

PROJECT SPECIAL PROVISIONS
PERMITS

The Contractor's attention is directed to the following permits which have been issued to the Department of Transportation by the authority granting the permit.

PERMIT

AUTHORITY GRANTING THE PERMIT

Dredge and Fill and/or
Work in Navigable Waters

U. S. Army Corps of Engineers

State Dredge and Fill and/or
CAMA

Division of Coastal Management, DENR,
State of North Carolina

Water Quality (401)

Division of Environmental Management, DENR
State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the Standard Specifications and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.

Permit Class
NEW

157

Permit Number
100-04

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

X Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

X Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in Hyde County at Kitty Creek, Bridge No. 54 and Wallace Canal, Bridge No. 52 on US 264 (TIP No. B-3348), as requested in the permittee's application dated 4/26/04 including the attached four (4) 1/2 size drawings dated 8/28/03 and two (2) dated 3/22/04.

This permit, issued on 7/9/04, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

B-3348, Bridge Replacements

- 1) In accordance with project commitments made within the Categorical Exclusion document dated August 2002, due to the presence of anadromous fish and the classification of Kitty Creek as a Primary Nursery Area, no in-water work shall be conducted from March 1st to September 30th of any year without prior approval of the NC Division of Coastal Management (DCM), in consultation with the NC Wildlife Resources Commission (WRC) and the NC Division of Marine Fisheries (DMF).
- 2) The permittee shall implement NC DOT's Stream Crossing Guidelines for Anadromous Fish Passage, except as modified in Condition No. 1 of this permit.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

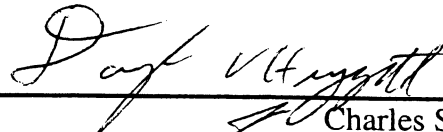
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

No Expiration Date, pursuant to GS 136-44.7B

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



Charles S. Jones, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The NCDOT document "Best Management Practices for Bridge Demolition and Removal" (final 9/20/99) shall be followed during demolition and construction activities.
- 4) Turbidity curtains shall be used to isolate all work areas from Kitty Creek and Wallace Canal, including pile or casement installation, placement of riprap, excavation or filling. The turbidity curtains shall be installed parallel to the banks on each side of the creek or canal. The turbidity curtains shall extend past the construction limits and attach to the silt fences containing the work site. The turbidity curtains shall not encircle a work area or extend across the creek or canal. The turbidity curtains are to be properly maintained and retained in the water until construction is complete and all of the work area contained by the turbidity curtains has been stabilized by vegetation or other means. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.
- 5) All excavated materials and debris associated with the removal of the existing bridge and existing causeway will be disposed of on an approved upland site.
- 6) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands are not authorized.
- 7) All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- 8) Debris resulting from demolition of the existing bridge, including deck components, shall not enter wetlands or waters of the United States, even temporarily.
- 9) Existing bridge pilings shall be extracted or removed flush with the streambed.
- 10) No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plan drawing(s).
- 11) The fill material will be clean and free of any pollutants except in trace quantities.
- 12) There shall be no clearing or grubbing in wetlands outside of the area indicated on the workplan drawing(s).
- 13) No excavation shall occur within wetlands or waters of the United States, except as depicted on the attached workplan drawings.
- 14) Placement of riprap shall be limited to the areas as depicted on the attached work plan drawings. The riprap material must be free from loose dirt or any pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action. The riprap material must consist of clean rock or masonry materials, such as but not limited to, granite or broken concrete.
- 15) Live concrete shall not be allowed to contact waters of the state. Furthermore, no water that has contacted live concrete shall be allowed to enter waters of the state.

ADDITIONAL CONDITIONS

- 16) Pilings shall be installed by vibratory hammer or pile driver, specifically piles shall not be jetted. Should drilled shaft construction or jetting of any bridge piles become necessary, a modification to this permit will be required.

Sedimentation and Erosion Control

- 17) This project is in a High Quality Water Zone and must comply with the Design Standards in Sensitive Watersheds, 15A NCAC 4B .0124.
- 18) The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.
- 19) Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).
- 20) This project must conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Land Resources.
- 21) In order to protect water quality, runoff from the construction must not visibly increase the amount of suspended sediments in adjacent waters.

Mitigation

- 22) In accordance with project commitments, three 24" diameter pipes will be installed under the road leading to the NC Wildlife Resources Commission (WRC) boat ramp to reestablish a hydrological connection to the adjacent coastal marsh. The culvert inverts must be buried a minimum of one foot below normal streambed elevation to allow for passage of water and aquatic life.

NOTE: It is anticipated that the bridge lengthening with the proposed removal of 95 linear feet of existing causeway and restoration of additional causeway due to the 17-foot shift in roadway alignment will lead to the hydrological and vegetative restoration of approximately 0.64 acres of filled causeway. Roadway fill and undercutting will impact 0.26 acres of coastal wetlands.

- 23) The wetland restoration areas will be fully contained by silt fence until all of the unsuitable fill material has been removed and the restoration areas have been restored to the approximate natural elevation of the adjacent wetlands and stabilized with vegetation.
- 24) The permittee will ensure the removal of all unsuitable fill material within the wetland restoration areas, and will fill any void with suitable organic wetland substrate to the same approximate elevation as the adjacent natural wetlands or to an appropriate reference wetland elevation.
- 25) The permittee will provide verification to DCM that the wetland restoration areas have been restored to the approximate natural elevation of the adjacent coastal wetlands.

ADDITIONAL CONDITIONS

- * 26) The permittee shall provide an annual update on the wetland restoration areas of this project. This annual update will consist of photographs and a brief report on the progress of the restoration areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality, and the NC Wildlife Resources Commission to determine if the restoration areas have re-attained jurisdictional wetland status and/or if additional remedial actions are necessary.
- 27) Due to the possibility that compaction, mechanized clearing and/or other site alterations might prevent any temporary wetland impact areas from re-attaining jurisdictional wetland status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, NC DCM and the above listed agencies shall determine whether a compensatory wetland mitigation plan will be required.

NOTE: This permit does not convey or imply approval of the suitability of any excess mitigation generated by this project as compensatory wetland mitigation for any particular future projects. The use of any portion of the excess mitigation generated by this project as compensatory mitigation for future projects will be approved on a case-by-case basis during the CAMA permit review and/or consistency process.

NOTE: If the excess mitigation generated by this project is to be used as mitigation for impacts of future projects, written concurrence must be obtained from DCM that post-construction monitoring demonstrates that vegetative and hydrologic success criteria have been met. Vegetative and hydrologic monitoring data shall be made available to DCM at such time as the site is proposed for use as mitigation for future projects.

General

- 28) Any relocation of utility lines that is not already depicted on the attached work plan drawings, or described within the attached permit application, will require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.
- 29) If the permittee determines that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM will be required.
- 30) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

ADDITIONAL CONDITIONS

- 31) The N.C. Division of Water Quality (DWQ) has authorized the proposed project under a General Water Quality Certification and the Tar-Pamlico River Buffer Rules (DWQ Project No. 04-0314), which was issued on 4/23/04. Any violation of the Certification approved by the DWQ will be considered a violation of this CAMA permit.
- 32) The Division of Water Quality (DWQ) approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Stormwater Permit No. SW7040508, which was issued on 6/30/04. Any violation of the permit approved by the DWQ will be considered a violation of this CAMA permit.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 23 (COE Action ID No. 200411262), which was issued on 4/30/04.

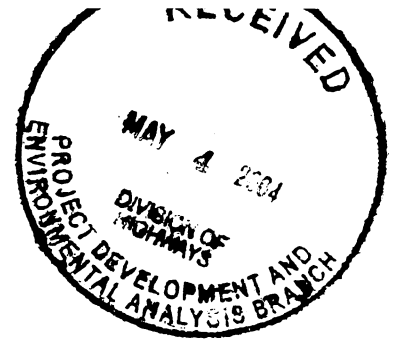
NOTE: The Permittee is encouraged to contact the Hyde County Health Department to discuss mosquito control measures.



REPLY TO
ATTENTION OF:

162
DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

underwood

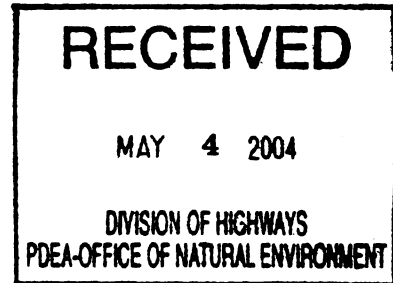


April 30, 2004

Regulatory Division

Subject: Action ID No. 200411262 and Nationwide Permit No. 23 (Approved Categorical Exclusions)

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548



Dear Dr. Thorpe:

Reference your Categorical Exclusion Document, dated August 30, 2002, and your subsequent correspondence dated February 23, 2004, for the replacement of Bridge No. 52 over an unnamed canal and Bridge 54 over Kitty Creek, Federal Aid Project No. BRSTP-264 (9), State Project No. 8.1080601, T.I.P. No. B-3348, Hyde County, North Carolina. The stated purpose of the project is to replace the currently inadequate, obsolete and structurally deficient bridges with new safer bridges. The preferred alternative involves staged, simultaneous construction and will adversely impact .26 acres of wetlands and .48 acres of open waters adjacent to U.S. Highway 264, an unnamed canal and Kitty Creek.

For the purposes of the Corps of Engineers Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330.6, published in the Federal Register on November 22, 1991, lists nationwide permits. Authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, was provided for activities undertaken, assisted, authorized, regulated, funded or financed, in whole or part, by another Federal agency or department where that agency or department has determined, pursuant to the CEQ Regulation for the Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity, work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

Review of this project indicates that the construction of the new bridge will adversely impact 0.26 acres of coastal marsh and 0.48 acres of surface waters. The coastal wetland and surface water impacts are from shifting the road and bridge alignment 17 feet to the southeast of the current structure.

Your work is authorized under Nationwide Permit 23, Categorical Exclusion, provided it is accomplished in strict accordance with the enclosed Nationwide Permit Conditions and the following special conditions:

a. The North Carolina Department of Transportation (NCDOT) will mitigate the project impacts at a ratio of 1:1 by restoring 0.26 acres of wetlands associated with the causeway removal and bridge replacement for this project. Approximately .64 acres of wetlands will be restored at this project location with 0.26 acres being utilized for this project and another 0.14 acres being utilized for TIP No. B-3349 (Action I.D. # 200411264).

b. The wetland restoration will be undertaken pursuant to NCDOT's February 23, 2004, bridge replacement application cover letter for TIP No. B-3348, page 2, avoidance and minimization section. According to that letter, approximately 95 feet of former causeway will be restored to adjacent wetland elevation and be replanted with native brackish marsh plants. Site success will be evaluated to assess whether at least 75% of the area is covered with the following target species: black needlerush (*Juncus roemerianus*), salt meadow cordgrass (*Spartina patens*), and giant cordgrass (*Spartina cynosuroides*) at the end of the fifth growing season. The restoration area will be photo-documented immediately prior to planting, upon completion of the initial planting and any required replanting operations. NCDOT will provide an as-built plan to USACE, including corner stake GPS coordinates, documented qualities of plant materials, final elevations, and photo documentation within 45 days of completion of work. The mitigation will be commenced within the first growing season immediately after the construction of TIP No. B-3348 has been completed. NCDOT will be responsible for monitoring the area for a period of 5 years. Site conditions will be assessed at the end of each growing season during the 5-year monitoring period. NCDOT will provide an annual monitoring report by December 1 of each year documenting success, including: photo documentation, and problems, if any, encountered during the monitoring year timeframe. If at the end of the third replanting or at the end of the fifth and final year of monitoring, the success criteria is not met, a re-evaluation of the site will be made by NCDOT and USACE to determine a course of action to meet the permit requirements for this permit. The Wilmington District, U.S. Army Corps of Engineers, Regulatory Division; must approve any deviation from this schedule.

c. NCDOT shall survey the acreage utilized from the above restoration site and provide the Corps of Engineers, Washington Field Office, with a copy of the survey. The permittee shall maintain the acreage in its described success condition in perpetuity.

d. To allow tidal flow between the unnamed canal and the adjacent marsh, NCDOT will install three 24" culvert pipes buried 1 foot deep under the dirt road leading to the North Carolina Wildlife Boat ramp.

e. To avoid adverse impacts to spawning populations of fish, anadromous and resident species at the project site, NCDOT will follow the "Stream Crossing Guidelines for Anadromous Fish Passage."

f. To minimize negative effects on the early stage of development of the marine organisms found in the Primary Nursery Area, no in-water work will be conducted between March 1 and September 30. For the purpose of this moratorium, in water is defined as those areas that are inundated at mean high water.

g. Bridge deck drains will not discharge directly into Kitty Creek or the unnamed canal to Kitty Creek.

h. No bridge demolition debris or excavated or fill material will be placed at any time, in any wetlands or surrounding waters, outside of the alignment of the fill area indicated on the work plans.

i. The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands are not authorized.

j. All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or retaining structures to prevent spillover of solids into any wetlands or surrounding waters.

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

l. All measures will be taken to avoid any temporary fill from entering into Kitty Creek and the unnamed canal to Kitty Creek from bridge demolition. Bridge demolition shall follow NCDOT best management practices for construction and maintenance activities dated August 2003 and incorporate NCDOT policy entitled "Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

m. Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or any activities that cause the degradation of waters or wetlands, except as authorized by this permit, or any modification to this permit. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional waters or

wetlands 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.

n. To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, 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 provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. The permittee shall ensure that all such areas comply with condition (m) 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 (m). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

o. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and any Corps approved modifications shall be available at the project site during construction and maintenance of this project.

p. Any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District, U.S. Army Corps of Engineers, within 24 hours of the violation.

q. Failure to institute and carry out the details of special conditions a. - p., above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP No. B-3348, or such other remedy as the District Engineer or his authorized representatives may seek.

