



REPLY TO
ATTENTION OF:

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

August 17, 2004

Regulatory Division

Action ID. 200430596; Tip No. R-2911A

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

In accordance with the written request of February 25, 2004, and the ensuing administrative record, enclosed is a permit to discharge dredged or fill material into 0.26 acres of wetland and 1998 linear feet of stream channel on unnamed tributaries to Third Creek to facilitate the widening and relocation of 5.1 miles of US Highway 70 from SR 2318 (Fanjoy Road) to the Iredell-Rowan County Line east of Statesville, Iredell County, North Carolina (TIP No. R-2911 A, State Project No. 8.1631801).

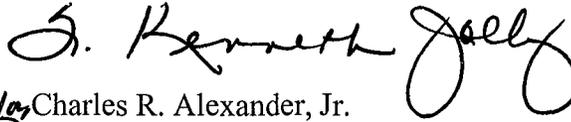
If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

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, 2007.
- 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 questions, contact Mr. Steven Lund, Regulatory Division, Asheville
Regulatory Field Office, telephone (828) 271-7980 extension 223.

Sincerely,


for Charles R. Alexander, Jr.
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. Ronald Mikulak, Chief
Wetlands Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Copies Furnished with special conditions
and plans:

Mr. Pete Benjamin, Field Supervisor
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
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

Mr. Ron Sechler
National Marine Fisheries
Service, NOAA
Pivers Island
Beaufort, North Carolina 28516

Mr. William D. Gilmore, P.E.
EEP Transition Manager
Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, NC 27699-1652

Mr. David Rackley
National Marine Fisheries
Service, NOAA
219 Fort Johnson Road
Charleston, South Carolina 29412-9110

RECEIVED

DEPARTMENT OF THE ARMY PERMIT

AUG 13 2004

REGULATORY

NC Department of Transportation

Permittee _____

200430596

Permit No. _____

USAED, Wilmington

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 material into 0.26 acres of wetland and 1998 linear feet of stream channel on unnamed tributaries to Third Creek to facilitate the widening and relocation of 5.1 miles of US Highway 70 from SR 2318 (Fanjoy Road) to the Iredell-Rowan County Line east of Statesville, Iredell County, North Carolina (TIP No. R-2911 A).

Project Location:

From SR 2318 (Fanjoy Road) to the Iredell-Rowan County Line east of Statesville, Iredell County, North Carolina .

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2007 . 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).
 - (x) 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.

Reps...
(PERMITTEE)

8/10/04
(DATE)

NC DEPARTMENT OF TRANSPORTATION

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

G. Kenneth Jolly
(DISTRICT ENGINEER)

8/17/04
(DATE)

for CHARLES R. ALEXANDER, JR. COLONEL

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; ACTION ID: 200430596; TIP NO; R-2911A

1. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit.
2. All conditions of Section 401, Clean Water Act, Water Quality Certification No. 3460, issued by the North Carolina Division of Water Quality on May 11, 2004, will be regarded as conditions of this Department of the Army (DA) permit.
3. The permittee shall schedule a preconstruction meeting between their representatives, the contractor and a representative of the Corps of Engineers, Asheville Regulatory Field Office prior to any work in jurisdictional waters and wetlands to ensure that there is a mutual understanding of all terms and conditions contained in this DA permit. The permittee shall notify the Corps of Engineers a minimum of thirty (30) days in advance of the meeting.
4. The permittee and his contractors and/or agents shall not excavate, fill or perform mechanized land clearing 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, waste disposal into, or degradation of jurisdictional waters or wetlands associated with this permit without the necessary modification of this permit to include appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities associated with this project.
5. To ensure that all borrow and waste activities occur on uplands and do not result in the degradation of adjacent waters and wetlands, 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 will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any stream or wetland by providing appropriate map(s) indicating the location (s) of such borrow or waste sites. The permittee shall ensure that all such areas comply with Special Condition No. 4 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 documentation will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with Special Condition No. 4 above. All information will be available to the Corps of Engineers upon request. The permittee shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

6. The permittee shall require his 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 his contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit.

7. The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any deviations in the construction design plans will be brought to the attention of the Corps of Engineers, Asheville Regulatory Field Office prior to any active construction in waters or wetlands.

8. Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events.

9. During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

10. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Any such structures located outside of the authorized construction limits of the project will be reported in writing to the Corps of Engineers, Asheville Regulatory Field Office, together with a location map and restoration plan for any necessary permit modification.

11. All authorized culverts will be installed to allow the passage of low stream flows and the continued movement of fish and other aquatic life as well as to prevent headcutting of the streambed. For all box culverts and for pipes greater than 48 inches in diameter, the bottom of the pipe will be buried at least one foot below the bed of the stream. For culverts 48 inches in diameter or smaller, the bottom of the pipe must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Wet concrete will be isolated from contact with any flowing streams.

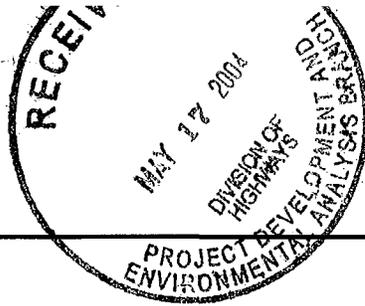
12. In order to allow for the continued movement of bed load and aquatic organisms, existing stream channel widths and depths will be maintained at the inlet and outlet ends of culverts. Riprap armoring of streams at culvert inlets and outlets shall be minimized above the ordinary high water elevation in favor of bioengineering techniques such as bank sloping, erosion control matting and revegetation with deep-rooted, woody plants.

13. All mechanized equipment operating near surface waters shall be regularly inspected to prevent contamination of streams from leakage of fuels, lubricants, hydraulic fluids or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydroseeding equipment will not be discharged or washed out into any surface waters or wetlands.

14. The authorized channel relocation at Permit Site 2 will be constructed in a dry work area and stabilized before stream flow is diverted through it. The Corps of Engineers, Asheville Regulatory Field Office will be notified in advance by facsimile transmission or electronic mail of the intended diversion of water into the new channel. The banks and buffer area of the relocated channel will be planted with appropriate species of deep-rooted, woody vegetation. A final inspection of the channel relocation by a representative of the Corps of Engineers, Asheville Regulatory Field Office will be conducted prior to completion of the road project.

