



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



IN REPLY REFER TO

July 11, 2002

Regulatory Division

Action ID: 199801948, SR 1344 (Black and Decker Road), Transportation Improvements Project
No. U-3312

Mr. William D. Gilmore, P.E., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
Division of Highways
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Gilmore:

In accordance with your written request of January 29, 2002, and the ensuing administrative record, enclosed are two copies of a Department of the Army permit to discharge dredged and/or fill material into a tributary and wetlands to Big Sandy Run impacting a total of 514 linear feet of stream and 1.17 acres of wetlands to facilitate the widening and realignment of 2.2 miles of SR 1344 (Black and Decker Road), Transportation Improvements Project (TIP) U-3312, State Project Number 8.2443001, in the Cape Fear River Basin, Cumberland County, North Carolina.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, contact Mr. Richard K. Spencer of my Wilmington Field Office regulatory staff at telephone (910) 251-4172.

Sincerely,

A handwritten signature in cursive script that reads "E. David Franklin".

E. David Franklin
Chief, NCDOT Team

Enclosures

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: NCDOT/TIP U-3312 (Black and Decker Road)	File Number: 1998-0- 1948	Date: July 11, 2002
Attached is:		See Section below
<input checked="" type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Richard K. Spencer, Regulatory Project Manager
U.S. Army Corps of Engineers, Wilmington District
Wilmington Regulatory Field Office
69 Darlington Avenue
Wilmington, North Carolina 228402

If you only have questions regarding the appeal process you may also contact:

Mr. Arthur Middleton, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DIVISION ENGINEER:

Commander

U.S. Army Engineer Division, South Atlantic

60 Forsyth Street, Room 9M15

Atlanta, Georgia 30303-3490



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

August 13, 2002

Regulatory Division

Action ID. 199801948;Tip No. U-3312

Mr. Roy C. Shelton, Staff Engineer
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
Division of Highways
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Mr. Shelton:

In accordance with the written request of January 29, 2002, and the ensuing administrative record, enclosed is a permit to discharge dredged and/or fill material into a tributary and wetlands to Big Sandy Run impacting a total of 514 linear feet of stream and 1.17 acres of wetlands to facilitate the widening and realignment of 2.2 miles of SR 1344 (Black and Decker Road), Transportation Improvements Project (TIP) U-3312, State Project Number 8.2443001, in the Cape Fear River Basin, Cumberland County,

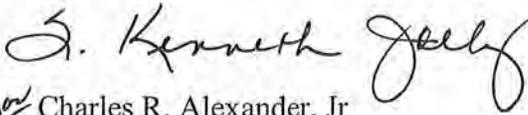
If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

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, 2005.
- 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. Richard K. Spencer of my Wilmington Field Office regulatory staff at telephone (910) 251-4172.

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

Copies Furnished with special conditions and plans:

Mr. Garland Pardue, Field Supervisor
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

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

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

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

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. Ronald E. Ferrell, Program Manager
Wetlands Restoration Program
Division of Water Quality
1619 Mail Service Center
Raleigh, North, Carolina 27699-1619

DEPARTMENT OF THE ARMY PERMIT

NC Department of Transportation

Permittee _____

199801948

Permit No. _____

CESAW-RG-L

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:

Place fill material into a tributary and wetlands to Big Sandy Run impacting a total of 514 linear feet of stream and 1.17 acres of wetlands to facilitate the widening and realignment of 2.2 miles of SR 1344 (Black and Decker Road), Transportation Improvements Project (TIP) U-3312, State Project Number 8.2443001.

Project Location:

In the Cape Fear River basin, from existing SR 1141 (Cumberland Road) to I-95 Business in Fayetteville, Cumberland County, North Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2005. 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.

SPECIAL CONDITIONS

1. All work authorized by this permit must be prepared in strict compliance with the attached plans, which are a part of this permit.

2. The permittee shall mitigate for 1.17 acres of unavoidable impacts to wetlands, and for 514 linear feet of impact to important streams, for the project, as described below (173 linear feet of onsite stream relocation, 682 linear feet of stream mitigation and 2.34 acres of wetland mitigation through the North Carolina Wetlands Restoration Program (NCWRP), in the Cape Fear River basin (Cataloging Unit 03030004)).

3. The permittee shall mitigate for 173 linear feet of unavoidable impacts to important stream channel associated with this project by completing 173 linear feet of onsite stream relocation, as described in the permit application. The stream relocation shall be constructed in accordance with the North Carolina Wildlife Resources Commission's (NCWRC) "Stream Relocation Guidelines", and with the attached permit drawings. NCDOT shall consult with NCWRC on all stream relocations and implement all practicable recommendations in the design of specific site requirements for re-establishment of bank vegetation, and placement of meanders and habitat structures. Vegetation shall be used to the maximum extent practicable to stabilize banks, and riprap and other man-made structural measures shall be minimized.

4. The permittee shall construct all channel relocations in the dry. The permittee shall stabilize the relocated channel before stream flows are directed into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season and stream flow shall not be released into the new channel until the Corps of Engineers has approved the release. Vegetation used to stabilize banks shall be limited to native woody species, and should include establishment of a 30 foot wide wooded buffer and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical.

5. The permittee shall provide the NCDOT Regulatory Project Manager with a stream mitigation construction sequencing schedule within 30 days following the project preconstruction meeting. The plan, shall at a minimum, indicate a date of start of construction, grading schedule, planting schedule, completion of construction, monitoring schedule, and a date of potential diversion into the new channel.

