



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

July 28, 2005

MEMORANDUM TO: Mr. H. Allen Pope, P.E.
Division 3 Engineer

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

SUBJECT: New Hanover County, US 117 Castle Hayne Road to 0.5 mi.
East of 23rd Street; State Project Number 8.2250101; TIP
Number U-92AB

Attached is the permit modification for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.
Mr. Omar Sultan
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Njoroge Wainaina
Mr. Mark Staley
Mr. Mr. John F. Sullivan, III, FHWA
Mr. Mason Herndon, Division 3 Environmental Officer

PROJECT COMMITMENTS

New Hanover County
Wilmington - Smith Creek Pkwy
US 117 Castle Hayne Road to 0.5 mi. East of 23rd Street
Federal Project MANHS-0332(8)
State Project 8.2250101
TIP.No. U-92AB

Division 3 Construction, Roadside Environmental Unit, Structure Design Unit, Project Development & Environmental Analysis (PDEA), Roadway Design Unit, Hydraulics Unit

All conditions stated in the original 404, 401 and CAMA permits, and modifications to those permits, remain in full force and effect. The only additional comments associated with this modification to DWQ Project No. 011117, WQC No. 3304 is as follows:

PDEA

Compensatory mitigation for impacts to 0.015 acre of riverine wetlands shall be done on 0.015 acre. Applying replacement ratio of 2:1, total mitigation for 0.03 acre of riverine wetlands shall be provided as described below:

Onsite Compensatory Mitigation

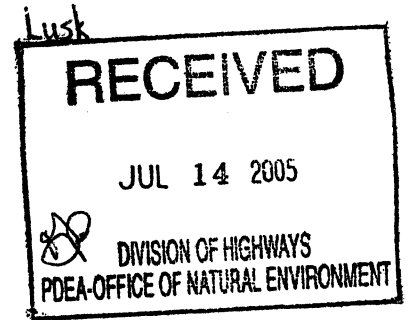
Wetland mitigation will occur at the wetland mitigation site located between the Smith Creek Mitigation Site and the Bridge Maintenance Phase 2 Mitigation Site. This site has a total acreage of 0.17 acre of restored wetlands. This site has been debited 0.003 acre for impacts associated with the February 23, 2005 modification for this project.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

July 12, 2005



Regulatory Division

Action ID No. 199603836 and TIP Project U-92AB, Smith Creek Parkway, New Hanover County, North Carolina.

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

Dear Dr. Thorpe:

Please reference the Department of the Army (DA) permit issued on December 12, 2000, for the subject project and your letter dated May 31, 2005, requesting a permit modification at Wetland Site 2 of Section U-92B to authorize additional riprap for bank stabilization and at Wetland Site 4 of Section U-92A to authorize replacement of the existing twin 600 mm pipes under Castle Hayne Road with three 900 mm x 25 m corrugated aluminum alloy pipes.


At Wetland Site 2 of U-92B, the original authorization allowed for construction of an equalizer pipe for maintenance of surface hydrology at this wetland. Following construction, it was found that riprap bank stabilization is needed at the pipe inlet due to the steep grade from the inlet to the adjacent wetland. This office has also expressed concerns that this steep grade will create a head-cut into the adjacent wetland resulting in future wetland impacts at this site. The proposed riprap will result in an additional 0.015 acre of permanent wetland impacts. At Wetland Site 4 of U-92A, the replacement of the existing twin pipes at STA 12+50 on Y-2 with three 900 mm x 25 m corrugated aluminum alloy pipes is shown in the current construction plans but is not included in the DA permit. The replacement of these pipes will not result in any additional wetland or stream impacts. You have requested a permit modification to authorize construction of the riprap bank stabilization at Wetland Site 2 of U-92B and replacement of the three existing corrugated aluminum alloy pipes at Wetland Site 4 of U-92A. These proposed modifications will result in 0.015 acre (672 square feet) of permanent impacts to riverine wetlands adjacent to with Smith Creek. To offset these wetland impacts you have proposed to provide 0.015 acre of on-site Coastal Small Stream Swamp restoration from a site located between the existing Bridge Maintenance Mitigation Site and Smith Creek Mitigation Site at STA 30+21 to STA 34+03m RT. This site was not included in the mitigation plans for this project but was restored to the same specifications as the Bridge Maintenance and Smith Creek mitigation sites during construction to connect these sites. The total area of restored riverine wetlands at this site is 0.17 acre.

