



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

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

June 30, 1999

IN REPLY REFER TO

Regulatory Division

Action ID. 1995005645

Mr. William D. Gilmore, Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
Post Office Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Gilmore:

In accordance with your written request of March 10, 1999, and the ensuing administrative record, enclosed is a Department of the Army (DA) permit to authorize the discharge of dredged and fill materials into 0.55 acres of jurisdictional wetlands and to mechanize land clear 0.11 acres of jurisdictional wetlands adjacent to the Tar River in Pitt County, North Carolina. The purpose of the proposed work is to replace the Greene Street Bridge (SR 1531) and construct a new parallel bridge to extend Pitt Street across the Tar River in Greenville, North Carolina (T.I.P. B-2225, Federal Aid Project No BRN-6964(1), State Project No. 8.2220601).

If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before December 31, 2002.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

Should you have any questions, please contact Mr. Michael Bell, of my Washington Field Office regulatory staff at telephone (252) 975-1616, extension 26.

Sincerely,

E. David Franklin

for Terry R. Youngbluth
Colonel, U.S. Army
District Engineer

Enclosures

Copy Furnished with enclosures:

Chief, Source Data Unit
NOAA/National Ocean Service
ATTN: Sharon Tear N/CS261
1315 East-west Hwy., Rm 7316
Silver Spring, MD 20910-3282

Mr. William L. Cox, Chief
Wetlands Protection Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303

Copies Furnished with special conditions
and plans:

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

Mr. Doug Huggett
Division of Coastal Management
North Carolina Department of
Environment and Natural Resources
Post Office Box 27687
Raleigh, North Carolina 27611-7687

Mr. Larry Hardy
National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516

DEPARTMENT OF THE ARMY PERMIT

**North Carolina Department of Transportation
William D. Gilmore, P.E., Manager**

Permittee _____

199505645

Permit No. _____

CESAW-RG-W

Issuing Office _____

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To discharge dredged or fill materials into 0.55 acres of jurisdictional wetlands and to mechanize land clear 0.11 acres of jurisdictional wetlands adjacent to the Tar River in Pitt County, North Carolina.

Project Location:

Replace the Greene Street Bridge (SR 1531) and construct a new parallel bridge to extend Pitt Street across the Tar River in Greenville, North Carolina.

Permit Conditions:

General Conditions:

December 31, 2002

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See enclosed sheet.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

William D. Gilmore
(PERMITTEE)
North Carolina Department of Transportation
William D. Gilmore, P.E., Manager

6-29-99
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

E. David Youngbluth
(DISTRICT ENGINEER)
TERRY R. YOUNGBLUTH, COLONEL

6-30-99
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS

a. All work authorized by this permit must be performed in strict compliance with the attached plans, which are part of the permit.

b. The permittee and its contractors and/or agents shall not excavate, fill, or perform landclearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this permit or any modification to this permit. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of the permit.

c. To ensure that all borrow and waste activities occur on high ground, except as authorized by this 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 ensure that all such areas comply with Special Condition (b.) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with Special Condition (b.) above. All information will be available to the Corps of Engineers on request.

d. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.

e. The permittee shall schedule an onsite preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office NCDOT Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all the terms and conditions within the Department of the Army Permit. The permittee shall notify the Corps of Engineers NCDOT Project Manager a minimum of thirty (30) days in advance of the scheduled meeting in order to provide that individual with ample opportunity to schedule and participate in the required meeting.

f. The mitigation work will be undertaken at the Greene Street Mitigation Site (GSMS) pursuant to the plan entitled, "Compensatory Mitigation Plan for Greene Street Bridge, Pitt County, Bridge Number 411 on SR 1531 and Pitt Street (extension), TIP Project Number B-2225, North Carolina State Project Number 8.2220601", dated February 1999, and pursuant to the additional commitments and additions in the correspondence dated June 15, 1999, from Mr. William D. Gilmore, P.E., (NCDOT) to Mr. John Dorney (DWQ) (Attachment 3). The permittee shall incorporate the June 15, 1999, commitments into the final mitigation plan and provide this

final plan to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager, no more than 60 days after the issuance date of this permit. The GSMS construction will be conducted immediately after the removal of all temporary fills to support construction of the bridges. The GSMS will be constructed and implemented to the extent necessary to create/restore 0.34 acres of cypress-gum swamp forest, enhance 0.40 acres of cypress-gum swamp forest, create/restore 1.41 acres of bottomland hardwood wetlands, and preserve 0.95 acres of upland levee with wetlands pockets, to the satisfaction of the Corps of Engineers.

g. NCDOT will maintain the site in the condition stipulated by the implementation of the mitigation plan, in perpetuity. Prohibited activities within the mitigation area specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity that may alter the drainage pattern on the property; the cutting, mowing, destruction, removal, damage or other alternation of any vegetation; disposal or storage of any debris, waste or garbage; except as may be authorized by the mitigation plans or subsequent modifications which are approved by the Corps of Engineers. In addition, the permittee shall take no action, whether on or off the mitigation property, which will adversely impact the wetlands on the mitigation property.

h. Special Condition (g.), above, runs with the land. The permittee shall not sell, lease, or otherwise convey any interest in the property used to satisfy mitigation requirements for this permit, to any third party, without the express written consent of the Corps of Engineers.

i. The permittee shall contact the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager and provide him with the opportunity to attend the annual mitigation monitoring efforts.

j. The permittee will submit the annual mitigation monitoring reports by December 31 of each monitoring year.

k. The mitigation site shall be constructed and planted by May 31, 2004. As-built reports for the mitigation areas shall be submitted by August 31, 2004.

l. The permittee shall make every effort to convey the GSMS to a nonprofit conservation organization or a natural resource agency, which is willing to hold the areas in perpetuity for conservation purposes, and which is acceptable to the Corps of Engineers. The annual monitoring reports will include the status of the conveyance efforts.

m. All wetland areas impacted by existing haul roads to be removed or by temporary haul roads will first be deep plowed and the surface scarified before planting to reduce the adverse effects of soil compaction on planted vegetation.

n. The temporary placement or double handling of excavated or fill materials within waters or wetlands is not authorized.

o. All fill material will be clean and free of any pollutants except in trace quantities.

p. All fill material will be immediately stabilized and maintained to prevent erosion and sedimentation into adjacent waters and/or wetlands. Fescue will not be planted within wetlands or any mitigation area.

q. The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.