This nationwide permit does not relieve you of the responsibility to obtain any required State or local approval. This permit will be valid for two years from the date of this letter unless the nationwide authorization is modified, reissued or revoked.

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. Bill Biddlecome, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina, 27889, or telephone 252-975-1616, extension 31.

Sincerely,



E. David Franklin
Chief, NCDOT Team

Enclosures

Copies Furnished (without enclosures)

Mr. John Dorney
Water Quality Section
Division of Environmental Management
North Carolina Department of Environment
and Natural Resources
1650 Mail Service Center
Raleigh, North Carolina 27699-1650

Mr. Travis Wilson
Eastern Region Highway Project Coordinator
Habitat Conservation Program
1142 I-85 Service Road
Creedmoor, North Carolina 27522

Mr. Gary Jordan
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
101 Pivers Island
Beaufort, North Carolina 28516

Mr. Chris Militscher
U.S. Environmental Protection Agency
Raleigh Office
310 New Bern Avenue, Room 206
Raleigh, North Carolina 27601

Ms. Cathy Brittingham
Division of Coastal Management
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

Ms. Lynn Mathis
Division of Coastal Management
1367 U.S. Highway 17 South
Elizabeth City, North Carolina 27909

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



REPLY TO
ATTENTION OF:

Permit Number: 200411262/NW23/NW33/Hyde County

Permittee: NCDOT/B-3348

Issuance: 30 April 2004

Project Manager: William Biddlecome

* 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:

Washington Regulatory Field Office
US Army Corps of Engineers
Post Office Box 1000
Washington, NC 27889-1000

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

NATIONWIDE PERMIT 23
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 18, 2002

Approved Categorical Exclusions: Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Before to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit. (Sections 10 and 404)

NATIONWIDE PERMIT GENERAL CONDITIONS

The following General Conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a 'study river' for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality.

a. In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

b. For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species.

a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

b. Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical

habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/r9endspp/endspp.html> and <http://www.nfms.noaa.gov/protres/overview/es.html> respectively.

12. Historic Properties. No activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

a. Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

1. Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

2. If notified in writing by the District or Division Engineer that an Individual Permit is required; or

3. Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification: The notification must be in writing and include the following information:

1. Name, address and telephone numbers of the prospective permittee;

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

4. For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

5. For NWP 7 (Cutfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

6. For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

7. For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

8. For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

9. For NWP 29 (Single-Family Housing), the PCN must also include:

i. Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

ii. A statement that the single-family housing activity is for a personal residence of the permittee;

iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring $\frac{1}{4}$ -acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than

\1/4\ acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

10. For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five-year (or less) maintenance plan. In addition, the PCN must include all of the following:

i. Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

ii. A delineation of any affected special aquatic sites, including wetlands; and,

iii. Location of the dredged material disposal site;

11. For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

12. For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

13. For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

14. For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent nontidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

15. For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

16. For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

17. For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

18. For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

d. District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the

PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either:

1. That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit;
2. that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or
3. that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

e. Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than $\frac{1}{2}$ -acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies'

concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

f. Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than $\frac{1}{4}$ -acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

X14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- b. A statement that any required mitigation was completed in accordance with the permit conditions; and
- c. The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed $\frac{1}{3}$ -acre).

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash,

debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

a. The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

b. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

c. Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, $\frac{1}{4}$ -acre of wetlands cannot be created to change a $\frac{3}{4}$ -acre loss of wetlands to a $\frac{1}{2}$ -acre loss associated with NWP 39 verification. However, $\frac{1}{2}$ -acre of created wetlands can be used to reduce the impacts of a $\frac{1}{2}$ -acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

f. Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and

open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment or, a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

g. Compensatory mitigation proposals submitted with the " notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes

structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

a. Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWP 7 in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

b. For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

a. Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, 43, and 44.

b. Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, and 44.

c. The permittee must comply with any applicable FEMA-approved state or local

floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of a NWP.
2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or nonstructural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts, which remain, after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly

exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has *flowing* water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWPs.

Non-tidal Wetland: An area that, during a year with normal patterns of precipitation has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for the most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the

404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the “single and complete project” (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations; each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters, which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat

for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to openwaters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement or preservation of aquatic habitats to ensure that activities authorized by NWP result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT

1. Waters Excluded from NWP or Subject to Additional Notification Requirements:
 - a. The Corps identified waters that will be excluded from use of this NWP. These waters are:
 1. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning area are prohibited during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.
 2. Discharges into Waters of the United States designated as sturgeon spawning areas are prohibited during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).
 - b. The Corps identified waters that will be subject to additional notification requirements for activities authorized by this NWP. These waters are:
 1. Prior to the use of any NWP in any of the following North Carolina *designated waters*, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant must furnish a written statement of compliance with all of the conditions of the applicable Nationwide Permit. The North Carolina *designated waters* that require additional notification requirements are "Outstanding Resource Waters" (ORW) and "High Quality

Waters” (HQW) (as defined by the North Carolina Division of Water Quality), or “Inland Primary Nursery Areas” (IPNA) (as defined by the North Carolina Wildlife Resources Commission), or contiguous wetlands (as defined by the North Carolina Division of Water Quality), or “Primary Nursery Areas” (PNA) (as defined by the North Carolina Division of Marine Fisheries).

2. Applicants for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) coastal counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889) for authorization to begin work.

3. Prior to the use of any NWP on a Barrier Island of North Carolina, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable Nationwide Permit.

4. Prior to the use of any NWP in a “Mountain or Piedmont Bog” of North Carolina, applicants shall comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP.

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, “Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs

Swamp Forest-Bog Complex
 Swamp Forest-Bog Complex (Spruce Subtype)
 Southern Appalachian Bog (Northern Subtype)
 Southern Appalachian Bog (Southern Subtype)
 Southern Appalachian Fen

Piedmont Bogs

Upland Depression Swamp Forest

5. Prior to the use of any NWP in Mountain Trout Waters within twenty-five (25) designated counties of North Carolina, applicants shall comply with Nationwide General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Notification will include a letter of comments and recommendations from the North Carolina Wildlife Resources Commission (NCWRC), the

location of work, a delineation of wetlands, a discussion of alternatives to working in the Mountain Trout Waters, why other alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the Mountain Trout Waters. To facilitate coordination with the NCWRC, the proponent may provide a copy of the notification to the NCWRC concurrent with the notification to the District Engineer. The NCWRC will respond both to the proponent and directly to the Corps of Engineers.

The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery	Yancey
Buncombe	Burke	Caldwell	Wilkes
Cherokee	Clay	Graham	Swain
Haywood	Henderson	Jackson	Surry
Macon	Madison	McDowell	Stokes
Mitchell	Polk	Rutherford	
Transylvania	Watauga		

6. Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

2. List of Final Corps Regional Modifications and Conditions for All Nationwide Permits

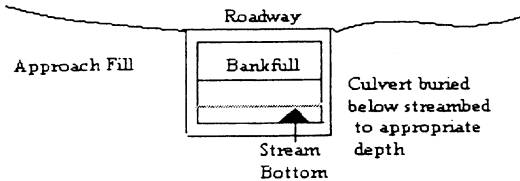
a. Individual or multiple NWPs may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

b. Prior to the use of any NWP (except 13, 27, and 39) for any activity that has more than a total of 150 total linear feet of perennial streambed impacts or intermittent streambed impacts (if the intermittent stream has important aquatic function), the applicant must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Compensatory mitigation is typically required for any impact that requires such notification. [Note: The Corps uses the Intermittent Channel Evaluation Form, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of the intermittent channel stream status. Also, NWPs 13, 27 and 39 have specific reporting requirements.]

c. For all Nationwide Permits which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

d. For all Nationwide Permits that allow for the use of riprap material for bank stabilization, filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

e. For all NWP that involve the construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms. All culverts in the 20 CAMA coastal counties must be buried to a depth of one foot below the



bed of the stream or wetland. For all culvert construction activities, the dimension, pattern, and profile of the stream, (above and below a pipe or culvert), should not be modified by widening the stream channel or by reducing the depth of the stream. Culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Bottomless arch culverts will satisfy this condition. A waiver from the depth specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in more adverse impacts to the aquatic environment.

NORTH CAROLINA DIVISION OF WATER QUALITY
GENERAL CERTIFICATION CONDITIONS
GC3361

1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;
2. 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;

3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. 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. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the traveling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II;

5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence 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;

8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. 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;

9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

10. 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 and Regional General Permits, whichever is sooner;

11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT
STATE CONSISTENCY

Consistent.

Citations:

- 2002 Nationwide Permits - Federal Register Notice 15 Jan 2002
- 2002 Nationwide Permits Corrections - Federal Register Notice 13 Feb 2002
- 2002 Regional Conditions – Authorized 17 May 2002

North Carolina Department of Transportation
Best Management Practices
For Bridge Demolition and Removal

The following Best Management Practices for Bridge Demolition and Removal (BMP-BDR) was developed in coordination with the Army Corps of Engineers (COE), the Wildlife Resource Commission, the National Marine Fisheries Service, and others with the goal of establishing a consistent, environmentally sound approach to the demolition and removal of bridges on North Carolina's public road systems. These Practices shall be an addendum to (not a replacement for) NCDOT's Best Management Practices for the Protection of Surface Waters.

The primary objective of these guidelines shall be to protect the water quality and aquatic life of the affected environment in the vicinity of a project. The Department shall use these BMP-BDR consistently on all projects involving bridge removal over a water body.

All projects shall fall into one of the following three categories.

Case 1 - "In water" work is restricted to an absolute minimum, due to the presence of Outstanding Resource Waters (ORW) or Threatened and/or Endangered Species (T&E Species). All work potentially effecting the resource will be carefully coordinated with the agency having jurisdiction.

Case 2 - allows no work at all in the water during moratorium periods associated with fish migration, spawning, and larval recruitment into nursery areas.

Case 3 - there are no special restrictions beyond those outlined in Best Management Practices for Protection of Surface Waters and the supplements added by this document on Bridge Demolition. All three Cases are subject to BMP-BDR's.

It is not the intention of these guidelines to prevent the creativity of the contractor in the removal of the bridge. If the contractor or Resident Engineer devises a means of removal that retains the spirit of these guidelines but does not adhere to the letter, such a means will be considered by the NCDOT Resident Engineer, the NCDOT Natural Systems Specialist, and the federal and/or state agency representative(s). With that caveat in mind, the following guidelines will be applied as appropriate during the construction and demolition stages of a project:

- The **contractor** shall be required to submit a plan for bridge demolition and debris removal to the Resident Engineer, and must receive written approval from the **Resident Engineer** prior to any demolition work beginning.
- If there is a special resource, Case 1 (for example a Threatened or Endangered Species), pointed out in the document, special provisions will apply to both the construction of the new structure and demolition and removal of the old structure. Such special provisions may supersede the guidelines herein.

Bridge Shall Be Removed Without Dropping Components Into The Water

- **If a bridge is to be removed in a fashion such that there is a practical alternative to dropping bridge components into the water, that alternative shall be followed.** In the case of a concrete deck, the bridge deck shall be removed by sawing completely through the concrete thickness. Removal may be in sections out between the beams or a cut full length of span between the beams. No part of the structure will be allowed to fall into the water. The concrete shall be removed from the site intact and placed/retained in an upland disposal area.
- If it is determined that components of the bridge must be dropped into the water, all efforts will be made to minimize the overall impact to the surface waters. If the bridge is composed of several spans, the demolition shall occur one span at a time. Components from a given span which have been dropped into the water must be removed from the water before demolition can proceed to the next span.
- If it is determined that components of the bridge must be dropped into the water, any and all asphalt wearing surface shall be removed and not dropped into the water.
- If a CAMA permit is required, dropping any component of a bridge into the water will not be acceptable unless it is proven that there is no feasible alternative. Such an activity would require coordination with and approval of CAMA.
- Every bridge to be removed which is constructed completely of timber shall be removed without dropping components of the bridge into the water. If an unusual circumstance arises where the contractor believes that a bridge component must be dropped into the water, the contractor must alert the Resident Engineer. The Resident Engineer shall coordinate with the Army Corps of Engineers and the Natural Systems Specialist who obtained the permit to discuss the necessary course of action. This is anticipated to be a rare occurrence.
- If the substructure of a bridge includes timber or steel piles, they shall be removed by cutting them off level with surface of the streambed. In no circumstance are the piles to remain above the surface of the streambed. This shall be accomplished in a fashion which minimizes the increase of sediment into the surface waters. As an exception, piles that are in conflict with the proposed piers may be completely removed by pulling. Timber or steel piles will be removed in a fashion that does not allow the pile to fall into the water. In tidal areas it may be necessary to remove the piers completely or to some depth below the substrate because of sand/current movement over time. Such a need will be established in the Greensheet(s) Project Commitments.

Non Shattering Methods

- Every bridge demolition shall be accomplished by non-shattering methods. Shattering means any method which would scatter debris. A wrecking ball is no longer an acceptable tool for bridge removal. Explosives, a "hoe-ram", or other comparable tools may be used in such a fashion that fractures but does not shatter and

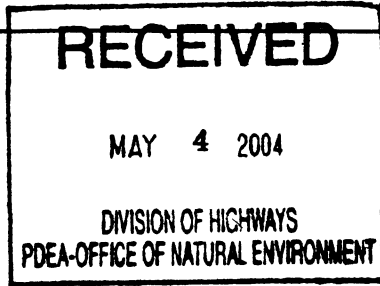
scatter bridge components into the water. A possible exception to this rule might be a concrete arch bridge in which case a method shall be found which minimizes impact to the extent practical and feasible. In the case of an exception, the method of demolition will be developed in consultation with the appropriate federal and state agencies.