15. Compensatory mitigation for unavoidable impacts to .26 acres of wetland and 1817 linear feet of stream channel shall be provided by the Ecosystem Enhancement Program (EEP) as outlined in the February 20, 2004 letter from William D. Gilmore, EEP Transition Manager. The EEP will provide 2.7 acres of preservation of riverine wetlands at the Swift Creek Site in Wake County, 13172 linear feet of preservation of warm water stream channel at the Little Mountain-Len's Knob Site in Surry County and 4998 linear feet of preservation of warm water stream channel at the Eno River State Park-Wilderness Site in Durham County in the Central Piedmont Eco-Region which have been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of .26 acres of restoration of riverine wetlands and 1817 linear feet of restoration of warm water stream channel in the Yadkin River Basin (Hydrologic Cataloging Unit 03040105) by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts.

16. The permittee will report any violations of the above conditions and any violation of Section 404 of the Clean Water Act from unauthorized work in writing to the Wilmington District, US Army Corps of Engineers within 24 hours of the violation.



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E., Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

May 11, 2004

Mr. Gregory J. Thorpe, Ph.D., Environmental Director
NCDOT Planning and Environmental Branch
1548 Mail Service Center
Raleigh, NC, 27699-1548

Dear Dr. Thorpe:

Re: Water Quality Certification Pursuant to §401 of the Federal Clean Water Act.
US 70 Relocation from SR 2314 (Fanjoy Road) to Iredell-Rowan Co. line.
Iredell County.
F.A. Project No. STP-70(39); State Project No. 8.1631801
TIP No. R-2911A
DWQ Project No. 040289

Attached hereto is a copy of Certification No. 3460 issued to The North Carolina Department of Transportation dated May 11, 2004.

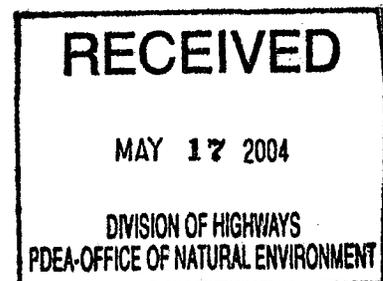
If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.

Attachments

cc: Wilmington District Corps of Engineers
Steve Lund, USACE Asheville Field Office
NCDWQ Mooresville Regional Office
Christopher Militscher, US Environmental Protection Agency – Region IV
William D. Gilmore, NC Ecological Enhancement Program
Central Files
File Copy



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, .0500. This Certification authorizes the NCDOT to incur the following permanent impacts:

- 0.26 acres of riverine wetlands through fill, excavation and mechanized clearing;
- 0.25 acres of surface waters;
- 1998 linear feet of jurisdictional stream loss.

R-2911A shall be constructed pursuant to the application dated February 25, 2004 to relocate US 70 from SR 2318 (Fanjoy Road) east of Statesville to the Iredell-Rowan County line.

The Application provides adequate assurance that the discharge of fill material into the waters of the state 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. All work authorized by this Certification must be done in strict compliance with the plans attached to the Application. If this project changes, incurring additional impacts to streams, wetlands or buffers, you are required to notify the DWQ *in writing*, and you may be required to submit a new application. 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, Non-discharge and Water Supply watershed regulations.

This Certification shall expire three (3) years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding US Army Corps of Engineers Permit, whichever is later.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. Any reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.

2. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Application. All construction activities shall be performed so that no violations of state water quality standards, statutes, or rules occur.
3. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within 30 days after the project has been released.
4. Stormwater management shall be constructed in accordance with the hydraulic design plans submitted in the February 25, 2004 application.
5. The outside wetland or water boundary as well as along the construction corridor within these boundaries approved under this authorization shall be clearly marked by orange fabric fencing for the areas that have been approved to infringe within the wetland or water prior to any land disturbing activities.
6. NCDOT and its contractors and/or agents shall not excavate, fill, or perform mechanized land clearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this Certification, or any modification to this Certification. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this Certification without appropriate modification. If this occurs, compensatory mitigation will be required since it is a direct impact from road construction activities.
7. Excavation of stream crossings should be conducted in the dry unless demonstrated by the applicant or its authorized agent to be unfeasible. Sandbags, cofferdams, flexible pipe, or other diversion structures should be used to minimize excavation in flowing water.
8. Live or fresh concrete shall not come into contact with waters of the state until the concrete has hardened.
9. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
10. The removal of vegetation in riparian areas should be minimized. NCDOT is encouraged to use existing on-site vegetation and materials for stream bank stabilization and to minimize the use of rip rap. Riprap shall not be placed in the stream bottom. Riparian vegetation, using native trees and shrubs, must be re-established within the construction limits of the project by the end of the growing season following completion of construction to reestablish the riparian zone and to provide long-term erosion control.
11. Culverts that are less than 48-inch in diameter should be buried to a depth equal to or greater than 20% of their size to allow for aquatic life passage. Culverts that are 48-inch diameter or larger should be buried at least 12 inches below the stream bottom to allow natural stream bottom material to become established in the culvert following installation and to provide aquatic life passage during periods of low flow. If any of the existing pipes are perched, they shall be removed and replaced, and re-installed correctly, unless demonstrated that this is topographically unfeasible.
12. Heavy equipment should be operated from the bank rather than in the stream channel unless demonstrated by the applicant or its authorized agent to be unfeasible. All mechanized

equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids or other toxic substances.

13. *Summary of Compensatory Mitigation:* Compensatory mitigation shall be the same as that approved by the US Army Corps of Engineers, as long as the mitigation required equals a ratio of 1:1 restoration or creation of lost wetland acres as described in 15A NCAC 2H.0506 (h)(6), and consists of the following:
- 180 linear feet of relocation of UT to Third Creek using natural channel design
 - 1817 linear feet of stream impacts will be mitigated through NCDENR Ecosystem Enhancement Program (EEP).
 - 0.27 acres of impacts to riverine wetlands will be mitigated through EEP.

In accordance with 15A NCAC 2R.0500, this contribution will satisfy NC Division of Water Quality's compensatory mitigation requirements under 15A NCAC 2H.0506(h). Until the EEP receives and clears your payments, wetland or stream fill shall not occur. The payments to EEP shall be sent within two (2) months of issuance of the 404 permit.