6. The permittee shall visually monitor the vegetative plantings on all mitigation stream banks to assess and insure complete stabilization of the mitigation stream segments. This monitoring shall include adequate visual monitoring of planted vegetation quarterly for a minimum of two years after final planting, and appropriate remedial actions (e.g., replanting, streambank grading, etc.). If within any monitoring year, bank stabilization is not acceptable as determined by the Corps of Engineers, and remedial action required by the Corps of Engineers is performed, the two-year

monitoring of the affected portions of the stream will begin again. The permittee will coordinate stream mitigation activities with the Corps of Engineers, Wilmington NCDOT Regulatory Project Manager, and will report verbally on the status of the stream mitigation within thirty days of the quarterly monitoring. The permittee will submit to the NCDOT Regulatory Project Manager a brief written report with representative photographs within 90 days after the monitoring year is completed.

7. The permittee shall mitigate for 1.17 acres of unavoidable impacts to wetlands associated with this project by payment to the North Carolina Wetlands Restoration Program (NCWRP) in an amount determined by the NCWRP sufficient to perform 2.34 acres of riparian, palustrine forested wetland mitigation in the Cape Fear River basin (Cataloging Unit 03030004). Construction within wetlands on the permitted highway project shall begin only after the permittee has made full payment to the NCWRP, and the NCWRP has made written confirmation to the District Engineer, that it agrees to accept responsibility for the mitigation work required, pursuant to Paragraph IV.D. of the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998.

8. The permittee shall mitigate for 341 linear feet of unavoidable impacts to important stream channel associated with this project by payment to the North Carolina Wetlands Restoration Program (NCWRP) in an amount determined by the NCWRP sufficient to perform 682 linear feet of warm water stream mitigation, or the equivalent water quality improvement projects, as approved by the Corps of Engineers, in the Cape Fear River basin (Cataloging Unit 03030004). Construction within streams on the permitted highway project shall begin only after the permittee has made full payment to the NCWRP, and the NCWRP has made written confirmation to the District Engineer, that it agrees to accept responsibility for the mitigation work required, pursuant to Paragraph IV.D. of the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998.

9. When final design plans are completed for TIP U-3312, any necessary permit modifications shall be submitted to the District Engineer and the North Carolina Division of Water Quality (NCDWQ). If necessary, a public notice will be circulated for review. Final designs shall reflect all appropriate avoidance, minimization, and a compensatory mitigation plan for impacts within streams and wetlands. Construction within streams and wetlands on TIP U-3312 shall begin only after approval by the District Engineer of the modified impacts.

10. Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed highway project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Wilmington Regulatory Field Office, NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

11. The permittee shall schedule a meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Wilmington NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall notify the Corps of Engineers NCDOT Regulatory Project Manager a minimum of thirty (30) days in advance of the scheduled meetings in order to provide that individual with ample opportunity to schedule and participate in the required meetings.

12. The permittee and its contractors and/or agents shall not excavate, fill, or perform mechanized landclearing 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, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities connected with this project.

13. To ensure that all borrow and waste activities occur on high ground, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used for borrow material, or to dispose of dredged, fill, or waste material. The permittee shall ensure that all such areas comply with the preceding condition (11) 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 information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the preceding condition (11). All information will be available to the Corps of Engineers upon request.

14. The permittee shall comply with the conditions specified in the water quality certification, No. 3380, issued by the North Carolina Division of Water Quality on April 16, 2002.

15. The permittee shall place the inverts of culverts and other structures in waters, streams, and wetlands one foot below the elevation of the streambed to allow low flow passage of water and aquatic life, unless 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 streambeds or banks, adjacent to, or upstream and downstream of the structures.

16. The permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard (50 NTU's in all streams and rivers, and 25 NTU's in all lakes).

17. The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

18. The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.

19. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the authorized work, he shall immediately stop work and notify the Wilmington District Engineer who will initiate the required State/Federal coordination.

20. No excavated or fill material shall be placed at any time in waters or wetlands outside the authorized permit area, nor will it be placed in any location or in any manner so as to impair surface water flow into or out of any wetland area.

21. The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without transferring it to a third party.

22. All fill material shall be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

23. This Department of the Army permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

24. This permit does not grant any property rights or exclusive privileges.

25. In issuing this permit, the Federal Government does not assume any liability for:

- a. Damages to the permitted project or uses thereof as a result of other permitted or un-permitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.
- c. Damages to other permitted or un-permitted activities or structures caused by the authorized activity.
- d. Design and construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

Post-It® Fax Note	7671	Date	6/25	# of pages	6
To	Richard Spencer	From	Mary Frazer		
Co./Dept.		Co.			
Phone #		Phone #	919-733-1200		
Fax #	910-251-4025	Fax #			

419



Michael F. Easley, Governor
 William G. Ross, Jr., Secretary
 Gregory J. Thorpe, Ph.D., Acting Director

April 16, 2002

Mr. William D. Gilmore, P.E., Manager
 Planning and Environmental Branch
 North Carolina Department of Transportation
 1548 Mail Service Center
 Raleigh, North Carolina, 27699-1548

Dear Mr. Gilmore:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act,
 Proposed widening and realignment of SR 1344 (Black & Decker Road) from SR 1141 to I-95 Business in
 Cumberland County (TIP U-3312), Federal Project No. STP-1344(2), State Project No. 8.2443001.
 WQC Project No. 020228 COE ID

Attached hereto is a copy of Certification No. 3380 issued to The North Carolina Department of Transportation dated April 16, 2002. You have our approval, in accordance with the attached conditions and those listed below, to place fill material in 0.89 acres of jurisdictional wetlands, perform mechanized clearing in 0.21 acres of jurisdictional wetlands, and excavate in 0.07 acres of jurisdictional wetlands. In addition, you are authorized the place fill in 341 linear feet of streams. The project purpose is the widening and realignment of SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County. The project shall be constructed in accordance with your application dated January 29, 2002 and any additional conditions listed later in this certification.