Use of Explosives

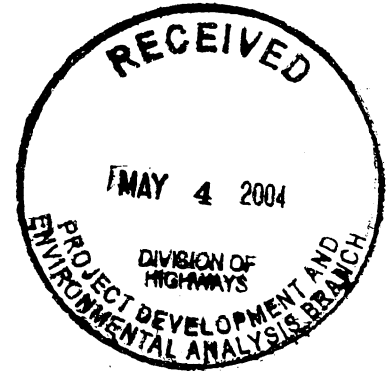
- In the event that there is not a practical alternative to non-shattering, alternate methods of bridge demolition shall be discussed with and approved by the Army Corps of Engineers and other federal and state resource agencies having jurisdiction over the resource.
- *All parties involved recognize that explosives are sometimes required to remove components of a bridge. However, at the present, the proper means of applying those explosives is not agreed upon. The various agencies involved agree that over time, we will come to agreement on the use of explosives in a form that will be included in these BMP's for Bridge Demolition and will not require special consultation. For the present, if it is determined that explosives are required to remove any component of a bridge, that activity shall be coordinated with the Army Corps of Engineers in addition to the state or federal agency with jurisdiction over that particular water. This issue shall be revisited at the earliest time possible to determine appropriate measures to include in these BMP's which shall minimize or eliminate the consultations required in the future.*

General

- Where there are sedimentation concerns the Greensheet Project Commitments may identify the need for turbidity curtains (or similar devices) in the demolition and construction phases of a project in the area of concern to limit the impacts.
- If damage is done to the bank as a result of debris removal, the COE shall be consulted and the bank shall be re-stabilized to natural contours using indigenous vegetation prior to completion of activities in that period of construction.
- If the new bridge does not go back on the original alignment, the banks shall be restored to original contours revegetated with indigenous species as appropriate.
- Any machine operating in an area which could leak engine fluids into the water shall be inspected visually on a daily basis for leakage. If leakage is found, the fluid(s) shall be contained and removed immediately in accordance with applicable state regulations and guidelines, as well as the equipment repaired prior to further use.
- When pumping to de-water a drilled shaft pier, the discharge shall be into an acceptable sediment containment bin to minimize siltation in the water.



April 23, 2004
Hyde County
DWQ Project No. 040314
T.I.P. Number B-3348



APPROVAL OF 401 Water Quality Certification

Dr. Gregory J. Thorpe, PhD., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

You have our approval, as described in your application dated February 23, 2004 and in accordance with the attached conditions and those listed below, to place fill material in 0.48 acres of surface waters, fill 0.2 acres in wetlands and creation of 0.64 acres of wetlands for the purpose of replacing bridge #52 over an unnamed canal and bridge #54 over Kitty Creek on US 264 in Hyde County. The project shall be constructed in accordance with your application dated February 23, 2004 (received March 2, 2004). After reviewing your application, we have decided that General Water Quality Certification Number 3400 covers this fill. This certification corresponds to the Regional Permit Number 198000291 issued by the Corps of Engineers. This approval is also valid for the Tar-Pamlico River Buffer Rules (15A NCAC 2B .0259). 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 with the accompanying 404 permit unless otherwise specified in the Water Quality Certification.

The authorized impacts are as described below:

Station	Wetlands (acres)	Surface Waters (acres)	Created Wetland
11+50-31+00		0.46	
11+00-Y-LT		0.02	
18+80-21+85	0.2		
11+50-31+00			0.64

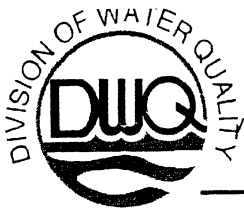
Station	Zone 1 Impacts (ft ²)	Zone 2 Impacts (ft ²)
21+50-24+20-L	625	1000
29+00-31+00-L	1050	





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). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

1. All constructed stormwater conveyance outlets shall be directed as diffuse flow at non-erosive velocities through the protected stream buffers such that it will not re-concentrate before discharging into a stream as identified within 15A NCAC 2B .0259 (5).
2. Upon completion of work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650.
3. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
4. The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.
5. Strict adherence the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
6. The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission, the US Fish and Wildlife Service, and National Marine Fisheries Service.
7. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
8. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
9. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
10. 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.
11. All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.



12. The outside buffer, wetland or water boundary as well as along the construction corridor within these boundaries approved under this authorization shall be clearly marked by orange fabric fencing for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing activities to ensure compliance with 15A NCAC 2B .0250.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 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 contact John Hennessy at 919-733-5694 or Mike Thomas at 252-946-6481.

Sincerely,

A handwritten signature in cursive script that reads "Alan W. Klimek".

Alan W. Klimek, P.E.

Attachments:

cc: Wilmington District Corps of Engineers
Corps of Engineers Washington Field Office
DWQ Washington Regional Office
Cathy Brittingham, DCM
File Copy

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DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

X 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 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 _____

CAMA PERMIT CERTIFICATION

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS GENERAL PERMIT NUMBER 198000291 (ISSUED TO THE NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES))

This General Certification is issued in conformity with requirement of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15 NCAC 2H, Section .0500 and 15 NCAC 2B .0200 for the discharge of fill material as described in General Permit 198000291 and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 3025 issued on September 6, 1995, Water Quality Certification Number 3112 issued on February 11, 1997, Water Quality Certification Number 3274 issued June 1, 2000 and Water Quality Certification Number 3371 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Regional General Permit 0291 or when deemed appropriate by the Director of 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 conditions hereinafter set forth.

Conditions of Certification:

1. Activities authorized by CAMA major permits require written concurrence from the Division of Water Quality as well as compliance with all conditions of this General Certification;
2. Activities authorized by Coastal Area Management Act (CAMA) Minor or General Permits do not require written authorization from the Division of Water Quality as long as they comply with all other conditions of this General Certification;
3. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence 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. The fee shall be collected and distributed between the two agencies in accordance with agreements reached between the Division of Water Quality and the Division of Coastal Management;
4. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. 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. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public;
5. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;
6. Impacts to any stream length in the Neuse and Tar-Pamlico River Basins (or any other major river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. New development activities

WQC #3400 199

located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse and Tar-Pamlico River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. 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;

7. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored after the Division of Land Resources has released the project;
8. 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;
9. 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;
10. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
11. Additional site-specific conditions may be added to projects which have applied for CAMA major permits which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
12. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed;
13. 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 General Permit 198000291, whichever is sooner.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may 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 that requires written concurrence under this certification, 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 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: March 2003

DIVISION OF WATER QUALITY
By

Alan W. Klimek
Director

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 23 (APPROVED CATEGORICAL EXCLUSIONS) AND RIPARIAN AREA PROTECTION RULES (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 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) (23) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 2670 issued on January 21, 1992, Certification Number 2734 issued on May 1 1993, Certification Number 3107 issued on February 11, 1997 and Water Quality Certification Number 3361 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 23 or 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 notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;
2. 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;
3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. 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. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on

WQC #3403 201

site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;
5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence 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;
8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. 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;
9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
10. 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 and Regional General Permits, whichever is sooner;
11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

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

WQC #3403 202

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 that requires written concurrence under this certification, 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: March 2003

DIVISION OF WATER QUALITY

By

Alan W. Klimek, P.E.

Director

WQC # 3403



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

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

DIVISION OF WATER QUALITY

June 30, 2004

NC Dept of Transportation
Attn: Mr. R.C. Henegar
1590 Mail Service Center
Raleigh, NC 27699

Subject: Stormwater Permit No. SW7040508
Bridge Replacement (B-3348)
Wallace Canal, No. 52 and
Kitty Creek, No. 54
General Stormwater Permit
Hyde County

Dear Mr. Henegar:

The Washington Regional Office received the completed Stormwater Application and supporting information on June 30, 2004. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW7040508 dated June 30, 2004 to the NC Department of Transportation.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein. Any future development at this site will require an additional Stormwater review and a permit for any Stormwater control measures deemed appropriate.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. 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. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.



NC Department of Transportation
June 30, 2004
Page Two

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If you have any questions, or need additional information concerning this matter, please contact Bill Moore at (252) 946-6481, extension, 264.

Sincerely,



for

Jim Mulligan
Water Quality Regional Supervisor
Washington Regional Office

cc: Doug Huggett - DCM, Raleigh, NC
Washington Regional Office
Central Files

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State Stormwater Management Systems
Permit No. SW7040508

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

STATE STORMWATER MANAGEMENT PERMIT

GENERAL PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

NC Department of Transportation
Hyde County

FOR THE

construction, operation and maintenance of stormwater management systems in compliance with the provisions of 15A NCAC 2H.1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit for BMP measures that divert drainage to vegetated slopes from Bridge No. 52 and 54 located off US 264 near Englehard, NC.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations.

I. DESIGN STANDARDS

1. This project involves the replacement of Bridge No. 52 and 54 located near Englehard, NC. BMP measures will divert roadway drainage to grassed slopes on either side of the receiving streams. Direct stormwater discharges and wetland impacts have been minimized.
2. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
3. No stormwater piping in addition to the existing piping shall be allowed except:

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- a. That minimum amount necessary to direct runoff beneath an impervious surface such as a road.
- b. That minimum amount needed under driveways to provide access to lots.

II. SCHEDULE OF COMPLIANCE

1. Grasslined swales, vegetated buffers and other Best Management Practices used for stormwater runoff control shall be adequately maintained throughout the life of the project.
2. The permittee shall at all times provide adequate erosion control measures in conformance with the approved Erosion Control Plan.
3. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

III. GENERAL CONDITIONS

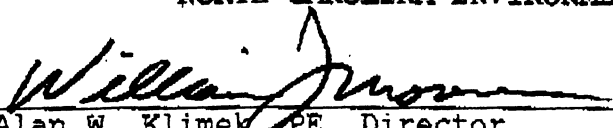
1. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143.215.6C.
2. The permit may be modified, revoked or terminated for cause. The filing of a request for a permit modification, or termination does not void any permit condition.
3. The issuance of this permit does not prohibit the Director from reopening and modifying laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et.al.
4. The following items will require a modification to the permit:
 - a. Any revision to the approved plans, regardless of size
 - b. Project name change
 - c. Change of ownership
 - d. Redesign or addition to the approved amount of built-upon area.
 - e. Further subdivision of the project area

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- f. In addition, the Director may determine that other revisions to the project should require a modification to the permit.
5. For any additions or modifications of the previously permitted built-upon area, the permittee shall submit to the Director revised plans and specifications and shall receive approval prior to construction.
6. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
7. The permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirements as may be necessary. A formal permit request must be submitted to the Division of Water Quality accompanied by the appropriate fee, documentation from both parties involved, and other supporting materials as may be appropriate. The approval of this request will be considered on its merits, and may or may not be approved.
8. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by other government agencies (local, state and federal) which have jurisdiction.

Permit issued this the 30 th day of June, 2004.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

for 
Alan W. Klimek PE, Director
Division of Water Quality
By Authority of the Environmental Management Commission

Permit Number SW7040508



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RECEIVED

MAY 17 2004

IV. OF COASTAL MANAGEMENT
BUREAU

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 29, 2004

Division of Coastal Management
1367 U.S. 17 South
Elizabeth City, NC 27909

ATTENTION: Ms. Lynn Mathis
NCDOT Coordinator

Dear Madam:

Subject: **CAMA Major Permit Application** for the Replacement of Bridge No. 52 over Wallace Canal and Bridge No. 54 over Kitty Creek on US 264, Hyde County. Federal Aid Project No. BRSTP-264(9), State Project No. 8.1080601, TIP Project No. B-3348. Debit work Order 8.1080601, WBS Element 33006.1.1 for \$400.00.

This resubmittal of the Coastal Area Management Act (CAMA) major permit application is in response to the deficiency letter dated March 9, 2004 and to the subsequent email from Lynn Mathis dated March 24, 2004. Please find enclosed the CAMA major permit application, permit drawings, half-size plans, and the green cards for the above-mentioned project. The Categorical Exclusion for this project was attached to the previously sent application dated February 23, 2004. Work Order 8.1080601 will be debited for \$400.00 for the application of the subject project. Bridge No. 52 over Wallace Canal and Bridge No. 54 over Kitty Creek (DEM Index # 29-70-3, Class SC HQW) on US 264 in Hyde County will be replaced with new bridges approximately 17 feet southeast of the existing bridges. The proposed structures for Bridge Nos. 52 and 54 will provide a 22-foot travel-way with seven-foot shoulders for a total clear structure width of 36 feet. The bridge approach will have a 22-foot travel-way with six-foot shoulders of which four feet would be paved for bicyclists. The design speed will be 55 mph. The preferred alternative involves staged, simultaneous construction. This will allow one-lane, two-way traffic during construction.

The slight shift to the southeast will allow the proper approach width and construction area necessary to utilize staged construction and maintain traffic without a temporary on-site detour. As a result of the shift, there will be 0.26 acres of permanent impacts to brackish marsh and 0.48 acres of fill in surface water.

A portion of a canal on the east side of the project will be filled in order to provide area for the shifted roadway. To mitigate for this, NCDOT agreed to place three 24-inch pipes under an adjacent road that leads to a North Carolina Wildlife Resources Commission boat ramp. These

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.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

pipes will be buried one foot and re-establish a hydrological connection to either side of the road. The permit drawings and plans currently show two 15-inch pipes. This will be corrected during the construction phase of the project.

Kitty Creek is located in the Tar-Pamlico River Basin. The Division of Water Quality (DWQ) has assigned Kitty Creek a Stream Index Number of 29-70-3. DWQ has assigned a best usage classification **SC HQW**. There is also Wallace Canal that crosses Bridge No. 52. The unnamed tributary has the same best usage classification as Kitty Creek.

Class **SC** waters are defined as saltwaters protected for aquatic life propagation and survival, wildlife, and secondary recreation. The **HQW** (High Quality Waters) are waters which are rated as excellent based on biological and chemical/physical characteristics.