14. Rock check dams at culvert outlets should be removed at project completion to avoid blocking movement of aquatic life.
15. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided that the final construction drawings comply with the attached permit drawings contained in the Application dated February 20, 2004.
16. 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.
17. NCDOT and its authorized agents shall conduct its activities in a manner consistent with State water quality standards and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this Certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d). Before modifying the Certification, DWQ shall notify NCDOT and the US Army Corps of Engineers, provide public notice in accordance with 15A NCAC 2H.0503 and provide opportunity for public hearing in accordance with 15A NCAC 2H.0504. Any new or revised conditions shall be provided to NCDOT in writing, shall be provided to the United States Army Corps of Engineers for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.

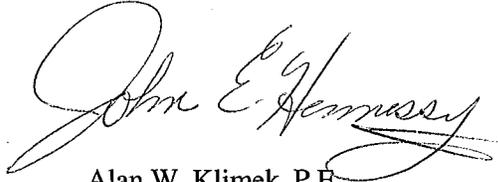
Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal Permit. This Certification shall expire upon the expiration of the 404 Permit.

Gregory J. Thorpe, Ph.D.
§401 Water Quality Certification No. 3460
R-2911A

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 that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

This the 11th day of May 2004

DIVISION OF WATER QUALITY

A handwritten signature in cursive script, appearing to read "John E. Hemminger", is written over the typed name "Alan W. Klimek, P.E.". The signature is written in dark ink and is somewhat stylized.

Alan W. Klimek, P.E.

WQC No. 3460

**NORTH CAROLINA – DIVISION OF WATER QUALITY
401 WATER QUALITY CERTIFICATION
SUMMARY OF PERMITTED IMPACTS AND MITIGATION REQUIREMENTS**

In accordance with 15A NCAC 2H.0500, NCDOT, DWQ Project No. 040271, is authorized to impact the surface waters of the State of North Carolina as indicated below for the purpose of relocating US 70 from SR 2318 (Fanjoy Road) east of Statesville to the Iredell-Rowan County Line. All activities associated with these authorized impacts must be conducted in accordance with the conditions listed in the attached Certification transmittal letter. **THIS CERTIFICATION IS NOT VALID WITHOUT THE ATTACHMENTS.**

Summary of Impacts

- 0.26 acres of riverine wetlands through fill, excavation and mechanized clearing;
- 0.25 acres of surface waters;
- 1998 linear feet of jurisdictional stream loss.

On-site mitigation to be performed by NCDOT:

- 180 linear feet of on-site stream relocation using natural channel design.

COMPENSATORY MITIGATION REQUIREMENTS:

LOCATION: US 70

COUNTY: Iredell County

BASIN/SUBBASIN: Yadkin-Pee Dee, Hydrologic Unit 03040102

As required by 15A NCAC 2B .0250 and 15A NCAC 2H .0506(h), and the conditions of this Certification, you are required to compensate for the above impacts through the restoration, creation, enhancement or preservation of wetlands, buffers, and surface waters as outlined below *prior* to conducting any activities that impact or degrade waters of the state. Mitigation to be performed by NC Ecological Enhancement Program in Hydrologic Unit 03040102:

- 1817 linear feet of stream.
- 0.26 acres of riverine wetlands.

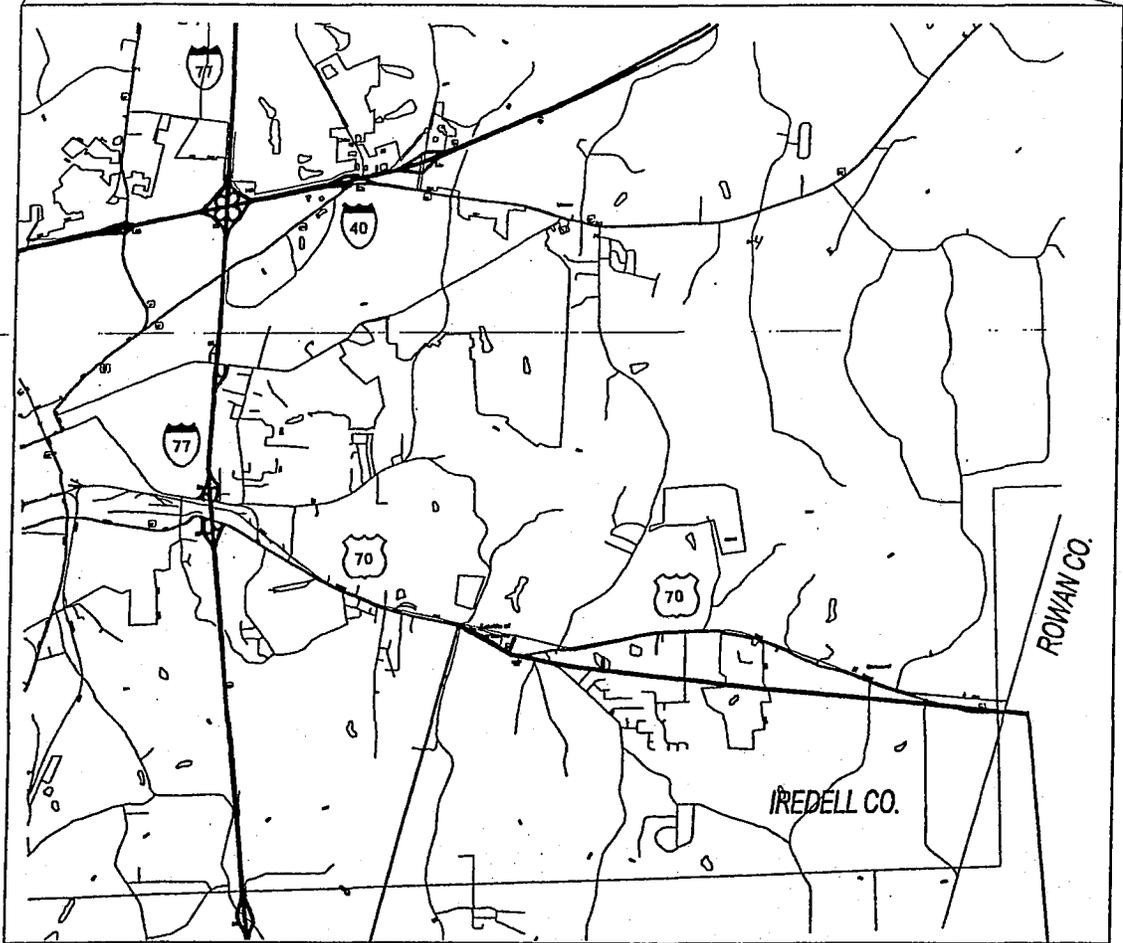
One of the options you have available to satisfy the compensatory mitigation requirements is through payment of a fee to the Ecosystem Enhancement Program per 15A NCAC 2R .0503. If you choose this option, please sign this form and mail it to the address listed below. An invoice for the appropriate amount of payment will be sent to you upon receipt of this form. **PLEASE NOTE, THE ABOVE IMPACTS ARE NOT AUTHORIZED UNTIL YOU RECEIVE NOTIFICATION THAT YOUR PAYMENT HAS BEEN PROCESSED BY THE ECOSYSTEM ENHANCEMENT PROGRAM.**

