



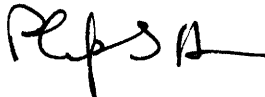
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 6, 2005

MEMORANDUM TO: Mr. Terry R. Gibson, PE
Division 6 Engineer

FROM: Philip S. Harris, III, P.E., CPM, Manager 
Office of the Natural Environment
Project Development and
Environmental Analysis Branch

SUBJECT: Cumberland County, I-95 Business to NC 87; State Work Order
Number 8.2441101; T.I.P. No. U-2912

Attached is the modification of the U. S. Army Corps of Engineers Permit and the modification of the Division of Water Quality 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. Art McMillan, P.E.
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. Omar Sultan
Mr. John F. Sullivan, FHWA
Mr. Jim Rerko, Division 6 DEO

PROJECT COMMITMENTS

I-95 Business to NC 87
Cumberland County
State Project No.: 8.2441101
Federal Aid Project No.: STP-0620(1)
TIP No.: U-2912

In addition to the standard Individual Section 404 and 401 Permit Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for Protection of Surface Waters, the following special commitments have been agreed to by NCDOT:

Commitments Developed through Permitting

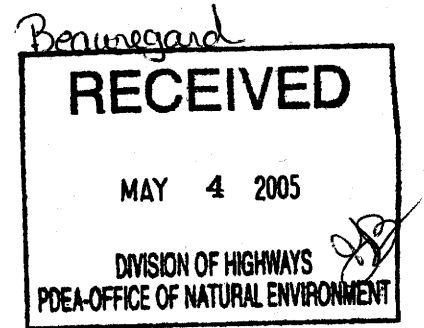
No new permit conditions are attached to this permit modification. All other previous conditions and project commitments still apply



REPLY TO
ATTENTION OF:

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

March 31, 2005



Regulatory Division

Subject: Action ID No. 2000-00913, TIP No. U-2912 Owen Drive Extension, Cumberland Counties, North Carolina.

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

Dear Dr. Thorpe:

I am responding to your request dated February 14, 2005 for a modification to the existing Department of the Army (DA) permit issued for the above referenced project on October 7, 2004. The proposed project modifications are as follows:

CORRECTED WETLAND DELINEATION AND STORMWATER DESIGN CHANGE

U-2912, permit drawing sheet 5 of 10, Station 33+40 - 34+00, Site 3

The referenced Section 404 and 401 permit drawings did not show the wetland boundary extending to the north. The original stormwater design had a lateral v-ditch which would have extended into the newly corrected wetland boundary. The proposed modification eliminates the lateral V-ditch, revises the stormdrain layout and requires 0.07 acres of mechanized clearing. This would result in an additional net increase of 0.06 acres of wetland impacts.

I have determined that the proposed project modification described above is not contrary to the public interest and therefore, the DA permit is hereby modified to include authorization for the modification listed above and as shown on the revised permit drawing (enclosed). Special Condition number 4 is hereby modified to read as follows:

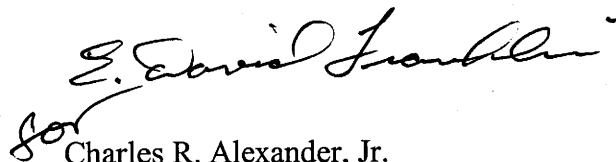
Compensatory mitigation for the unavoidable impacts to 1.75 acres of wetland and 301 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 5, 2004 and February 14, 2005 from William D. Gilmore, EEP Transition Manager. The EEP will provide 17.50 acres of preservation of wetlands (16.6 acres of riverine and 0.9 acres of non-riverine wetlands) and 3,010 linear feet of stream preservation in the Southern Inner Coastal Plain Eco-Region at the Great Coharie Site in Sampson County that has been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between

the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of 0.09 acres of restoration of non-riverine wetlands, 1.66 acres of restoration of riverine wetlands and 301 linear feet of restoration of warm water stream channel in the Cape Fear River basin (Hydrologic Cataloging Unit 03030004 by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA

Please note that the conditions of the modified Water Quality Certification dated February 25, 2005 shall be a part of this authorization. Furthermore, all unmodified terms and conditions of your original Department of the Army permit of October 7, 2005 shall remain in effect and the original permit expiration date shall remain the same.

Should you have any questions, please contact Mr. Richard Spencer, Wilmington Field Office, Regulatory Division, at telephone (910) 251-4172.