Bridge Demolition

Bridge Demolition: Bridges Nos. 52 and 54 are two lane structures with reinforced concrete caps on timber piles supporting a reinforced concrete deck on timber joists. Bridge No. 52 is 34 feet long with a 26.1-foot clear roadway width. Bridge No. 54 is 53 feet long with a 26.1-foot clear roadway width. Due to the structural components of the bridges, there is the possibility of 41.6 cubic yards for Bridge No. 52 and 56.8 cubic yards being dropped into the "Waters of the United States". All measures will be taken to avoid any temporary fill from entering Waters of the U.S. Best Management Practices for Bridge Demolition and Removal will be implemented.

As noted in the project's CE document, NCDOT will observe an in-stream construction moratorium from March 1 to September 30.

Avoidance and Minimization

Due to the location of this project and the juxtaposition of adjacent wetlands and surface waters, total avoidance of the surrounding marsh and surface water is not possible. NCDOT has taken steps to minimize the impacts to this resource.

Bridges No. 52 and 54 are on a primary U. S. Route. Therefore, traffic flow must be maintained throughout construction. Road closure during construction is unfeasible due to the lack of a suitable off-site detour. A temporary on-site detour that would have affected a brackish marsh complex was rejected in favor of staged construction. Staged construction will allow one lane to remain open to traffic during construction while minimizing necessary encroachment into the surrounding wetlands and surface waters.

Bridge No. 54 has been lengthened from 85 feet to 180 feet, allowing approximately 95 feet of former causeway to be restored to wetland elevation. Additionally, the abandoned causeway (from the 17-foot shift) will be restored to wetland elevation and replanted with native brackish marsh plants.

Minimum width for the approaches and structure has been utilized.

Summary of Impacts

Wetlands: The total amount of wetland impacted is 0.26 acres from roadway fill and undercut.

Surface Waters: The amount of fill in surface waters is 0.46 acres and fill in a pond is 0.02 acres.

Buffer Impacts: The amount of impacts to Zone 1 is 1675 sq. ft. and the amount of impacts to Zone 2 is 1000 sq. ft.

Mitigation: Due to the amount of wetland created by the 17-foot shift, NCDOT is not requesting the EEP to provide mitigation. The shift in alignment to the southeast will allow 0.64 acres of previously filled, coastal wetlands to be restored. The net gain in coastal wetlands for this project is 0.38 acres.

Protected Species

Some populations of fauna and flora have been in, or are in, the process of decline either due to natural forces or their inability to co-exist with human activities. Federal law (under the provisions of the Endangered Species Act (ESA) of 1973, as amended) requires that any action likely to adversely affect a species classified as federally protected be subject to review by the United States Fish and Wildlife Service (USFWS). Other species may receive additional protection under separate state laws. Plants and animals with federal classifications of Endangered (E), Threatened (T), Proposed Endangered (PE) and Proposed Threatened (PT) are protected under provisions of ESA §§7 and 9, as amended.

As of January 29, 2003, the US Fish and Wildlife Service (USFWS) lists 13 federally protected species for Hyde County. Table 1 depicts these species. The biological conclusion of **No Effect** remains valid.

Table 1. Federally Protected Species in Hyde County.

Common Name	Scientific Name	Status	Bio. Conclusion
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E	No Effect
Hawksbill sea turtle	<i>Eretomochelys imbricata</i>	E	No Effect
Kemp's Ridley sea turtle	<i>Lepidochelys kempii</i>	E	No Effect
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	No Effect
Manatee	<i>Trichechus manatus</i>	E	No Effect
Sensitive joint-vetch	<i>Aeschynomene virginica</i>	T	No Effect
Seabeach amaranth	<i>Amaranthus pumilus</i>	T	No Effect
Loggerhead sea turtle	<i>Caretta caretta</i>	T	No Effect
Piping plover	<i>Charadrius melodus</i>	T	No Effect
Green sea turtle	<i>Chelonia mydas</i>	T	No Effect
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	No Effect
American alligator	<i>Alligator mississippiensis</i>	T	No Effect
Red wolf	<i>Canis rufus</i>	EXP	N/A

Regulatory Approval

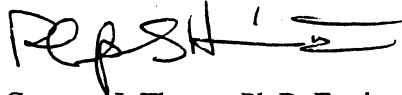
NCDOT requests that the proposed work be authorized under a Coastal Area Management Act Major Development Permit. Copies of the green cards are attached. NCDOT has also applied

for the issuance of a United States Army Corps of Engineers NWP 23, a 401 Water Quality Certification, and a Riparian Buffer Authorization under separate cover.

A copy of this permit application will be posted on the DOT website at: <http://www.ncdot.org/planning/pe/naturalunit/Permit.html>.

If you have any questions or need additional information, please contact Chris Underwood at (919) 715-1451.

Sincerely,


G- Gregory J. Thorpe, Ph.D. Environmental Management Director
Project Development and Environmental Analysis

w/ attachment:

Mr. John Hennessy, DWQ Raleigh
Ms. Cathy Brittingham, DCM
Mr. Travis Wilson, NCWRC
Mr. Gary Jordan, USFWS
Mr. Jay Bennett, P.E., Roadway Design
Mr. Omar Sultan, Programming and TIP
Mr. Art McMillan, P.E., Highway Design
Mr. David Chang, P.E., Hydraulics
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. John Sullivan, FHWA
Mr. D.R. Conner, P.E., Division Engineer
Mr. Clay Willis, DEO
Mr. David Franklin, USACE, Wilmington
Ms. Stacy Baldwin, P.E., Project Planning Engineer

APPLICATION

(To be completed by all applicants)

1. APPLICANT

a. Landowner:

Name N. C. Department of Transportation

Address 1548 Mail Service Center

City Raleigh State NC

Zip 27699-1548 Day Phone 919-733-3141

Fax 919-733-9794

b. Authorized Agent:

Name Phil Harris, PE

Address Same as above

City _____ State _____

Zip _____ Day Phone _____

Fax _____

c. Project name (if any) B-3348 Bridge # 52 & Bridge # 54 over Kitty Creek on US 264

NOTE: Permit will be issued in name of landowner(s), and/or project name.

b. City, town, community or landmark
Englehard

c. Street address or secondary road number
US 264

d. Is proposed work within city limits or planning jurisdiction? Yes No

e. Name of body of water nearest project (e.g. river, creek, sound, bay) Pamlico Sound

3. DESCRIPTION AND PLANNED USE OF PROPOSED PROJECT

a. List all development activities you propose (e.g. building a home, motel, marina, bulkhead, pier, and excavation and/or filling activities.

Replace existing bridges with new ones with a slight alignment change to the southeast

b. Is the proposed activity maintenance of an existing project, new work, or both? New Work

c. Will the project be for public, private or commercial use? Public

Give a brief description of purpose, use, methods of construction and daily operations of proposed project. If more space is needed, please attach additional pages. To replace old structures.

2. LOCATION OF PROPOSED PROJECT

a. County: Hyde

4. LAND AND WATER CHARACTERISTICS

- a. Size of entire tract N/A
- b. Size of individual lot(s) N/A
- c. Approximate elevation of tract above MHW or NWL 1.8' (existing bridge)
- d. Soil type(s) and texture(s) of tract
sand, clayey sand
- e. Vegetation on tract brackish marsh, scattered pines, small trees, and roadside grasses
- f. Man-made features now on tract
existing bridges, roadway, and utilities.
- g. What is the CAMA Land Use Plan land classification of the site? (*Consult the local land use plan.*)
- | | |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> Conservation | <input type="checkbox"/> Transitional |
| <input type="checkbox"/> Developed | <input type="checkbox"/> Community |
| <input checked="" type="checkbox"/> Rural | <input type="checkbox"/> Other |
- h. How is the tract zoned by local government?
N/A
- i. Is the proposed project consistent with the applicable zoning? Yes No
(*Attach zoning compliance certificate, if applicable*)
- j. Has a professional archaeological assessment been done for the tract? Yes No
If yes, by whom? NCDOT
- k. Is the project located in a National Registered Historic District or does it involve a National Register listed or eligible property?
 Yes No
- l. Are there wetlands on the site? Yes No
Coastal (marsh) Other
If yes, has a delineation been conducted? yes
(*Attach documentation, if available*)
- m. Describe existing wastewater treatment facilities.
N/A

- n. Describe location and type of discharges to waters of the state. (For example, surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges.) surface runoff _____
- o. Describe existing drinking water supply source.
N/A

5. ADDITIONAL INFORMATION

In addition to the completed application form, the following items must be submitted:

- A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties. If the applicant is not claiming to be the owner of said property, then forward a copy of the deed or other instrument under which the owner claims title, plus written permission from the owner to carry out the project.
 - An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale in black ink on an 8 1/2" by 11" white paper. (Refer to Coastal Resources Commission Rule 7J.0203 for a detailed description.)
- Please note that original drawings are preferred and only high quality copies will be accepted. Blue-line prints or other larger plats are acceptable only if an adequate number of quality copies are provided by applicant. (Contact the U.S. Army Corps of Engineers regarding that agency's use of larger drawings.) A site or location map is a part of plat requirements and it must be sufficiently detailed to guide agency personnel unfamiliar with the area to the site. Include highway or secondary road (SR) numbers, landmarks, and the like.
- A Stormwater Certification, if one is necessary.

- A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management. Upon signing this form, the applicant further certifies that such notice has been provided.

Name See attached list
 Address _____
 Phone _____

Name _____
 Address _____
 Phone _____

Name _____
 Address _____
 Phone _____

- A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

- A check for \$400 made payable to the Department of Environment, Health, and Natural Resources (DEHNR) to cover the costs of processing the application.

- A signed AEC hazard notice for projects in oceanfront and inlet areas.

- A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A - 1 to 10) If the project involves the expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to conditions and restrictions contained in the permit.

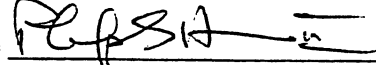
I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

I certify that I am authorized to grant, and do in fact, grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

This is the 26 day of April, 2004.

Print Name Philip S. Harris III

Signature 
 Landowner or Authorized Agent

Please indicate attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information
- DCM MP-5 Bridges and Culverts
- DCM MP-6 Marina Development

NOTE: Please sign and date each attachment in the space provided at the bottom of each form.

6. CERTIFICATION AND PERMISSION TO ENTER ON LAND

EXCAVATION AND FILL

(Except bridges and culverts)

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

Describe below the purpose of proposed excavation or fill activities. All values to be given in feet.

	Length	Width	Average Existing Depth	Final Project Depth
Access channel (MLW) or (NWL)				
Canal				
Boat basin				
Boat ramp				
Rock groin				
Rock breakwater				
Other wetlands (Excluding shoreline stabilization)	719 ft.	16 ft.		
Fill in Bad Wetlands	876 ft.	16 ft.		

1. EXCAVATION

- a. Amount of material to be excavated from below (MHW) or NWL in cubic yards 97
- b. Type of material to be excavated existing road (pavement, dirt) _____
- c. Does the area to be excavated include coastal wetlands (marsh), submerged aquatic vegetation (SAVs) or other wetlands? X Yes ___ No
- d. High ground excavation in cubic yards 1381 700 @ bridge & 681 to restore wetlands

2. DISPOSAL OF EXCAVATED MATERIAL

- a. Location of disposal area to be determined by contractor
- b. Dimensions of disposal area N/A
- c. Do you claim title to disposal area? ___ Yes X No
If no, attach a letter granting permission from the owner.
- d. Will a disposal area be available for future maintenance? ___ Yes ___ No N/A

e. Does the disposal area include any coastal wetlands (marsh), SAVs or other wetlands?
 Yes No

f. Does the disposal include any area in the water?
 Yes No

3. SHORELINE STABILIZATION N/A

a. Type of shoreline stabilization
 Bulkhead Riprap

b. Length _____

c. Average distance waterward of MHW or NWL

d. Maximum distance waterward of MHW or NWL

e. Shoreline erosion during preceding 12 months

(Source of information) _____

f. Type of bulkhead or riprap material _____

g. Amount of fill in cubic yards to be placed below water level
(1) Riprap _____
(2) Bulkhead backfill _____

h. Type of fill material _____

i. Source of fill material _____

4. OTHER FILL ACTIVITIES

(Excluding Shoreline Stabilization)

a. Will fill material be brought to site?
 Yes No

If yes,

(1) Amount of material to be placed in the water _____

(2) Dimensions of fill area _____
see permit application

(3) Purpose of fill Proposed roadway, bridges

b. Will fill material be placed in coastal wetlands (marsh), SAVs or other wetlands?
 Yes No

If yes,

(1) Dimensions of fill area See MPS 3.a.1.

(2) Purpose of fill _____

5. GENERAL

a. How will excavated or fill material be kept on site and erosion controlled? _____
NCDOT High Quality Erosion Control Methods
Will be used

b. What type of construction equipment will be used (for example, dragline, backhoe, or hydraulic dredge)?
Standard heavy highway construction equipment

c. Will wetlands be crossed in transporting equipment to project site? Yes No
If yes, explain steps that will be taken to lessen environmental impacts. _____

Philip S. Harris III

Applicant or Project Name

[Signature]

Signature

4/26/04

Date

BRIDGES AND CULVERTS

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

1. BRIDGES

- a. Public Private
- b. Type of bridge (construction material)
Concrete prestressed girder
- c. Water body to be crossed by bridge
Kitty Creek Bridge # 54
- d. Water depth at the proposed crossing at MLW or +/- 6.0 feet _____
- e. Will proposed bridge replace an existing bridge?
 Yes No
If yes,
 - (1) Length of existing bridge 53 ft.
 - (2) Width of existing bridge 28.2 ft.
 - (3) Navigation clearance underneath existing bridge +/- 2.0 ft.
 - (4) Will all, or a part of, the existing bridge be removed? (Explain) All the existing bridges will be removed and replaced with new bridges

- f. Will proposed bridge replace an existing culvert(s)?
 Yes No
If yes,
 - (1) Length of existing culvert _____
 - (2) Width of existing culvert _____
 - (3) Height of the top of the existing culvert above the MHW or NWL _____
 - (4) Will all, or a part of, the existing culvert be removed? (Explain) _____

- g. Length of proposed bridge 200 ft.
- h. Width of proposed bridge 36 ft.
- i. Height of proposed bridge above wetlands 2-3 ft.
- j. Will the proposed bridge affect existing water flow?
 Yes No
If yes, explain _____
- k. Navigation clearance underneath proposed bridge +/- 3 ft.
- l. Will the proposed bridge affect navigation by reducing or increasing the existing navigable opening? Yes No
If yes, explain Navigable opening will be increased.
- m. Will the proposed bridge cross wetlands containing no navigable waters? Yes No
If yes, explain _____
- n. Have you contacted the U.S. Coast Guard concerning their approval?
 Yes No N/A
If yes, please provide record of their action.