Your DA permit is hereby modified to allow construction of the additional riprap at STA 12+50 on Y-2 as shown in the revised permit drawing for Wetland Site 2 of U-92B dated November 30, 2001, replacement of the existing twin pipes at STA 12+50 on Y-2 with three 900 mm x 25 m corrugated aluminum alloy pipes at Wetland Site 4 of U-92A as shown in Sheet 10 of the current construction plans for U-0092A, and authorization of the onsite compensatory mitigation proposal submitted with your letter dated May 31, 2005 (copy attached).

All other conditions of your Department of the Army permit shall remain in full force and effect. The expiration date of this permit shall remain at December 31, 2005.

Should you have any questions, please contact Mr. Dave Timpy, Wilmington Field Office, Regulatory Division, at telephone (910) 251-4634.

Sincerely,


for Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer

Enclosure

Copies Furnished (without enclosure):

Mr. Allen Pope, PE
Division Engineer
North Carolina Department of Transportation
Division 3
124 Division Drive
Wilmington, North Carolina 28401

Mr. Travis Wilson
Highway Coordinator
North Carolina Wildlife Resources Commission
1142 I-85 Service Road
Creedmoor, North Carolina 27522

Mr. John Hennessy
NCDENR-DWQ
Wetlands Section
1650 Mail Service Center
Raleigh, NC 27699-1650

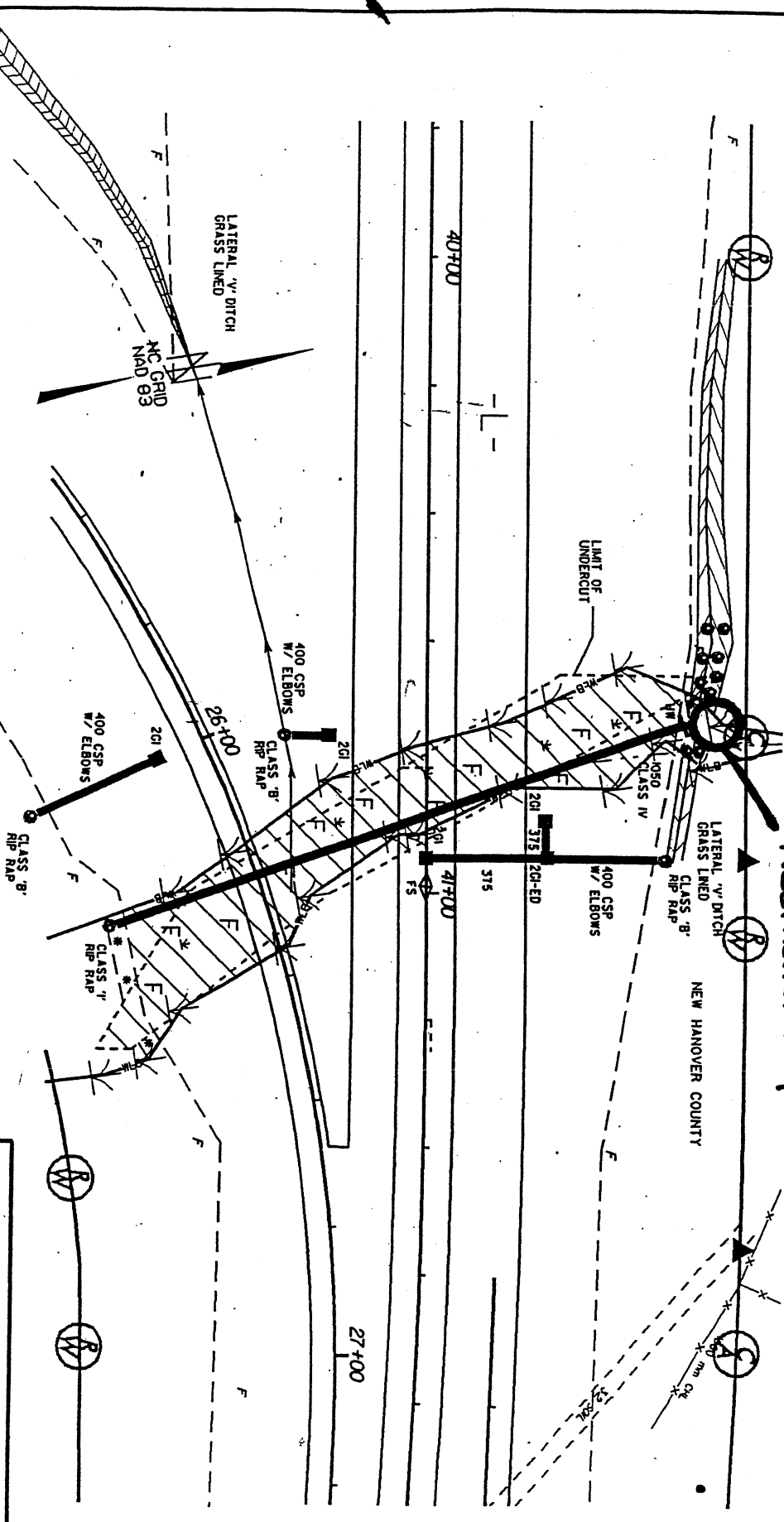
Mr. Gary Jordan
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Christopher Militcher
USEPA Raleigh Office
Office of Environmental Assessment
310 New Bern Avenue, Room 206
Raleigh, NC 27601

