



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DAVID MCCOY
SECRETARY

November 7, 2000

MEMORANDUM TO:

Mr. J. H. Trogdon, III, P.E.
Division 4 Engineer

FROM:

for V. Charles Bruton, Ph.D. *Bruton*
Assistant Manager
Project Development and
Environmental Analysis Branch

SUBJECT:

Wilson County, NC 42 (Tarboro Street) from I-95 to SR 1165
(Forest Hills Road) in Wilson State Project No. 8.1340801;
T.I.P. # U-3472

Attached are the U. S. Army Corps of Engineers Nationwide Permit Numbers 3 and 14 (Maintenance and Road Crossing) and GP 31 tear sheet and the Division of Water Quality 401 Certification for the above referenced project. Please note the special conditions attached to this project by the USACE and Neuse Buffer conditions by the NCDWQ. All environmental permits have been received for the construction of this project.

VCB/eah

Attachment

cc: Ms. Debbie Barbour, P.E.
Mr. Calvin Leggett, P.E.
Mr. John Alford, P.E.
Mr. David Henderson, P.E.
Mr. Randy Garris, P.E.
Mr. Tim Rountree, P.E.
Mr. N. L. Graf, FHWA
Mr. W. D. Johnson

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.DOH.DOT.STATE.NC.US

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

PROJECT COMMITMENTS

IMPROVEMENTS OF NC 42 FROM INTERSTATE 95 TO SR 1165 (FOREST HILLS ROAD) IN WILSON COUNTY. STATE PROJECT NO. 9.8070217, TIP U-3472.

Commitments Developed Through Project Development and Design

Current status, changes, or additions to the project commitments as shown in the environmental document for the project are printed in italics.

PD&EA/Roadway Design

One structure in the project vicinity, the Contentnea Primitive Baptist Church, was found to be eligible for the National Register of Historic Places. The project will not require the acquisition of property within the historic boundaries of the church. The project, as proposed, will cause no adverse effect on the historic property. The State Historical Preservation Office will be allowed to review and comment on median cuts.

Current design plans show that no right-of-way will be required from the church. The SHPO has been given the opportunity to review and comment on the proposed median cuts.

PD&EA/Division 4 - Right of Way

Archaeological site 31WL261 requires further testing to determine its significance. Further work (stripping) will be performed to fully assess the significance of the site in regards to eligibility for the National Register of Historic Places after right-of-way has been acquired. Efforts will be made to acquire right-of-way at the site as soon as possible.

The site was investigated in April 2000. In consultation with the SHPO, the field methodology consisted of mechanized excavation of a number of strip trenches across the site along with two pedestrian surveys. During location survey work for the proposed road improvements, an abandoned historic cemetery was identified in an overgrown stand of trees at the eastern edge of the site. As a portion of the wooded area that encompasses the cemetery falls within the Area of Potential Effect (APE) of U-3472, the cemetery was evaluated during the investigations at 31WL261. The investigations indicated that both the site 31WL261 and the abandoned cemetery site are not eligible for listing on the National Register of Historic Places.

Hydraulics Unit

The major stream crossings on NC 42 are within 0.8 kilometers (0.5 miles) of a critical water supply intake area (classified WS-IV NSW). Therefore, according to guidelines developed by NCDOT and the Division of Water Quality (DWQ), hazardous spill retention basins will be installed at the crossings of Shepard Branch and Bloomery

Swamp. The stream crossing at Mill Branch was included in T.I.P. Project R-1023 AB (US 264 Wilson Bypass).

Two hazardous spill retention basins will be installed at the Bloomery Swamp Crossing. After further investigation, it was determined that the location of the intake area of Shepard Branch is approximately 1.2 miles from the crossing, which is greater than the 1 mile limit for hazardous spill retention basins. Therefore, hazardous spill retention basins will not be installed at the Shepard Branch crossing.

Geotechnical Unit/Hydraulics Unit

Further investigations of sites where there is potential for hazardous material involvement will be conducted. If studies reveal that the proposed drainage structures could intercept groundwater, modifications may be required to the final design of the drainage system.

