



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

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

GARLAND B. GARRETT JR.  
SECRETARY

April 17, 1997

MEMORANDUM TO: Mr. D. J. Bowers, P.E.  
Division 3 Engineer

FROM: David C. Robinson, Ph.D., P.E.  
Assistant Manager  
Planning and Environmental Branch

SUBJECT: Pender and Onslow Counties, Improvements  
to US 17 from SR 1561 to North of NC 50  
at Holly Ridge; State Project No.  
6.279002T; T.I.P.# R-2405D

Attached is the Division of Water Quality 401 Certification for the above referenced project. All environmental permits have been received for the construction of this project.

DCR/eah

Attachment

cc: Mr. G. T. Shearin, P.E.  
Mr. Kelly Barger, P.E.  
Mr. A. L. Hankins, P.E.  
Mr. Victor Barbour, P.E.  
Mr. Williams Rogers, P.E.  
Mr. N. L. Graf, FHWA  
Mr. W. D. Johnson  
Mr. Don Morton, P.E. (cover only)  
Mr. Gary Jessup (cover only)  
Mr. H. Franklin Vick, P.E. (cover only)



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SECRETARY

July 24, 1996

**TO:** File  
**FROM:** Alice Gordon, Permits and Mitigation Unit of P&E  
**SUBJECT:** Pender County, Improvements to NC 17 from SR  
1561 to NC 50 at Holly Ridge. State Project No.  
6.279001T, T.I.P. R-2405D.

A handwritten signature in cursive script, appearing to read "A. Gordon", written in dark ink.

The information provided by Hydraulics, indicates that the all project wetlands are located above headwaters and all wetland sites are less than one acre in size. Consequently, it appears that the project can be authorized under Nationwide Permit No. 26 for impacts above headwaters with no notification required to the Corps of Engineers. One wetland site is greater than 0.33 acres in size and, therefore, notification to the North Carolina Department of Environmental Management is required. A Section 401 General Water Quality Certification Number 2671 has been issued by the DEM and is attached with this memorandum. According to the Division of Coastal Management (Janet M. Russell, 9/19/95), the project does not require a CAMA permit.

If I can be of any further assistance on this project, please advise.



*Equim*

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

James B. Hunt, Jr., Governor  
Jonathan B. Howes, Secretary  
A. Preston Howard, Jr., P.E., Director



July 8, 1996  
Pender/Onslow County  
DWQ Project # 960636  
State Project No. 6.2790017  
TIP No. R-2405D



**APPROVAL of 401 Water Quality Certification**

Mr. Franklin Vick  
N.C. Dept. of Transportation  
Planning and Environmental Branch  
P.O. Box 25201  
Raleigh, NC 27611-5201

Dear Mr. Vick:

You have our approval to place fill material in 0.4 acres of wetlands or waters for the purpose of widening US 17 from SR 1561 to NC 50 at Holly Ridge, as you described in your application dated 17 June 1996. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 2671. This certification allows you to use Nationwide Permit Number 26 when it is issued by the Corps of Engineers.

This approval is only valid for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. For this approval to be valid, you must follow the conditions listed in the attached certification. In addition, you should get any other federal, state or local permits before you go ahead with your project.

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,

A. Preston Howard, Jr. P.E.

Attachment

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

960636.ltr



GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE  
FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 26 (HEADWATERS  
AND ISOLATED WETLANDS)

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 Environmental Management Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0109 and .0201 for the discharge of fill material to navigable waters and adjacent wetland areas which are above the headwaters or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated wetlands) as described in 33 CFR 330 Appendix A (B) (26) of the Corps of Engineers regulations (i.e., Nationwide Permit No. 26). The category of activities shall include any fill activity in these headwaters and isolated wetland and water areas where the activity results in the loss or substantial modification of not more than 10 acres of waters of the United States, including wetlands. This Certification replaces Water Quality Certification Number 2176 issued on November 5, 1987.

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

Conditions of Certification:

1. Proposed fill or substantial modification of greater than one-third of an acre of such waters, including wetlands, requires a written concurrence from the Division of Environmental Management.
2. Proposed fill or substantial modification of equal to or less than one-third of an acre of such waters, including wetlands, does not require written concurrence from the Division of Environmental Management.
3. Proposed fill of greater than one acre in SA, trout, HQW, ORW, WS-I and WS-II watersheds requires public notice and an individual 401 Certification from the Division of Environmental Management;
4. That established sediment and erosion control practices are utilized to prevent violations of the appropriate turbidity water quality standard (50 NTUs in streams and rivers not designated as trout waters by DEM; 25 NTUs in all saltwater classes, and all lakes and reservoirs; 10 NTUs in trout waters);
5. That additional site-specific conditions may be added to projects with greater than one-third of an acre impact which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened.
7. Concurrence from DEM this Certification applies to an individual project shall expire three years from the date

of the cover letter from DEM.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project.

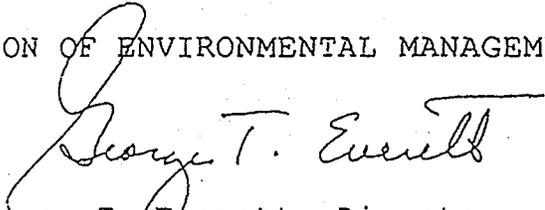
The Director of the North Carolina Division of Environmental Management may require submission of a formal application for individual certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade 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 Environmental Management.

This is the 21st day of January, 1992

DIVISION OF ENVIRONMENTAL MANAGEMENT

By

  
George T. Everett, Director

gencert.26  
jrd/gc

WQC# 2671