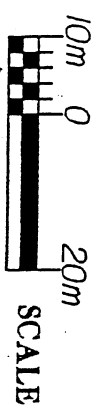
Mr. Ron Sechler
National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516


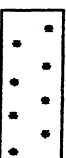
Mr. Mason Herndon
North Carolina Department of Transportation
Division 3
124 Division Drive
Wilmington, North Carolina 28401

Additional Impacts



PLAN VIEW SITE 2

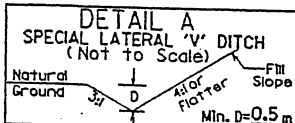


-  DENOTES FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING IN WETLANDS

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 NEW HANOVER COUNTY
 PROJECT: 8.2250102 (U-00922B)
 SMITH CREEK PARKWAY FROM
 PROPOSED US 117 CONNECTOR TO
 0.85 KM EAST OF 23RD STREET
 SHEET 9 OF 25 11-30-01

REVISIONS

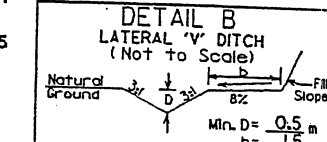
3-25-01 Added lane taper labels to -Y2- and -Y25-.
11-20-01 Added 3 x 900mm Corrugated Aluminum Alloy Pipe Culverts to -Y2-.
2-20-03 AKW
ADDED DISTANCES TO R/W MONUMENTS LABELED AS EXIST. R/W
ADDED C/A SYMBOL WEST OF -YIRPB- STA 4+37.975
CORRECTED STATION ON R/W MONUMENT ALONG -Y1- STA 15+11787



FROM STA 14+00 TO STA 14+20 -Y1- RT
FROM STA 16+40 TO STA 18+00 -Y1- LT
FROM STA 11+87 TO STA 12+27 -Y25- RT

FOR PROFILE OF LINE -Y1-, SEE SHEET 19
FOR PROFILE OF LINE -Y2-, SEE SHEET 21
FOR PROFILE OF LINE -Y25-, SEE SHEET 25

-Y1RpB-
PI Sta 5+00.331
 $\Delta = 1'33'' 45.4''$
Ls = 30.0
L = 20.0008
T = 10.0007
R = 500.0000
E = D4
RUNOFF = MATCH EXIST.



FROM STA 11+77 TO STA 12+27 -Y25- LT

-Y2-
PI Sta 13+54.977
 $\Delta = 60' 16'' 36.9''$ (RT)
L = 84.624
T = 46.4461
R = 80.0000
E = D4
RUNOFF = 28m
BY2 = 20850
Y2- STA 12+43.945
6.940RT

BEGIN GRADE
BEGIN CONSTR.
-Y2- PT Sta. 12+60.000

TRANSITION CUT
DITCH TO EXIST. DITCH
PT Sta. 12+85.490

METRIC

PROJECT REFERENCE NO. U-0092A SHEET NO. 10
R/W SHEET NO.