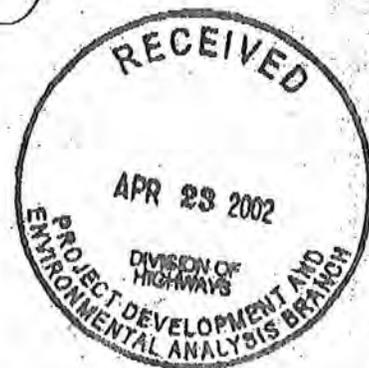
If we can be of further assistance, do not hesitate to contact us:

Sincerely,

Gregory J. Thorpe
 Gregory J. Thorpe, Ph.D.
 Acting Director

Attachments

cc: Wilmington District Corps of Engineers
 Corps of Engineers Wilmington Field Office
 DWQ Fayetteville Regional Office
 Ron Ferrell, Wetlands Restoration Program
 Central Files
 File Copy



Wetlands/401 Unit

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



Michael F. Easley, Governor
 William G. Ross, Jr., Secretary
 Gregory J. Thorpe, Ph.D., Acting Director

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, Section .0500. This certification authorizes the NCDOT, in accordance with the attached conditions and those listed below, to place fill material in 0.89 acres of jurisdictional wetlands, perform mechanized clearing in 0.21 acres of jurisdictional wetlands, and excavate in 0.07 acres of jurisdictional wetlands. In addition, you are authorized the place fill in 341 linear feet of streams. The project purpose is the widening and realignment of SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County. The project shall be constructed in accordance with your application dated January 29, 2002 and any additional conditions listed later in this certification.

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River 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 application, as described in the Public Notice. Should your project change, you are required to notify the DWQ 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 (add or remove additional) wetland or stream impacts, occur as a result of this project (now or in the future) additional compensatory mitigation will 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 three 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 sooner.

Condition(s) of Certification:

1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard

Wetlands/401 Unit

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 Department of Environment
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 Division of Water Quality



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(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);

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 after the Division of Land Resources has released the project;
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
4. Measures shall be taken to prevent live or fresh concrete from coming 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. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations 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. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.
7. Compensatory mitigation for impacts to streams shall be done for 341 linear feet of stream impact at a replacement ratio of 1:1. Compensatory mitigation for impacts to jurisdictional streams shall be provided by onsite stream relocations of 173 linear feet of streams on site as described (i.e. a stable stream pattern, dimension, and profile) in the January 29, 2002 permit application. All stream relocations shall have 50-foot wooded buffers planted on both sides of the stream. As-Builts for the completed streams shall be submitted to the North Carolina Division of Water Quality 401 Wetlands Unit within 30 days of the completion of the construction of the relocations. If the parameters of this condition are not met, then the NCDOT shall supply additional stream mitigation for the 173 linear feet of impacts. In addition to the 173 linear feet of on-site mitigation, compensatory mitigation for an additional 168 linear feet of streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through an in lieu payment to the North Carolina Wetland Restoration Program (NCWRP), and that the WRP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to streams shall be provided through an in-lieu payment to the North Carolina Wetlands Restoration Program (NCWRP) at a rate of \$125 per linear foot. Therefore, a total payment of \$21,000 shall be submitted to the NCWRP to offset the impacts. No construction activities in jurisdictional streams shall begin until payment for stream mitigation is made and the Wetland Restoration Program receives and clears your

Wetlands/401 Unit

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 Department of Environment
 and Natural Resources
 Division of Water Quality



Michael F. Easley, Governor
 William G. Ross, Jr., Secretary
 Gregory J. Thorpe, Ph.D., Acting Director

check (made payable to DENR – Wetland Restoration Program). The payment to NCWRP shall be sent within two months of issuance of the 404 permit. If you have any questions concerning the Wetland Restoration Program please contact them at 919-733-5208.

8. Compensatory mitigation for impacts to wetlands shall be done for 1.17 acres of impacts. Applying a replacement ratio of 2:1 total mitigation for 2.34 acres of riparian wetlands shall be provided. We understand that you have chosen to perform compensatory mitigation for impacts to streams through an in lieu payment to the North Carolina Wetland Restoration Program (NCWRP), and that the WRP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to wetlands shall be provided through an in-lieu payment to the North Carolina Wetlands Restoration Program (NCWRP) at a rate of \$12,000 per acre for 1.25 acres of impacts (Acreage requirements proposed to be mitigated through the Wetland Restoration Program must be rounded to one-quarter increments according to 15A 2R.0503(b). Therefore, a total payment for 2.25 acres impact at \$12,000 per acre for a total payment of \$27,000 shall be submitted to the NCWRP to offset the impacts. No construction activities in jurisdictional streams shall begin until payment for stream mitigation is made and the Wetland Restoration Program receives and clears your check (made payable to DENR – Wetland Restoration Program). The payment to NCWRP shall be sent within two months of issuance of the 404 permit. If you have any questions concerning the Wetland Restoration Program please contact them at 919-733-5208.
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.
10. Placement of culverts and other structures in waters, streams, and wetlands must 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 disequilibrium 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.
11. The permittee 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 shall 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.

