



North Carolina Department of Environment and Natural Resources

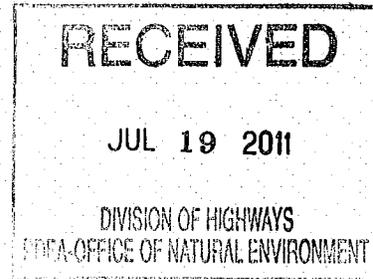
Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

July 15, 2011

Dr. Greg Thorpe, PhD., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548



Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act for ro US 117 Wilson Bypass in Wilson County, State Project No. 34362.1.1, TIP R-1023 AB/B NCDWQ Project No. 19971058 ver. 2

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3217 issued to The North Carolina Department of Transportation (NCDOT) dated January 6, 1999.

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

Sincerely,

CS
Coleen H. Sullins
Director

Attachments

cc: Tom Steffens, US Army Corps of Engineers, Washington Field Office
Chad Coggins, Division 4 Environmental Officer
Ecosystem Enhancement Program
Chris Rivenbark, NCDOT Natural Environment Unit
File Copy

Transportation Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604
Phone: 919-733-1786 \ FAX: 919-733-6893
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>

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Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with 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 (NCDWQ) Regulations in 15 NCAC 2H .0500 This certification authorized the NCDOT to impact jurisdictional wetlands, jurisdictional streams and protected riparian buffers in Wilson County. The project shall be constructed pursuant to the certification dated January 6, 1999.

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin 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 that you submitted in your modified application dated received June 7, 2011. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated January 6, 1999 still apply except where superceded by this certification. Should your project change, you are required to notify NCDWQ 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 any 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 on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

1. We understand that you wish to modify the mitigation strategy for the project due to credit shortages at the mitigation site originally used. You have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated May 25, 2011 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the North Carolina Department of Environment and Natural Resources' Ecosystem Enhancement Program In-Lieu Fee Instrument signed July 28, 2010. Your purchase from EEP of 17.56 mitigation credits for wetland impacts from this project is now a requirement of your Water Quality Certification.
2. All other conditions written into previous Water Quality Certifications for this project still apply.

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 you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

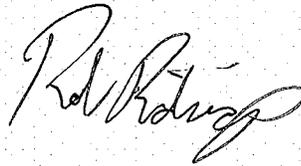
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

A copy of the petition must also be served on DENR as follows:

Ms. Mary Penny Thompson, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

This the 15th day of July 2011

DIVISION OF WATER QUALITY



for Coleen H. Sullins
Director

WQC No. 3217