2. CULVERTS

- a. Water body in which culvert is to be placed

- b. Number of culverts proposed _____
- c. Type of culvert (construction material, style)

- d. Will proposed culvert replace an existing bridge?
____ Yes ____ No
If yes,
(1) Length of existing bridge _____
(2) Width of existing bridge _____
(3) Navigation clearance underneath existing bridge _____
(4) Will all, or a part of, the existing bridge be removed? (Explain) _____
- e. Will proposed culvert replace an existing culvert?
____ Yes ____ No
If yes,
(1) Length of existing culvert _____
(2) Width of existing culvert _____
(3) Height of the top of the existing culvert above the MHW or NWL _____
(4) Will all, or a part of, the existing culvert be removed? (Explain) _____

- f. Length of proposed culvert _____
- g. Width of proposed culvert _____
- h. Height of the top of the proposed culvert above the MHW or NWL _____
- i. Will the proposed culvert affect existing water flow?
____ Yes ____ No
If yes, explain _____
- j. Will the proposed culvert affect existing navigation potential? ____ Yes ____ No
If yes, explain _____

3. EXCAVATION AND FILL

- a. Will the placement of the proposed bridge or culvert require any excavation below the MHW or NWL?
__x__ Yes ____ No
If yes,
(1) Length of area to be excavated 550'
(2) Width of area to be excavated 33'
(3) Depth of area to be excavated 7'
(4) Amount of material to be excavated in cubic yards 4706
- b. Will the placement of the proposed bridge or culvert require any excavation within:
__x__ Coastal Wetlands ____ SAVs ____ Other Wetlands
If yes,
(1) Length of area to be excavated 550'
(2) Width of area to be excavated 25'
(3) Amount of material to be excavated in cubic yards 3056
- c. Will the placement of the proposed bridge or culvert require any highground excavation?
__x__ Yes ____ No
If yes,
(1) Length of area to be excavated 157 ft.
(2) Width of area to be excavated 40 ft.
(3) Amount of material to be excavated in cubic yards 700
- d. If the placement of the bridge or culvert involves any excavation, please complete the following:
(1) Location of the spoil disposal area
To be determined by contractor

(2) Dimensions of spoil disposal area
N/A

(3) Do you claim title to the disposal area?
____ Yes __x__ No
If no, attach a letter granting permission from the owner.
(4) Will the disposal area be available for future maintenance? ____ Yes __x__ No
(5) Does the disposal area include any coastal wetlands (marsh), SAVs, or other wetlands?
____ Yes __x__ No
If yes, give dimensions if different from (2) above. _____

(6) Does the disposal area include any area below the MHW or NWL? ___ Yes x No
If yes, give dimension if different from No. 2 above. _____

e. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed below MHW or NWL? x Yes ___ No

If yes,

- (1) Length of area to be filled 1385 ft.
- (2) Width of area to be filled 20 ft.
- (3) Purpose of fill To restore coastal wetlands

f. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed within:

x Coastal Wetlands ___ SAVs ___ Other Wetlands If yes,

- (1) Length of area to be filled 719 ft.
- (2) Width of area to be filled 16 ft.
- (3) Purpose of fill Roadway fill

g. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed on highground? x Yes ___ No

If yes,

- (1) Length of area to be filled 2130 ft.
- (2) Width of area to be filled 56 ft.
- (3) Purpose of fill Roadway fill

d. Will the proposed project require any work channels? ___ Yes x No
If yes, complete Form DCM-MP-2

e. How will excavated or fill material be kept on site and erosion controlled? NCDOT High Quality Waters Erosion Control Methods will be used

f. What type of construction equipment will be used (for example, dragline, backhoe or hydraulic dredge)? Heavy highway construction equipment

g. Will wetlands be crossed in transporting equipment to project site? ___ Yes x No
If yes, explain steps that will be taken to lessen environmental impacts. _____

h. Will the placement of the proposed bridge or culvert require any shoreline stabilization? ___ Yes x No
If yes, explain in detail _____

Philip S. Harris III
Applicant or Project Name
[Signature]
Signature
4/26/04
Date

4. GENERAL

a. Will the proposed project involve any mitigation? ___ Yes ___ No
If yes, explain in detail _____

b. Will the proposed project require the relocation of any existing utility lines? ___ Yes ___ No
If yes, explain in detail _____

c. Will the proposed project require the construction of any temporary detour structures? ___ Yes x No
If yes, explain in detail _____

BRIDGES AND CULVERTS

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

1. BRIDGES

- a. Public Private
- b. Type of bridge (construction material)
Concrete prestressed girder
- c. Water body to be crossed by bridge
Wallace Canal Bridge # 52
- d. Water depth at the proposed crossing at MLW or +/- 6.0 feet _____
- e. Will proposed bridge replace an existing bridge?
 Yes No
If yes,
 - (1) Length of existing bridge 34 ft.
 - (2) Width of existing bridge 29.4 ft.
 - (3) Navigation clearance underneath existing bridge +/- 2.0 ft.
 - (4) Will all, or a part of, the existing bridge be removed? (Explain) All the existing bridges will be removed and replaced with new bridges
- f. Will proposed bridge replace an existing culvert(s)?
 Yes No
If yes,
 - (1) Length of existing culvert _____
 - (2) Width of existing culvert _____
 - (3) Height of the top of the existing culvert above the MHW or NWL _____
 - (4) Will all, or a part of, the existing culvert be removed? (Explain) _____

- g. Length of proposed bridge 50 ft.
- h. Width of proposed bridge 36 ft.
- i. Height of proposed bridge above wetlands 2-3 ft.
- j. Will the proposed bridge affect existing water flow?
 Yes No
If yes, explain _____
- k. Navigation clearance underneath proposed bridge +/- 3 ft.
- l. Will the proposed bridge affect navigation by reducing or increasing the existing navigable opening? Yes No
If yes, explain Navigable opening will be increased.
- m. Will the proposed bridge cross wetlands containing no navigable waters? Yes No
If yes, explain _____
- n. Have you contacted the U.S. Coast Guard concerning their approval?
 Yes No N/A
If yes, please provide record of their action.

2. CULVERTS

- a. Water body in which culvert is to be placed

- b. Number of culverts proposed _____
- c. Type of culvert (construction material, style)

- d. Will proposed culvert replace an existing bridge?
____ Yes ____ No
If yes,
(1) Length of existing bridge _____
(2) Width of existing bridge _____
(3) Navigation clearance underneath existing bridge _____
(4) Will all, or a part of, the existing bridge be removed? (Explain) _____
- e. Will proposed culvert replace an existing culvert?
____ Yes ____ No
If yes,
(1) Length of existing culvert _____
(2) Width of existing culvert _____
(3) Height of the top of the existing culvert above the MHW or NWL _____
(4) Will all, or a part of, the existing culvert be removed? (Explain) _____

- f. Length of proposed culvert _____
- g. Width of proposed culvert _____
- h. Height of the top of the proposed culvert above the MHW or NWL _____
- i. Will the proposed culvert affect existing water flow?
____ Yes ____ No
If yes, explain _____

- j. Will the proposed culvert affect existing navigation potential? ____ Yes ____ No
If yes, explain _____

3. EXCAVATION AND FILL

- a. Will the placement of the proposed bridge or culvert require any excavation below the MHW or NWL?
__x__ Yes ____ No
If yes,
(1) Length of area to be excavated 700'
(2) Width of area to be excavated 33'
(3) Depth of area to be excavated 7'
(4) Amount of material to be excavated in cubic yards 5988
- b. Will the placement of the proposed bridge or culvert require any excavation within:
__x__ Coastal Wetlands ____ SAVs ____ Other Wetlands
If yes,
(1) Length of area to be excavated 400'
(2) Width of area to be excavated 25'
(3) Amount of material to be excavated in cubic yards 2223
- c. Will the placement of the proposed bridge or culvert require any highground excavation?
__x__ Yes ____ No
If yes,
(1) Length of area to be excavated 157 ft.
(2) Width of area to be excavated 40 ft.
(3) Amount of material to be excavated in cubic yards 700
- d. If the placement of the bridge or culvert involves any excavation, please complete the following:
(1) Location of the spoil disposal area
To be determined by contractor

(2) Dimensions of spoil disposal area
N/A
(3) Do you claim title to the disposal area?
____ Yes __x__ No
If no, attach a letter granting permission from the owner.
(4) Will the disposal area be available for future maintenance? ____ Yes __x__ No
(5) Does the disposal area include any coastal wetlands (marsh), SAVs, or other wetlands?
____ Yes __x__ No
If yes, give dimensions if different from (2).
above. _____

(6) Does the disposal area include any area below the MHW or NWL? ___ Yes x No
If yes, give dimension if different from No. 2 above. _____

e. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed below MHW or NWL? x Yes ___ No

If yes,

- (1) Length of area to be filled 1385 ft.
- (2) Width of area to be filled 20 ft.
- (3) Purpose of fill To restore coastal wetlands

f. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed within:

x Coastal Wetlands ___ SAVs ___ Other

Wetlands If yes,

- (1) Length of area to be filled 719 ft.
- (2) Width of area to be filled 16 ft.
- (3) Purpose of fill Roadway fill - see sheet 5 of 7

g. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed on highground? x Yes ___ No

If yes,

- (1) Length of area to be filled 2130 ft.
- (2) Width of area to be filled 56 ft.
- (3) Purpose of fill Roadway fill

d. Will the proposed project require any work channels? ___ Yes x No
If yes, complete Form DCM-MP-2

e. How will excavated or fill material be kept on site and erosion controlled? NCDOT High Quality Waters Erosion Control Methods will be used

f. What type of construction equipment will be used (for example, dragline, backhoe or hydraulic dredge)? Heavy highway construction equipment

g. Will wetlands be crossed in transporting equipment to project site? ___ Yes x No
If yes, explain steps that will be taken to lessen environmental impacts. _____

h. Will the placement of the proposed bridge or culvert require any shoreline stabilization? ___ Yes x No
If yes, explain in detail _____

Philip S. Harris III

Applicant or Project Name

Philip S. Harris III

Signature

4/26/04

Date

4. GENERAL

a. Will the proposed project involve any mitigation? x Yes ___ No

If yes, explain in detail .26 acres of on-site wetland restoration.

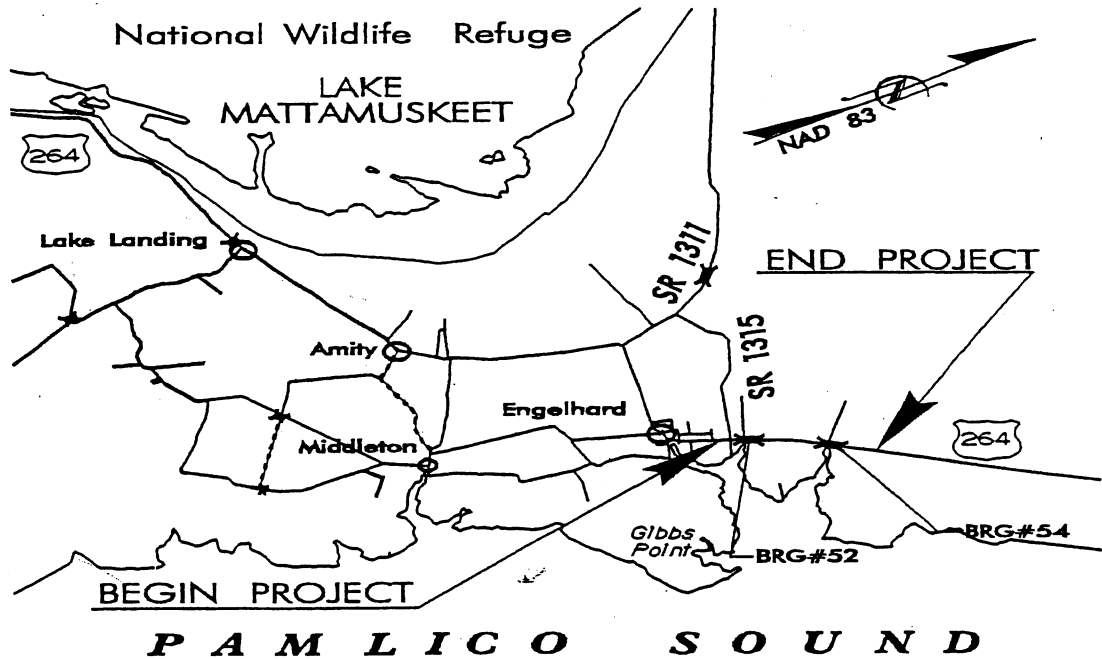
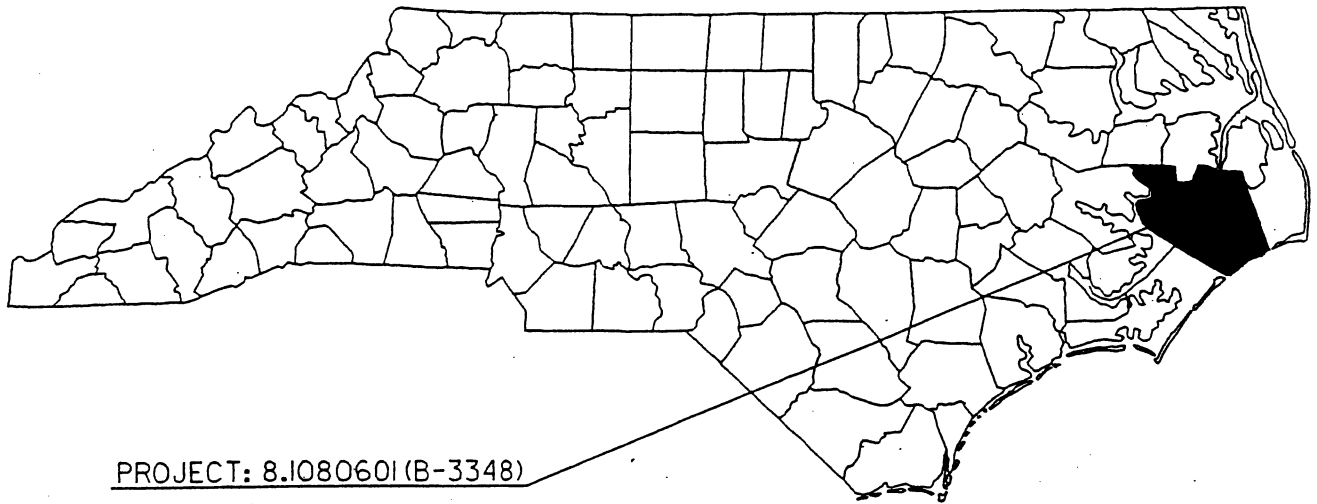
b. Will the proposed project require the relocation of any existing utility lines? ___ Yes ___ No