Wetlands/401 Unit

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



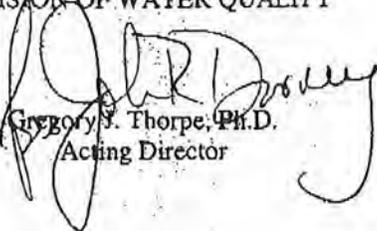
Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

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, P.O. Box 27447, Raleigh, N.C. 27611-7447. 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 April 2002

DIVISION OF WATER QUALITY


Gregory J. Thorpe, Ph.D.
Acting Director

WQC No. 3380

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



Michael F. Easley, Governor
 William G. Ross, Jr., Secretary
 Gregory J. Thorpe, Ph.D., Acting Director

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

In accordance with 15A NCAC 2H.0500, the North Carolina Department of Transportation is authorized to impact the waters of the State of North Carolina as indicated below for the purpose of widening and realigning SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County (TIP No. U-3312, DWQ No. 020228). 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.**

COMPENSATORY MITIGATION REQUIREMENTS FOR WETLAND RESTORATION:

LOCATION: Improvements to SR 1344 (Black and Decker Road)
COUNTY: Cumberland
Basin/SUBBASIN: Cape Fear, Cataloging Unit 03030004
DWQ No.: 020228

As required by 15A NCAC 2H.0506, and the conditions of this certification, you are required to compensate for the above impacts through the restoration, creation, enhancement or preservation of wetlands and surface waters as outlined below prior to conducting any activities that impact or degrade waters of the state.

Note: Acreage requirements proposed to be mitigated through the Wetland Restoration Program must be rounded to one-quarter increments according to 15A 2R.0503(b).

2.25 acres of Class WL wetlands
 2.25 acres of riparian wetlands
 0.0 acres of non-riparian wetlands

0 acres of Class SWL wetlands

168 linear feet of stream channel

One of the options you have available to satisfy the compensatory mitigation requirements is through payment of a fee to the Wetland Restoration Fund per 15A NCAC 2R.0503. If you choose this option, please sign this form and mail it to the Wetlands Restoration Fund at 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 WETLANDS RESTORATION PROGRAM.**

Signature

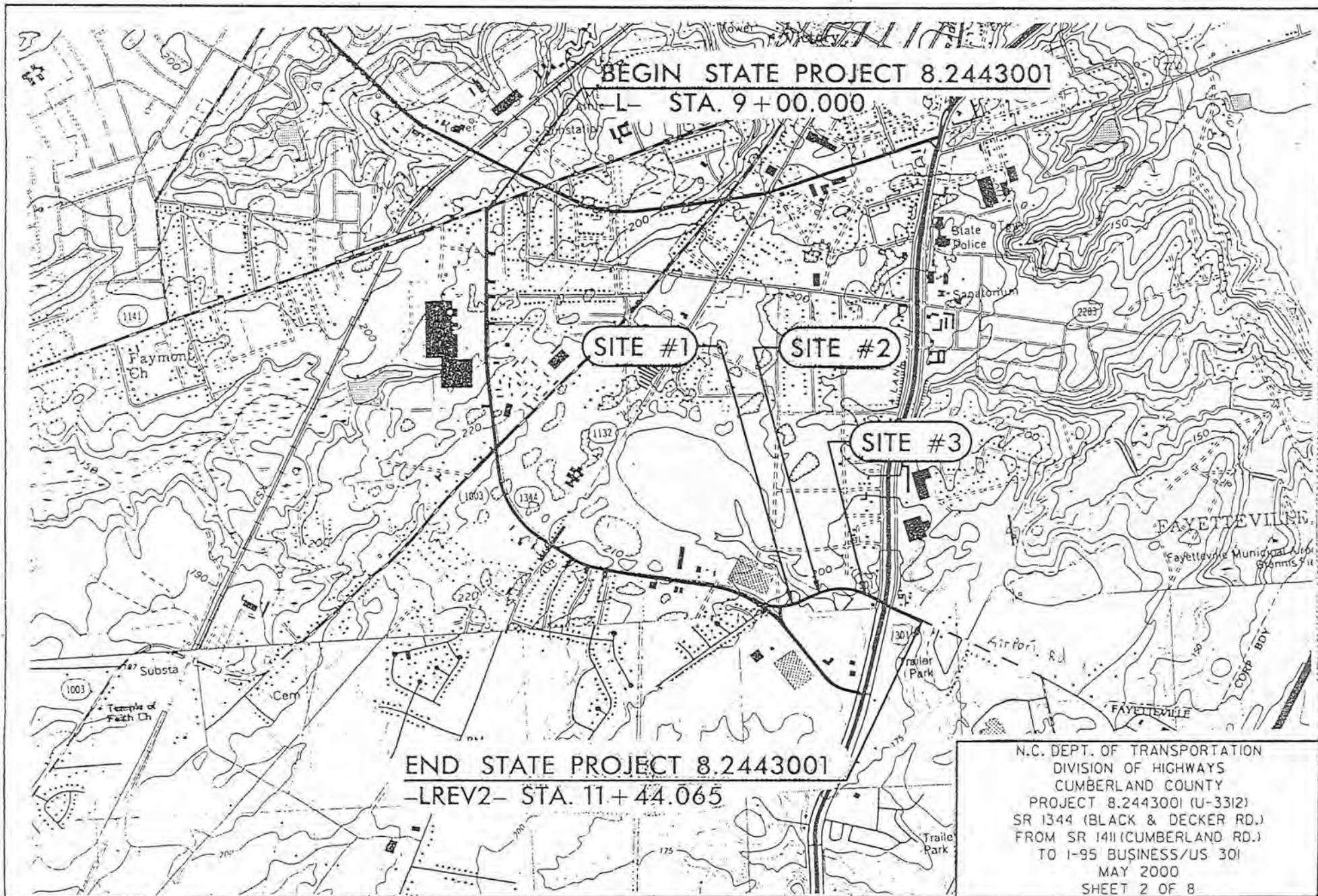
Date

WETLANDS RESTORATION PROGRAM
 DIVISION OF WATER QUALITY
 P.O. BOX 29535
 RALEIGH, NC, 27626-0535
 (919) 733-5208

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BEGIN STATE PROJECT 8.2443001