The investigations revealed that subsurface contamination exists at one location, parcel 51A, which is an active gas station. The station is located within the intersection of NC42/ SR 1136 (Old Raleigh Road)/ SR 1158 (Airport Blvd.). A closed drainage system will be installed in the vicinity of this area to prevent the shallow and possibly contaminated groundwater from entering receiving waters.

Commitments Developed Through Permitting

In addition to the standard Nationwide Permits #3, #14, and #33 Conditions, the General Permit #31 Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, General Certification Conditions, and Section 401 Conditions of Certification, the following special commitments have been agreed to by NCDOT:

Division Four Construction

All standard procedures and measures, including Best Management Practices will be implemented to avoid or minimize environmental impacts. *This is a standard NCDOT Procedure.*

PD&EA/ Roadside Environmental

NCDOT will adhere to Special Conditions b. -nn. as described in the 404 permit concerning compensatory mitigation for wetland and stream impacts to be debited from the Gurley Mitigation Site in Greene County and the Wiggins Mill Mitigation Site in Wilson County.

Division Four Construction

NCDOT and its contractors will not excavate, fill, or perform mechanized clearing for this project within waters and/or wetlands, except as authorized by the attached permits. NCDOT and its contractors will maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project to be made available to the Corps of Engineers upon request (see Special Conditions oo. and pp.).

Division Four Right of Way/Division Four Construction

A delay of entry will be placed on Site 2 (Stations 21+00--22+00) and Site 3 (Stations 33+00--34+00) (see permit drawings) until additional right of way is obtained to construct grass lined swales for Neuse Riparian Buffers. No work is to be performed in these areas until this additional right of way as specified by NCDWQ has been acquired.

Hydraulics Unit

Final designs for the Hazardous Spill Catch Basins shall be submitted to the NCDWQ prior to beginning construction. As-builts for the basins shall be submitted to the NCDWQ no later than 30 days after the construction is completed.

Division Four Construction/Maintenance

NCDOT shall submit a maintenance plan for the Hazardous Spill Catch Basins associated with the project. The NCDOT shall be required to implement the maintenance plan for the life of the road.

There are no special environmental conditions associated with this project.

Contacts:

Eric Alsmeyer (USACE, Raleigh) (919) 876-8441 ext.23

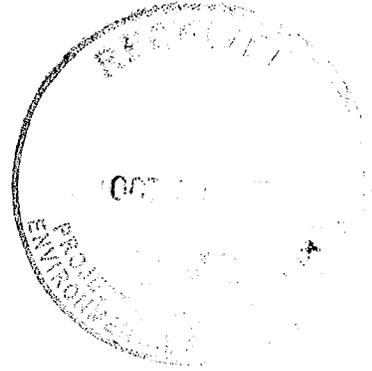
John Hennessy (NCDWQ,Raleigh) (919) 733-5715

Chris Rivenbark (NCDOT,Raleigh) (919) 733-9513

U.S. ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT

Action ID. 199820167, 20012033, & 20012034 T.I.P. : U-3472 County Wilson
GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: NCDOT
Address: Division of Highways
ATTN: William D. Gilmore, P.E.,
Manager
Project Development and
Environmental Analysis Branch
Post Office Box 25201
Raleigh, North Carolina 27611-5201
Telephone No.: 733-9513 (Chris Rivenbark)



Location of project (waterway, road name/number, town, etc.): Crossing Bloomery Swamp, Shepards Branch, and unnamed tributaries to Contentnea Creek, along existing NC 42, southwest of Wilson, Wilson County, North Carolina.

Description of Activity: Discharge of fill material impacting a total of 1.89 acres of wetlands, and 997 linear feet of stream, for construction of the NC 42 widening, and associated channel clean-out and temporary workpad (TIP No. U-3472) Note: This verification is subject to the attached special conditions, and does not include impacts to waters of the United States from any on-site detours, spoil disposal, or bridge demolition. These impacts would have to be permitted separately if they become necessary.

- Section 404 (Clean Water Act, 33 USC 1344) only.
 Section 10 (River and Harbor Act of 1899) only.
 Section 404 and Section 10.

