



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

E. NORRIS TOLSON  
SECRETARY

October 27, 1998

MEMORANDUM TO: Mr. C. E. Lassiter, Jr., P.E.  
Division 2 Engineer

FROM: V. Charles Bruton, Ph.D. *V. Charles Bruton*  
Assistant Manager, Environmental Services  
Planning and Environmental Branch

SUBJECT: Greene County, Construction of the Intersection of SR 264 and SR 1311 (Dildy Road) west of Farmville East of NC 121; State Project No. 8.T221002; T.I.P. # R-525D

Attached are the U. S. Army Corps of Engineers Nationwide Permit No. 23 and the Division of Water Quality 401 Certification for the above referenced project. All environmental permits have been received for the construction of this project.

VCB/eah

Attachment

cc: Mr. G. T. Shearin, P.E.  
Mr. Whit Webb, P.E.  
Mr. A. L. Hankins, P.E.  
Mr. Victor Barbour, P.E.  
Mr. William Rogers, P.E.  
Mr. W. D. Johnson  
Mr. N. L. Graf, FHWA  
Mr. R. L. Hill, P.E. (cover only)  
Mr. Gary Jessup (cover only)





REPLY TO  
ATTENTION OF

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

October 14, 1998



**Regulatory Division**

**Subject: Action ID No. 199705651 and Nationwide Permit No. 23 (Approved Categorical Exclusions)**

Mr. William D. Gilmore, P.E. Manager  
North Carolina Department of Transportation  
Planning and Environmental Branch  
Post Office Box 25201  
Raleigh, North Carolina 27611-5201



Dear Mr. Gilmore:

Reference your Categorical Exclusion Document, dated March 31, 1998, subsequent correspondence dated June 5, 1998 and September 4, 1998, for alterations to the U.S. 264 Interchanges at State Road 1311 (Dildy Road), Federal Aid Project No. F-38-1(63), State Aid Project No. 8.T221002, T.I.P. No. R-0525D, Greene County, North Carolina. The stated purpose of the project is to construct a diamond interchange at the existing intersection of US 264 and State Road 1311 (Dildy Road) so that State Road 1311 will overpass over US 264. The proposed project will adversely impact 1.28 acres of jurisdictional wetlands located adjacent to Thompson Swamp.

For the purposes of the Corps of Engineers' Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330.6, published in the Federal Register on November 22, 1991, lists nationwide permits. Authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, was provided for activities undertaken, assisted, authorized, regulated, funded or financed, in whole or part, by another Federal agency or department where that agency or department has determined, pursuant to the CEQ Regulation for the Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity, work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

Review of this project indicates that the construction of the overpass will adversely impact 0.74 acres of riverine wetlands and 0.54 acres of non-riverine wetlands.

Your work is authorized under Nationwide Permit 23, Categorical Exclusion, provided it is accomplished in strict accordance with the enclosed Nationwide Permit Conditions and the following special conditions:

a. The North Carolina Department of Transportation (NCDOT) will mitigate the project impacts by restoring 1.48 acres of riverine wetlands and 1.08 acres of non-riverine wetlands at the Gurley Mitigation Site (GMS) in Greene County;

b. The mitigation work will be undertaken at the GMS pursuant to the plan entitled, "Mitigation Plan: Gurley Mitigation Site, Nahunta Swamp (R-1023 AB), Greene County, North Carolina", dated January 1997, and will be commenced immediately and implemented concurrently with all phases of construction activities authorized by this permit to the extent necessary to construct, monitor and maintain 1.48 acres of riverine wetlands and 1.08 acres of non-riverine wetlands to the satisfaction of the Corps of Engineers. All work within waters and/or wetlands authorized by this permit shall cease if planting is not undertaken in accordance with the mitigation plan. Any deviation from this schedule must be approved by the Wilmington District, U.S. Army Corps of Engineers, Regulatory Division;

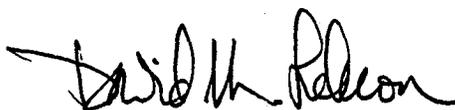
c. Within 30 days of the issuance of this permit, NCDOT shall survey the acreage utilized from GMS to satisfy condition (b) above and provide the Corps of Engineers, Washington Field Office, with a copy of the survey. The permittee shall maintain the acreage described in this paragraph in the condition achieved by implementation of the mitigation plan, and approved by the Corps of Engineers, in perpetuity.

d. Within 30 days of the issuance of this permit, NCDOT shall provide the Corps of Engineers, Washington Field Office, with an updated mitigation ledger reflecting the utilization of mitigation acres from the Gurley Mitigation Site.

This nationwide permit does not relieve you of the responsibility to obtain any required State or local approval. This permit will be valid for two years from the date of this letter unless the nationwide authorization is modified, reissued or revoked

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. Bill Biddlecome, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina, 27889, or telephone 252-975-1616, extension 27.

Sincerely,



David Lekson  
Field Office Manager, P.W.S.

Enclosures

Copies Furnished (without enclosures)

Mr. John Dorney  
Division of Water Quality  
North Carolina Department of Environment,  
Health and Natural Resources  
4401 Reedy Creek Road  
Raleigh, North Carolina 27607

Mr. David Cox  
North Carolina Wildlife Resources Commission  
P.O. Box 118  
Northside, North Carolina 27564

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

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

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

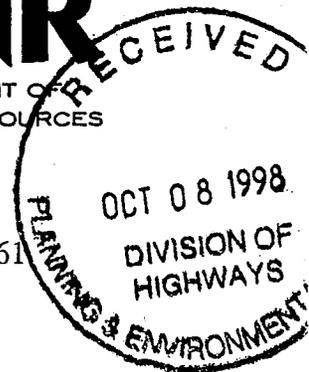
State of North Carolina  
Department of Environment  
and Natural Resources  
Division of Water Quality

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



NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES

October 1, 1998  
Greene County  
DWQ Project # 98-0261  
T.I.P. No. R-0525D



### APPROVAL of 401 Water Quality Certification

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

Dear Mr. Gilmore:

You have our approval, in accordance with the attached conditions, to place fill and conduct mechanized clearing in 1.28 acres of wetlands and 52.5 linear feet of waters for the purpose of constructing an interchange at the intersection of US 264 and SR 1311 in Greene County, as you described in your applications dated March 31 and September 4, 1998. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 3197. This certification allows you to use Nationwide Permit Number 23 when the Corps of Engineers issues it. 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, 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 only valid for the purpose and design that you described in your application except as modified below. If you change your project, you must notify us and you may be required to send us a new application for a new certification. 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 conditions. As wetland impacts for this project exceed one acre, compensatory mitigation is required as described in 15A NCAC 2H .0506 (h). For this approval to be valid, you must follow the conditions listed in the attached certification and any additional conditions listed below.

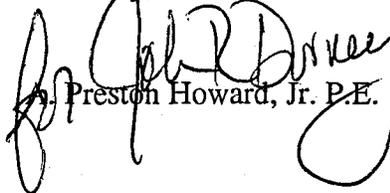
October 1, 1998  
Green County  
DWQ Project # 98-0261  
T.I.P. No. R-0525D

We understand that you have chosen to use the DOT's Gurley Mitigation Site in order to compensate for these impacts to wetlands. This shall include 1.48 acres of riverine wetlands restoration and 1.08 acres of non-riverine restoration.

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 telephone John Dorney at 919-733-1786.

Sincerely,

  
John Preston Howard, Jr. P.E.

Attachment

cc: Wilmington District Corps of Engineers  
Corps of Engineers Raleigh Field Office  
Raleigh DWQ Regional Office  
Mr. John Dorney  
Central Files

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