




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

April 29, 2008

MEMORANDUM TO: Mr. C. E. Lassiter, Jr., PE  
Division Two Engineer

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

SUBJECT: Craven County, NC 43 Connector from NC 55 to US17;  
T.I.P. Number R-4463; WBS No. 35601.1.1; State Project  
No. 6.804857

Attached are the U.S. Army Corps of Engineers Section 404 Individual Permit, the N.C. Division of Water Quality Section 401 Individual Water Quality Certification and the N.C Division Coastal Management CAMA Permit 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  
Ms. Beth Harmon, EEP  
Mr. Rob Hanson, P.E., PDEA Eastern Region Unit Head  
Mr. Jay B. Johnson, Division Environmental Officer  
Mr. Rodger Rochelle, P.E.

## PROJECT COMMITMENTS

**NC 43 CONNECTOR  
FROM NC 55 TO US17  
CRAVEN COUNTY, NORTH CAROLINA  
WBS NO. 35601.1.1  
STATE PROJECT NO. 6.804857  
T.I.P. NO. R-4463**

In addition to all standard procedures and measures, including North Carolina Department of Transportation's (NCDOT) Best Management Practices (BMPs) for Protection of Surface Waters, the following special commitments have been agreed to.

Additions to the project commitments are printed in *italics*, with any deletions shown by using ~~strike through~~ text.

### **Commitments Developed During Project Development**

#### ***Roadway Design Unit***

In lieu of a ramp in the southeast quadrant of the interchange at US 70, the interchange will be constructed with a ramp/loop configuration in the southwest quadrant. However, the NCDOT will purchase right-of-way for a future ramp in the southeast quadrant should it be warranted by future traffic volumes or after the construction of the (currently unfunded) NC 43 Connector south of US 70.

*Action: Section A is currently unfunded and not scheduled for construction. The need for a ramp/loop in the southeast quadrant will be evaluated during final design for Section A.*

#### ***Roadway Design Unit & Project Development & Environmental Analysis Branch***

To minimize noise impacts, a noise wall is proposed along the western boundary of the Trent Creek subdivision, just north of US 17. This commitment is subject to a detailed design noise study and additional public involvement efforts.

*Action: Section A is currently unfunded and not scheduled for construction. A detailed design noise study will be conducted during final design for Section A.*

~~Wildlife crossing(s) for small animal passage will be constructed south of US 70 along the NC 43 Connector. The exact location(s) and sizing of wildlife crossing(s) will be addressed during the final design phase. Animal passage design will be subject to approval by the US Fish and Wildlife Service and the NC Wildlife Resources Commission.~~

*Action: US Fish and Wildlife Service and NC Wildlife Resources have agreed that proposed wildlife crossings are not warranted for this project.*

## **Commitments Developed During Project Permitting**

### ***Division 4 Construction***

The Section 404 authorization is only for Section R-4463-B. Construction on section R-4463-A shall not commence until final design has been completed and plans have been approved by the District Engineer.

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

The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to the 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.

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.

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

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

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 Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager, within 24 hours of the permittee's discovery of the violation.

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 the Department of the Army Permit. The permittee shall provide the Corps of Engineers, 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 Corps of Engineers 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.

The 401 Water Quality Certification only authorizes impacts to jurisdictional resources associated with the R-4463B section of the project. When final design plans are completed for R-4463 Section A, a modification to the 401 Water Quality Certification and the Neuse River Riparian Buffer Certification shall be submitted with five copies and fees to the NC Division of Water Quality. Final designs shall reflect all appropriate avoidance, minimization, and mitigation for impacts to wetlands, streams, and other surface waters, and buffers. No construction activities that impact any wetlands, streams, surface waters, or buffers located in R-4463 Section A shall begin until after the permittee applies for, and receives a written modification of the 401 Water Quality Certification and the Neuse River Riparian Buffer Authorization from the NC Division of Water Quality.

A copy of the 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.

Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.