Signature

Date

ECOSYSTEM ENHANCEMENT PROGRAM
1652 Mail Service Center
RALEIGH, NC, 27699-1652

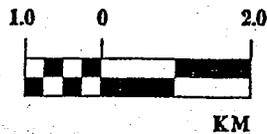
VICINITY MAP



BEGIN
PROJECT

END
PROJECT

ACTION ID 200430596



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

PROJECT: 8.1823401 (R-2911A)

PUBLIC NOTICE SHEET
1 OF 11

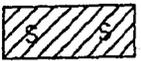
SHEET 1 OF 16 7/12/02

LEGEND

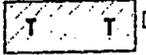
—WLB— WETLAND BOUNDARY

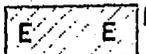
 WETLAND

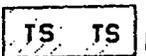
 DENOTES FILL IN WETLAND

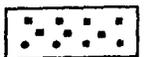
 DENOTES FILL IN SURFACE WATER

 DENOTES FILL IN SURFACE WATER (POND)

 DENOTES TEMPORARY FILL IN WETLAND

 DENOTES EXCAVATION IN WETLAND

 DENOTES TEMPORARY FILL IN SURFACE WATER

 DENOTES MECHANIZED CLEARING

←←← FLOW DIRECTION

—TB— TOP OF BANK

—WE— EDGE OF WATER

—C— PROP. LIMIT OF CUT

—F— PROP. LIMIT OF FILL

▲ PROP. RIGHT OF WAY

—NG— NATURAL GROUND

—PL— PROPERTY LINE

—TDE— TEMP. DRAINAGE EASEMENT

—PDE— PERMANENT DRAINAGE EASEMENT

—EAB— EXIST. ENDANGERED ANIMAL BOUNDARY

—EPB— EXIST. ENDANGERED PLANT BOUNDARY

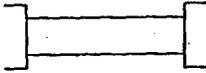
▽ WATER SURFACE

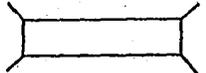
X X X LIVE STAKES

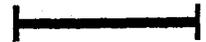
 BOULDER

— — — COIR FIBER ROLLS

 ADJACENT PROPERTY OWNER OR PARCEL NUMBER

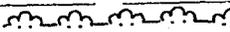
 PROPOSED BRIDGE

 PROPOSED BOX CULVERT

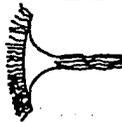
 PROPOSED PIPE CULVERT

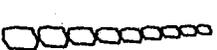
(DASHED LINES DENOTE EXISTING STRUCTURES)

 SINGLE TREE

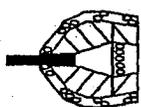
 WOODS LINE

 DRAINAGE INLET

 ROOTWAD

 VANE

 RIP RAP

 RIP RAP ENERGY DISSIPATOR BASIN

— — — BUFFER ZONE

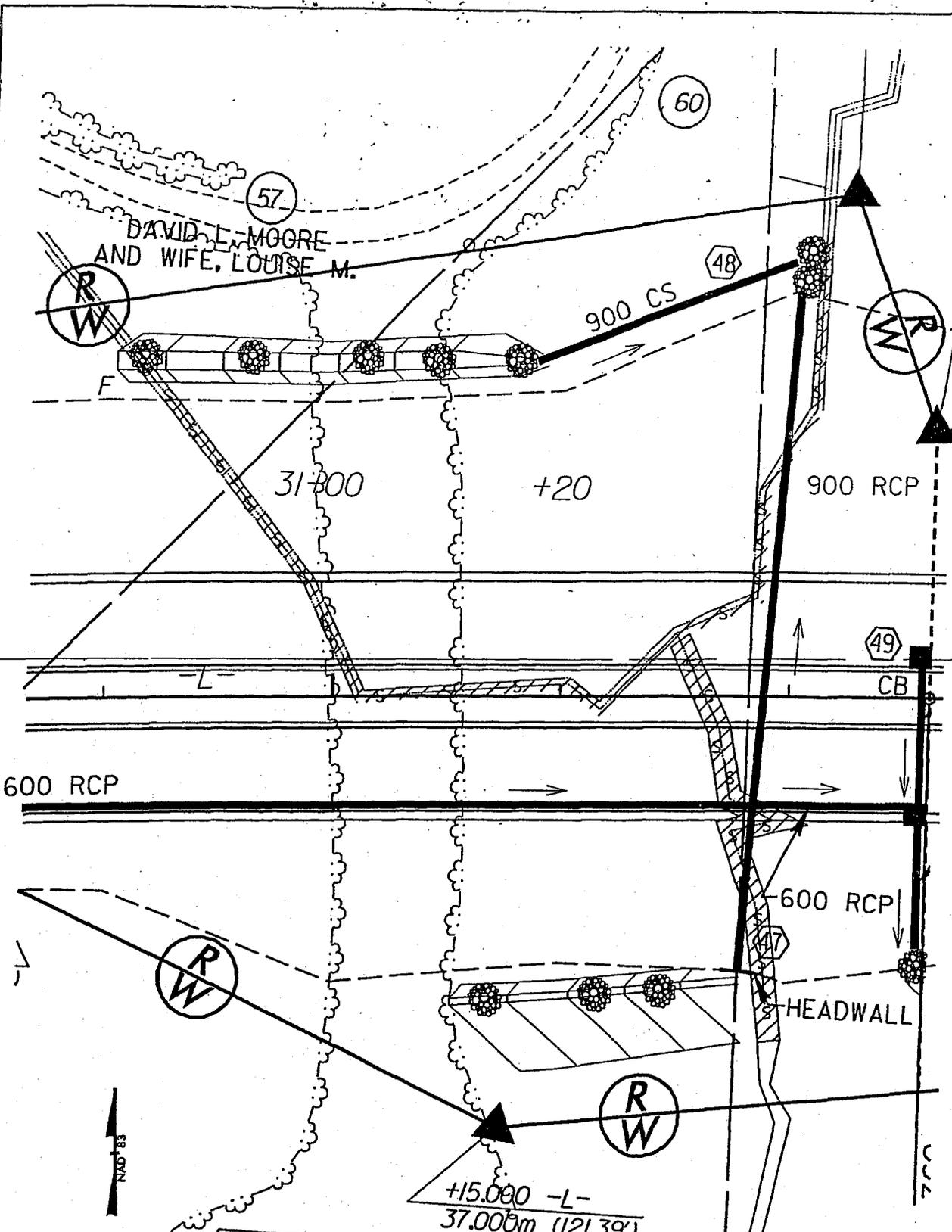
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

