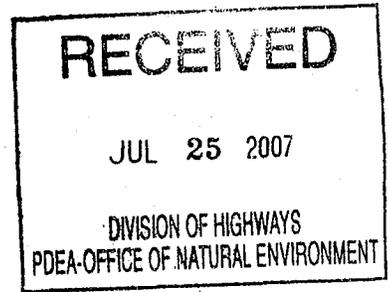


July 16, 2007



Dr. Greg Thorpe, PhD., Manager
Planning and Environmental Branch
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 with ADDITIONAL CONDITIONS for Proposed improvements Proposed Widening to NC 67 from SR 1355 to US 601, TIP No. R-3415
Individual WQC No. 3502
Yadkin County

Dear Dr. Thorpe:

Attached hereto is a modification dated July 13, 2007 of Certification No. 3502 issued to The North Carolina Department of Transportation dated March 28, 2005 and modified June 3, 2005 and July 1, 2005.

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

Sincerely,

Coleen Sullins,
Director

Attachments

cc: Monte Matthews, US Army Corps of Engineers, Raleigh Field Office
Mike Pettyjohn, PE, Division 11 Engineer
Phil Harris, NCDOT Natural Environment Unit
Heath Slaughter, Division 11 Environmental Officer
Marla Chambers, NC Wildlife Resources Commission
Marella Buncick, US Fish and Wildlife Service
Ecosystem Enhancement Program
DWQ Winston-Salem Regional Office
DWQ Transportation Permitting Unit



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 (DWQ) Regulations in 15 NCAC 2H .0500. This certification authorized the NCDOT to place temporary fill material in 260 linear feet of jurisdictional streams and permanent fill material, culverts, and piping in 1,162 linear feet of jurisdictional streams in Yadkin County. The project shall be constructed pursuant to the application and supplemental information dated January 7, 2004 (received January 11, 2005) and March 21, 2005 (received March 21, 2005), respectively; the modification application dated May 18, 2004 (received May 24, 2005); and the modification application and supplemental information dated May 31, 2007 (received June 5, 2007) and June 12, 2007 (received June 15, 2007) respectively, to improve the section of NC 67 from SR 1355 (Messick Road) to US 601 in Yadkin County. The approved design is that submitted in your application, supplemental information, and modification dated January 7, 2004 and March 21, 2005, and May 18, 2005, May 31, 2007 and June 12, 2007 respectively. The modified authorized impacts are as described below:

Table 1. Surface Water Impacts for the Yadkin-Pee Dee River Basin

Section	Stream	Temporary Stream Impacts (linear feet)	Stream Impacts (linear feet)	Stream Type	Mitigation Required (linear feet)	On-Site Mitigation to be conducted (linear feet)
Site 1	Lineberry Creek	65	24	Perennial	0	
Site 1	UT to Lineberry Creek		325	Perennial	325	325
Site 2	Williams Creek	80	21	Perennial	21	
Site 3	Williams Creek	60	43	Perennial	43	
Site 3	Williams Creek		208		208	211
Site 3	UT to Williams Creek		74	Perennial	0	74
Site 4	UT to Williams Creek		64	Perennial	0	
Site 5	UT to Williams Creek	55	36	Perennial	0	
Site 6	UT to North Deep Creek		126	Perennial	0	77
Site 7	UT to North Deep Creek		44	Perennial	0	
Site 8	UT to North Deep Creek		36	Perennial	0	
Site 9	UT to North Deep Creek		68	Perennial	0	
Site 10	UT to North Deep Creek		92	Perennial	0	
Total		260	1,162		604	687



The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin 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 and design that you submitted in your modified application dated May 31, 2007 and June 12, 2007. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated March 28, 2005 and modified June 3, 2005 and July 1, 2005 still apply except where superceded by this certification. Should your project change, you are required to notify the DWQ 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.

Condition(s) of Certification:

1. All other conditions written into previous Water Quality Certifications dated March 28, 2005 and modified June 3, 2005 and July 1, 2005 for this project still apply.
2. This modification approves on-site mitigation for stream relocations at Site 1, Site 3, and Site 6.
3. Compensatory mitigation for impacts to jurisdictional streams shall be provided by a total of 687 linear feet of onsite stream relocations:

325 linear feet of an unnamed tributary to Lineberry Creek at Site 1
74 linear feet of an unnamed tributary to Williams Creek at Site 3
211 linear feet of Williams Creek at Site 3
77 linear feet of unnamed tributary to North Deep Creek at site 6

4. The onsite stream relocation shall be constructed in accordance with the design submitted in your May 31, 2007 and June 12, 2007 modification documentation. Please be reminded that as-builts for the completed streams shall be submitted to the North Carolina Division of Water Quality 401 Wetlands Unit with the as-builts for the rest of the project. All channel relocations will be constructed in a dry work area, will be completed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. All stream relocations shall have a native wooded buffer planted on both sides of the stream as per the application documentation submitted dated June 12, 2007. If the parameters of this condition are not met, including failure to secure permanent control of the proposed buffer areas, then the permittee shall supply offsite stream mitigation for all impacts.



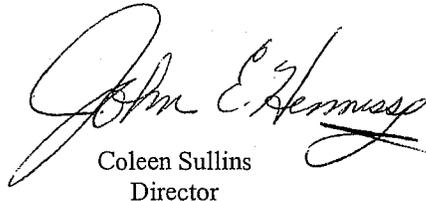
5. The permittee shall visually monitor the vegetative plantings to assess and ensure complete stabilization of the mitigation stream segments. The monitoring shall be conducted annually for a minimum of 3 years after final planting. Photo documentation should be utilized to document the success of the riparian vegetation and submitted to DWQ in a final report. After 3 years a site visit shall be conducted by DWQ to "close out" the mitigation site.

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 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, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. 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 July 2007

DIVISION OF WATER QUALITY



Coleen Sullins
Director

WQC No. 3502