#### ***Division 4 Construction and Roadside Environmental Unit***

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 the 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 Corps of Engineers 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 Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland boundaries 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 the permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with the 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 Corps of Engineers 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.

All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by the certification.

The outside buffer, wetland or water boundary located within the construction corridor approved by the 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 the certification.

Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

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

Compensatory mitigation for the unavoidable impacts to 4.42 acres of non-riparian wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated May 21, 2007 from William D. Gilmore, EEP Director. The EEP will provide the compensatory mitigation as follows:

Lower Neuse River, CU 03020204 (8.84 acres non-riparian):

In order to compensate for impacts to 4.42 acres of Non-Riparian wetlands, the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC EEP) in the amount determined by the NC EEP, sufficient to perform the restoration of 8.84 acres of non-Riparian wetlands in the Neuse River Basin, Cataloging Unit 03020204.

*Compensatory mitigation for impacts of 2.49 acres to non-riverine wetlands is required at a 2:1 ratio. NC EEP agreed to provide this mitigation in a letter dated May 21, 2007 and revised letter dated February 8, 2008 for the permit modification.*

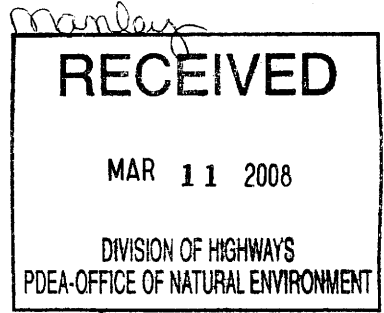


IN REPLY REFER TO

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

Washington Regulatory Field Office  
P.O. Box 1000  
Washington, North Carolina 27889-1000

**March 6, 2008**



**Regulatory Division**

**ORM ID SAW 2007-02231-125**

Dr. Gregory J. Thorpe, Ph. D.  
Environmental Manager Director  
Project Development and Environmental Analysis Branch  
NC Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

Reference the Department of the Army permit issued to you on November 19, 2007, to construct R-4463, a four-lane divided expressway with a 46-foot median and partial control of access. The project, located west of New Bern in Craven County, is referred to as the NC 43 Connector (Bosch Boulevard) and is approximately 4.5 miles in length and has been divided into two sections: Section A and Section B. Only Section B has been authorized. Also reference your written request of February 12, 2008, for permit modification to Section B. The permit modification requests are as follows:

Section B	Site 1	Sheet 7	0.03 acres of additional permanent wetland fill
Section B	Site 2	Sheet 8	0.01 acres of additional permanent wetland fill
Section B	Site 3	Sheets 10 & 11	0.09 acres of additional permanent wetland fill

The permit is hereby modified to include the work as indicated above and shown on the plans submitted on February 12, 2008 and February 28, 2008. It is understood that all conditions of the original permit remain applicable and the expiration date is unchanged.

Sincerely,

David M. Lekson, P.W.S.  
Chief, Washington Regulatory Field Office

Copies Furnished:

Mr. Steve Sollod  
Division of Coastal Management  
1638 Mail Service Center  
Raleigh, North Carolina 27699-16387

Mr. Brian Wrenn  
Water Quality Section  
Division of Environmental Management  
North Carolina Department of Environment  
and Natural Resources  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650

Mr. Travis Wilson  
Eastern Region Highway Project Coordinator  
Habitat Conservation Program  
1142 I-85 Service Road  
Credmoor, North Carolina 27522

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  
101 Pivers Island  
Beaufort, North Carolina 28516

Mr. Chris Militscher  
C/O FHWA  
U.S. Environmental Protection Agency  
Raleigh Office  
310 New Bern Avenue, Room 206  
Raleigh, North Carolina 27601