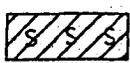
PROJECT: 8.1823401 (R-2911A)

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**PLAN VIEW
SITE 1**

 DENOTES FILL IN SURFACE WATERS



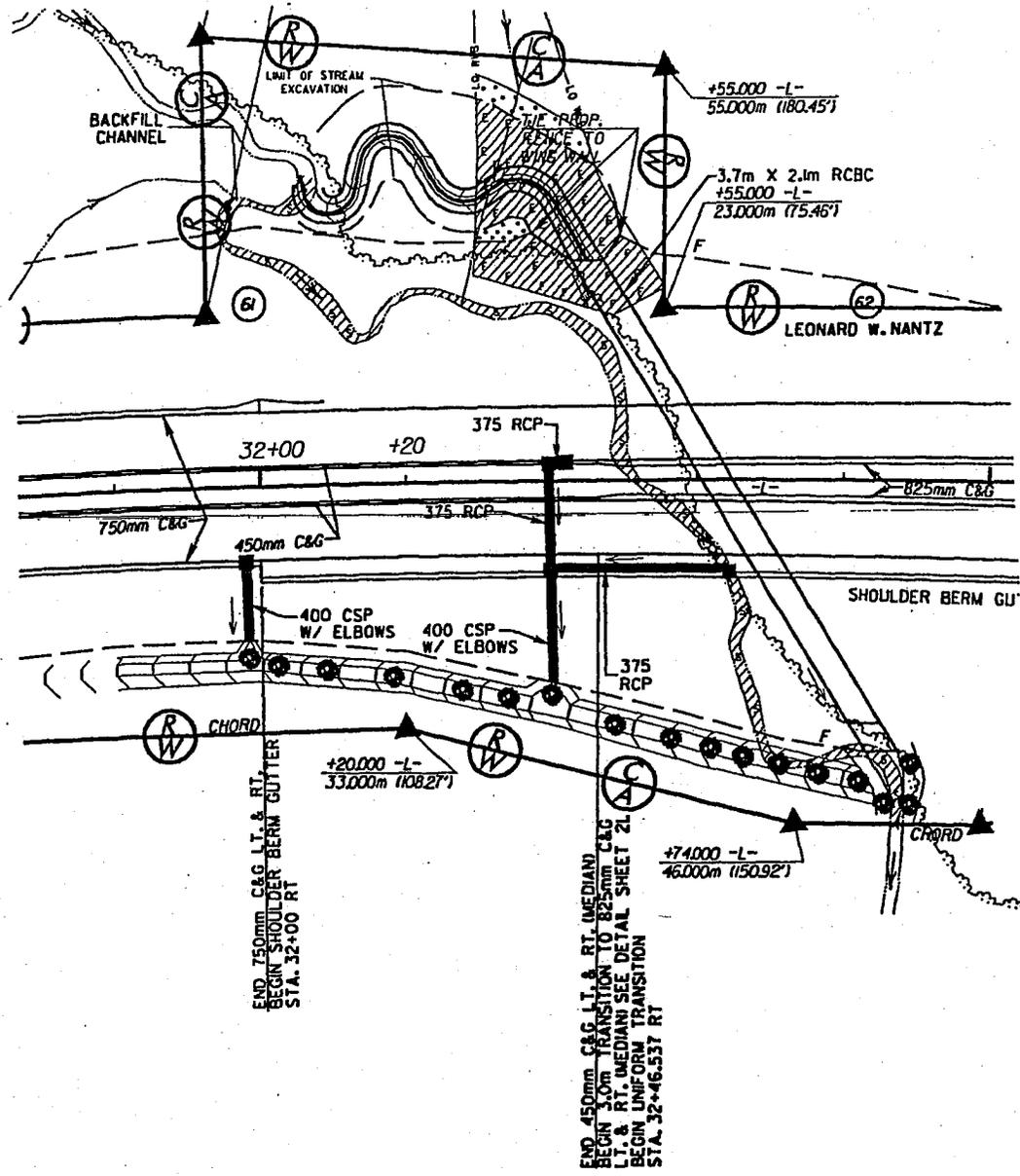
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

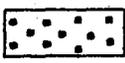
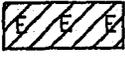
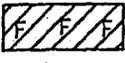
PROJECT: 8.1823401 (R-2911A)

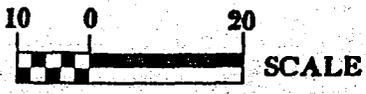
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PLAN VIEW
SITE 2

-  DENOTES MECHANIZED CLEARING
-  DENOTES EXCAVATION IN WETLANDS
-  DENOTES FILL IN WETLANDS
-  DENOTES FILL IN SURFACE WATERS



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

PROJECT: 8.1823401 (R-2911A)

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HEADWALL
1800 RCP
CL "IV" W/ METHOD B
INSTALLATION

SOUTHERN STATES
COOPERATIVE, INC.