-L- STA. 9+00.000

SITE #1

SITE #2

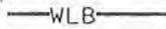
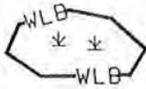
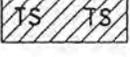
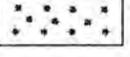
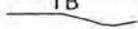
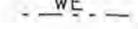
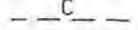
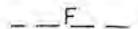
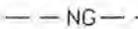
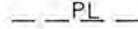
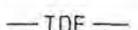
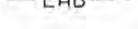
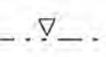
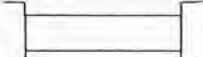
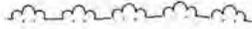
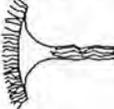
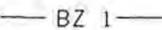
SITE #3

END STATE PROJECT 8.2443001

-LREV2- STA. 11+44.065

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
CUMBERLAND COUNTY
PROJECT 8.2443001 (U-3312)
SR 1344 (BLACK & DECKER RD.)
FROM SR 1411 (CUMBERLAND RD.)
TO I-95 BUSINESS/US 301
MAY 2000
SHEET 2 OF 8

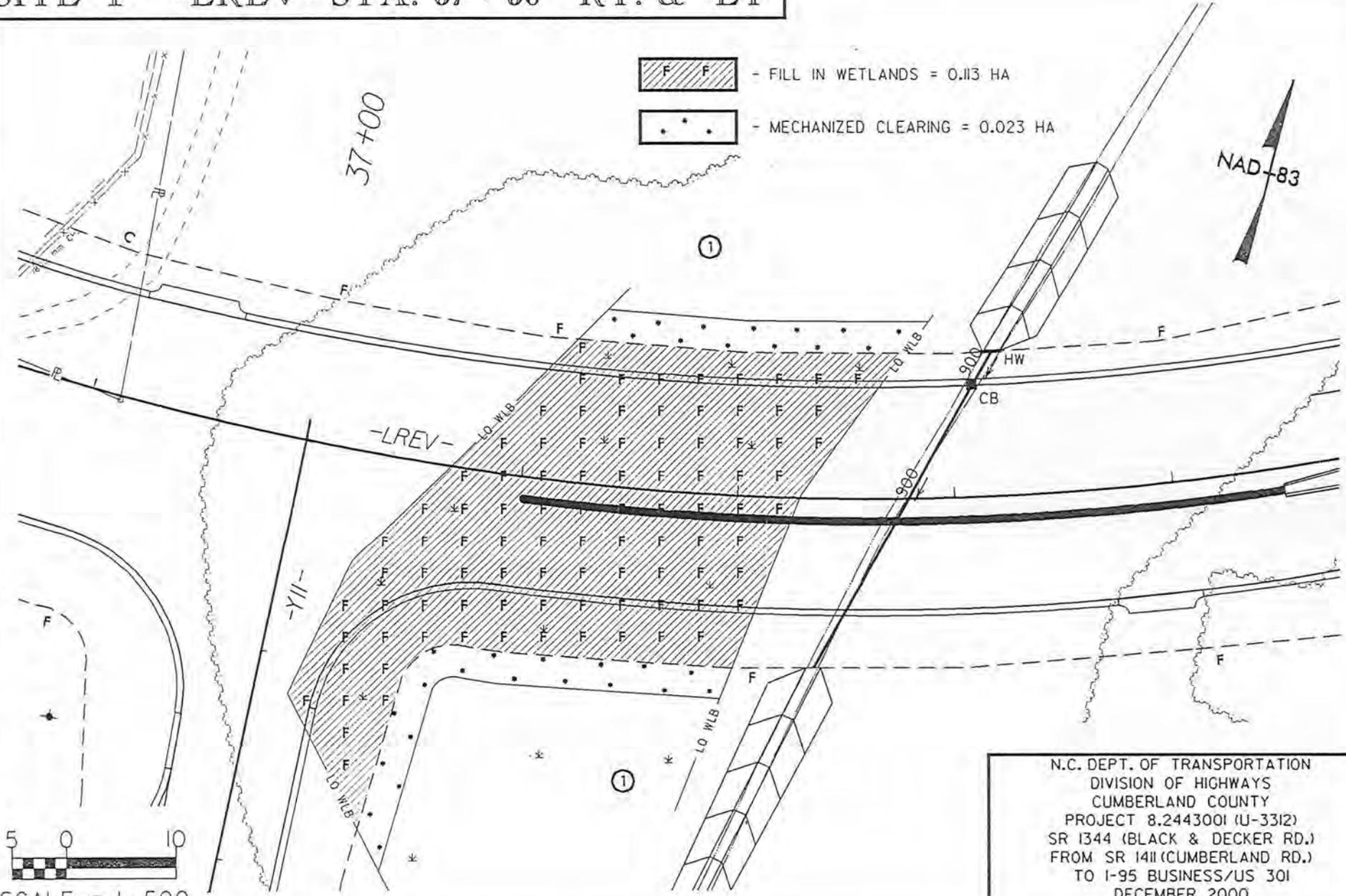
LEGEND

	LINE WT		LINE WT
 WLB	4-6	WETLAND BOUNDARY	
 WLB	4-6	WETLAND	
 F	2	DENOTES FILL IN WETLAND	
 S	2	DENOTES FILL IN SURFACE WATER	
 P	2	DENOTES FILL IN SURFACE WATER (POND)	
 T	2	DENOTES TEMPORARY FILL IN WETLAND	
 E	2	DENOTES EXCAVATION IN WETLAND	
 TS	2	DENOTES TEMPORARY FILL IN SURFACE WATER	
