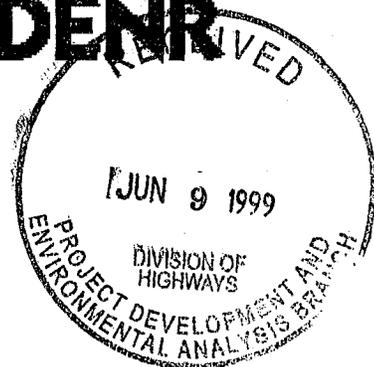


State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
Wayne McDevitt, Secretary
Kerr T. Stevens, Director



June 3, 1999

Mr. Mike Bell
U.S. Army Corps of Engineers
Washington Regulatory Field Office
PO Box 1000
Washington, NC 27889-1000

Subject: Replacement of Green Street Bridge over the Tar River, Federal Aid Project IMF-95-2(83)87,
State Project No. 8.1311501, TIP No. I-2704

Dear Mr. Bell,

This letter is in reference to the Public Notice/Individual Permit application for the Green Street Bridge project listed above. The Division of Water Quality (DWQ) is responsible for the issuance of the Section 401 Water Quality Certification for activities which impact waters of the state including wetlands. Completion of the project as proposed in the permit application will require the discharge of fill material into approximately 0.55 acres of jurisdictional wetlands and mechanized land clearing in 0.11 acres of jurisdictional wetlands. The DWQ offers the following comments based on review of the aforementioned document.

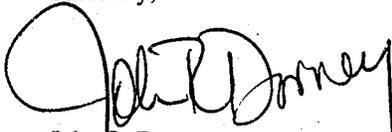
- A.) The DWQ agrees the project activities as proposed minimize impacts to jurisdictional wetlands and Waters of the U.S. Moreover, the DWQ agrees that the proposed impacts are unavoidable and necessary for the project's completion.
- B.) The DWQ agrees the DOT has demonstrated an appropriate purpose and need for the project.
- C.) The DWQ agrees that construction of the mitigation site is best begun after completion of the project.
- D.) The DWQ agrees with the basic concept of the proposed mitigation plan; however, we have some concerns about the proposed success criteria. More specifically, we have concerns about the proposed success criteria for the restoration of the cypress-gum swamp. The DWQ believes that the proposed hydrologic success was extrapolated directly from the criteria used for a typical bottomland hardwood forest. Consequently, we are concerned that the site would have an insufficient quantity of water to prevent the establishment of invasive tree species, resulting in the restoration of a bottomland hardwood forest in lieu of a cypress-gum swamp. The DOT needs to perform appropriate research (literature review) to develop a hydroperiod that is more representative of a cypress-gum swamp.
- E.) The DWQ is concerned about the proposed success criteria for the species diversity and composition for the cypress-gum swamp restoration site. The application proposes that no one species should compose greater than 20% of the total density. However, a cypress-gum swamp system is characterized by the dominance of primarily cypress and gum species. Therefore, restoration of a cypress-gum swamp requires, by definition, that one or more species compose greater than 20% total density. Moreover, the mitigation proposal fails to list the exact species to be replanted and deemed to be acceptable "target species". The DOT needs to compile a listing of the specific species to be planted in both the bottomland hardwood forest and cypress-gum swamp. The DOT needs to perform

appropriate research (literature review) to develop density compositions more appropriate for a cypress-gum swamp.

The DWQ is not necessarily opposed to the project or the overall mitigation plan. Rather, that additional information be provided regarding the success criteria for the cypress-gum swamp restoration. At this time, pursuant to 15A NCAC 15A NCAC 2H .0507(a)(4)), the DWQ is placing the project on hold for issuance of a 401 Water Quality Certification due to incomplete information. It should be noted that we are placing the project on hold merely to gather additional information to feel comfortable that project approval will not violate are rules. We do not anticipate having any major objections to permit approval after the DOT supplies the requested information.

If you have any questions, please contact either myself or John Hennessy at (919) 733-1786.

Sincerely,



John R. Dorney
Water Quality Certification Program

cc: William Gilmore, NCDOT
Alice Gordon, NCDOT
David Cox, NCWRC
Tom McCartney, USFWS
Files