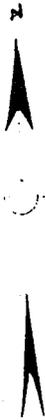
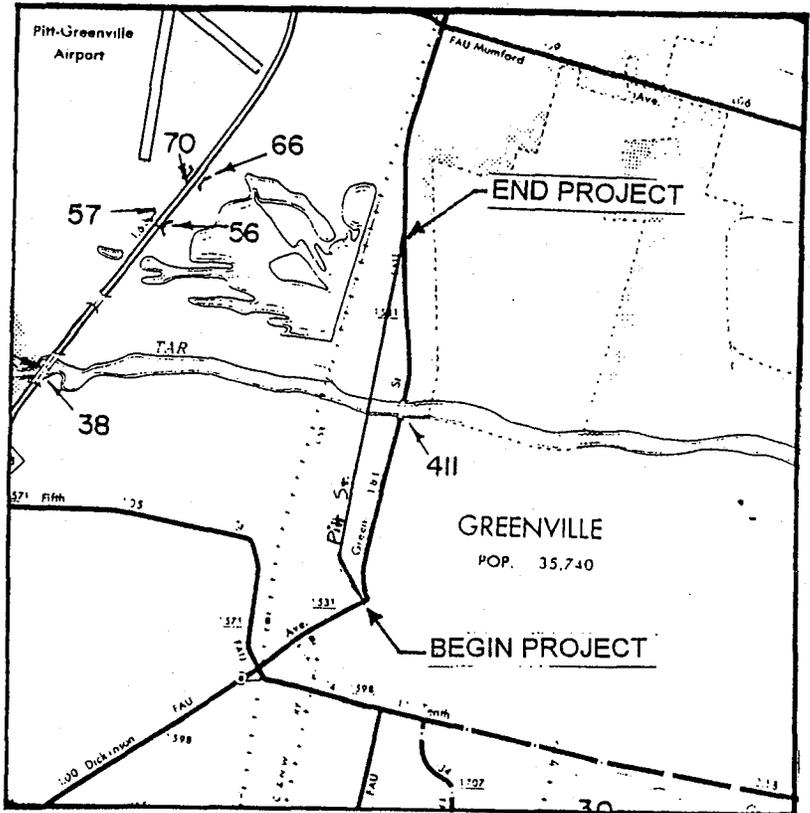
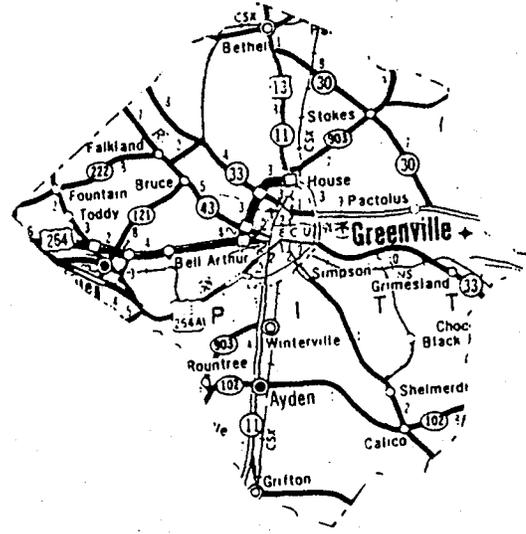
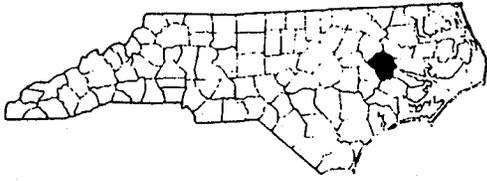
r. All conditions of Section 401, Clean Water Act Certification No. 3234, issued by the North Carolina Division of Water Quality on June 15, 1999, are conditions of this permit.

s. An instream construction moratorium will be in effect from February 15 to June 30 to minimize impacts to fishery resources. The moratorium will include instream work in the Tar River and/or work in adjacent tributaries or sloughs.

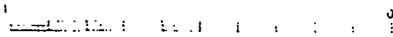
t. Bridge No. 411 and the existing bents located in the Tar River, will be removed to river bottom by nonshattering means and the pieces removed from the site to an upland location.

u. Prior to the demolition of Bridge No. 411, NCDOT shall record the Parker Truss, including the concrete approaches, in accordance with the Historic Structure Recordation Plan located in the Memorandum of Agreement between the Federal Highway Administration and the Advisory Council on Historic Preservation accepted by the council on May 22, 1995.

v. Prior to commencing construction within jurisdictional waters of the United States, the permittee shall forward the latest version of half-size project construction drawings to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager.



SCALE



1 MILE

VICINITY MAPS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

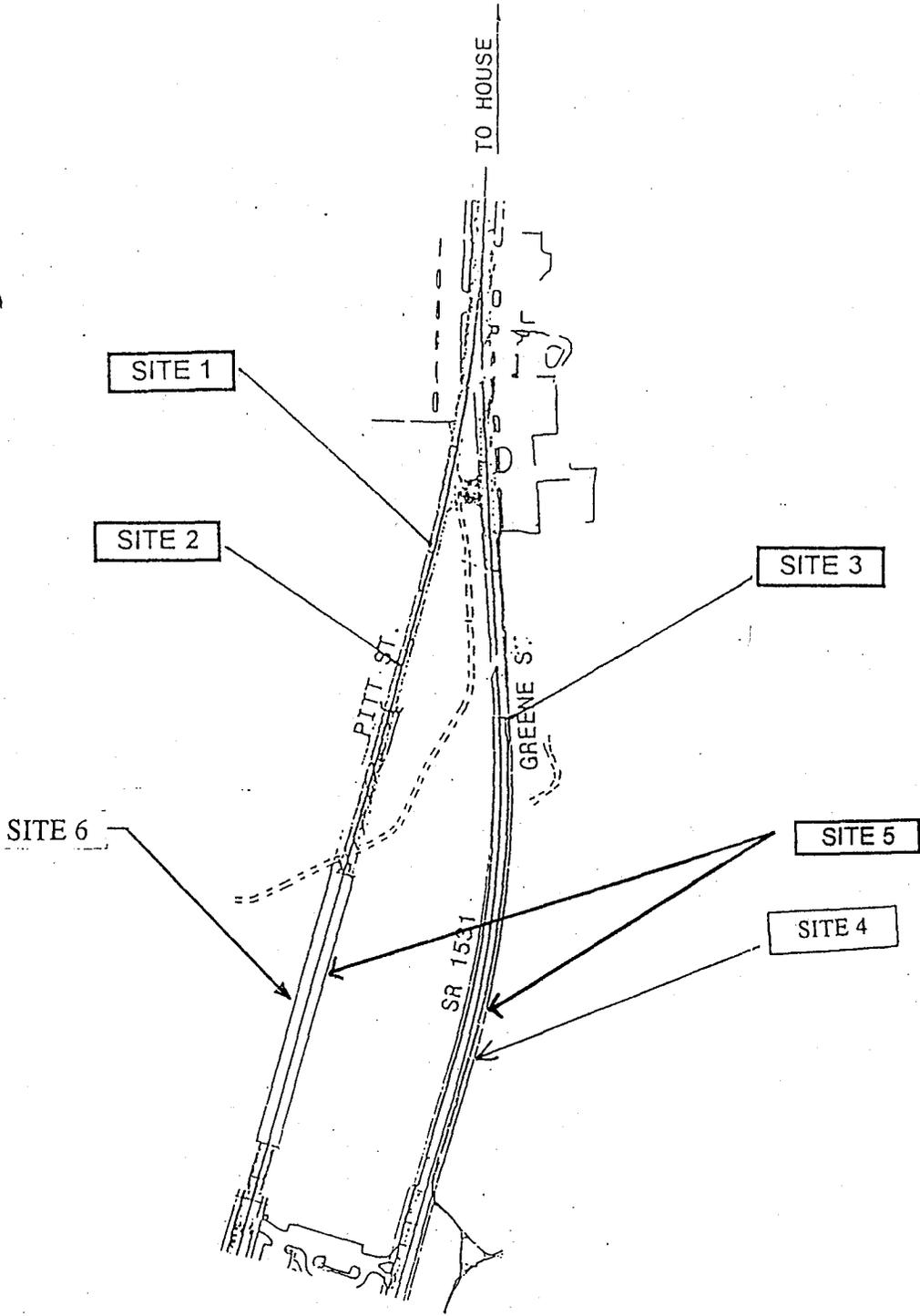
PITT COUNTY

PROJECT: 8.2220601 (B-2225)

REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER

SHEET 1 OF 15

SITE LOCATIONS



N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY
PROJECT 2220601 (B-2225)

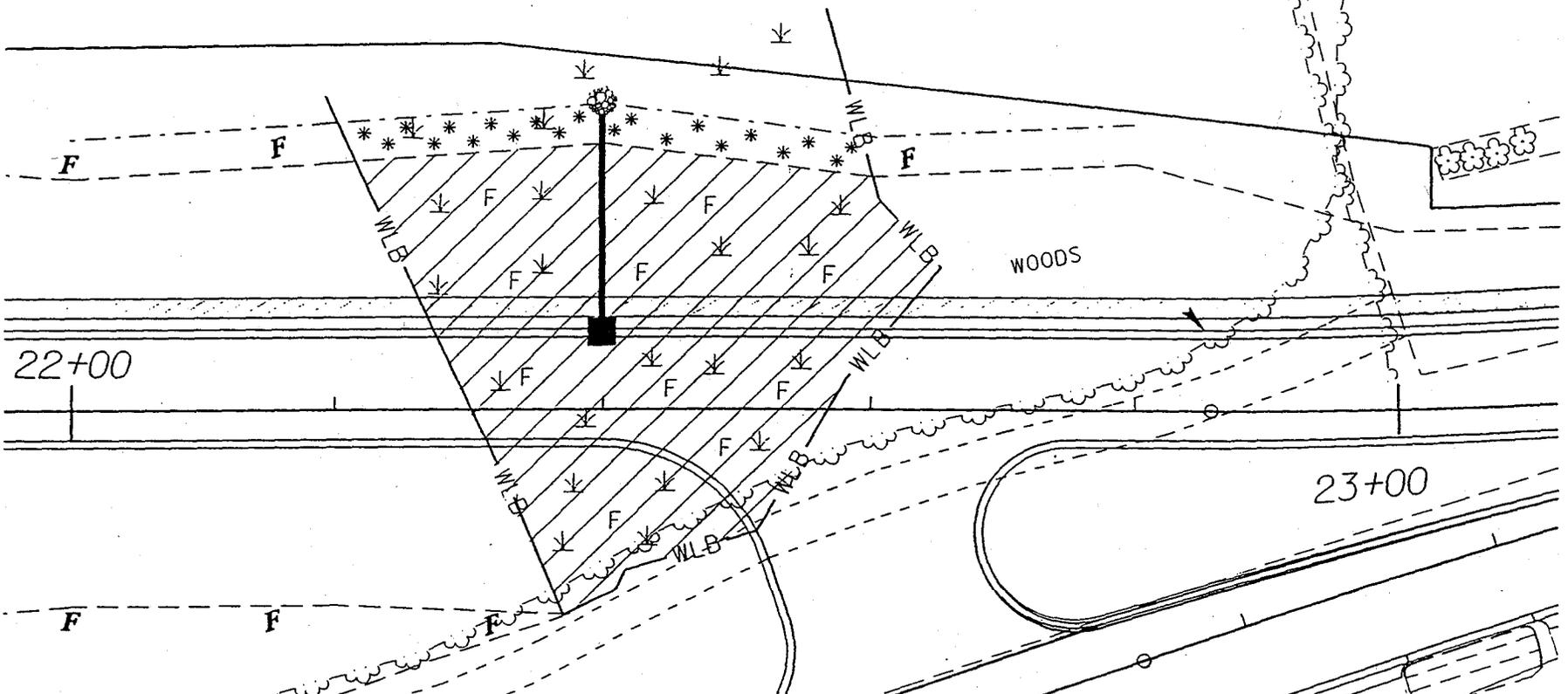
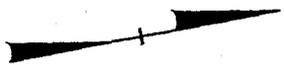
REPLACEMENT OF BRIDGE 411

VICINITY MAP SHOWING LOCATION
OF STATE PROJECT 8.2220601

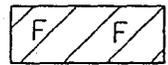
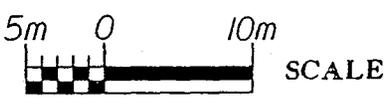
SHEET 2 OF 15

