received on December 6, 2011 and December 19, 2011. The revised authorized impacts are as described below:

**Stream Impacts in the Cape Fear River Basin**

<b>Site</b>	<b>Permanent Fill in Intermittent Stream (linear ft)</b>	<b>Temporary Fill in Intermittent Stream (linear ft)</b>	<b>Permanent Fill in Perennial Stream (linear ft)</b>	<b>Temporary Fill in Perennial Stream (linear ft)</b>	<b>Total Stream Impact (linear ft)</b>	<b>Stream Impacts Requiring Mitigation (linear ft)</b>
Original approved impacts at Site 5, Sta. 87+90 (LT/RT) UT to Buffalo Creek			295	47	342	295
New additional impacts with this approval at Site 5, Sta. 87+90 (LT/RT) UT to Buffalo Creek			<b>345</b>	<b>0</b>	<b>345</b>	<b>345</b>
Original approved impacts at Site 6, Sta. 120+57 (LT/RT) UT to Buffalo Creek			320	83	403	320
New additional impacts with this approval at Site 6, Sta. 120+57 (LT/RT) UT to Buffalo Creek			<b>320</b>	<b>113</b>	<b>433</b>	<b>320</b>
Original approved impacts at Site 9, Sta. 177+29 (LT/RT) UT to Big Buffalo Creek			425	60	485	425
New additional impacts with this approval at Site 9, Sta. 177+29 (LT/RT) UT to Big Buffalo Creek			<b>425</b>	<b>70</b>	<b>495</b>	<b>425</b>
<b>Total</b>			<b>1,090</b>	<b>183</b>	<b>1,273</b>	<b>1,090</b>

**Total Revised Stream Impact for Sites 5, 6 & 9: 1,273 linear feet**

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 19, 2001 and additional information dated received on December 6, 2011 and December 19, 2011. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated April 10, 2002 and all subsequent modifications still apply except where superseded by this certification. Should your project change, you are required to notify NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If 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 April 10, 2002 and subsequent modifications still apply except where superseded by this certification.
2. Compensatory mitigation for the additional 50 ft of permanent stream impacts associated with Site 5 is required. We understand that you have chosen to perform compensatory mitigation for this impact of wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated, December 20, 2011 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above referenced modification, in accordance with the North Carolina Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument signed July 28, 2010.
3. At Permit Site 5, NCDOT will design and install a series of rock veins on the outlet end of the 54" RCP to create a natural stream profile and enhance aquatic organism passage. NCDOT will coordinate these efforts with the Division of Water Quality and provide "as-built" drawings when completed.
4. For the 517 linear feet of streams being impacted due to site dewatering activities and temporary crossings, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.

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:

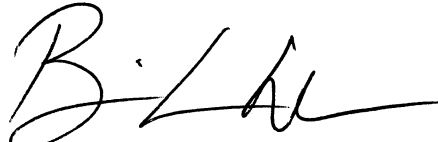
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

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

Ms. Mary Penny Thompson, General Counsel  
Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601

This the 5th day of January 2012

DIVISION OF WATER QUALITY



Charles Wakild, P.E.  
for Director

WQC No. 3378

NCDWQ 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 Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ 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 \_\_\_\_\_