 . . .	2	DENOTES MECHANIZED CLEARING	
	2	FLOW DIRECTION	
 TB	2-4	TOP OF BANK	
 WE	2	EDGE OF WATER	
 C	2	PROP. LIMIT OF CUT	
 F	2	PROP. LIMIT OF FILL	
	2	PROP. RIGHT OF WAY	
 NG	2	NATURAL GROUND	
 PL	2	PROPERTY LINE	
 TDE	2	TEMP. DRAINAGE EASEMENT	
 PDE	2	PERMANENT DRAINAGE EASEMENT	
 EAB	2	EXIST. ENDANGERED ANIMAL BOUNDARY	
 EPB	2	EXIST. ENDANGERED PLANT BOUNDARY	
	2	WATER SURFACE	
 X X X X X	2	LIVE STAKES	
	6	BOULDER	
	6	CORE FIBER ROLLS	
		PROPOSED BRIDGE	6
		PROPOSED BOX CULVERT	6
		PROPOSED PIPE CULVERT	15
		(DASHED LINES DENOTE EXISTING STRUCTURES)	6
		12'-48" PIPES	
		54" PIPES & ABOVE	
		SINGLE TREE	2
		WOODS LINE	2
		DRAINAGE INLET	
		ROOTWAD	2
		RIP RAP	2
		ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE	2
		BUFFER ZONE 1 BOUNDARY	2
		BUFFER ZONE 2 BOUNDARY	2

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT: 8.2443001 (U-3312)
 SR1344 (BLACK & DECKER RD.)
 FROM SR 1411 (CUMBERLAND RD.)
 TO I-95 BUSINESS/US 301
 SHEET 5 OF 8

SITE 1 -LREV- STA. 37+30 RT. & LT

-  - FILL IN WETLANDS = 0.113 HA
-  - MECHANIZED CLEARING = 0.023 HA



5 0 10
SCALE = 1:500

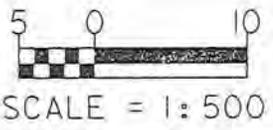
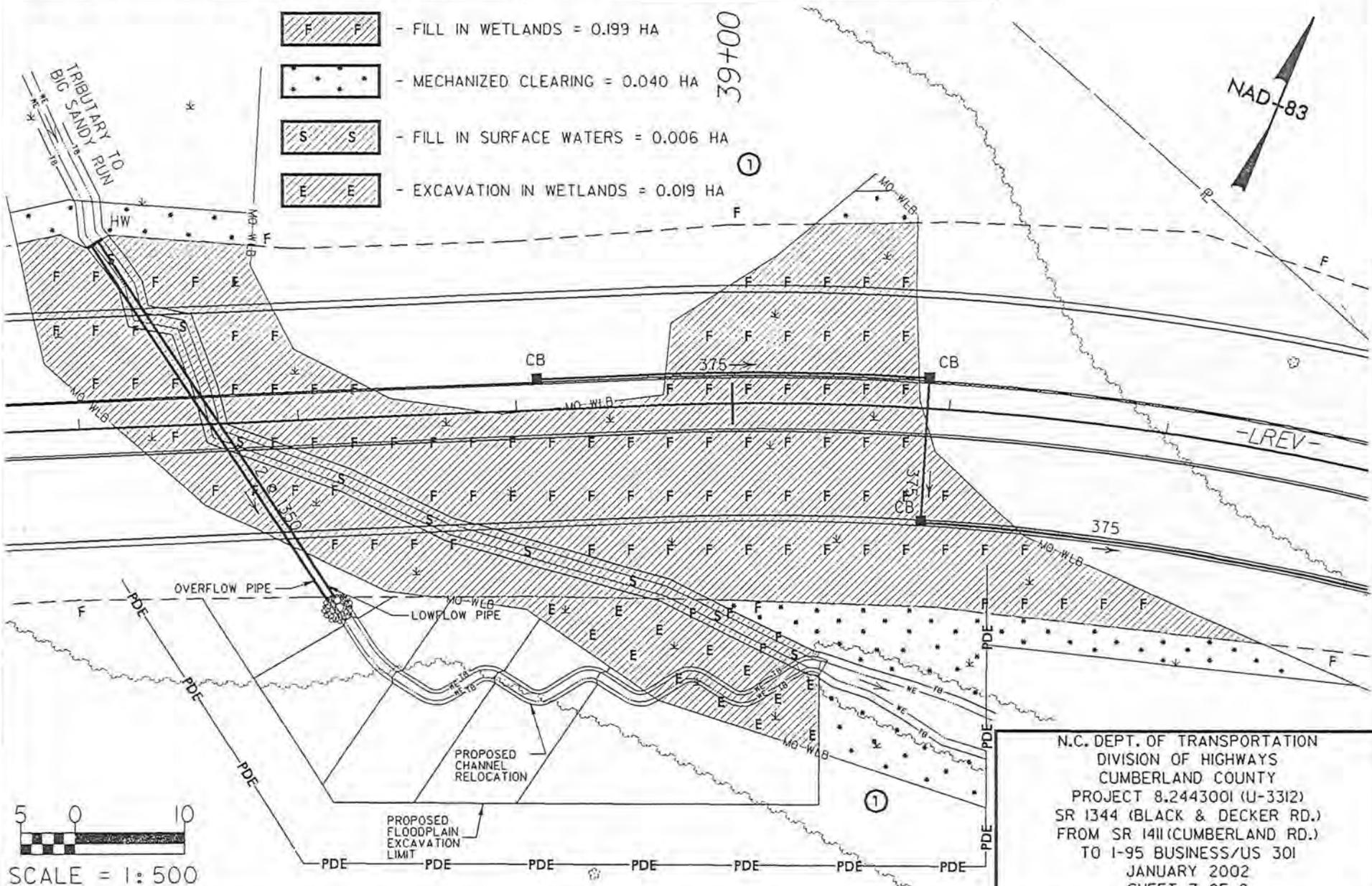
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT 8.2443001 (U-3312)
 SR 1344 (BLACK & DECKER RD.)
 FROM SR 1411 (CUMBERLAND RD.)
 TO I-95 BUSINESS/US 301
 DECEMBER 2000
 SHEET 6 OF 8