3, 14 Nationwide Permit Number.

31 Regional General Permit Number.

Any violation of the conditions of the Nationwide and Regional General Permits referenced above may subject the permittee to a stop work order, a restoration order, and/or appropriate legal action.

This Department of the Army Nationwide and Regional General Permit verification does not relieve the undersigned permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work. If you have any questions regarding the Corps of Engineers regulatory program, please contact Eric Alsmeyer at telephone number (919) 876-8441, extension 23.

Regulatory Project Manager Signature Eric Alsmeyer Tel. No. 919-876-8441, ext.23
Date October 23, 2000 Expiration Date December 31, 2002

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORM, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

CF: FHWA

Permit Number: 199820167, 20012033, & 20012034

Name of Permittee: NCDOT / U-3472; NC 42 Widening

Issuance: 10/23/00

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 CORPS OF ENGINEERS
RALEIGH REGULATORY FIELD OFFICE
ATTN: Eric Alsmeyer
6508 FALLS OF NEUSE ROAD, SUITE 120
RALEIGH, NORTH CAROLINA 27615**

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

SPECIAL CONDITIONS (Action IDs. 199820167, 20012033, & 20012034; NCDOT/TIP U-3472)

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

b. The permittee shall mitigate for 554.5 linear feet of permanent, important stream impact and 1.89 acre of wetland impact for this project, as described below (2.66 acres of riverine and non-riverine wetland mitigation at the Gurley Mitigation Site, 0.43 acres of non-riverine wetland mitigation at the Wiggins Mill Site, and 1,109 linear feet of stream restoration at the Wiggins Mill Site).

GURLEY WETLANDS MITIGATION

c. The permittee shall continue implementation of the compensatory wetland mitigation plan entitled "Wetland Mitigation Plan, Gurley Site, Greene County, North Carolina", dated March 1998, to provide the mitigation described in condition d. below.

d. The permittee shall mitigate for 1.38 acres of riverine wetland impacts and 0.295 acre of non-riverine wetland impacts with 2.07 acres of riverine swamp hardwood restoration, and 0.59 acre of non-riverine bottomland hardwood restoration, at the Gurley Mitigation Site.

e. NCDOT will do a boundary survey of the 2.66 acres of wetland mitigation for this project at the Gurley Mitigation Site, and submit a copy of the survey to the District Engineer within 90 days of the date of this permit.

f. The permittee and subsequent property owners shall maintain the Gurley Wetlands Mitigation Site in its natural condition, as altered by work in the mitigation plan, in perpetuity. Prohibited activities within the mitigation areas specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity or activity that may alter the drainage patterns on the property; the cutting, mowing, destruction, removal, damage or other alteration of any vegetation; disposal or storage of any debris, trash, garbage, or other waste material; except as may be authorized by the mitigation plans or subsequent modifications which are approved by the Corps of Engineers. In addition, the permittee shall take no action, whether on or off the mitigation property, which will adversely impact the wetlands on the mitigation property.

g. The permittee shall make every effort to convey the 2.66 acres of the Gurley site property to a nonprofit conservation organization or a natural resource agency that is willing to hold the areas in perpetuity for conservation purposes, and which is acceptable to the Corps of Engineers. The annual monitoring reports will include the status of the conveyance efforts.

h. The permittee shall not sell or otherwise convey any interest in the properties used to satisfy mitigation requirements for this permit, to any third party, without the express written consent of the Corps of Engineers.

i. Any sale, lease, or other conveyance of the 2.66 mitigation acres of the Gurley Site shall include restrictions on the use of the property as described in these conditions, which conditions shall be enforced by the North Carolina Department of Transportation.

j. The permittee shall record this permit, including a survey of the 2.66 acres of the mitigation property, in the Greene County Register of Deeds, in such a manner that it appears in the chain of title for the mitigation property.