ROADWAY DESIGN ENGINEER
THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY (RICHARD M. CLIFFORD) 10216261 ON (3/26/01). THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

HYDRAULICS ENGINEER
THIS DOCUMENT WAS ORIGINALLY ISSUED AND SEALED BY (MARC T. SHOWN) 1208701 ON (3/26/01). THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

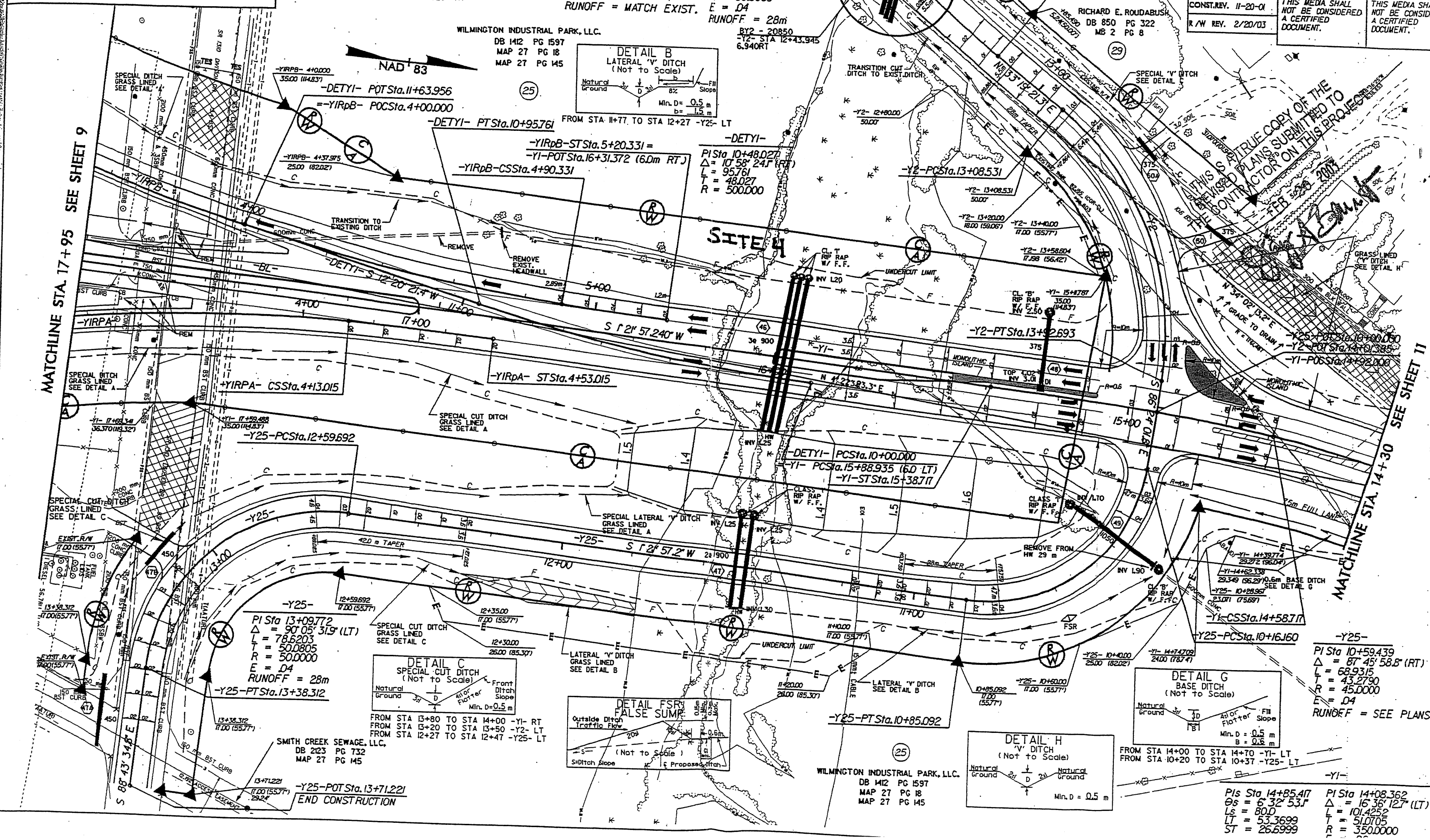
CONST. REV. 11-20-01
R/W REV. 2/20/03

WILMINGTON INDUSTRIAL PARK, LLC.
DB 142 PG 1597
MAP 27 PG 18
MAP 27 PG 145

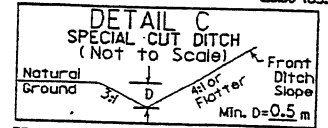
NAD 83

MATCHLINE STA. 17+95 SEE SHEET 9

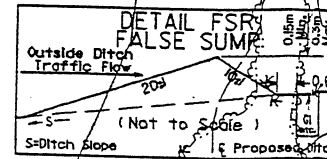
MATCHLINE STA. 14+30 SEE SHEET 11



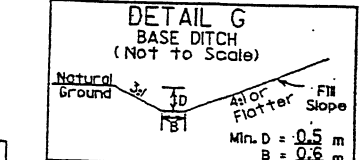
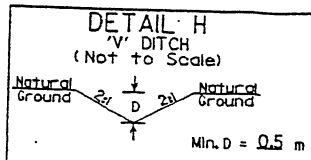
-Y25-
PI Sta 13+09.772
 $\Delta = 90' 05'' 31.9''$ (LT)
L = 78.6203