July 1997

28



SITE I
PLAN VIEW



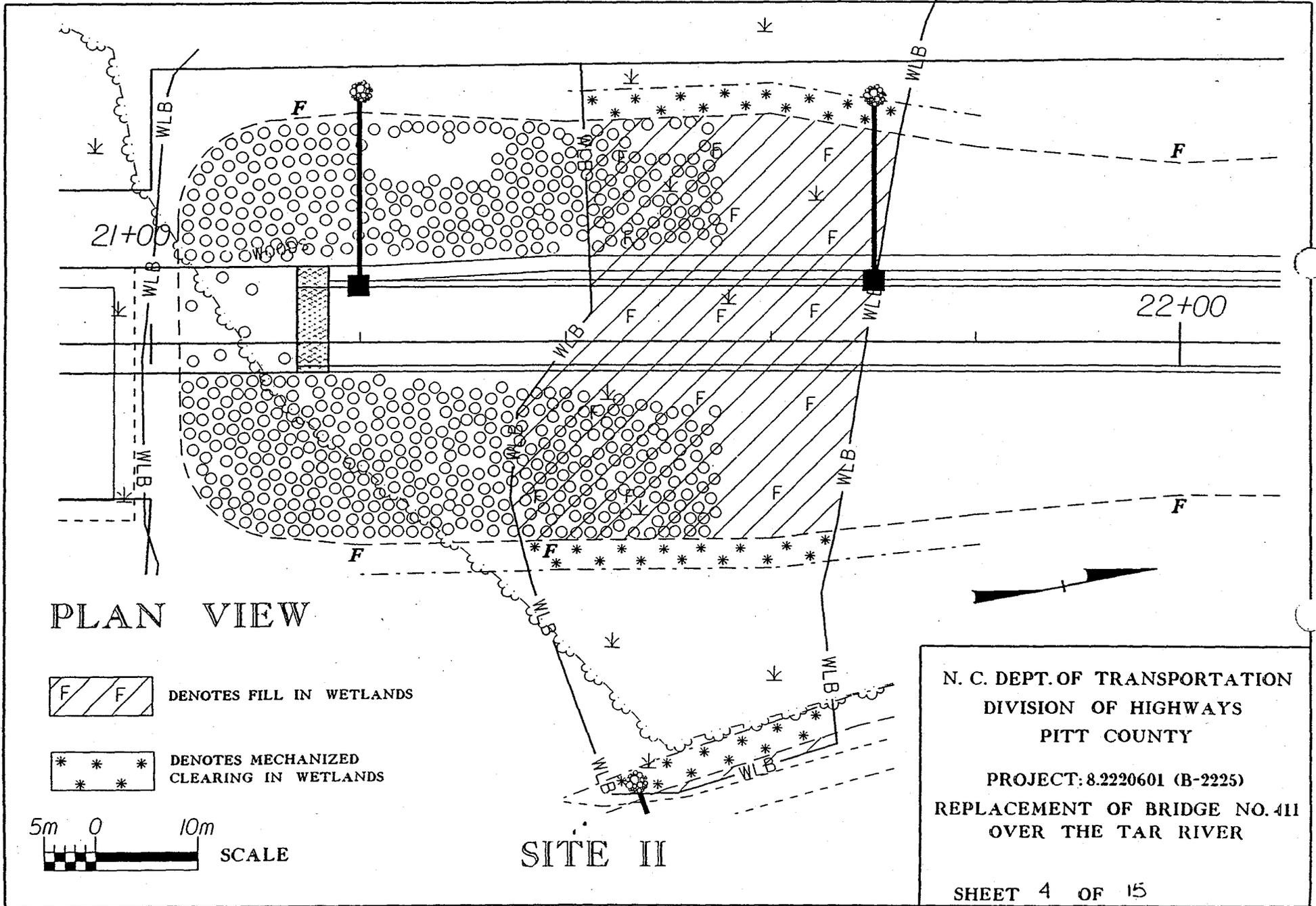
DENOTES FILL IN WETLANDS

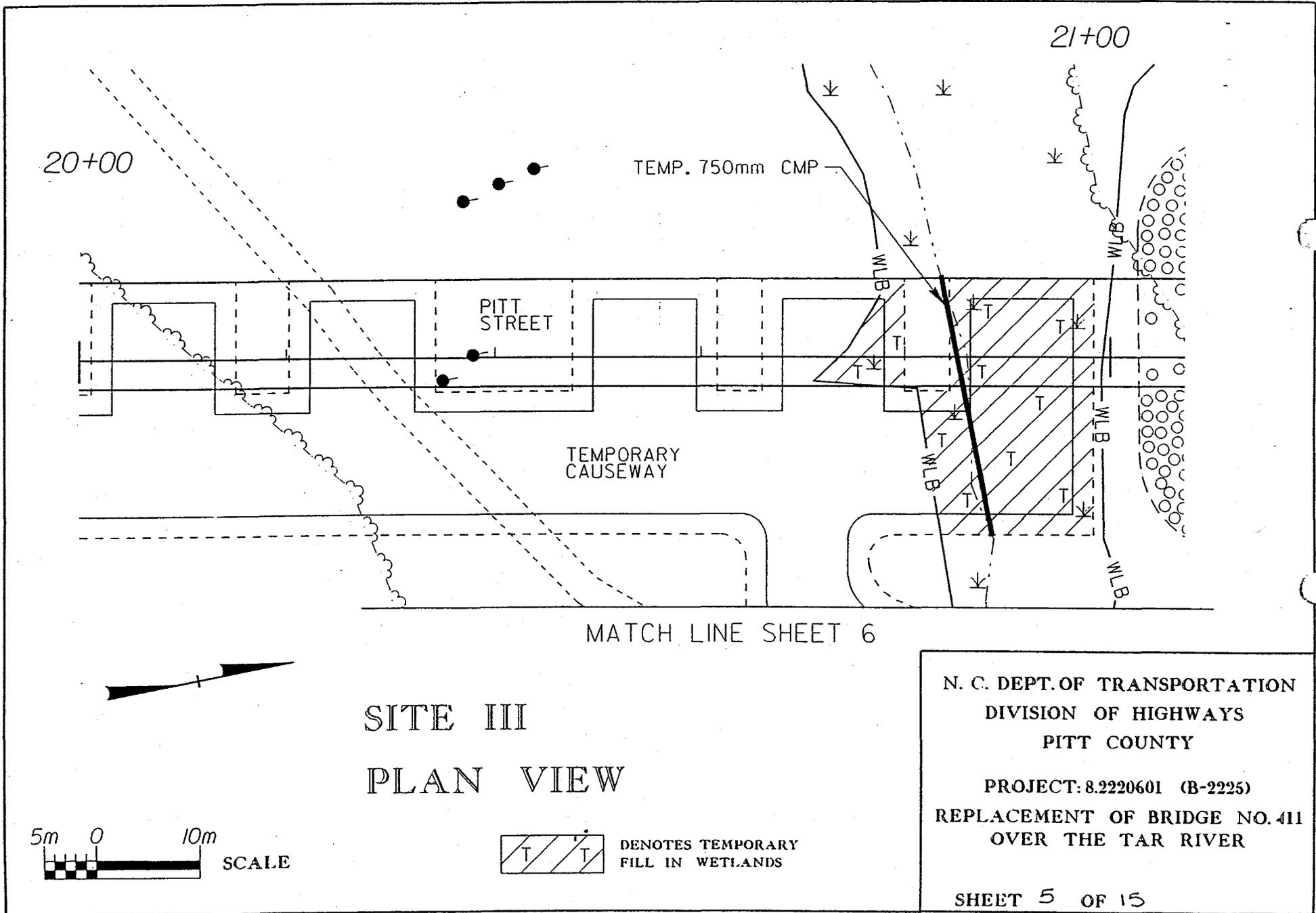


DENOTES MECHANIZED
CLEARING IN WETLANDS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY

PROJECT: 8.2220601 (B-2225)
REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER





20+00

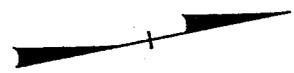
21+00

TEMP. 750mm CMP

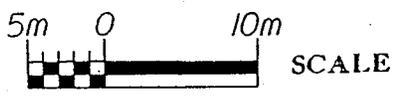
PITT STREET

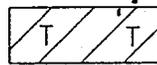
TEMPORARY CAUSEWAY

MATCH LINE SHEET 6



SITE III
PLAN VIEW



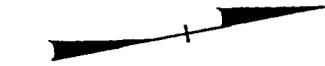
 DENOTES TEMPORARY FILL IN WETLANDS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY

PROJECT: 8.2220601 (B-2225)
REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER

SHEET 5 OF 15

MATCH LINE SHEET 5



20+00

21+00

PLAN VIEW

TEMPORARY CAUSEWAY

TEMP. 750mm CMP

TEMPORARY CAUSEWAY

GREENE STREET

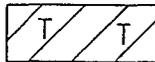
SITE III



SCALE



DENOTES FILL IN WETLANDS



DENOTES TEMPORARY FILL IN WETLANDS

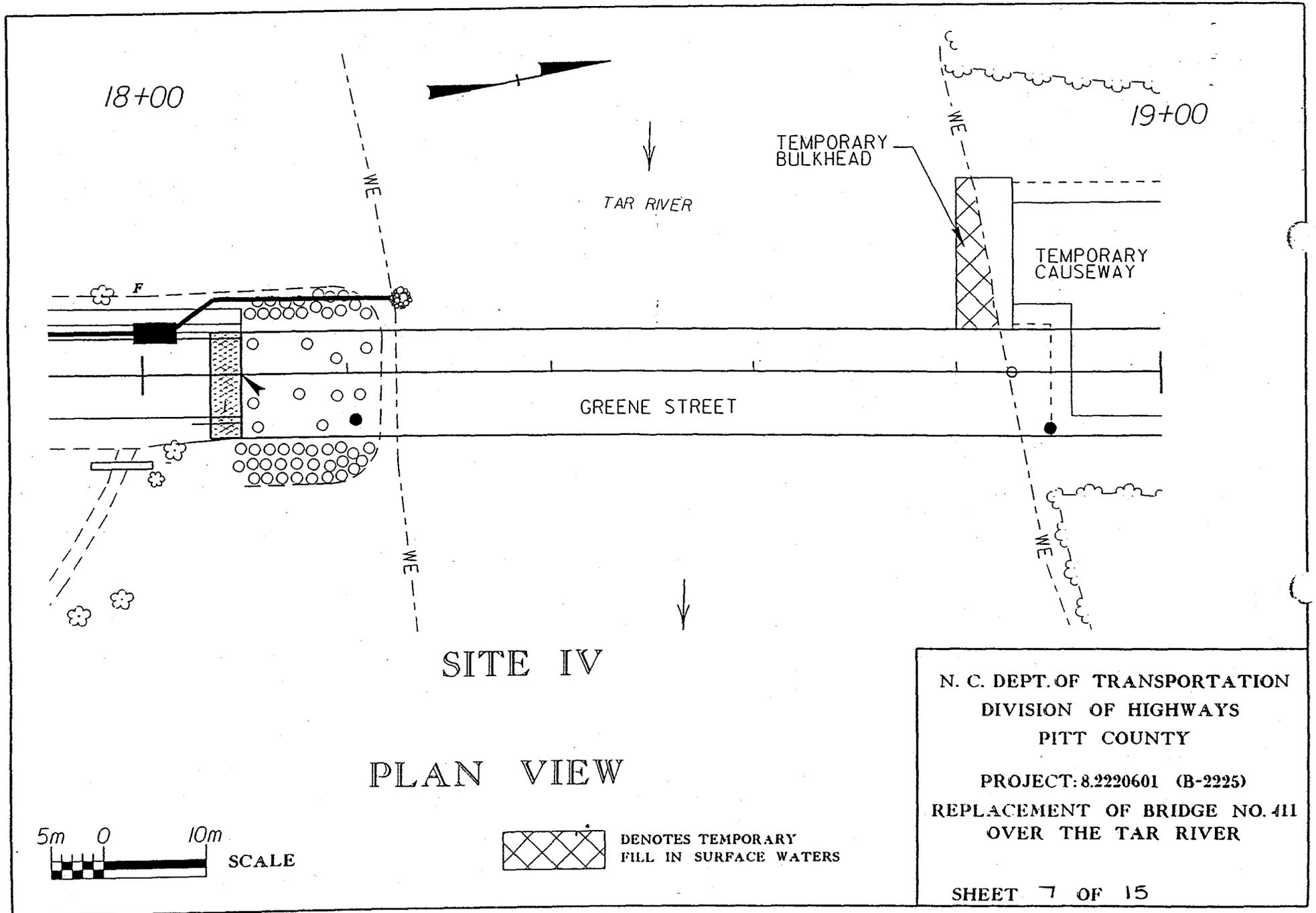


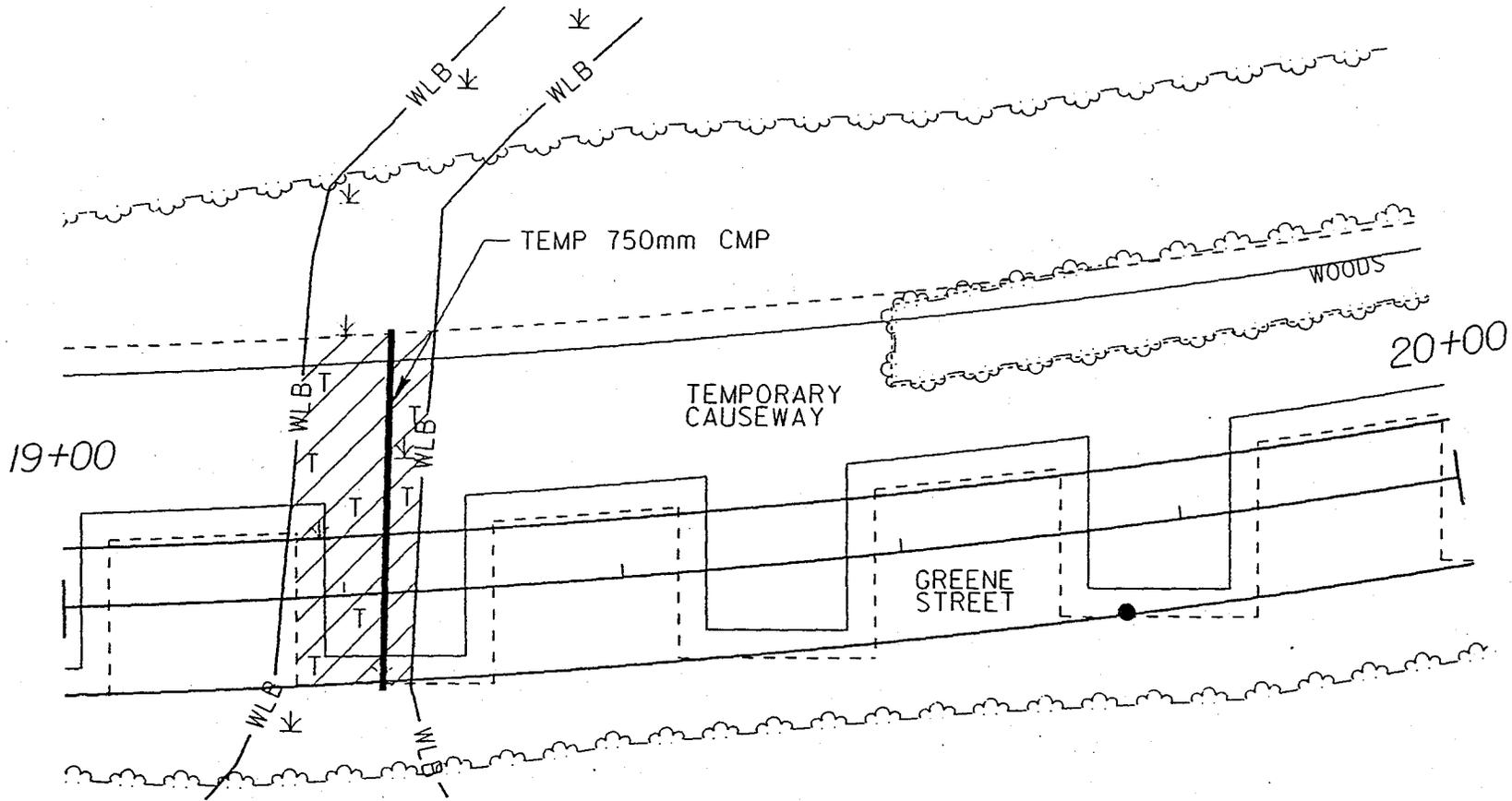
DENOTES MECHANIZED CLEARING IN WETLANDS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY

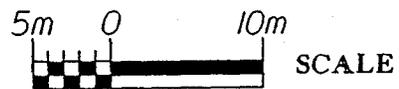
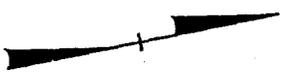
PROJECT: 8.2220601 (B-2225)
REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER

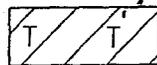
SHEET 6 OF 15





SITE V
PLAN VIEW

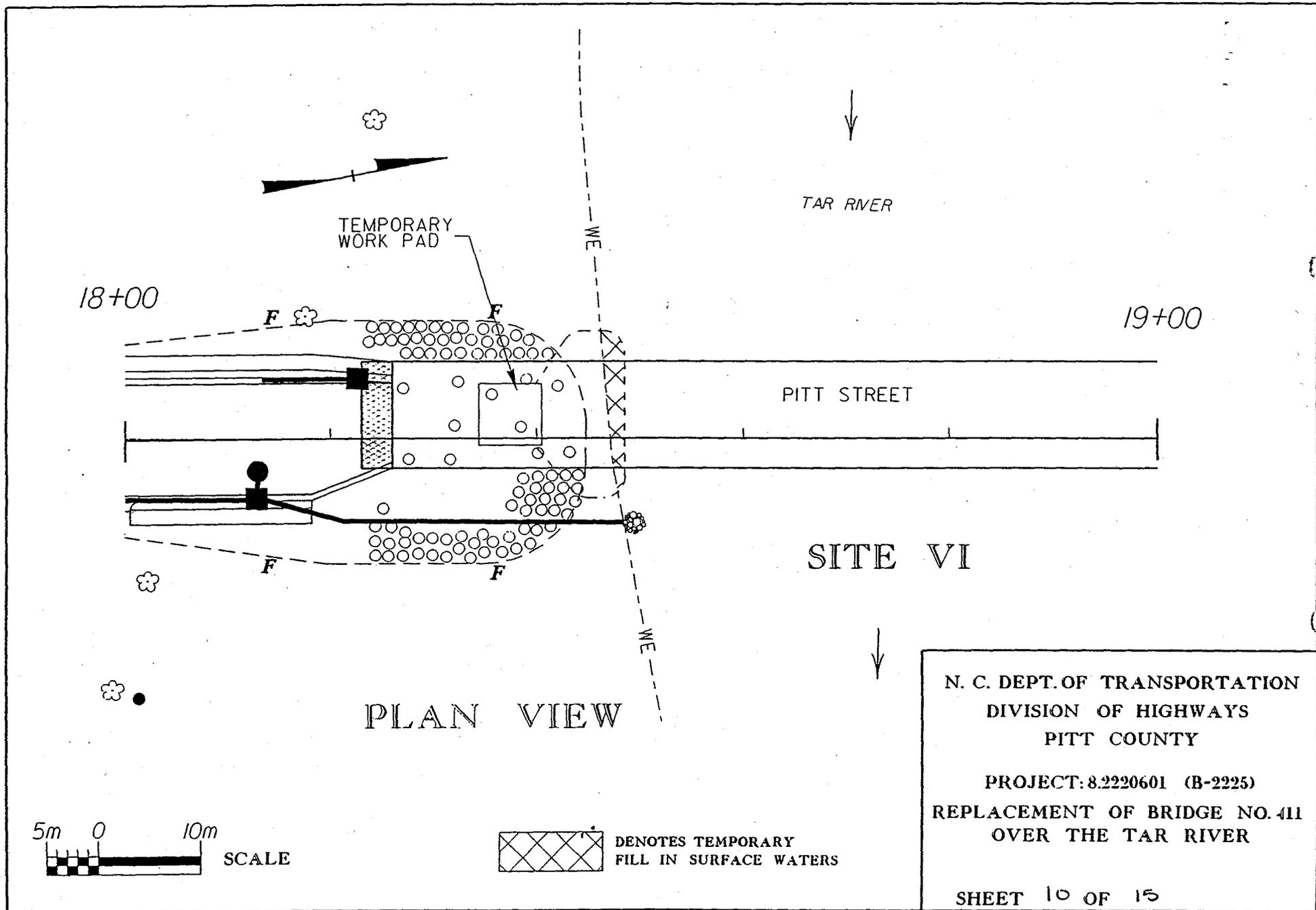


 DENOTES TEMPORARY FILL IN WETLANDS

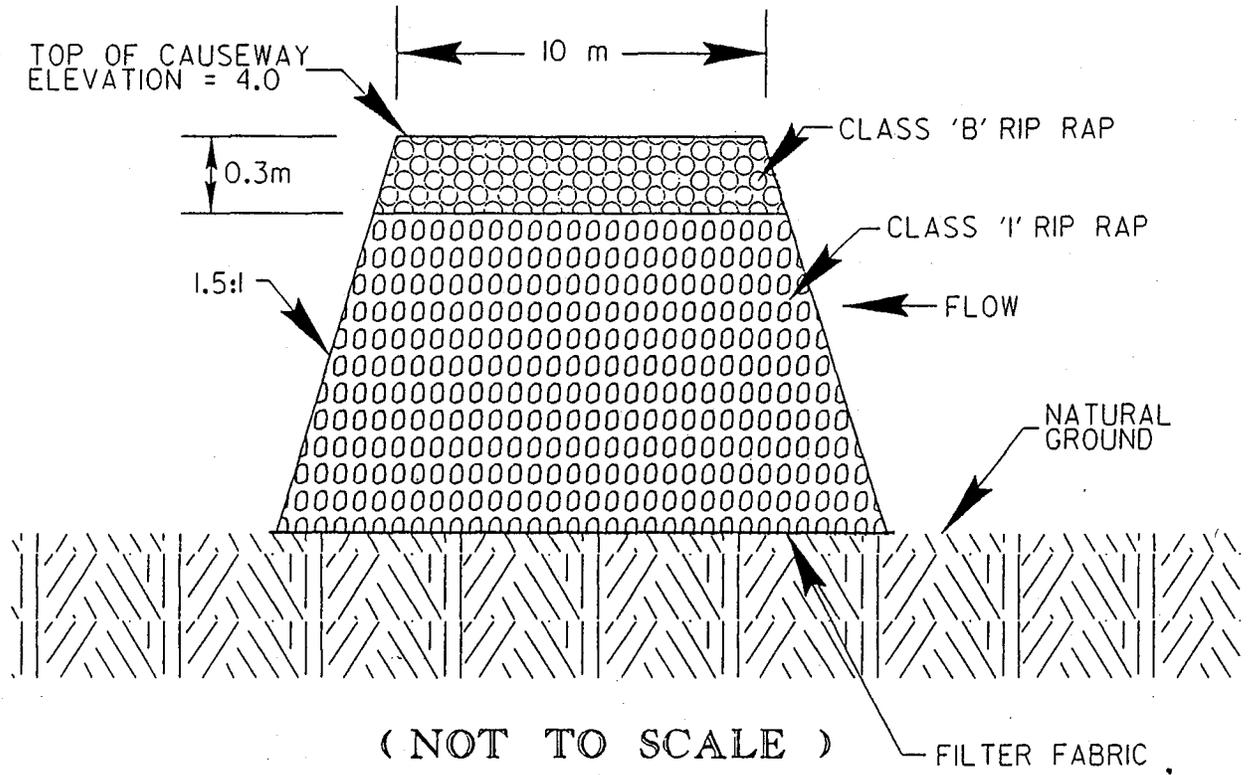
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY

PROJECT: 8.2220601 (B-2225)
REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER