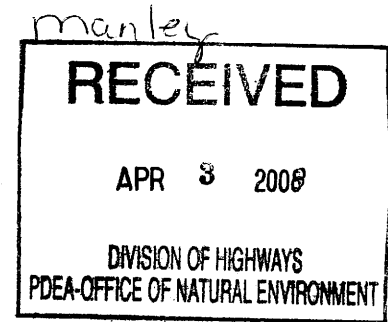
Michael F. Easley, Governor

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

Coleen H. Sullins Director  
Division of Water Quality

March 28, 2008

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



Subject: Modification of 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 the NC 43 Connector (Bosch Boulevard) from NC 43 to US 17 in Craven County, State Project No. 6.804857, TIP R-4463, Section B. DWQ Project No. 20070932 v.2; WQC003673

Dear Dr. Thorpe:

Attached hereto is a modification of Water Quality Certification No. 003673 issued to The North Carolina Department of Transportation dated September 21, 2007. This modification is applicable only to the additional proposed activities for R-4463 section B.

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

Sincerely,

Coleen H. Sullins  
Director

Attachments

cc: William Wescott, US Army Corps of Engineers, Washington Field Office  
Chris Militscher, Environmental Protection Agency  
Kathy Matthews, Environmental Protection Agency  
Travis Wilson, NC Wildlife Resources Commission  
Steve Sollod, Division of Coastal Management  
Garcy Ward, DWQ Washington Regional Office  
File Copy



**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 modification authorizes additional wetland impacts for R-4463 Section B in Craven County. This certification authorizes the NCDOT to impact an additional 0.13 acres of jurisdictional wetlands. The project shall be constructed pursuant to the original application dated received June 19, 2007 and the modification application dated received February 12, 2008. Authorized impacts are as described below:

**Wetland Impacts in the Neuse River Basin Approved with the Original Certification**

Section/Site	Fill (permanent) (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
<b>R-4463B Site:</b>							
1	0.28	0.00	0.00	0.02	0.00	0.00	0.30
2	0.00	0.00	0.00	0.01	0.00	0.00	0.01
3	1.89	0.00	0.00	0.09	0.00	0.00	1.98
4	0.00	0.00	0.05	0.02	0.00	0.00	0.07
<b>TOTAL:</b>	<b>2.17</b>	<b>0.00</b>	<b>0.05</b>	<b>0.14</b>	<b>0.00</b>	<b>0.00</b>	<b>2.36</b>

**Wetland Impacts in the Neuse River Basin Approved with this Modification**

Section/Site	Fill (permanent) (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
<b>R-4463B Site:</b>							
1	0.31	0.00	0.00	0.02	0.00	0.00	0.33
2	0.01	0.00	0.00	0.01	0.00	0.00	0.02
3	1.98	0.00	0.00	0.09	0.00	0.00	2.07
4	0.00	0.00	0.05	0.02	0.00	0.00	0.07
<b>TOTAL:</b>	<b>2.30</b>	<b>0.00</b>	<b>0.05</b>	<b>0.14</b>	<b>0.00</b>	<b>0.00</b>	<b>2.49</b>
<b>Difference</b>	<b>+0.13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>+0.13</b>

The application provides adequate assurance that the discharge of fill material into the wetlands or waters of the Neuse River Basin or 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 June 19, 2007 and modified February 12, 2008. 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 Permit.

**Condition(s) of Certification:**

1. This modification is applicable only to the additional proposed activities. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 21, 2007 still apply except where superseded by this certification.
2. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
3. 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.
4. Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
5. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
6. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If 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.
7. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
8. Compensatory mitigation for impacts of 2.49 acres to non-riverine wetlands is required at a 2:1 ratio. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letters dated May 21, 2007 and February 8, 2008 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.
9. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
10. 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.

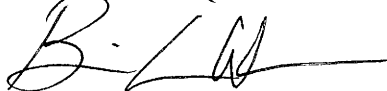
11. This 401 Water Quality Certification only authorizes impacts to jurisdictional resources associated with the R-4463B section of this project. When final design plans are completed for R-4463 Section A, a modification to the 401 Water Quality Certification and the Neuse River Riparian Buffer Certification shall be submitted with five copies and fees to the NC Division of Water Quality. Final designs shall reflect all appropriate avoidance, minimization, and mitigation for impacts to wetlands, streams, and other surface waters, and buffers. No construction activities that impact any wetlands, streams, surface waters, or buffers located in R-4463 Section A shall begin until after the permittee applies for, and receives a written modification of the 401 Water Quality Certification and the Neuse River Riparian Buffer Authorization from the NC Division of Water Quality.
12. 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.
13. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
14. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
15. 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.
16. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
17. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.