T = 50.0805
R = 50.0000
E = D4
RUNOFF = 28m
-Y25-PT Sta. 13+38.312



FROM STA 13+80 TO STA 14+00 -Y1- RT
FROM STA 13+20 TO STA 13+50 -Y2- LT
FROM STA 12+27 TO STA 12+47 -Y25- LT



WILMINGTON INDUSTRIAL PARK, LLC.
DB 142 PG 1597
MAP 27 PG 18
MAP 27 PG 145



FROM STA 14+00 TO STA 14+70 -Y1- LT
FROM STA 10+20 TO STA 10+37 -Y25- LT

-Y25-
PI Sta 10+59.439
 $\Delta = 87' 45'' 58.8''$ (RT)
L = 68.9315
T = 43.2790
R = 45.0000
E = D4
RUNOFF = SEE PLANS

PIs Sta 14+85.417
 $\Theta_s = 6' 32'' 53.1''$
Ls = 80.0
L = 53.3699
T = 26.6999
R = 350.0000

PI Sta 14+08.362
 $\Delta = 16' 36'' 12.7''$ (LT)
L = 101.4252
T = 51.0705
R = 350.0000

THIS IS A TRUE COPY OF THE ORIGINAL PLANS SUBMITTED TO THE CONTRACTOR ON FEB 28 2003

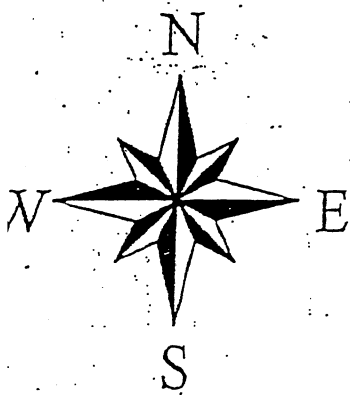
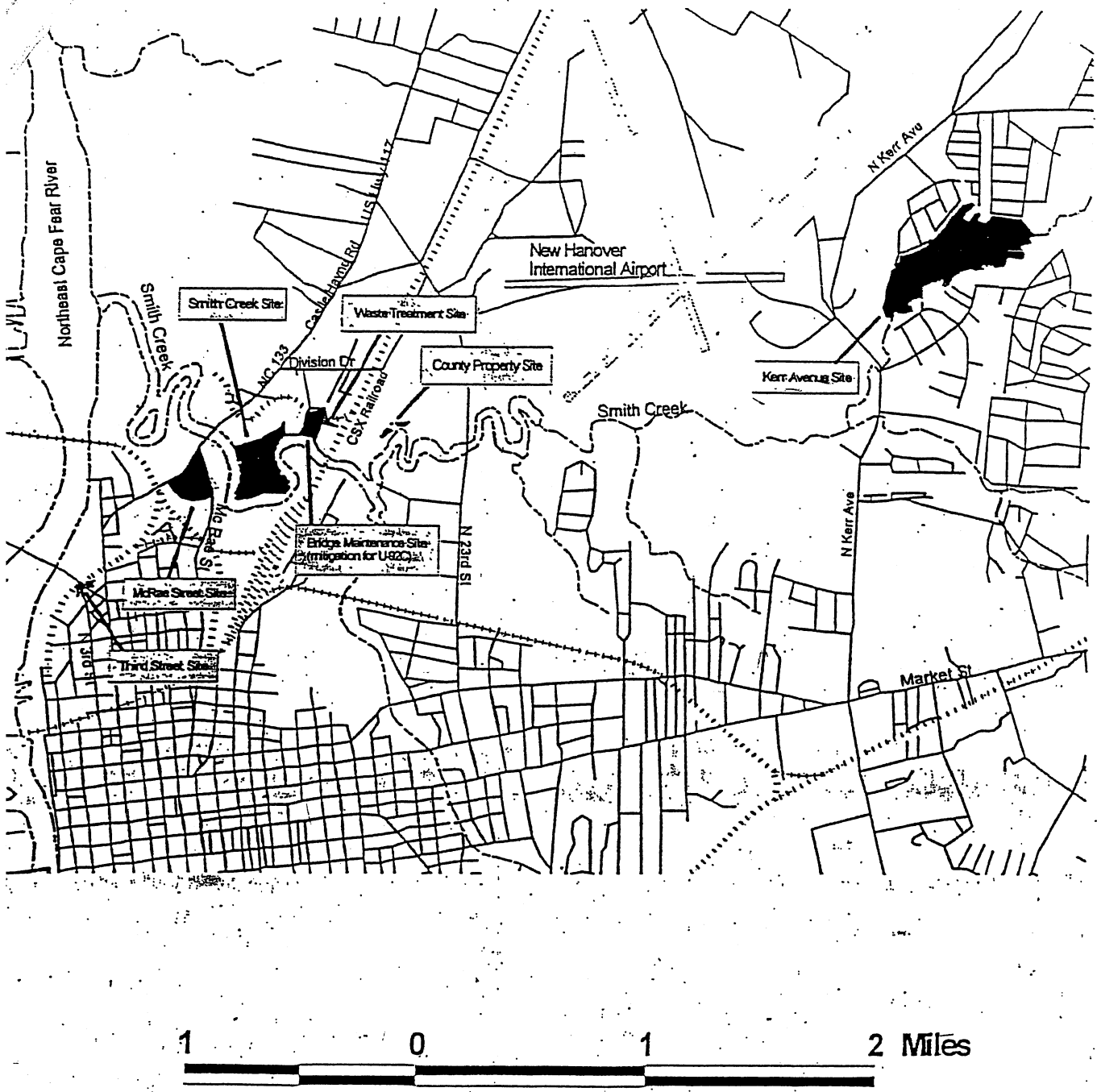