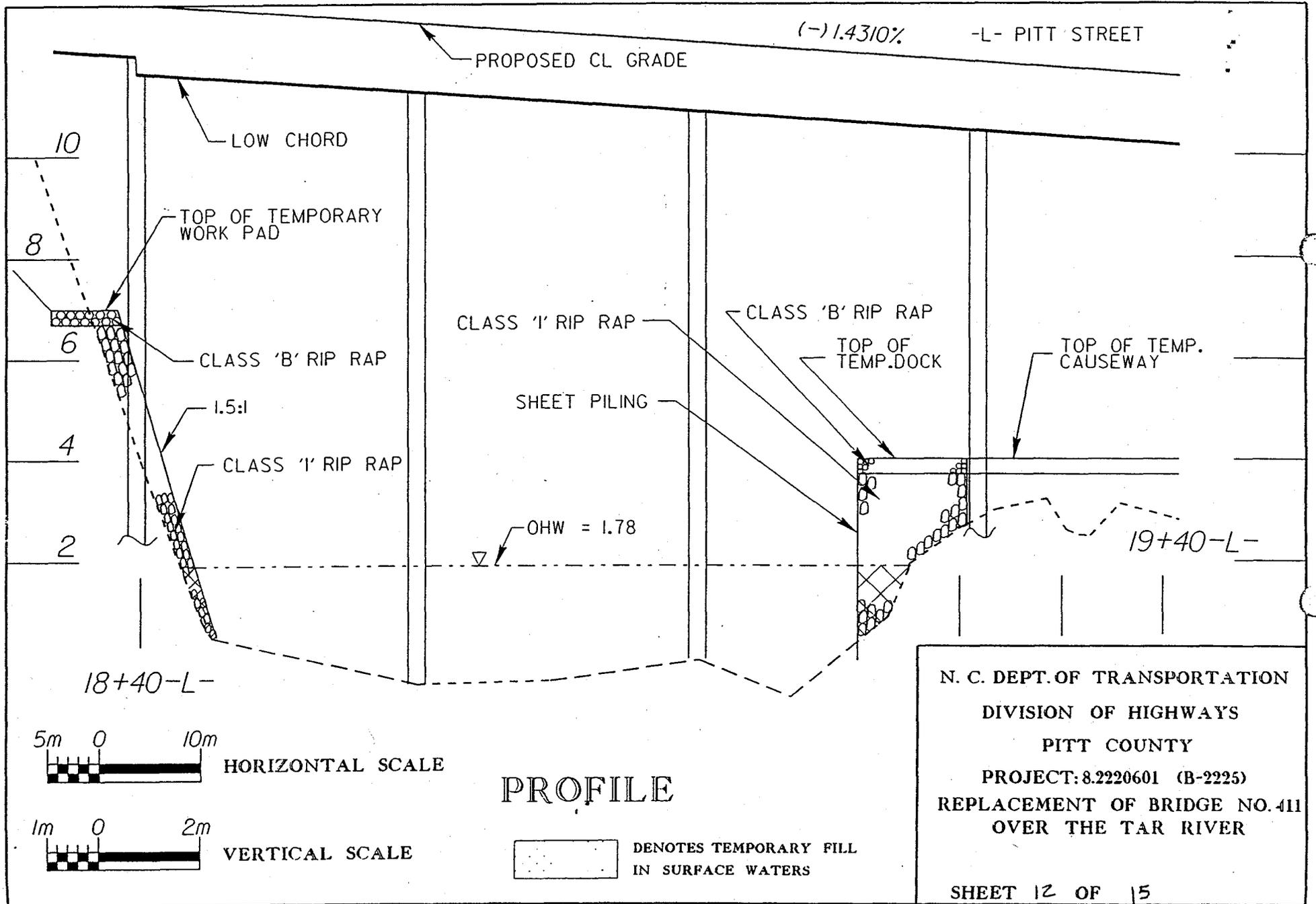
SHEET 8 OF 15



DETAIL OF CAUSEWAY



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PITT COUNTY
PROJECT: 8.2220601 (B-2225)
REPLACEMENT OF BRIDGE NO. 411
OVER THE TAR RIVER



(-) 1.4310%

-L- PITT STREET

PROPOSED CL GRADE

LOW CHORD

10

TOP OF TEMPORARY WORK PAD

8

6

CLASS 'B' RIP RAP

CLASS '1' RIP RAP

CLASS 'B' RIP RAP

TOP OF TEMP. DOCK

TOP OF TEMP. CAUSEWAY

1.5:1

SHEET PILING

4

CLASS '1' RIP RAP

OHW = 1.78

2

19+40-L-

18+40-L-

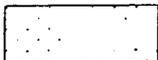


HORIZONTAL SCALE



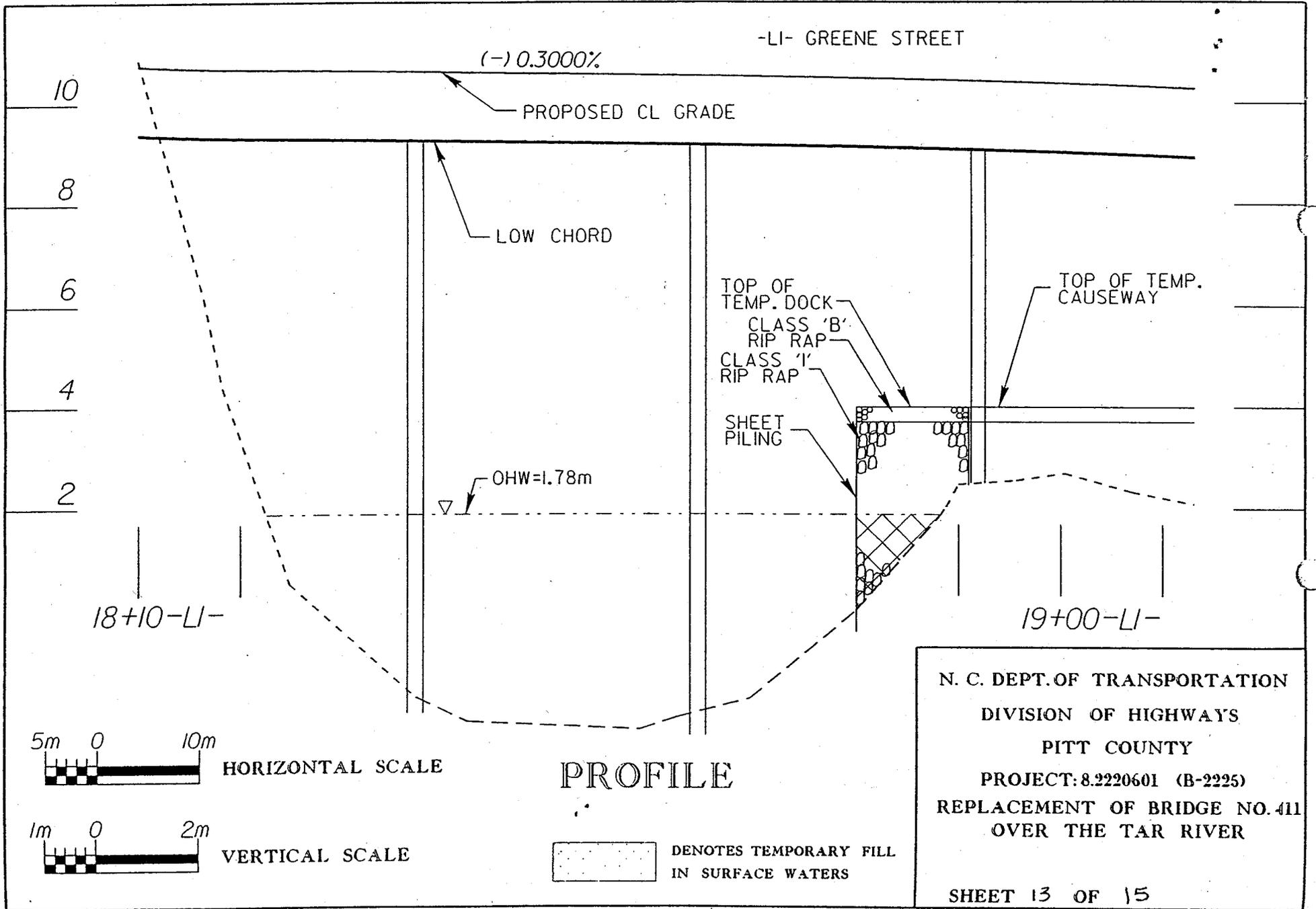
VERTICAL SCALE

PROFILE



DENOTES TEMPORARY FILL IN SURFACE WATERS

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PITT COUNTY
 PROJECT: 8.2220601 (B-2225)
 REPLACEMENT OF BRIDGE NO. 411
 OVER THE TAR RIVER