If yes, explain in detail _____

c. Will the proposed project require the construction of any temporary detour structures? ___ Yes x No

If yes, explain in detail _____

NORTH CAROLINA



VICINITY MAPS

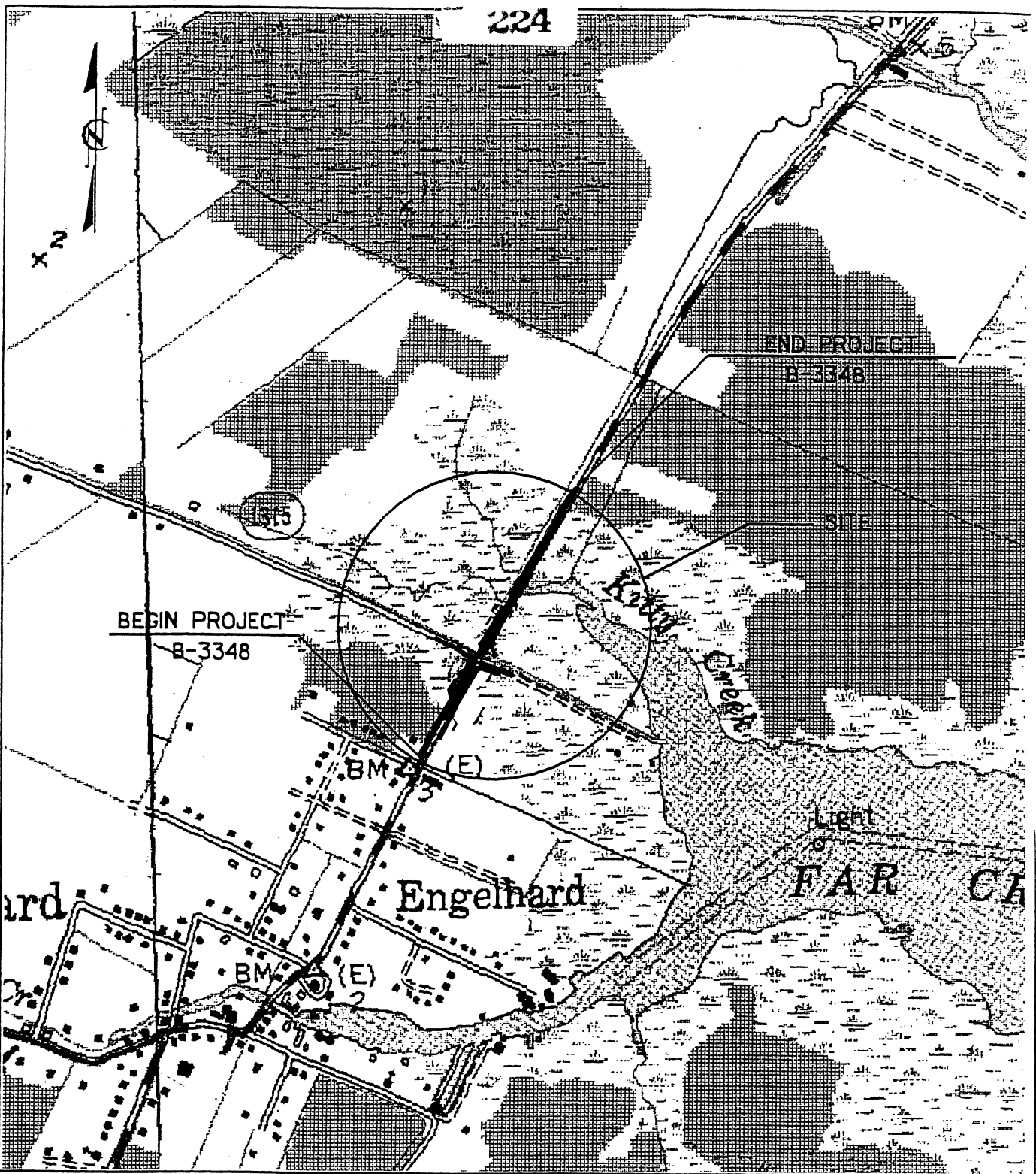
NCDOT

DIVISION OF HIGHWAYS

HYDE COUNTY

PROJECT: 8.1080601 (B-3348)

REPLACE BRG#52, BRG#54 OVER
WALLACE CANAL AND KITTY CREEK
ON US 264



LOCATION MAP

NCDOT

DIVISION OF HIGHWAYS
HYDE COUNTY


PROJECT: 8.1080601 (B-3348)

REPLACE BRG[#]52, BRG[#]54 OVER
WALLACE CANAL AND KITTY CREEK
ON US 264

SHEET 2 OF 7 REV. 03/15/04

WETLAND 225 LEGEND

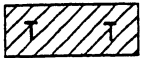
 WETLAND BOUNDARY


 WETLAND

 DENOTES FILL IN WETLAND

 DENOTES FILL IN SURFACE WATER

 DENOTES FILL IN SURFACE WATER (POND)

 DENOTES TEMPORARY FILL IN WETLAND

 DENOTES EXCAVATION IN WETLAND

 DENOTES TEMPORARY FILL IN SURFACE WATER


 DENOTES MECHANIZED CLEARING


 FLOW DIRECTION

 TOP OF BANK

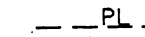
 EDGE OF WATER

 PROP. LIMIT OF CUT

 PROP. LIMIT OF FILL

 PROP. RIGHT OF WAY

 NATURAL GROUND

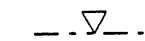
 PROPERTY LINE

 TEMP. DRAINAGE EASEMENT


 PERMANENT DRAINAGE EASEMENT


 EXIST. ENDANGERED ANIMAL BOUNDARY

 EXIST. ENDANGERED PLANT BOUNDARY

 WATER SURFACE


 LIVE STAKES

 BOULDER

 CORE FIBER ROLLS

 PROPOSED BRIDGE

 PROPOSED BOX CULVERT

 PROPOSED PIPE CULVERT
 (DASHED LINES DENOTE EXISTING STRUCTURES)
 12"-48" PIPES
 54" PIPES & ABOVE


 SINGLE TREE

 WOODS LINE

 DRAINAGE INLET

 ROOTWAD

 RIP RAP

 ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE

 PREFORMED SCOUR HOLE

 LEVEL SPREADER (LS)

 DITCH / GRASS SWALE

NCDOT

DIVISION OF HIGHWAYS
HYDE COUNTY

PROJECT: 8.1080601 (B-3348)

REPLACE BRG^{#52}, BRG^{#54} OVER
WALLACE CANAL AND KITTY CREEK
ON US 264

SHEET 3 OF 7 REV. 03/15/04

Site No.	Station (From/To) (-L-)	Structure Size / Type	Roadway Undercut (ac)	Berm Restoration (ac)	Excavation in Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Total) (ac)	Fill In SW (Pond) (ac)	Fill In Wetland (ac)	Created Wetland (ac)
1	11+50 - 31+00		0.06		0	0	0.46			
	11+80 - 17+70			0.25						
	11+00 - Y-LT.							0.02		
	18+80 - 21+85								0.2	
	11+50 - 31+00									0.64
TOTALS:			0.06	0.25	0	0	0.46	0.02	0.2	0.64

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

HYDE COUNTY

PROJECT: 8.1080601 (B-3348)

SHEET 7 OF 7 (02/09/04)



IN REPLY REFER TO

**DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS**

Washington Regulatory Field Office
P.O. Box 1000
Washington, North Carolina 27889-1000

May 9, 2005

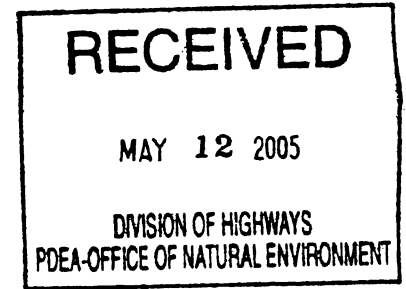
230



Regulatory Division

Subject: Action ID No. 200411264 and Nationwide Permit No. 23 (Approved Categorical Exclusions)

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548



Dear Dr. Thorpe:

Reference your Categorical Exclusion Document, dated March 30, 2000, your addendum to Categorical Exclusion Document dated August 30, 2002, and your subsequent correspondence dated February 16, 2005, and February 24, 2005, for the replacement of Bridge No. 32 over Rose Bay Creek, Federal Aid Project No. BRSTP-264 (11), State Project No. 8.1080701, T.I.P. No. B-3349, Hyde County, North Carolina. The stated purpose of the project is to replace the currently obsolete and structurally deficient bridge with a new and safer bridge. The preferred alternative involves staged, simultaneous construction and will adversely impact 0.069 acres of wetlands and .30 acres of open waters adjacent to U.S. Highway 264 and Rose Bay Canal.

For the purposes of the Corps of Engineers Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330.6, published in the Federal Register on November 22, 1991, lists nationwide permits. Authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, was provided for activities undertaken, assisted, authorized, regulated, funded or financed, in whole or part, by another Federal agency or department where that agency or department has determined, pursuant to the CEQ Regulation for the Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity, work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

Review of this project indicates that the construction of the new bridge will adversely impact 0.069 acres of coastal marsh and 0.30 acres of surface waters. The coastal wetland impacts are from excavation for the relocation of the open water canal.

Your work is authorized under Nationwide Permit 23, Categorical Exclusion, provided it is accomplished in strict accordance with the enclosed Nationwide Permit Conditions and the following special conditions:

a. The North Carolina Department of Transportation (NCDOT) will mitigate the project impacts at a ratio of 1:1 by debiting 0.069 acres of the remaining 0.38 acres of restored wetlands associated with the causeway removal and bridge replacement at Bridge No. 52 and 54 (TIP No. B-3348, Federal Aid Project BRSTP-264 (9), State Project No. 8.1080601, Action I.D. # 200411262) on Wallace Canal and Kitty Creek on U.S. Highway 264 in Hyde County.

b. The wetland restoration will be undertaken pursuant to NCDOT's February 23, 2004, bridge replacement application cover letter for TIP No. B-3348, page 2, avoidance and minimization section. According to that letter, approximately 95 feet of former causeway will be restored to adjacent wetland elevation and be replanted with native brackish marsh plants. Site success will be evaluated to assess whether at least 75% of the area is covered with the following target species: black needlerush (*Juncus roemerianus*), salt meadow cordgrass (*Spartina patens*), and giant cordgrass (*Spartina cynosuroides*) at the end of the fifth growing season. The restoration area will be photo-documented immediately prior to planting, upon completion of the initial planting and any required replanting operations. NCDOT will provide an as-built plan to USACE, including corner stake GPS coordinates, documented qualities of plant materials, final elevations, and photo documentation within 45 days of completion of work. The mitigation will be commenced within the first growing season immediately after the construction of TIP No. 3348 has been completed. NCDOT will be responsible for monitoring the area for a period of 5 years. Site conditions will be assessed at the end of each growing season during the 5-year monitoring period. NCDOT will provide an annual monitoring report by December 1 of each year documenting success, including: photo documentation, and problems, if any, encountered during the monitoring year timeframe. If at the end of the third replanting or at the end of the fifth and final year of monitoring, the success criteria is not met, a re-evaluation of the site will be made by NCDOT and USACE to determine a course of action to meet the permit requirements for this permit. The Wilmington District, U.S. Army Corps of Engineers, Regulatory Division; must approve any deviation from this schedule.

c. NCDOT shall survey the acreage utilized from the above restoration site and provide the Corps of Engineers, Washington Field Office, with a copy of the survey. The permittee shall maintain the acreage in its described success condition in perpetuity.

d. To avoid adverse impacts to spawning populations of fish, anadromous and resident species at the project site, NCDOT will follow the "Stream Crossing Guidelines for Anadromous Fish Passage."

e. To minimize negative effects on the early stage of development of the marine organisms found in the Primary Nursery Area, no in-water work will be conducted between March 1 and September 30 of any year. For the purpose of this moratorium, in water is defined as those areas that are inundated at mean high water.