Fig. 1 Mitigation Sites
 U-92A/B Smith Creek Parkway
 New Hanover County

U-92A SMITH CREEK PARKWAY ADDITIONAL MITIGATION



(210)

CORBETT PACKAGE COMPANY

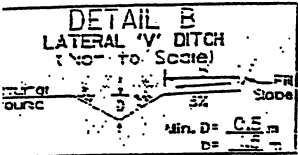
TRACK REMOVED
BY OFFERS

TSS: 1.0+40.000

ST Sta. 0+30.000

0+80.000
35.00
(1483)

SC Sta. 0+80.000



STA 35+20 TO STA 34+00 -L- LT
 STA 34+00 TO STA 35+20 -L- LT
 STA 1+60 TO STA 3+20 -YIRPB- LT
 STA 1+20 TO STA 1+60 -YIRPB- LT

LATERAL 'Y' DITCH
GRASS LINED
SEE DETAIL B

-YIRPB- ST Sta. 0+00.000 =
 -L- POC Sta. 34+35.283 (47m) LT

LATERAL 'Y' DITCH
GRASS LINED
SEE DETAIL B

BEGIN SBG
STA 0+50.597

N 63° 16' 34" E

750

(35)

FSM

375

(ST)

400 CSP

CLASS 'B' RAP

-XCIER- PC Sta. 1+40.703

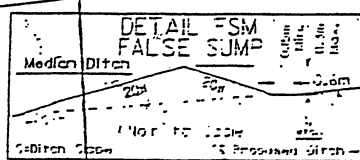
-XCIER- PC Sta. 2+05.00

FILL SLOPE

CLASS 2
BYPASS
(16+104)

BRIDGE MAINTENANCE PHASE 2 MITIGATION SITE

Sta. 33+30.563



0+00 FOR 0+0
MITIGATION

0+1

0+2

0+3

0+80

Pls Sta 33+07.243
 θs = 4° 10' 40"
 Ls = 70.000
 LT = 46.680
 ST = 23.315

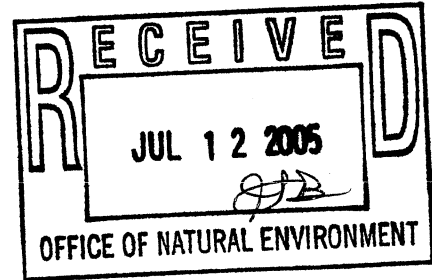
Pls Sta 35+34.802
 L = 46° 05' 57.5" (RT)
 Ls = 386.201
 T = 201.239
 R = 480.000
 F = 06