PROPERTY OWNERS

NAME AND ADDRESS
 PROJECT NO. 8.2220601 (B-2225)
 REPLACEMENT OF BRIDGE 411
 PITT COUNTY

SITE NUMBER	PARCEL NUMBER	OWNERS NAME	ADDRESS
1	29	Alma Dudley Heirs	Alma Dudley Heirs c/o Charles T. Dudley 2908 S. Evans Street Greenville, NC 27858
2	29	Alma Dudley Heirs	Alma Dudley Heirs c/o Charles T. Dudley 2908 S. Evans Street Greenville, NC 27858
3	28	Bobby Ray O'Neal	Bobby Ray O'Neal 6168 U.S. 13 Farmville, NC 27828
5	28	Bobby Ray O'Neal	Bobby Ray O'Neal 6168 U.S. 13 Farmville, NC 27828
		Greenville Utilities R/W	City of Greenville c/o Thomas N. Tysinger, P.E. 1500 Beaty Street Greenville, NC 27835

NC DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PITT COUNTY
 PROJECT 8.2220601 (B-2225)
 REPLACEMENT OF BRIDGE 411
 SHEET 14 OF 15
 JULY 1997

SUMMARY

			WETLAND IMPACTS					SURFACE WATER IMPACTS				
Site No.	Station (From/To)	Structure Size	Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Interchange Isolated Wetland (ha)	Mechanized Clearing (Method III) (ha)	Temp. Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Existing Channel Filled (m)	Relocated Channel (m)	Enclosed Channel (m)
I	22+30 to 22+60 -L-	N/A	0.094				0.012					
II	21+40 to 21+70 -L-	N/A	0.127				0.025					
III	0+80 -L-/20+60 -L1	N/A	0.002	0.1			0.006					
IV	18+80 -L1-	N/A						0.004				
V	9+20 -L-/19+60-L1	N/A		0.104								
VI	18+50 & 19+10 -L-							0.013				
TOTALS:			0.223	0.204	0	0	0.043	0.017	0	0	0	0

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PITT COUNTY
 PROJECT: 8.2220601 (B-2225)
 REPLACEMENT OF BRIDGE NO. 411
 OVER THE TAR RIVER
 SHEET 15 OF 15

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



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
A. Preston Howard, Jr., P.E., Director

June 16, 1999

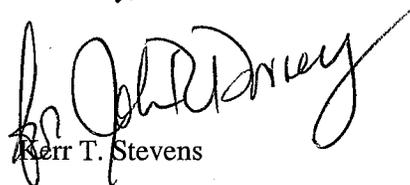
Mr. William Gilmore, P.E.
Manager, Planning and Environmental Branch
North Carolina Department of Transportation
PO Box 25201
Raleigh NC 27611-2501

Dear Mr. Gilmore:

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed Replacement of Greene Street Bridge over the Tar River in Pitt County.
WQC Project # 990222 COE #199505645
Pitt County

Attached hereto is a copy of Certification No. 3234 issued to NCDOT, dated June 15, 1999. If
we can be of further assistance, do not hesitate to contact us.

Sincerely,



Merr T. Stevens

Attachments

990222.wqc

cc: Wilmington District Corps of Engineers
Corps of Engineers Washington Field Office
Washington DWQ Regional Office
Mr. John Dorney
Mr. John Parker, Division of Coastal Management
Central Files

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

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. This certification authorizes NCDOT to place fill in 0.55 acres and perform mechanized clearing in 0.11 acres of jurisdictional wetlands. The authorized activity is will result in resulting in a total of 0.66 acres of wetland impact in Pitt County pursuant to an application filed on the 5th day of March 1999 to replace the Green Street Bridge (SR 1531) and construct a new parallel bridge over the Tar River in Greenville, North Carolina.

The application provides adequate assurance that the discharge of fill material into the waters of the Tar River and its adjacent wetlands 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. If you change your project, you must notify us and send us a new application for a new certification. If the property is sold, the new owner must be given a copy of the Certification and approval letter and is thereby responsible for complying with all conditions. If total wetland fills for this project (now or in the future exceed one acre, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to be valid, you must follow the conditions listed below. In addition, you should get any other federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations.

Condition(s) of Certification:

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" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) shall be utilized to prevent exceedances of 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. 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 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;
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. 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;

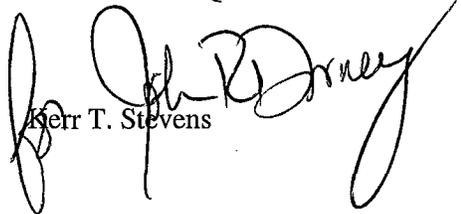
6. Compensatory mitigation shall be done in accordance with the permit application dated March 5, 1999, with the exception of the success criteria for the proposed cypress-gum restoration site. Pursuant to your letter dated June 16, 1999 the hydrologic and vegetative success criteria for the proposed cypress-gum restoration site is as described below. For the cypress-gum restoration site, hydrologic success will be determined using data from monitoring wells to demonstrate that inundation or saturation within 12 inches of the ground has existed consecutively for at least 25 percent of the growing season. Should the site fail to meet the above criteria, a comparative analysis of the hydraulic data from the restoration site to the corresponding reference site will be performed to determine the presence or absence of statistical significance between the two sites. Hydrologic success shall be achieved if analysis reveals no statistical significance between the two data sets. Statistical significance shall be determined using the standard Student's T test with a 95 percent confidence interval. Success will be achieved only if one of the above criteria is met in conjunction with the subsequent vegetative success criteria. For the cypress-gum restoration site, vegetative success will be achieved by a species composition of 40 percent areal coverage by cypress (*Taxodium distichum*), 40 percent areal coverage by tupelo gum (*Nyssa aquatica*), and the remaining 20 percent to be composed of green ash (*Fraxinus pennsylvanica*), water ash (*Fraxinus carolinia*), and water hickory (*Carya aquatica*). DWQ shall be copied on a detailed mitigation and monitoring plan as well as the approved ratio, location, size and method of mitigation (restoration, enhancement, creation, and preservation) prior to construction and annual reports for the entire length of the monitoring period.

Violations of any condition herein set forth shall 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 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 16th day of June 1999

DIVISION OF WATER QUALITY


Kerr T. Stevens