SITE 2 -LREV- STA. 38+35 TO 39+50 RT. & LT

- FILL IN WETLANDS = 0.199 HA
- MECHANIZED CLEARING = 0.040 HA
- FILL IN SURFACE WATERS = 0.006 HA
- EXCAVATION IN WETLANDS = 0.019 HA

39+00

①



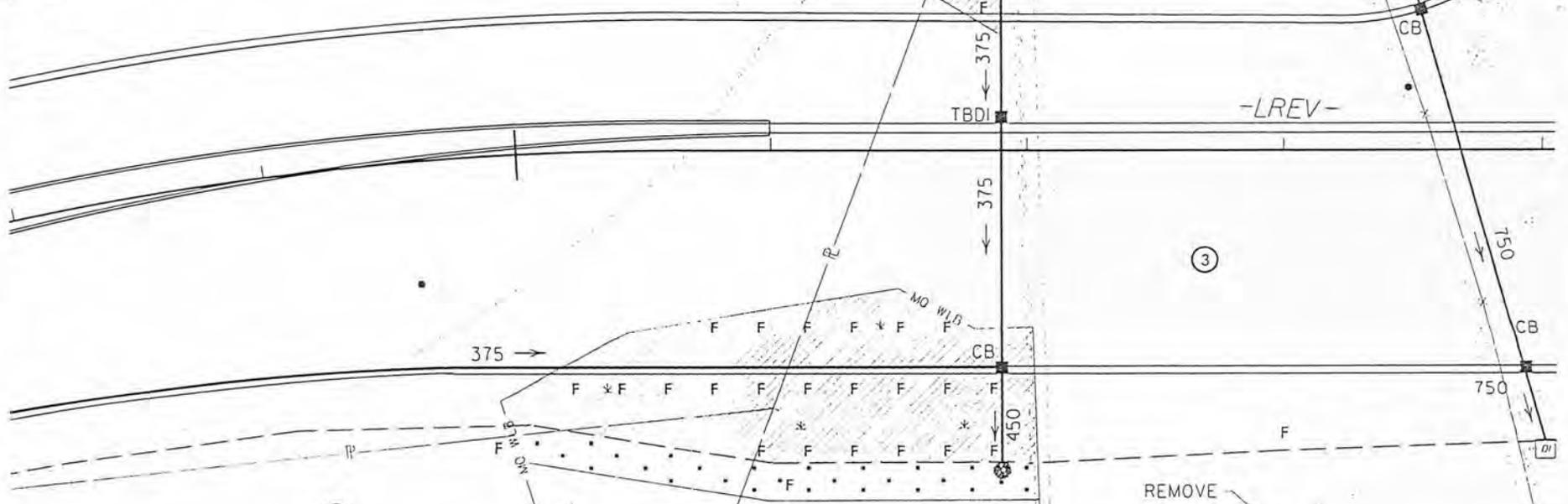
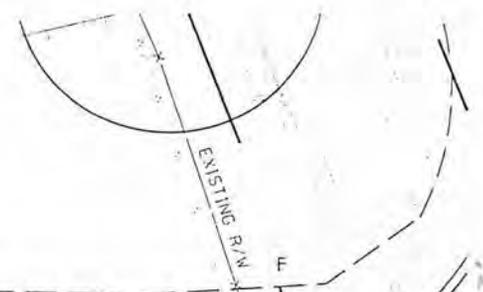
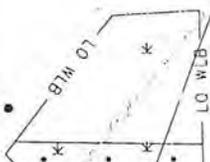
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT 8.2443001 (U-3312)
 SR 1344 (BLACK & DECKER RD.)
 FROM SR 1411 (CUMBERLAND RD.)
 TO I-95 BUSINESS/US 301
 JANUARY 2002
 SHEET 7 OF 8

SITE 3 -LREV- STA. 41+00 TO 41+40 RT. & LT



②

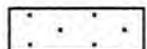
41+00



①



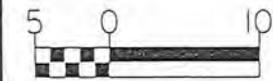
- FILL IN WETLANDS = 0.048 HA



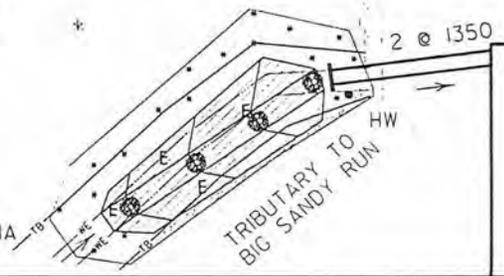
- MECHANIZED CLEARING = 0.023 HA



- EXCAVATION IN WETLANDS = 0.008 HA



SCALE = 1:500



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CUMBERLAND COUNTY
 PROJECT 8.2443001 (U-3312)
 SR 1344 (BLACK & DECKER RD.)
 FROM SR 1411 (CUMBERLAND RD.)
 TO I-95 BUSINESS/US 301
 JUNE 2001
 SHEET 8 OF 8



REPLY TO
ATTENTION OF:

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

Permit Number: 199801948/Individual Permit/Cumberland County

Permittee: NCDOT/SR 1344/U-3312

Issuance: 13-August-2002

Project Manager: Richard Spencer

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

**US ARMY COE/WILMINGTON DISTRICT
WILMINGTON REGULATORY FIELD OFFICE
POST OFFICE BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890**

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

April 16, 2002

Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Mr. Gilmore:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed widening and realignment of SR 1344 (Black & Decker Road) from SR 1141 to I-95 Business in
Cumberland County (TIP U-3312), Federal Project No. STP-1344(2), State Project No. 8.2443001.
WQC Project No. 020228 COE ID

Attached hereto is a copy of Certification No. 3380 issued to The North Carolina Department of Transportation dated April 16, 2002. You have our approval, in accordance with the attached conditions and those listed below, to place fill material in 0.89 acres of jurisdictional wetlands, perform mechanized clearing in 0.21 acres of jurisdictional wetlands, and excavate in 0.07 acres of jurisdictional wetlands. In addition, you are authorized the place fill in 341 linear feet of streams. The project purpose is the widening and realignment of SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County. The project shall be constructed in accordance with your application dated January 29, 2002 and any additional conditions listed later in this certification.

