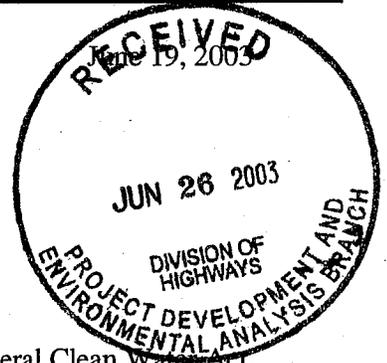




Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

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

4PT



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: MODIFICATION to Water Quality Certification Pursuant to §401 of the Federal Clean Water Act,
Greensboro Western Urban Loop from south of I-40 to north of Bryan Blvd.
F.A. Project No. STPNHF-NHF-124-1(1); State Project No. 8U492101
TIP No. U-2524 BA & BB
DWQ Project No. 011318

Attached hereto is a copy of Certification No. 3387 issued to The North Carolina Department of Transportation dated June 19, 2003.

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
Eric Alsmeyer, USACE Raleigh Field Office
NCDWQ Winston-Salem Regional Office
Dasha Brown; Contract Administrator, Guilford County Attorney's Office
Sylvia Norman; City of Greensboro Attorney's Office
Kathy Matthews; US Environmental Protection Agency – Region IV
Ron Ferrell, NC Wetlands Restoration 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:

1. U-2524BA

- 1.74 acres of jurisdictional wetlands (through permanent fill, excavation, and mechanized clearing);
- 3,429 linear feet of stream channels.

This includes 0.95 acres of wetland impacts and 1,034 feet of stream loss in Hydrologic Unit 03030002 and 0.79 acres of wetland impacts and 2,395 feet of stream loss in Hydrologic Unit 03030003.

2. U-2524BB

- 0.13 acres of wetlands;
- 4,518 linear feet of stream channels.

These impacts occur in Hydrologic Unit 03030002.

Total impacts are 1.87 acres of wetlands and 7,947 linear feet of stream channels for the combined projects.

These impacts occur in Guilford County, as described in the Application dated 29 August 2001, and additional information dated 28 May 2002 and 25 June 2002. The project shall be constructed pursuant to the application dated August 29, 2001 and amended May 28, 2002 to construct Greensboro Western Urban Loop from south of I-40 to north of Bryan Boulevard in Guilford County.

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. Should your project change, you are required to notify the DWQ *in writing*, and you may be required to 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 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, 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 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 Practice in order to assure compliance with the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters).
 - a. Erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the *North Carolina Surface Mining Manual*.
 - c. NCDOT must develop a DOT-approved erosion and sediment control plan and implement and maintain the control measures on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor owned or leased borrow pits associated with NCDOT projects.
 - d. NCDOT must implement and maintain a DOT-approved reclamation plan on all borrow pit and waste pile (spoil) projects. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
 - e. NCDOT shall strictly adhere to North Carolina regulations entitled, *Design Standards in Sensitive Watersheds* (15A NCAC 4B .0124 (b) –(e) *only*), for activities undertaken in all waters classified as WS (Water Supply) and draining to the Critical Area, including: Horsepen Creek, and Long Branch, as well as their unnamed tributaries. NCDOT will *not* be required to comply with 15A NCAC 2B .0124(a), which restricts clearing to 20 acres at a time.
2. 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 Division of Land Resources has released the project.
3. For all streams that are *not* in the Randleman Lake watershed, stormwater shall be transported by vegetated conveyance before discharge into the streams. For streams *in* the Randleman Lake Watershed, stormwater shall be directed to flow as diffuse flow at non-erosive velocities across the stream buffers using level spreaders, retention basins, pre-formed scour holes or other site-appropriate devices. In either case, stormwater shall not be routed to flow directly into streams. Existing wooded stream buffers shall not be mowed in order to allow them to provide diffuse stormwater flow and/or streambank stabilization.
4. Live or fresh concrete shall not come into contact with waters of the state until the concrete has hardened.
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this Certification. If this occurs, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.

7. *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). *A report must be submitted to the NC Division of Water Quality that describes the final approved wetland and stream mitigation for this project within two (2) months of the issuance of the 404 permit issued by the Army Corps of Engineers.* NCDOT has agreed to provide 2:1 mitigation for most perennial stream impacts except for Site 6 of U-2524BA where a 1:1 mitigation ratio is proposed.
- Within HU 03030002, the wetland impact total is 1.08 acres, with needed mitigation of 2.16 acres; stream mitigation requirements total 8,240 linear feet.
 - Within HU 03030003, the wetland impact total is 0.79 acres; stream mitigation requirements total 4,127 linear feet.

Wetland Mitigation

1. Compensatory Mitigation in HU 03030002 of 2.16 acres of wetlands shall be provided via in-lieu payments to Wetlands Restoration Program, which has accepted your payment, for impacts associated with the above referenced projects
2. NCDOT proposes to provide compensatory mitigation for all wetland impacts in HU 03030003 using the following sites:
 - Sandy Creek Mitigation Site (HU 03030003) in Randolph County (restoration of a bottomland hardwood wetland system at 1:1 mitigation ratio).
 - Blue Tract Mitigation Site (HU 03030004) in Moore County at a mitigation ratio of 12:1.

Stream Mitigation

1. Compensatory mitigation in HU 03030002 of 8,240 linear feet of stream mitigation shall be provided via in-lieu payments to Wetlands Restoration Program, which has accepted your payment, for impacts associated with the above referenced projects.
2. NCDOT proposes to provide compensatory mitigation of 4,127 linear feet for all stream impacts in HU 03030003 by providing the following:
 - Starmount Forest County Club (HU 03030002) in Guilford County: 2,014 linear feet.
 - Spring Valley Park Mitigation Site (HU 03030002) in Guilford County: 1,000 linear feet.
 - Caviness Stream Mitigation Site (HU 03030003) in Randolph County: 1,113 linear feet.

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 plans are received and approved for the proposed mitigation sites, wetland or stream fill shall not occur.

8. In accordance with the findings of the cumulative impact study dated May 2003 prepared by Ecoscience Corporation, the anticipated cumulative impacts from this project shall be addressed via written agreements between NC Division of Water Quality, Greensboro and Guilford County in accordance with the appropriate signed agreements.
9. 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.

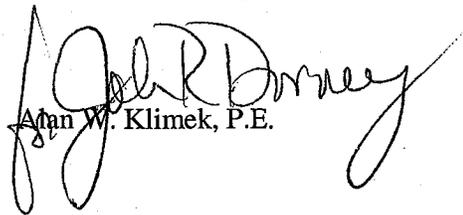
The Applicant shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.

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.

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 19th day of June 2003

DIVISION OF WATER QUALITY


Alan W. Klimek, P.E.

WQC No. 3387

DWQ Project No.: _____

County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____