GURLEY WETLANDS MITIGATION MONITORING

k. The permittee will monitor the site vegetation between August 1 and November 30, inclusively, of each year, and document plant mortality and stress within the mitigation site. A minimum of six 0.05 acre sample plots, and five transects will be used for the entire site. The permittee will continue monitoring of the planting areas annually until all respective performance criteria are met, as described below.

l. Performance criteria for tree planting areas will be met if sample plots demonstrate that for each of the first three complete years of monitoring, 320 target-species trees per acre have survived, such that at the end of three years, 320 three-year old target-species trees per acre have survived on the site, and, in years four and five, 288 and 260 trees per acre, respectively, have survived on the site, such that at the end of year five, 260 five-year old target-species trees per acre have survived on the site.

m. If for any monitoring year, vegetation survival is not favorable, as determined by the Corps of Engineers, any remedial action required by the Corps of Engineers will be performed, the site will be replanted, and the five-year monitoring period will begin again with year one.

n. Hydrology in the restoration areas will be monitored through the use of monitoring wells during each growing season for the first five years of the vegetative monitoring, or until performance criteria have been met, whichever occurs later. A minimum of nine wells will be used on the total site.

o. To meet the hydrology success criteria, the monitoring well data within the restoration areas must show that for each normal precipitation year within the monitoring period, the restoration site has been inundated or saturated within the upper 12 inches of the soil for a minimum of 12.5% of the growing season (30 consecutive days) in the riverine restoration area, and 8% (20 consecutive days) in the non-riverine restoration area. WETS tables for Greene County will be utilized to determine normal precipitation years.

p. If there are no normal precipitation years during the first five years of monitoring, to meet performance criteria, the permittee will continue to monitor hydrology on the site until it shows that the site has been inundated or saturated as described above during a normal precipitation year.

q. In the alternative, and at the Corps' discretion, a site may be found to meet the hydrology performance criteria on the basis of comparison of monitoring data taken from the site with monitoring data taken from an established jurisdictional mitigation reference site approved by the Corps. The Corps retains the discretion to find that the hydrology criteria are met if such monitoring data from the mitigation site and the reference site are substantially the same. This finding by the Corps may be made during years with or without normal rainfall.

r. In the event there are years of normal precipitation during the monitoring period, and the data for that year do not show that the site has been inundated or saturated within the upper 12 inches of the soil for a minimum of 12.5% of the growing season (30 consecutive days) in the riverine restoration area, and 8% (20 consecutive days) in the non-riverine restoration area, during a normal precipitation year, the Corps may require remedial action. The permittee shall perform such required remedial action, and continue to monitor hydrology on the site until it displays that the site has been inundated or saturated as described above, during a normal precipitation year. If the Corps determines that further remediation is not appropriate, other options will be considered, including use of a different site to mitigate for project impacts.

s. The permittee will submit yearly mitigation monitoring reports within 60 calendar days of each assessment period for five years following final site manipulation. These reports will include, at a minimum, sample plot, well and rainfall data; photographs, including a location key; the status of the conveyance efforts; and problems/resolution; and will be provided to both the Corps and the North Carolina Division of Water Quality.

WIGGINS MILL WETLAND MITIGATION

t. The permittee shall continue implementation of the compensatory wetland mitigation plan entitled "Wiggins Mill Mitigation Plan, Wilson County, North Carolina, NCDOT", dated February 1, 1999, to provide the mitigation described in condition u. below. The permittee will complete construction and vegetative planting of the stream mitigation by November 15, 2000.

u. The permittee shall mitigate for 0.43 acre of non-riverine wetland impacts with 0.43 acre of non-riverine bottomland hardwood restoration, at the Wiggins Mill Mitigation Site. The permittee will complete construction and vegetative planting of the stream mitigation by November 15, 2000.

v. NCDOT will do a boundary survey of the 0.43 acre of wetland mitigation for this project at the Wiggins Mill Mitigation Site, and submit a copy of the survey to the District Engineer within 90 days of the date of this permit.

w. The permittee and subsequent property owners shall maintain the Wiggins Mill Wetlands Mitigation Site in its natural condition, as altered by work in the mitigation plan, in perpetuity. Prohibited activities within the mitigation areas specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity or activity that may alter the drainage patterns on the property; the cutting, mowing, destruction, removal, damage or other alteration of any vegetation; disposal or storage of any debris, trash, garbage, or other waste material; except as may be authorized by the mitigation plans or subsequent modifications which are approved by the Corps of Engineers. In addition, the permittee shall take no action, whether on or off the mitigation property, which will adversely impact the wetlands on the mitigation property.