Pls Sta
 θs =
 Ls =
 LT =
 ST =



Stanton

July 6, 2005



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

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Modification to the Construction of Smith Creek Parkway from Northeast Cape Fear River to 0.5
miles East of 23rd Street, New Hanover County, TIP No. U-92A and B, Federal Aid Project No.
MANHS-0332(8), WQC Project No. 01117, WBS Element 34747.1.6.
WQC No. 3304

Dear Dr. Thorpe:

Attached hereto is a modification to Certification No. 3304 issued to the North Carolina Department of Transportation on July 6, 2005. The attached modification authorizes the placement of riprap in wetlands equaling 0.015 acres of additional wetland impacts at Site 2 on U-92B and the replacement of 2-600mm pipes with 3-900 mm pipes with no additional wetland impacts adjacent to Site 4 on U-92A. 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 29, 2000 and all other corresponding modifications still apply except where superceded by this certification.

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

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments
Modifications to WQC No. 3304

cc: Dave Timpy, US Army Corps of Engineers Wilmington Field Office
Christopher Militscher, US Environmental Protection Agency – Region IV
Ken Averitte, NC DWQ Fayetteville Regional Office
Central Files
File Copy

APPROVAL OF 401 Water Quality Certification and 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, Section .0500, and 15 NCAC 2B .0233. This certification authorizes the NCDOT to incur the following impacts:

Table 1. – Wetland Impacts in the Cape Fear River Basin

Site	Total (acres)	Mitigation Required (acres)
Section B, Site 2 Impacts authorized under original WQC	0.341	0.341
Section B, Site 2 Impacts for this modification		
Fill	0.015	0.015
Total Modified Impacts for Section B, Site 2	0.356	0.356

In addition to the impacts listed in Table 1, NCDOT is authorized to replace two existing 600 mm pipes in Section A adjacent to Site 4 with three 900 mm pipes with no additional permanent impacts. The project shall be constructed pursuant to the application dated on May 31, 2005 (received June 1, 2005). The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River Basins 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, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. Compensatory mitigation for impacts to 0.015 acres of riverine wetlands shall be done for 0.015 acres. Applying a replacement ration of 2:1, total mitigation credits of 0.03 acres of riverine wetlands shall be provided from an existing mitigation site located between the Smith Creek Mitigation Site and the Bridge Maintenance Phase 2 Mitigation Site. This site has a total acreage of 0.17 acres of restored wetlands. This site has been debited 0.003 acres for impacts associated with the February 23, 2005 modification for this project.
2. All the authorized activities and conditions of the certification associated with the original Water Quality Certification dated September 29, 2000 and all other corresponding modifications still apply except where superceded by this certification.

Conditions from WQC No. 3304 issued September 29, 2000:

1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual*, whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters).
2. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of the this Certification.
4. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened.
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase

APPROVAL OF 401 Water Quality Certification and 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, Section .0500, and 15 NCAC 2B .0233. This certification authorizes the NCDOT to incur the following impacts:

Table 1. – Wetland Impacts in the Cape Fear River Basin

Site	Total (acres)	Mitigation Required (acres)
Section B, Site 2 Impacts authorized under original WQC	0.341	0.341
Section B, Site 2 Impacts for this modification		
Fill	0.015	0.015
Total Modified Impacts for Section B, Site 2	0.356	0.356

In addition to the impacts listed in Table 1, NCDOT is authorized to replace two existing 600 mm pipes in Section A adjacent to Site 4 with three 900 mm pipes with no additional permanent impacts. The project shall be constructed pursuant to the application dated on May 31, 2005 (received June 1, 2005). The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River Basins 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, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

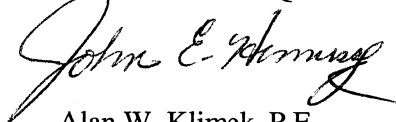
12. Installation and removal of pilings to support all the temporary and permanent bridges for the project shall result in no changes to the surface elevations. No material associated with the construction of the referenced bridges shall be deposited into or removed from jurisdictional wetlands and waters.
13. All pilings from the proposed permanent bridge over Smith Creek shall be installed by using standard pile driving techniques and standard sediment containment methods. This condition does not apply to the installation of any bents located outside jurisdictional areas. No material associated with the construction of the permanent bridge over the Smith Creek and associated wetlands shall be deposited into or removed from jurisdictional wetlands and waters. Use of other pile installation practices is not authorized without first acquiring written approval from the North Carolina Division of Water Quality.