34+00

R
W
+20

R
W

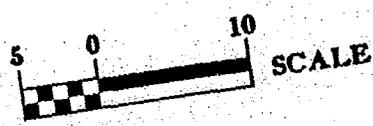
R
W

+40.000 -L-
23.000m (75.46'
CL. "1" RIP RAP
W/ FILTER FABRIC LINER
EST. 51.7 M TONS
EST. 87.0 m² FABRIC

C
A

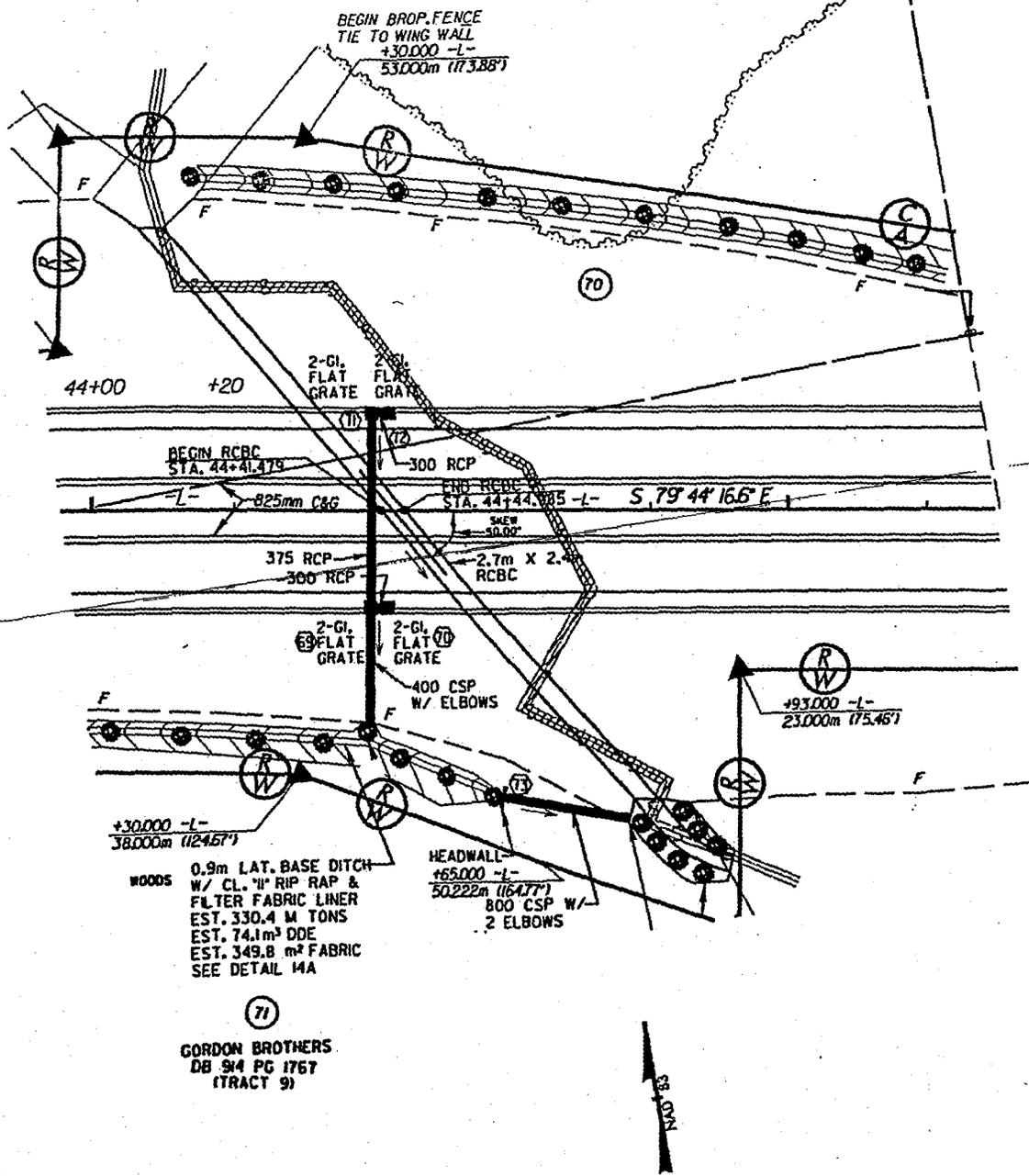
PLAN VIEW
SITE 3

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
IREDELL COUNTY
PROJECT: 81823401 (R-2911A)
PUBLIC NOTICE SHEET
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DENOTES PILL IN
SURFACE WATERS

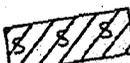


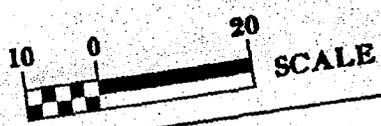


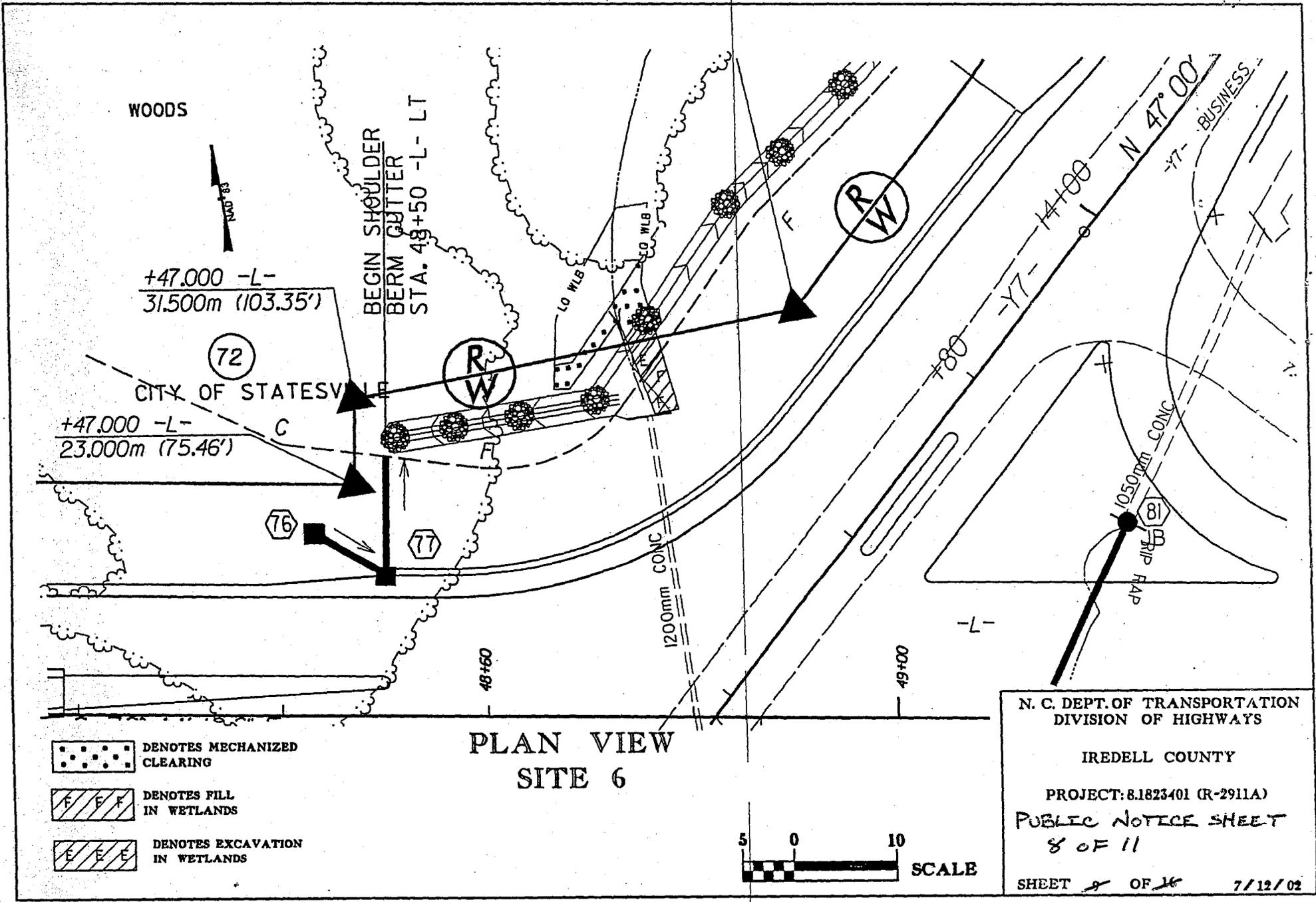
(71)
 GORDON BROTHERS
 DB 914 PG 1767
 (TRACT 9)