x. The permittee shall make every effort to convey the 0.43 acre of the Wiggins Mill site property to a nonprofit conservation organization or a natural resource agency that is willing to hold the areas in perpetuity for conservation purposes, and which is acceptable to the Corps of Engineers. The annual monitoring reports will include the status of the conveyance efforts.

y. The permittee shall not sell or otherwise convey any interest in the properties used to satisfy mitigation requirements for this permit, to any third party, without the express written consent of the Corps of Engineers.

z. Any sale, lease, or other conveyance of the 0.43 mitigation acre of the Wiggins Mill Site shall include restrictions on the use of the property as described in these conditions, which conditions shall be enforced by the North Carolina Department of Transportation.

aa. The permittee shall record this permit, including a survey of the 0.43 acre of the mitigation property, in the Wilson County Register of Deeds, in such a manner that it appears in the chain of title for the mitigation property.

WIGGINS MILL WETLANDS MITIGATION MONITORING

bb. The permittee will monitor the site vegetation between August 1 and November 30, inclusively, of each year, and document plant mortality and stress within the mitigation site. The permittee will continue monitoring of the planting areas annually until all respective performance criteria are met, as described below.

cc. Performance criteria for tree planting areas will be met if sample plots demonstrate that for each of the first three complete years of monitoring, 320 target-species trees per acre have survived, such that at the end of three

years, 320 three-year old target-species trees per acre have survived on the site, and, in years four and five, 288 and 260 trees per acre, respectively, have survived on the site, such that at the end of year five, 260 five-year old target-species trees per acre have survived on the site.

dd. If for any monitoring year, vegetation survival is not favorable, as determined by the Corps of Engineers, any remedial action required by the Corps of Engineers will be performed, the site will be replanted, and the five-year monitoring period will begin again with year one.

ee. Hydrology in the restoration areas will be monitored through the use of monitoring wells during each growing season for the first five years of the vegetative monitoring, or until performance criteria have been met, whichever occurs later.

ff. To meet the hydrology success criteria, the monitoring well data within the restoration areas must show that for each normal precipitation year within the monitoring period, the restoration site has been inundated or saturated within the upper 12 inches of the soil for a minimum of 5% of the growing season (12 consecutive days). WETS tables for Wilson County will be utilized to determine normal precipitation years.

gg. If there are no normal precipitation years during the first five years of monitoring, to meet performance criteria, the permittee will continue to monitor hydrology on the site until it shows that the site has been inundated or saturated as described above during a normal precipitation year.

hh. In the alternative, and at the Corps' discretion, a site may be found to meet the hydrology performance criteria on the basis of comparison of monitoring data taken from the site with monitoring data taken from an established jurisdictional mitigation reference site approved by the Corps. The Corps retains the discretion to find that the hydrology criteria are met if such monitoring data from the mitigation site and the reference site are substantially the same. This finding by the Corps may be made during years with or without normal rainfall.

ii. In the event there are years of normal precipitation during the monitoring period, and the data for that year do not show that the site has been inundated or saturated within the upper 12 inches of the soil for a minimum of 5% of the growing season (12 consecutive days), during a normal precipitation year, the Corps may require remedial action. The permittee shall perform such required remedial action, and continue to monitor hydrology on the site until it displays that the site has been inundated or saturated as described above, during a normal precipitation year. If the Corps determines that further remediation is not appropriate, other options will be considered, including use of a different site to mitigate for project impacts.

jj. The permittee will submit yearly mitigation monitoring reports within 60 calendar days of each assessment period for five years following final site manipulation. These reports will include, at a minimum, sample plot, well and rainfall data; photographs, including a location key; the status of the conveyance efforts; and problems/resolution; and will be provided to both the Corps and the North Carolina Division of Water Quality.