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

Sincerely,

Gregory J. Thorpe, Ph.D.
Acting Director

Attachments

cc: Wilmington District Corps of Engineers
Corps of Engineers Wilmington Field Office
DWQ Fayetteville Regional Office
Ron Ferrell, Wetlands Restoration Program
Central Files
File Copy



Wetlands/401 Unit

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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

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, Section .0500. This certification authorizes the NCDOT, in accordance with the attached conditions and those listed below, to place fill material in 0.89 acres of jurisdictional wetlands, perform mechanized clearing in 0.21 acres of jurisdictional wetlands, and excavate in 0.07 acres of jurisdictional wetlands. In addition, you are authorized the place fill in 341 linear feet of streams. The project purpose is the widening and realignment of SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County. The project shall be constructed in accordance with your application dated January 29, 2002 and any additional conditions listed later in this certification.

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River 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 application, as described in the Public Notice. Should your project change, you are required to notify the DWQ 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 (add or remove additional) wetland or stream impacts, occur as a result of this project (now or in the future) additional compensatory mitigation will 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 three 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 sooner.

Condition(s) of Certification:

1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard

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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

(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);

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 after the Division of Land Resources has released the project;
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
4. Measures shall be taken to prevent live or fresh concrete from coming 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. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations 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. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.
7. Compensatory mitigation for impacts to streams shall be done for 341 linear feet of stream impact at a replacement ratio of 1:1. Compensatory mitigation for impacts to jurisdictional streams shall be provided by onsite stream relocations of 173 linear feet of streams on site as described (i.e. a stable stream pattern, dimension, and profile) in the January 29, 2002 permit application. All stream relocations shall have 50-foot wooded buffers planted on both sides of the stream. As-Builts for the completed streams shall be submitted to the North Carolina Division of Water Quality 401 Wetlands Unit within 30 days of the completion of the construction of the relocations. If the parameters of this condition are not met, then the NCDOT shall supply additional stream mitigation for the 173 linear feet of impacts. In addition to the 173 linear feet of on-site mitigation, compensatory mitigation for an additional 168 linear feet of streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through an in lieu payment to the North Carolina Wetland Restoration Program (NCWRP), and that the WRP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to streams shall be provided through an in-lieu payment to the North Carolina Wetlands Restoration Program (NCWRP) at a rate of \$125 per linear foot. Therefore, a total payment of \$21,000 shall be submitted to the NCWRP to offset the impacts. No construction activities in jurisdictional streams shall begin until payment for stream mitigation is made and the Wetland Restoration Program receives and clears your

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and Natural Resources
Division of Water Quality



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William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

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, P.O. Box 27447, Raleigh, N.C. 27611-7447. 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 April 2002

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read 'Gregory J. Thorpe', is written over the typed name and title. The signature is fluid and cursive in style.

Gregory J. Thorpe, Ph.D.
Acting Director

WQC No. 3380

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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

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

In accordance with 15A NCAC 2H.0500, the North Carolina Department of Transportation is authorized to impact the waters of the State of North Carolina as indicated below for the purpose of widening and realigning SR 1344 (Black and Decker Road) from SR 1141 to I-95 Business in Cumberland County (TIP No. U-3312, DWQ No. 020228). 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.**

COMPENSATORY MITIGATION REQUIREMENTS FOR WETLAND RESTORATION:

LOCATION: Improvements to SR 1344 (Black and Decker Road)
COUNTY: Cumberland
BASIN/SUBBASIN: Cape Fear, Cataloging Unit 03030004
DWQ No.: 020228

As required by 15A NCAC 2H.0506, and the conditions of this certification, you are required to compensate for the above impacts through the restoration, creation, enhancement or preservation of wetlands and surface waters as outlined below prior to conducting any activities that impact or degrade waters of the state.

Note: Acreage requirements proposed to be mitigated through the Wetland Restoration Program must be rounded to one-quarter increments according to 15A 2R.0503(b).

2.25 acres of Class WL wetlands
 2.25 acres of riparian wetlands
 0.0 acres of non-riparian wetlands

0 acres of Class SWL wetlands

168 linear feet of stream channel

One of the options you have available to satisfy the compensatory mitigation requirements is through payment of a fee to the Wetland Restoration Fund per 15A NCAC 2R.0503. If you choose this option, please sign this form and mail it to the Wetlands Restoration Fund at 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 WETLANDS RESTORATION PROGRAM.**

Signature

Date

WETLANDS RESTORATION PROGRAM
DIVISION OF WATER QUALITY
P.O. BOX 29535
RALEIGH, NC, 27626-0535
(919) 733-5208

Wetlands/401 Unit

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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Gregory J. Thorpe, Ph.D., Acting Director

Certificate of Completeness

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, 1621 Mail Service Center, Raleigh, NC, 27699-1621. 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 and Buffer Rules, 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 and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____

Date: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, ect.) 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 and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____

Registration No. _____

Date _____

Wetlands/401 Unit

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