Sincerely,



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

Enclosures

Copies Furnished (with enclosures):

Mr. David Cox
North Carolina Wildlife Resources Commission
512 N. Salisbury Street
Raleigh, North Carolina 27604-1188

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

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

Mr. Chris Militcher
United States Environmental Protection Agency
Raleigh Office
Office of Environmental Assessment
310 New Bern Avenue, Room 206
Raleigh, NC 27601

Mr. Art King
Division Environmental Officer, Division 8
North Carolina Department of Transportation
P.O. Box 1067
Aberdeen, North Carolina 28315

Mr. James J. Rerko, PWS
Division Environmental Officer, Division 6
North Carolina Department of Transportation
P.O. Box 1150
Fayetteville, North Carolina 28302-1150

Ms. Beth Harmon
North Carolina Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, North Carolina 27699-1652

MARY CRAIG STEWART

CL. B RIPRAP
OUTLET PROTECTION
PDE

LAT. BASE DITCH

900 mm RCP

COLLAR &
EXTEND 900

RETAIN EX
900 MM RCP

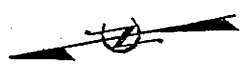
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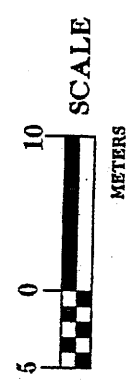
MARY CRAIG STEWART

-LREV-

EAST MOUNTAIN DR. SR 2283



PLAN VIEW SITE 3



■ DENOTES FILL IN
WETLANDS

■ DENOTES MECHANIZED
CLEARING

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

CUMBERLAND COUNTY

PROJECT: 34885.1.1 (U-2912)
OWEN DRIVE EXTENSION

SHEET 5 OF 10 REV 1/05

WETLAND PERMIT IMPACT SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ec)	Excavation In Wetlands (ac)	Mechanized Clearing (Method II) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)	
1	17+60 -L-	60" RCP	0.89			0.08	0.02				154	
	18+20 -L-		0.40			0.04	<0.01				26	
	18+60 -L- LT						0.01				121	
2	32+65 TO 33+65 -L- RT		0.01			0.04						
3	33+38 TO 34+16 -L- LT	15" RCP	0.35			0.07						
4	37+20 TO 37+65 -L- LT	36" RCP	<0.01			0.04						
5	WATSON LAKE ROAD	24" RCP	0.01			0.01						
TOTALS:			1.46	0	0	0.28	0.03	0	0	0	301	0

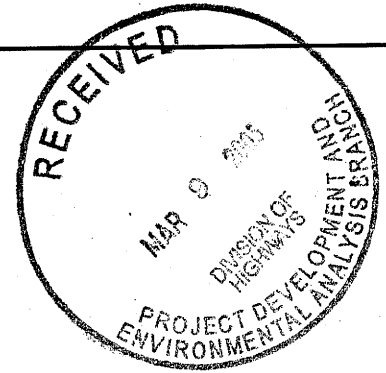
NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 34885.1.1 (U-2912)
 SHEET **9** OF **10**
 REV 1/05



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

Alan W. Klimek, P.E. Director
Division of Water Quality

February 25, 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: Modification of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, Individual Permit for Owen Drive Extension from I-95 Business in Cumberland County, TIP No. U-2912
WQC No. 3475

Dear Dr. Thorpe:

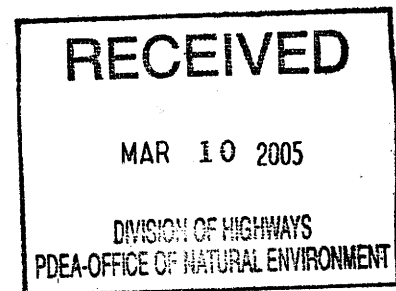
Attached hereto is a copy of the Modification of Certification No. 3475 issued to The North Carolina Department of Transportation dated February 25, 2005. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek
Alan W. Klimek, P.E.
Director

Attachments

cc: Richard Spencer, 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:

Wetland Impacts in the Cape Fear River Basin

Site	Riverine (acres)	Non- Riverine (acres)	Total (acres)	Mitigation Required (acres)
Site 3 Impacts authorized under original WQC				
Fill	0.36	0	0.36	0.36
Total	0.36	0	0.36	0.36
Site 3 Impacts for this modification				
Fill	0.35	0	0.35	0.35
Mechanized Clearing	0.07	0	0.07	0.07
Total Modified Impacts for Site 3	0.42	0	0.42	0.42

The project shall be constructed pursuant to the application submitted on February 14, 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. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands and streams through an in-lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP), and that the NCEEP has agreed to implement the mitigation for the project. NCEEP has indicated in a letter dated February 14, 2005 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements associated with the additional 0.06 acres of wetland impact for the above-referenced project as detailed in the table below.

Type of Impact	Amount of Mitigation
Riverine Wetlands	0.60 ac (10:1)

2. All the authorized activities and conditions of the certification associated with the original Water Quality Certification dated September 17, 2004 and all other corresponding modifications still apply except where superceded by this 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. 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 25th day of February 2005

DIVISION OF WATER QUALITY

Alan W. Klimek, P.E.
Director

WQC No. 3475

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 _____