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

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

This the 6th day of July 2005

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.
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/Wetlands Unit, North Carolina Division of Water Quality, 1621 Mail Service Center, Raleigh, NC, 27699-1621. 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

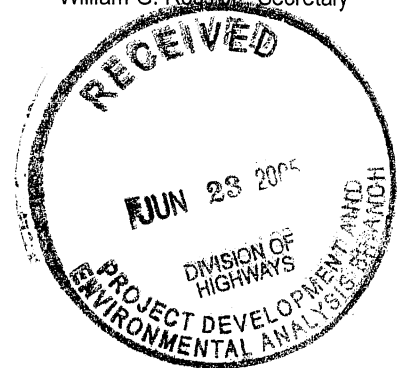
Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross, Jr., Secretary

June 15, 2005

Gregory J Thorpe, PhD, Environmental Management Director
Project Development & Environmental Analysis Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548



RECEIVED

JUN 24 2005

DIVISION OF HIGHWAYS
PDEA-OFFICE OF NATURAL ENVIRONMENT

Lusk

RE: Request for a Letter of Refinement for Smith Creek Parkway (U-92A&B) Smith Creek, New Hanover County, TIP No. U-92. NCDOT Letter dated June 9, 2005, referencing May 31, 2005 NCDOT letter to USACE and DWQ requesting modification of 404 Individual Permit and 401 Water Quality Certification Permit, requesting a refinement of the existing CAMA Permit No. 178-00 with attached plan view drawings.

Dear Dr. Thorpe:

This letter is in response to the N.C. Department of Transportation's (NCDOT's) request dated June 9, 2005 requesting a Letter of Refinement for CAMA Major Permit No. 178-00. The NCDOT letter and accompanying request from Mason Herndon, Division 3 DEO, requests authorization to rip rap the inlet slope for the equalizer pipe near station 32+80 of the -L- alignment, and replace the two 600 mm pipes located at station 12+50 on the -Y2- alignment with three 900 mm pipes, referred to in the permit application, CAMA Permit No. 178-00, as follows:

The steep inlet slope for the equalizer pipe near station 32+80 of the -L- alignment will have rip rap installed to prevent erosion and head cutting of the wetland stream feeding the equalizer pipe. The approximately 672 square feet of 404 type wetlands filled by this request will be added to the debit of mitigation at the mitigation site adjacent to station 30+21 to 34+03 RT of the -L- alignment. Two 600 mm culverts located at station 12+50 on the -Y2- alignment will be replaced with three 900 mm pipes and cause no additional wetland impacts.

Please be advised that through this Letter of Refinement, DCM conveys its determination that this request as described in the June 9, 2005 NCDOT correspondence to Bill Arrington, is consistent with existing State rules and regulations and is in keeping with the original purpose and intent of the CAMA permit, with the following conditions.

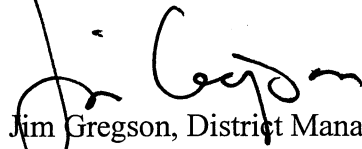
1638 Mail Service Center, Raleigh, North Carolina 27699-1638
Phone: 919-733-2293 \ FAX: 919-733-1495 \ Internet: www.nccoastalmanagement.net

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Smith Creek Parkway

1. This letter does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
2. This Letter of Refinement must be attached to the original of CAMA Permit No. 178-00, which was issued on November 28, 2000 and both documents must be readily available on site when a DCM representative inspects the project for compliance.
3. All conditions and stipulations of the active permit remain in force unless altered herein.

Please contact Bill Arrington at (252) 528-0019 if you have any questions or concerns.

Sincerely,



Jim Gregson, District Manager, WiRO
NC Division of Coastal Management.

Cc: Ted Tyndall, DCM
Doug Huggett, DCM
Tere Barrett, DCM
Mason Herndon, NC DOT, Division 3 office, Wilmington
Dave Timpey, USACE
Nicole Thomson, DWQ