

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



James B. Hunt, Jr., Governor
 Bill Holman, Secretary
 Kerr T. Stevens, Director

.033). In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire when the accompanying 404 permit expires unless otherwise specified in the General Certification.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7).). This approval shall expire with the corresponding Nationwide Permit expires or as otherwise provided in the General Certification. For this approval to be valid, you must follow the conditions listed in the attached certification and any additional conditions listed below.

1. Stormwater shall be directed to sheetflow at nonerosive velocities through the protected stream buffers, except for sites 2 and 3. The design submitted for these sites is approved as described in your correspondence dated October 12, 2000.
2. 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.
3. Compensatory mitigation for impacts to wetlands shall be done for 3.09 acres (1.89 acres of impacts requiring mitigation at a replacement ratio of approximately 2:1) of jurisdictional wetlands. 1109 linear feet of streams shall be provided at the Wiggins Mill Mitigation Sites as follows:

Mitigation Site	Habitat	Acres of WL Debited	Linear Feet of Streams
Wiggins Mill	Non-Riverine	0.43	
	Streams		1109
Gurley	Riverine Bottomland Hardwood	2.07	
	Non-Riverine Bottomland Hardwood	0.59	
Total		3.09	1109

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4. Hazardous Spill Catch Basins shall be required for the Bloomery Swamp Crossing. The final designs for the Hazardous Spill Catch Basins shall be submitted to the North Carolina Division of Water Quality 401 Wetlands Unit prior to beginning construction. As-builts for the basins shall be submitted to the North Carolina Division of Water Quality 401 Wetlands Units no later than 30 days after the construction is completed.
5. Prior to any construction activities, the NCDOT shall submit a maintenance plan for the hazardous spill catch basin associated with the project. The NCDOT shall be required to implement the maintenance plan for the life of the road.
6. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1 anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
7. A delay of entry requirement is in effect for Site 2 (station number 21+00 to 22+00) and Site 3 (Station number 33+00 to 34+00). For these areas, no work shall be performed prior to the NCDOT obtaining appropriate right-of-way. Activities elsewhere on the project are authorized upon the effective date of this Certification.
8. Impacts to Neuse Riparian Buffers is authorized as described below:

Site	Zone 1 Impacts	Zone 2 Impacts	Total Impacts	Total Acres of Mitigation Required
2	0.37	0.11	0.48	1.28
3	0.48	0.17	0.65	1.70
4	0.22	0.10	0.32	N/A
6	0.29	0.06	0.35	0.96
7	0.21	0.12	0.33	0.81
8	0.12	0.09	0.21	N/A
Total	1.69	0.65	2.34	4.75

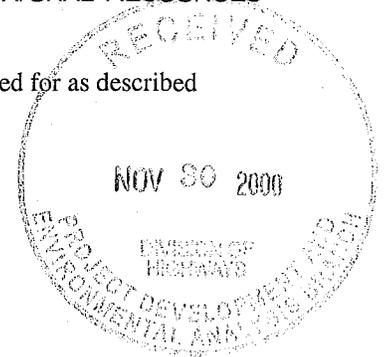
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9. Compensatory mitigation for impacts to Neuse Riparian Buffers shall be provided for as described below.

Zone of Impact	Impacts (Acres)	Replacement Ratio	Total Acres of Mitigation Required
Zone 1	1.35	3:1	4.06
Zone 2	0.46	1.5:1	0.69
Total			4.75



Mitigation for unavoidable impacts to 4.75 acres of Neuse Riparian Buffers shall be provided at the Wiggins Mill Mitigation Site and debited from the available credits on the site. The NCDWQ shall be submitted a debit/credit ledger that displays total approved buffer credits and debits for the site no later than 60 days after the date of the 401 Water Quality Certification.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone John Dorney at 919-733-1786.

Sincerely,

Kerr T. Stevens

Attachment

cc: Wilmington District Corps of Engineers
Corps of Engineers Raleigh Field Office
Raleigh DWQ Regional Office
File Copy
Central Files

c:\ncdot\TIP U-3472\wqc\000801wqc.doc

Wetlands/401 Unit

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**ROAD CROSSING CERTIFICATION GENERAL CERTIFICATION FOR PROJECTS
ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 14 (ROAD
CROSSINGS), REGIONAL GENERAL PERMIT 198200031 AND NEUSE/TAR-
PAMLICO/RANDLEMAN BUFFER RULES**

This General Certification is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (14) of the Corps of Engineers regulations (i.e., Nationwide Permit No. 14 and Regional General Permit 198200031) and for the Neuse, Tar-Pamlico and Randleman Buffer Rules (15A NCAC 2B .0233, .0259 and .0250). The category of activities shall include any fill activity for road crossing and is limited to fill less than one-third of an acre. This Certification replaces Water Quality Certification Number 2177 issued on November 5, 1987, Water Quality Certification Number 2666 issued on January 21, 1992, Water Quality Certification Number 2732 issued on May 1, 1992 and Water Quality Certification Number 3103 issued on February 11, 1997. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 14 or Regional General Permit 198200031 when deemed appropriate by the Director of the DWQ.

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

Conditions of Certification:

1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires application to and prior written concurrence from the Division of Water Quality;
2. In accordance with North Carolina General Statute Section 143-215.3D(e), any application for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;
3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to streams and/or wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols;
4. For any project involving a stream re-alignment, a stream relocation plan must be included with the 401 application for written DWQ approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel, to the maximum extent practical. The new channel should be constructed in the dry and water shall not be turned into the new channel until the banks are stabilized. 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

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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. If suitable stream mitigation is not practical on-site, then stream impact will need to be mitigated elsewhere;

5. Impacts to any stream length in the Neuse, Tar-Pamlico and Randleman River Basins requires written concurrence from DWQ in accordance with 15A NCAC 2B.0233, 15A NCAC 2B .0259 and .0250 and 15A NCAC 2H .0500. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico and Randleman River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0233, 15A NCAC 2B .0259 and .0250. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification;
6. 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 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. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands;
7. If this Certification is used to access building sites, all lots owned by the applicant must be buildable without additional fill beyond that allowed under other General Certifications. Deed restrictions must be placed on the remaining wetlands and streams on these lots to restrict future wetland and stream fill. DWQ shall be sent copies of all deed restrictions applied to these lots;
8. That 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;
9. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored within two months after the Division of Land Resources has released the project;
10. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

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11. This Certification shall be utilized for roads from natural high ground to natural high ground. The Certification for Nationwide Permit 18 may not be used in conjunction with this Certification to create high ground for road access;
12. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
13. That additional site-specific conditions may be added to projects proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
14. When written concurrence is required, the applicant is required to use the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed;
15. Concurrence from DWQ that this Certification applies to an individual project 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 Nationwide Permit 14 and Regional General Permit 198200031 whichever is sooner.

Non-compliance with or violation of the conditions herein set forth by a specific fill project may result in revocation of this Certification for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland, stream or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: 1 June 2000

DIVISION OF WATER QUALITY

By

Kerr T. Stevens

Director

WQC # 3289

Wetlands/401 Unit

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NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

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Bill Holman, Secretary
Kerr T. Stevens, Director

DWQ Project No.: _____
Applicant: _____

County: _____

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: _____

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

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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 _____