- f. To protect the West Indian Manatee, NCDOT will follow the “Guidelines for Avoiding Impacts to the West Indian Manatee, Precautionary Measures for Construction Activities in North Carolina Waters,” prepared by the U.S. Fish and Wildlife Service. A copy of these guidelines is attached to the permit conditions.
- g. Bridge deck drains will not discharge directly into Rose Bay Canal.
- h. No bridge demolition debris or excavated or fill material will be placed at any time, in any wetlands or surrounding waters, outside of the alignment of the fill area indicated on the work plans.
- i. The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands are not authorized.
- j. All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- k. The fill material will be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.
- l. All measures will be taken to avoid any temporary fill from entering into Rose Bay Canal from bridge demolition. Bridge demolition shall follow NCDOT best management practices for construction and maintenance activities dated August 2003 and incorporate NCDOT policy entitled “Bridge Demolition and Removal in Waters of the United States” dated September 20, 1999.
- m. Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or any activities that cause the degradation of waters or wetlands, except as authorized by this permit, or any modification to this permit. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional waters or wetlands 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.
- n. To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, 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 provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before

approving any borrow or waste sites that are within 400 feet of any streams or wetlands. The permittee shall ensure that all such areas comply with condition (m) 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 (m). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

o. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and any Corps approved modifications shall be available at the project site during construction and maintenance of this project.

p. Any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District, U.S. Army Corps of Engineers, within 24 hours of the violation.

q. Failure to institute and carry out the details of special conditions a. - p., above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP No. B-3349, or such other remedy as the District Engineer or his authorized representatives may seek.

This nationwide permit does not relieve you of the responsibility to obtain any required State or local approval. This permit will be valid for two years from the date of this letter unless the nationwide authorization is modified, reissued or revoked.

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. Bill Biddlecome, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina, 27889, or telephone 252-975-1616, extension 31.

Sincerely,



William J. Biddlecome
NCDOT, Project Manager

Enclosures

Copies Furnished (without enclosures)

Ms. Nicole Thomson
Water Quality Section
Central Office
Division of Environmental Management
North Carolina Department of Environment
and Natural Resources
2321 Crabtree Blvd., Suite 250
Raleigh, North Carolina 27604

Mr. Travis Wilson
Eastern Region Highway Project Coordinator
Habitat Conservation Program
1142 I-85 Service Road
Creedmoor, North Carolina 27522

Mr. Gary Jordan
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
101 Pivers Island
Beaufort, North Carolina 28516

Mr. Chris Militscher
U.S. Environmental Protection Agency
Raleigh Office
310 New Bern Avenue, Room 206
Raleigh, North Carolina 27601

Ms. Cathy Brittingham
Division of Coastal Management
1638 Mail Service Center
Raleigh, North Carolina 27699-1638

Ms. Lynn Mathis
Division of Coastal Management
1367 U.S. Highway 17 South
Elizabeth City, North Carolina 27909

Action ID Number: 200411264

235

County: Hyde

Permittee: NCDOT

Date Permit Issued: May 9, 2005

Project Manager: Biddlecome

X 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:

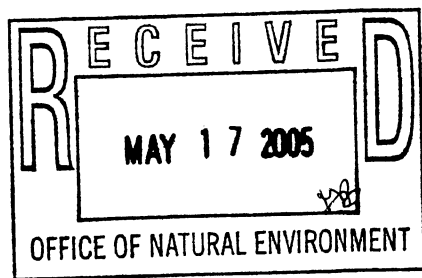
US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
WASHINGTON REGULATORY FIELD OFFICE
P.O. BOX 1000
WASHINGTON, NORTH CAROLINA 27889

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

Date



Permit Class
NEW

236

Permit Number
110-05

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in Hyde County at Rose Bay Canal, Bridge No. 32 along US 264, as requested in the permittee's application dated 2/16/05, including the attached workplan drawings as referenced in Condition No. 1 of this permit.

This permit, issued on 7/22/05, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

TIP No. B-3349, Bridge Replacement

- 1) All work authorized by this permit shall be carried out in accordance with the following workplan drawings, except as modified herein:

8 1/2" x 11" drawings: Sheets 6, 7 and 8 of 10 (dated revised 8/19/04)

11" x 17" drawings: Sheet 4, 4, 4A and 5 (dated revised 2/23/05); Sheet 2 and 5 (dated revised 2/1/05); Sheet X-2, X-3, X-4 and X-5 (dated revised 2/1/05); and Sheet UO-2 (dated revised 2/26/04)

11" x 17" buffer impact drawings: Sheet 4, 5 and 6 (dated revised 2/1/05)

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

No expiration date, pursuant to GS 136-44.7B

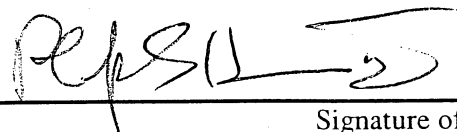
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



Charles S. Jones, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 14) Turbidity curtains and silt fences shall be used to contain all bottom disturbing activities within Rose Bay Canal and the connecting channels, including pile or casement installation, placement of riprap, filling within the waters and adjacent wetlands. Turbidity curtains shall isolate the work areas within the waters from the undisturbed areas within the waters and shall run generally parallel to the banks of the waters. The ends of the turbidity curtains shall be attached to the silt fences located at the boundaries of the construction limits. Turbidity curtains shall not fully extend across the canal. The turbidity curtains are to be properly maintained and retained in the water until construction is complete and turbidity within the curtains reaches ambient levels.
- 15) No mechanized or hand clearing or other temporary impacts to wetlands or waters of the State are authorized by this permit without prior approval from DCM.
- 16) No excavation shall take place at any time in any vegetated wetlands or surrounding waters outside of the alignment of the area(s) indicated on the attached workplan drawing(s).
- 17) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- 18) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized.
- 19) The placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be free from loose dirt or any pollutant. It shall be of a size sufficient to prevent its movement from the authorized alignment by wave or current action. The riprap material shall consist of clean rock or masonry materials such as but not limited to granite, marl or broken concrete.
- 20) Live concrete shall not be allowed to contact the water in or entering into Rose Bay Canal.
- 21) No excavated or fill material shall be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area(s) indicated on the attached workplan drawing(s).
- 22) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- 23) All fill material shall be clean and free of any pollutants, except in trace quantities.
- 24) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent waters.
- 25) The minimum vertical navigational clearance under the bridge shall be increased to approximately four feet.
- 26) Construction staging areas shall only be located in uplands, and not in wetlands or waters of the State.

ADDITIONAL CONDITIONS

- 37) In accordance with commitments made by the permittee, 0.069 acres of wetland restoration credits shall be debited at a 1:1 ratio from the mitigation that shall be generated in association with TIP No. B-3348, Replacement of Bridge No. 52 over Wallace Canal and Bridge No. 54 over Kitty Creek on US 264, Hyde County. Construction of TIP No. B-3348 was authorized by CAMA Permit No. 100-04 on 7/9/04.

NOTE: CAMA Permit No. 100-04 contains the following note on page 4: "If the excess mitigation generated by this project is to be used as mitigation for impacts of future projects, written concurrence must be obtained from DCM that post-construction monitoring demonstrates that vegetative and hydrologic success criteria have been met. Vegetative and hydrologic monitoring data shall be made available to DCM at such time as the site is proposed for use as mitigation for future projects." However, during pre-application coordination meetings, it was agreed that the excess mitigation generated by TIP No. B-3348 would be used as mitigation for this project.

- 38) In order to minimize the amount of time that elapses between when wetland impacts are incurred and when the wetland mitigation achieves its success criteria, construction of the proposed wetland mitigation site shall occur prior to, or concurrent with, construction of the activities authorized by this permit.
- 39) The permittee shall provide an annual update on the wetland restoration areas for this project. This annual update shall consist of photographs and a brief report on the progress of restoration areas in reattaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the N.C. Division of Water Quality, and the N.C. Wildlife Resources Commission to determine if the restoration areas have re-attained jurisdictional wetland status and/or if additional remedial actions are necessary.

General

- 40) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 41) The authorized activity shall not cause an unacceptable interference with navigation.
- 42) Unless specifically altered herein, any mitigative measures or environmental commitments made by the permittee in the Coastal Area Management Act application, the Categorical Exclusion document dated April 2000, the addendum to the Categorical Exclusion document dated August 30, 2002, shall be implemented, regardless of whether or not such commitments are addressed by individual conditions of this permit.
- 43) If it is determined that additional permanent and/or temporary impacts (such as but not limited to temporary access roads, detours, or matting to transport equipment across wetlands) are necessary that are not shown on the attached workplan drawing(s), a permit modification and/or additional authorization from the N.C. Division of Coastal Management (DCM) shall be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.

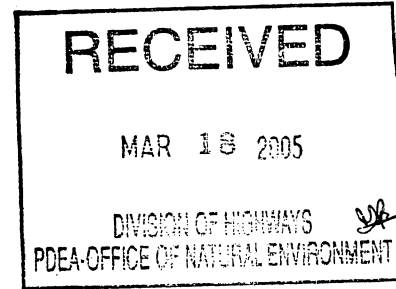


Underwood

March 8, 2005
Hyde County
DWQ Project No. 040374
TIP No. B-3349

MODIFICATION of 401 Water Quality Certification and TAR-PAMLICO RIVER RIPARIAN BUFFER AUTHORIZATION

Dr. Gregory J. Thorpe, PhD, Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548



Dear Dr. Thorpe:

You have our approval, in accordance with the conditions listed below, for the following impacts:

Permanent Wetland Fill (ac)	Wetland Excavation (ac)	Permanent Fill in Surface Water (ac)	Riparian Buffer Impact (sq. ft.)
0.009	0.06	0.30	15,682 (15,682 Zone 1 + 0 Zone 2)

This authorization is valid only for work performed in conjunction with replacing Bridge No. 32 over Rose Bay Creek on US 264 in Hyde County. The project shall be constructed in accordance with your modified application dated received February 18, 2005 and subsequent revised plans dated received February 28, 2005. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3403. This certification corresponds to the Nationwide Permit 23 issued by the Corps of Engineers. This approval is also valid for the Tar-Pamlico River Buffer Rules (15A NCAC 2B .0259). 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 with the accompanying 404 permit, unless otherwise specified in the Water Quality Certification.

This approval is valid solely for the purpose and design described in your applications dated February 18, 2005 and February 28, 2005 (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). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

- 1.) 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.
- 2.) All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
- 3.) During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.

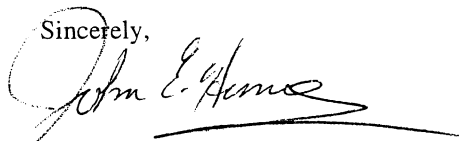
Mitigation Site	Acres of WL Debited from Site	Type of Mitigation	Replacement Ratio	Acres of Mitigation Credited
Restored coastal wetlands from B-3348 in Hyde Co.	0.069	Restoration	1:1	0.069

- 20.) All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.
- 21.) The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission, the US Fish and Wildlife Service, and National Marine Fisheries Service.
- 22.) No in-water work is permitted between March 1 and September 30 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, NCDOT shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
- 23.) All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 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 contact Nicole Thomson at 919-715-3415.

Sincerely,



Alan W. Klimek, P.E.

Attachment

cc: Wilmington District US Army Corps of Engineers
 Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office
 Mr. Anthony W. Roper, PE, Division 1 Engineer, 113 Airport Dr., Suite 100, Edenton, NC 27932
 Mr. Clay Willis, Division 1 Environmental Officer, 113 Airport Dr., Suite 100, Edenton, NC 27932
 NCDWQ Washington Regional Office
 File Copy
 Central Files



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DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

X 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 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 _____

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 23 (APPROVED CATEGORICAL EXCLUSIONS) AND RIPARIAN AREA PROTECTION RULES (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 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) (23) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 2670 issued on January 21, 1992, Certification Number 2734 issued on May 1 1993, Certification Number 3107 issued on February 11, 1997 and Water Quality Certification Number 3361 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 23 or 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 notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;
2. 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;
3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. 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. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on

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WQC #3403

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 that requires written concurrence under this certification, 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: 28 March 2003

DIVISION OF WATER QUALITY

By



Alan W. Klimek, P.E.

Director

WQC # 3403



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

February 6, 2006

Gregory J. Thorpe, Ph.D.
Environmental Management Director
Project Development and Environmental Analysis
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

RE: Request for refinement of CAMA Major Development Permit No. 110-05 for the replacement of Bridge No. 32 along US 264 over Rose Bay Canal in Hyde County, TIP No. B-3349.

Dear Dr. Thorpe:

This letter is in response to the N.C. Department of Transportation's (NCDOT's) letter dated 11/23/05 requesting a **Letter of Refinement** for CAMA Major Permit No. 110-05. The N.C. Division of Coastal Management (DCM) received supplemental information in support of this request on 1/12/06.