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, 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 28<sup>th</sup> day of March, 2008

DIVISION OF WATER QUALITY



Coleen H. Sullins  
Director



DWQ 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 DWQ 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 \_\_\_\_\_



North Carolina Department of Environment and Natural Resources  
**Division of Coastal Management**

Michael F. Easley, Governor

**James H. Gregson, Director**

William G. Ross Jr., Secretary

April 8, 2008

Gregory J. Thorpe, Ph.D.  
Environmental Manager Director  
Project Development and Environmental Analysis Branch  
NC Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

**SUBJECT: CD07-100 (Amended) - Consistency Concurrence for Proposed Modification to the Extension of NC 43 from South of NC 55 to North of US 17 in Craven County, NC, (NC 43 Connector, TIP No. R-4463), DCM # 20070059**

Dear Dr. Thorpe:

We received the amended consistency certification of North Carolina Department of Transportation (NCDOT) on February 20, 2008 for a proposed modification of the subject project. We also received corrected project drawings on February 28, 2008. The site of the proposed project is located west of New Bern in Craven County, from NC 55 to US 17, with an interchange at US 70, west of Glenburnie Road in Craven County, North Carolina. The initial consistency certification was issued on October 3, 2007 and is being amended through this certification. The modification to the original design has been made to accommodate Norfolk and Southern Railroad's request to enlarge the opening of the railroad bridge. The additional fill due to the design change of the vertical profile is projected to increase the project's total permanent 404 wetland impacts by 0.13 acres.

North Carolina's coastal management program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of DCM to manage the State's coastal resources to ensure that proposed activities are compatible with safeguarding and perpetuating the biological, social, economic and aesthetic values of the State's coastal resources.

DCM has reviewed the consistency submission pursuant to the enforceable policies of North Carolina's coastal management program, including the management objectives of Section 15A NCAC 07M of North Carolina's Administrative Code. DCM concurs, as conditioned below, that the proposed modification to the project remains consistent with the enforceable policies of North Carolina's coastal management program.

400 Commerce Avenue, Morehead City, North Carolina 28557-3421  
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: [www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)

- In order to be found consistent with North Carolina's coastal management program, all work is to be performed in accordance with the modification to the 401 Water Quality Certification, DWQ Project No. 20070932 v.2, issued by the NC Division of Water Quality to the NC Department of Transportation on March 28, 2008.
- In order to be found consistent with North Carolina's coastal management program, compensatory mitigation for unavoidable impacts to an additional 0.13 acres (or a total project amount of 4.55 acres) of non-riparian wetlands will be provided by the NC Ecosystem Enhancement Program (EEP) in Hydrological Cataloging Unit 03020204, as outlined in the revised EEP Mitigation Acceptance Letter dated February 8, 2008 to the USACE.

Should the project be further modified, a revised consistency certification could be necessary. This might take the form of either a supplemental consistency certification pursuant to 15 CFR 930.66, or a new consistency certification pursuant to 15 CFR 930.57. Likewise, if further project assessments reveal environmental impacts not previously considered by the proposed development, a supplemental consistency certification might be required.

If you have any questions, please contact Steve Sollod at (919) 733-2293 x230 or via e-mail at [steve.sollod@ncmail.net](mailto:steve.sollod@ncmail.net). Thank you for your consideration of the North Carolina coastal management program.

Sincerely,



Doug Huggett  
Manager, Major Permits and Consistency Unit

cc: Beth Harmon, EEP  
Stephen Lane, DCM  
Chris Manley, NCDOT  
Stephen Rynas, DCM  
Steve Sollod, DCM  
David Wainwright, DWQ  
William Wescott, USACE