PLAN VIEW
 SITE 4

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT: 81823401 (R-2911A)
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 DENOTES FILL IN SURFACE WATERS





WOODS



+47.000 -L-
31.500m (103.35')

BEGIN SHOULDER
BERM GUTTER
STA. 48+50 -L- LT

(72)
CITY OF STATESVILLE

+47.000 -L-
23.000m (75.46')

(76)

(77)

120mm CONC

48+60

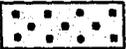
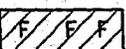
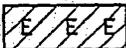
49+00

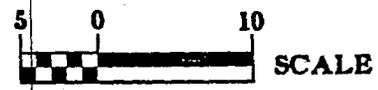
-L-

1050mm CONC
SHIP RAP

N 47° 00'
BUSINESS

PLAN VIEW
SITE 6

-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN WETLANDS
-  DENOTES EXCAVATION IN WETLANDS



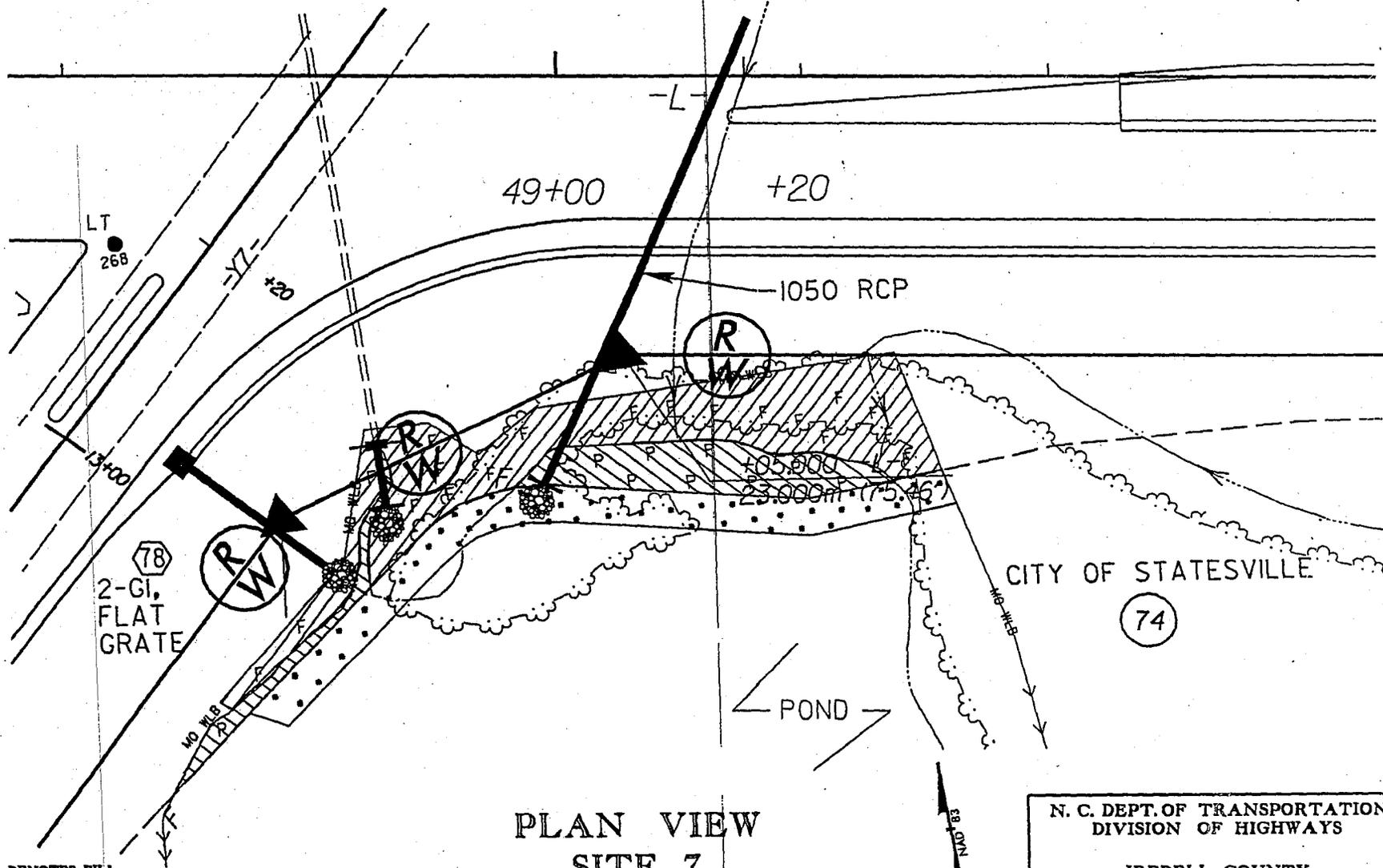
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

