

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

September 5, 2001
Craven County
DWQ Project No. 011102

APPROVAL of 401 Water Quality Certification

Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Mr. Gilmore:

You have our approval, as described in your application received July 18, 2001, and in accordance with the attached conditions and those listed below, to construct the Croatan Wetland Mitigation Bank in Craven County. The project shall be constructed in accordance with your application received July 18, 2001. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 3256. Certification 3256 corresponds to Nationwide Permit Number 27 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire when the accompanying 404 permit expires unless otherwise specified in the General Certification.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). This approval shall expire with the corresponding Nationwide Permit expires or as otherwise provided in the General Certification. For this approval to be valid, you must follow the conditions listed in the attached certification and any additional conditions listed below.

- 1.) Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
- 2.) Issuance of this Certification only authorizes the site's construction. The issuance of this Certification does not guarantee the applicability or availability of mitigation credits from the site. The NC Division of Water Quality's representative on the Mitigation Review Banking Team (MBRT), and the MBRT as a whole, will determine the nature and magnitude of mitigation credits available from this site. At this time, it is doubtful that any riverine restoration credits will be available from the NCDWQ.

Wetlands/401 Unit

1621 Mail Service Center
Telephone 919-733-1786
An Equal Opportunity Affirmative Action Employer

Raleigh, North Carolina 27699-1621
FAX 733-9959
50% recycled/10% post consumer paper

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact John Hennessy at 919-733-5694.

Sincerely,

Gregory J. Thorpe, Ph.D.
Acting Director

Attachment

cc: Wilmington District Corps of Engineers
Corps of Engineers Washington Field Office
Ron Ferrell, NC Wetlands Restoration Program
DWQ Washington Regional Office
File Copy
Central Files

c:\ncdot\TIP R-1015\wqc\011102wqc.doc

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

**WETLAND AND STREAM RESTORATION AND CREATION CERTIFICATION
GENERAL CERTIFICATION PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS
NATIONWIDE PERMIT NUMBERS 27 (WETLAND AND RIPARIAN RESTORATION AND
CREATION ACTIVITIES)**

This General 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 Regulations in 15A NCAC 2H .0500 and 15A NCAC 2B.0200 for the discharge of fill material to waters as described in 33 CFR 330 Appendix A (B) (27) of the Corps of Engineers regulations (i.e. Nationwide Permit Number 27) for wetland and riparian restoration and creation activities. This Certification replaces Water Quality Certification (WQC) Number 3027 issued on 6 September 1995 and 3109 issued on 11 February 1997. This WQC is rescinded when the Corps of Engineers reauthorizes Nationwide Permits or when deemed appropriate by the Director of the Division of Water Quality (DWQ).

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions set forth.

Conditions of Certification

1. Proposed fill or substantial alteration of waters or wetlands for this General Certification requires written application to and approval from the Division of Water Quality except as specified below;
2. Projects which are proposed under this General Certification do not require written application to and approval from the Division of Water Quality if they are projects undertaken by the N.C. Wetlands Restoration Program, Clean Water Management Trust Fund, U.S. Natural Resources Conservation Service or Section 319 projects. In these cases, the applicant is required to notify the Division in writing with three copies of project specifications before the impact occurs. If the Division determines that the project would not result in an ecologically viable wetland and riparian area, then the Division shall notify the applicant in writing within 30 days of receipt of the notification with an explanation and requirement for application and payment of the appropriate fee.
3. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Erosion and Sediment Control Planning and Design Manual" or "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources at the DENR Regional and Central Offices) shall be designed, installed and maintained properly to assure compliance with the appropriate turbidity water quality standard (50 NTUs in streams and rivers not designated as trout waters by DWQ; 25 NTUs in all saltwater classes and all lakes and reservoirs; 10 NTUs in DWQ-classified trout waters);
4. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the Division of Land Resources or local delegated program has released the project;
5. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

Wetlands/401 Unit

1621 Mail Service Center

Raleigh, North Carolina 27699-1621

Telephone 919-733-1786

FAX 733-9959

An Equal Opportunity Affirmative Action Employer

50% recycled/10% post consumer paper

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

6. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact or Record of Decision is issued by the State Clearinghouse;
7. Additional site-specific conditions may be added to projects which require written concurrence under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
8. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or the notification sent to DWQ.

Non-compliance with or violation of the conditions herein set forth by a specific project shall result in revocation of this Certification for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual Certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: November 22, 1999

DIVISION OF WATER QUALITY

By

Kerr T. Stevens

Director

WQC # 3256

Wetlands/401 Unit

1621 Mail Service Center

Telephone 919-733-1786

An Equal Opportunity Affirmative Action Employer

Raleigh, North Carolina 27699-1621

FAX 733-9959

50% recycled/10% post consumer paper

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting 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 _____