



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

December 3, 2007

MEMORANDUM TO: Mr. Jon G. Nance, PE
Division Five Engineer

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

SUBJECT: Wake and Johnston Counties, US 70 (Clayton Bypass)
from I-40 in Wake County to US 70 BUS in Johnston
County; T.I.P. Number R-2552; Federal Aid Project No.
NHF-60-1 (9); State Project No. 8.T311002

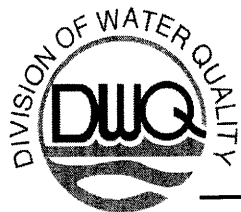
Attached is the modification to the 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

Cc:

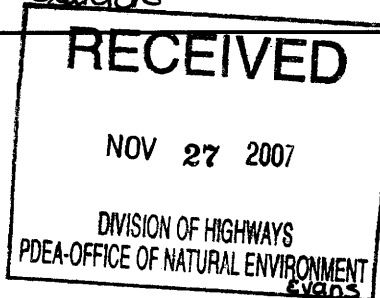
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design
Dr. David Chang, P.E., Hydraulics
Mr. Randy Garris, P.E. State Contract Officer
Mr. Art McMillan, P.E., Highway Design
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. John F. Sullivan, FHWA
Mr. Eric Midkiff, P.E., PDEA Central Region Unit Head
Mr. Chris Murray, Division Environmental Officer



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

Coleen Sullins, Director
Division of Water Quality

Stanton



November 20, 2007

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

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and NEUSE BUFFER RULES, with ADDITIONAL CONDITIONS for Proposed construction of US 70 Bypass in Johnston and Wake Counties, Federal Aid Project No. NHF-60-1(9), State Project No. 8.T311002, TIP No. R-2552. DWQ Project No. 20041760 v.7.

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3496 issued to The North Carolina Department of Transportation dated January 14, 2005 and modifications dated April 14, 2005, August 10, 2005, April 11, 2006 and April 4, 2007. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated January 14, 2005 and subsequent modifications still apply except where superceded by this certification.

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

Sincerely,

for Coleen Sullins,
Director

Attachments

- cc: William Wescott, US Army Corps of Engineers, Washington Field Office
- Jamie Guerrero, Division 4 Environmental Officer
- Chris Militscher, Environmental Protection Agency
- Travis Wilson, NC Wildlife Resources Commission
- Gary Jordan, US Fish and Wildlife Service
- Ecosystem Enhancement Program
- Tyler Stanton, NCDOT PDEA
- File Copy



**Re-issuance of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and
NEUSE BUFFER RULES, 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 (DWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0233. This certification authorized the NCDOT to impact jurisdictional wetlands, streams and protected riparian buffers in Johnston and Wake Counties. The project shall be constructed pursuant to the modification dated received November 14, 2007.

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse 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 November 14, 2006. All the authorized impacts, activities and conditions of certification associated with the original Water Quality Certification dated January 14, 2005 and subsequent modifications dated April 14, 2005, August 10, 2005, April 11, 2006 and April 4, 2007 still apply except where superceded by this certification. 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 on the same day as the expiration date of the corresponding Corps of Engineers 404 Permit.

Conditions of Certification:

1. The original certification expiration date of January 14, 2008 is hereby extended. The expiration date for this Water Quality Certification shall expired on the same day as the expiration date of the corresponding Corps of Engineers 404 Permit.
2. All other conditions written into previous Water Quality Certifications and modifications for this project still apply.
3. All jurisdictional impacts authorized in previous Water Quality Certifications and modifications for this project remain authorized with this current version. Any change to any of these impacts would require an application for modification to the Water Quality Certification.

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.



William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen Sullins, Director
Division of Water Quality

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, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. 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 20th day of November 2007

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read "C. Sullins", is written over the typed name and title.

for Coleen Sullins
Director

WQC No. 3496