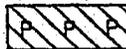
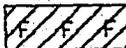
IREDELL COUNTY

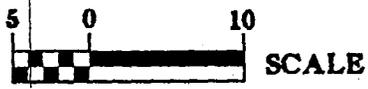
PROJECT: 8.1823401 (R-2911A)

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-  DENOTES FILL IN POND
-  DENOTES FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

IREDELL COUNTY

PROJECT: 8.1823401 (R-2911A)

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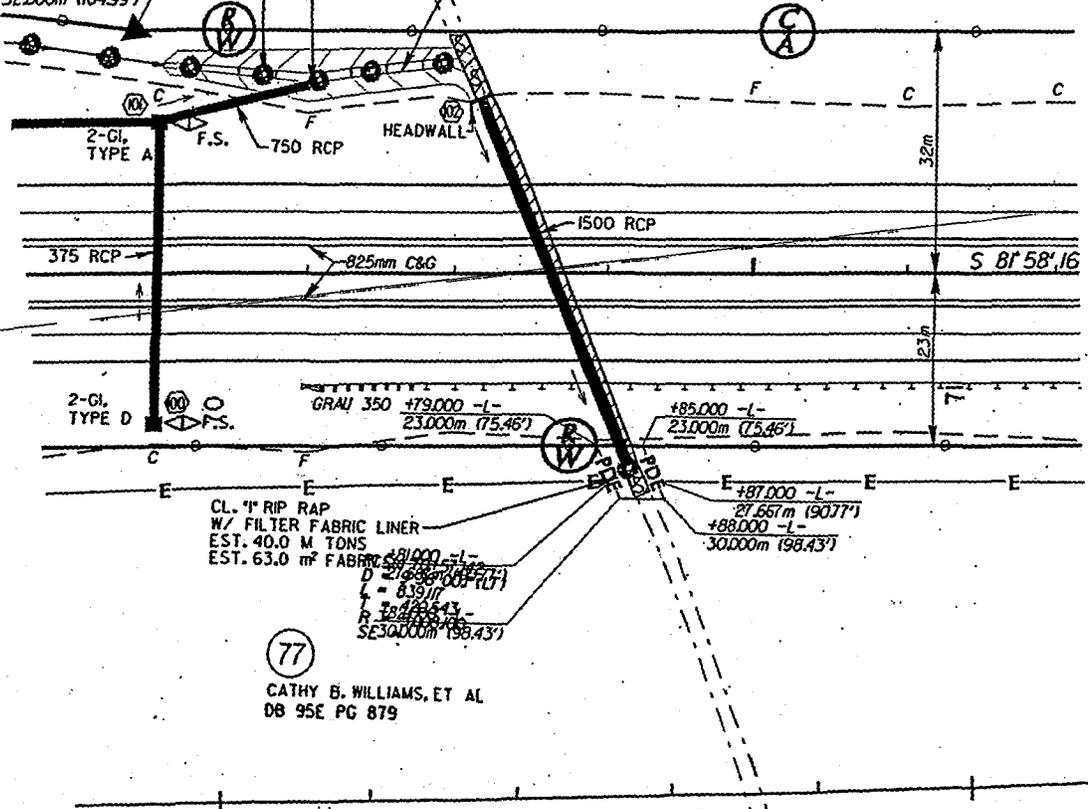
63

64

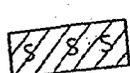
0.6m-1.2m LAT. BASE DITCH
 W/ CL. 'B' RIP RAP &
 FILTER FABRIC LINER
 EST. 30.0 M TONS
 EST. 75.0 m³DDE
 EST. 75.0 m² FABRIC
 SEE DETAIL 19B
 NOTE: TRANSITION
 BASE WIDTH FROM
 0.6m TO 1.2m
 +16.629 -L-
 32.000m (104.99')

CL. 'B' RIP RAP
 W/ FILTER FABRIC LINER
 EST. 7.5 M TONS
 EST. 18.0 m² FABRIC

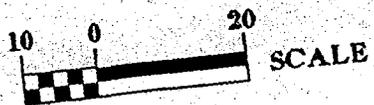
SPEC. GRADE LAT. BASE DITCH
 W/ CL. '1' RIP RAP &
 FILTER FABRIC LINER
 EST. 65 M TONS
 EST. 110 m³ DDE
 EST. 25.3 m² FABRIC
 SEE DETAIL 19C



(77)
 CATHY B. WILLIAMS, ET AL
 DB 95E PG 879

 DENOTES FILL
 IN SURFACE WATERS

PLAN VIEW
 SITE 10



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT: 8.1823401 (R-2911A)

PUBLIC NOTICE
 SHEET 10 OF 11

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Natural Stream Design (m)	
1	-L- 30+80 LT	900mm RCP					0.018				130	0
	-L- 31+45 LT											
2	-L- 32+20 LT	3.7m x 2.1m RCBC	0.017		0.026	0.007	0.026				155	55
	-L- 32+90 RT											
3	-L- 34+50 LT	1800mm RCP					0.011				105	0
	-L- 34+62 RT											
4	-L- 44+12 LT	2.7m x 2.4m RCBC					0.019				153	0
	-L- 44+90 RT											
5	Y6- 14+10 LT	3.4m x 2.7m RCBC	0 SITE 0 DELETED 0 0 0 0 0 0 0 0									
	-Y8- 15+35 RT											
6	-Y7- 13+55 LT	1200 RCP	0.001		0.001	0.004						
	-Y7- 13+70 LT											
7	-L- 48+66 RT	1050 RCP	0.033			0.019		0.013				
	-L- 49+30 RT											
8	-L- 68+35 RT	1350mm RCP	OMITTED - STREAM DEEMED NON-JURISTICTIONAL									
	-L- 68+51 RT											
9	-L- 74+16 RT	600 RCP	OMITTED - STREAM DEEMED NON-JURISTICTIONAL									
	-L- 74+63 RT											
10	-L- 63+62 LT	1500mm RCP					0.015				66	
	-L- 63+84 RT											
TOTALS:			0.051	0	0.027	0.03	0.089	0.013	0		609	55

NCDOT
 DIVISION OF HIGHWAYS
 IREDELL COUNTY
 PROJECT 8.1823401 (R-2911A)
 US 70 FROM SR 2318 TO
 ROWAN COUNTY LINE

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