WIGGINS MILL STREAM MITIGATION

kk. The permittee shall mitigate for 554.5 linear feet of permanent, unavoidable impacts to important stream channel associated with this project, with 1,109 linear feet of stream restoration at the Wiggins Mill Mitigation Site, as described in the mitigation plan entitled "Wiggins Mill Mitigation Plan, Wilson County, North Carolina, NCDOT", dated February 1, 1999. The permittee will complete construction and vegetative planting of the stream mitigation by November 15, 2000.

ll. The permittee shall visually monitor the vegetative plantings on the 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 one year after final planting, and appropriate remedial actions (e.g., replanting, streambank grading, etc.), and will submit a brief report with representative photographs within 90 days after the monitoring is completed.

GENERAL MITIGATION

mm. The permittee shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, to provide that individual with the opportunity to attend the yearly mitigation monitoring efforts.

nn. Failure to institute and carry out the details of special conditions a. - mm., above, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP U-3472, or such other remedy as the District Engineer or his authorized representatives may seek.

OTHER CONDITIONS

oo. 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.

pp. 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 to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall ensure that all such areas comply with the preceding condition (oo.) 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 (oo.). All information will be available to the Corps of Engineers upon request.

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



NORTH CAROLINA DEPARTMENT OF
 ENVIRONMENT AND NATURAL RESOURCES

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

October 31, 2000
 Wilson County
 DWQ Project No. 000801
 TIP U-3472

APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS and Neuse River Buffer Rules

Mr. William D. Gilmore, P.E., Manager
 Planning and Environmental Branch
 North Carolina Department of Transportation
 P.O. Box 25201
 Raleigh, NC, 27611-5201

Dear Mr. Gilmore:

You have our approval, as described in your application dated June 1, 2000, and the subsequent addendums dated August 25, 2000, and October 12, 2000, and in accordance with the attached conditions and those listed below, to place fill material in 1.92 acres of wetlands and 998 linear feet of streams as described below.

Site No.	DWQ Index Number	Total Stream Impacts	Total Wetland Impacts (Acres)		DWQ General Certification Number	Corps Permit Number
			Riverine	Non-Riverine		
1				0.18	3289	NW 14
2	27-86-(4.5)	154.3 Linear Feet			3289, 3290	NW 14, NW 3
3	27-86-(4.5)	183.7 Linear Feet			3289	GP198200031
4			0.39		3289	NW 14
5				0.33	3289	NW14
6	27-86-(5.7)	216.5 Linear Feet	0.29		3289	NW 14
8			0.70		3289, 3114	NW14, NW 33

We understand the purpose of your project is to widen and improve NC 42 in Wilson County. The project should be constructed in accordance with your application dated June 1, 2000 and subsequent addendums dated August 25, 2000 and October 12, 2000. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Numbers 3114, 3289, and 3290 as described above. This certification corresponds to the Nationwide Permit Numbers 3, 14, 33, and General Permit 31 issued by the Corps of Engineers. This approval is also valid for the Neuse River buffer rules (15A NCAC 2B

Wetlands/401 Unit

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Raleigh, North Carolina 27699-1621

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 Department of Environment
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.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 3.78 acres (1.89 acres of impacts requiring mitigation at a replacement ratio of 2:1) of jurisdictional wetlands. 1936 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	Swamp Hardwood		
	Bottomland Hardwood	3.78	
	Streams		1936
Total		3.78	1936

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.

Wetlands/401 Unit

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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

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

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.

State of North Carolina
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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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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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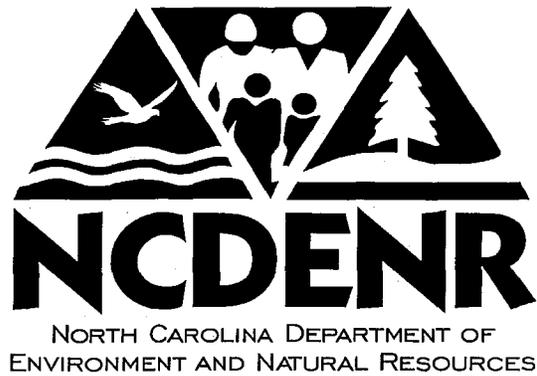
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the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____