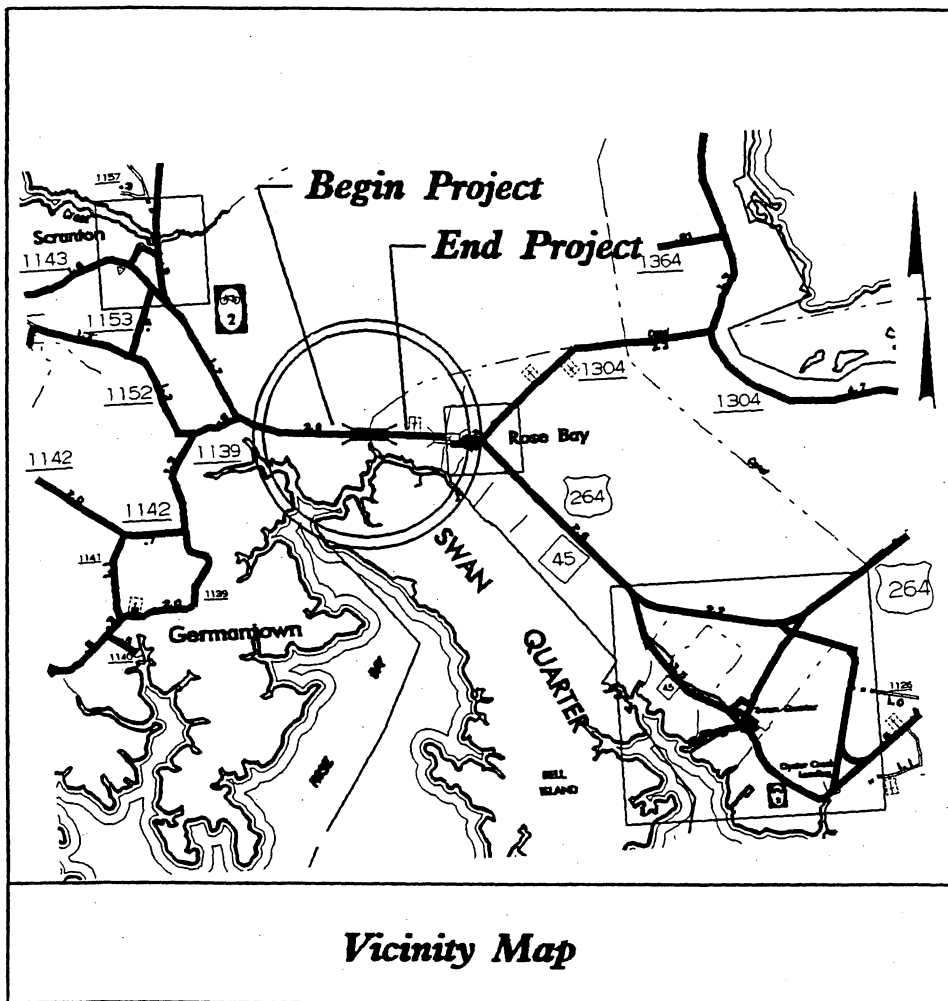
Please be advised that through this Letter of Refinement, DCM conveys its determination that the requested changes as described below to Permit Conditions Number 7, 9, 13 and 25 are consistent with existing State rules and regulations and are in keeping with the original purpose and intent of CAMA Permit No. 110-05, with the following conditions:

1. Regarding Permit Condition No. 7. The pile installation practice shall be accomplished by pile driving. Should any other type of pile installation, such as jetting or drilled shaft construction, become necessary, additional authorization from the N.C. Division of Coastal Management shall be required.
2. Regarding Permit Condition No. 9. The permittee shall partially remove the end bents of the existing bridge.
3. Regarding Permit Condition No. 13. All materials and debris associated with the construction of the new bridge and associated materials shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.

1638 Mail Service Center, Raleigh, North Carolina 27699-1638
Phone: 919-733-2293 \ FAX: 919-733-1495 \ Internet: <http://dcm2.enr.state.nc.us>

FEB 21 2005

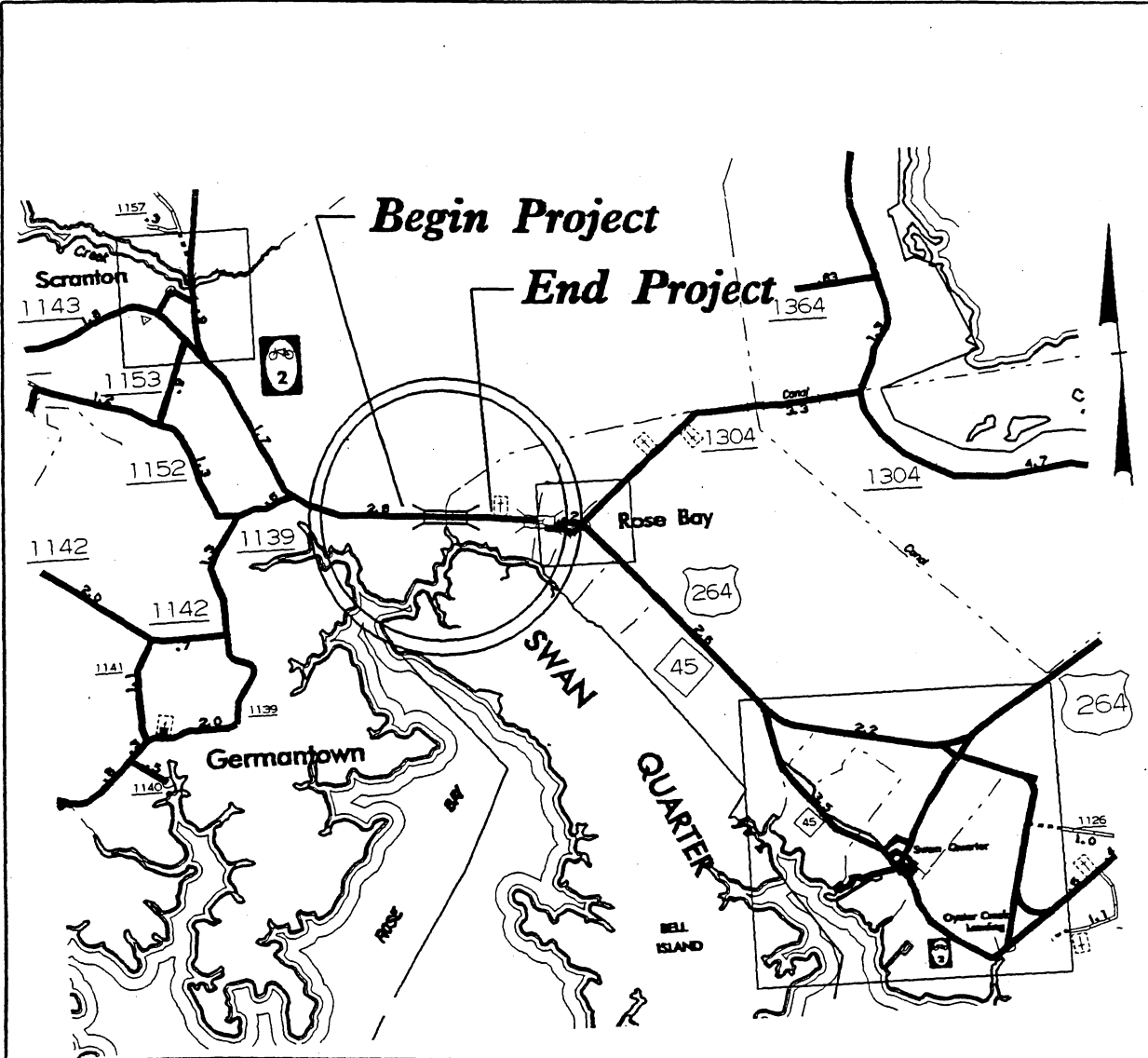
COASTAL MANAGEMENT
ELIZABETH CITY



Vicinity Map

VICINITY
MAPS

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 HYDE COUNTY
 PROJECT: 8.1080701 (B-3349)
 REPLACEMENT OF BRIDGE NO.32
 OVER ROSE BAY CREEK ON US264
 SHEET 1 OF 10 REVISED 8/19/04



Site Map

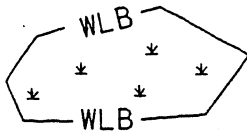
SITE
MAPS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
HYDE COUNTY
PROJECT: 8.1080701 (B-3349)

REPLACEMENT OF BRIDGE NO. 32
OVER ROSE BAY CREEK ON US 64
SHEET 2 OF 10 REVISED 8/19/04

LEGEND

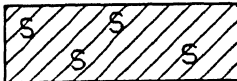
— WLB — WETLAND BOUNDARY



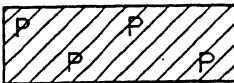
WETLAND



DENOTES FILL IN WETLAND



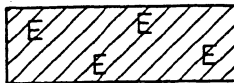
DENOTES FILL IN SURFACE WATER



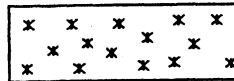
DENOTES FILL IN SURFACE WATER (POND)



DENOTES TEMPORARY FILL IN WETLAND



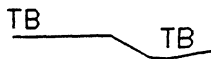
DENOTES EXCAVATION IN WETLAND



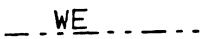
DENOTES MECHANIZED CLEARING



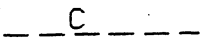
FLOW DIRECTION



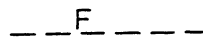
TOP OF BANK



EDGE OF WATER



PROP. LIMIT OF CUT



PROP. LIMIT OF FILL



PROP. RIGHT OF WAY

— NG — NATURAL GROUND

— PL — PROPERTY LINE

— TDE — TEMPORARY DRAINAGE EASEMENT

— PDE — PERMANENT DRAINAGE EASEMENT

— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY

— EPB — EXIST. ENDANGERED PLANT BOUNDARY

—▽— WATER SURFACE

X X X
X X LIVE STAKES

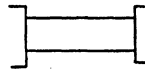


BOULDER

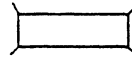
— CORE FIBER ROLLS



ADJACENT PROPERTY OWNER OR PARCEL NUMBER



PROPOSED BRIDGE



PROPOSED CULVERT



PROPOSED PIPE CULVERT

(DASHED LINES DENOTE EXISTING STRUCTURES)



SINGLE TREE



WOODS LINE



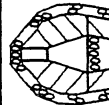
DRAINAGE INLET



ROOTWAD



RIP RAP



RIP RAP ENERGY DISSIPATOR BASIN

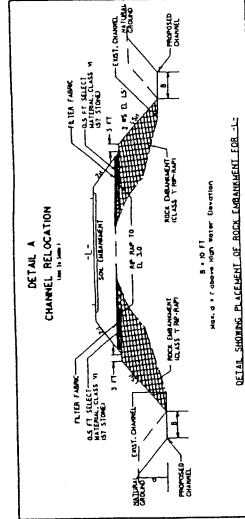
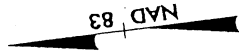
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

HYDE COUNTY

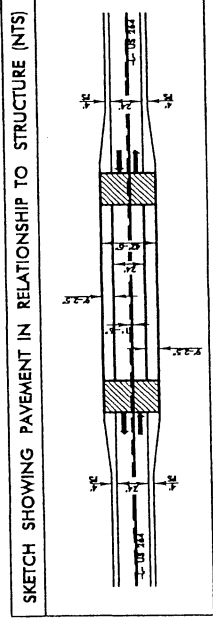
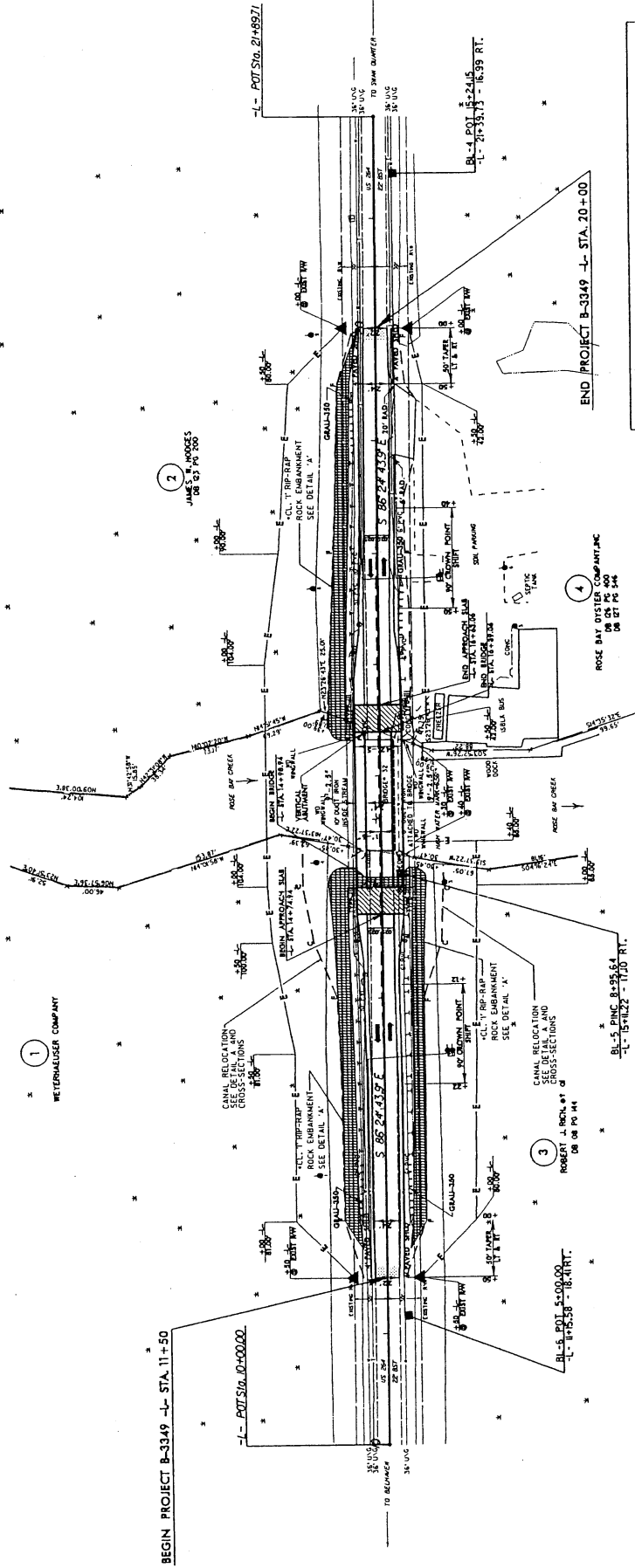
PROJECT:

8.1080701 (B-3349)

PROJECT REFERENCE NO.	B-3349	SHEET NO.	4
DESIGNER	HYDRAULIC ENGINEER		
DATE	2-23-65		
BY	RCH		

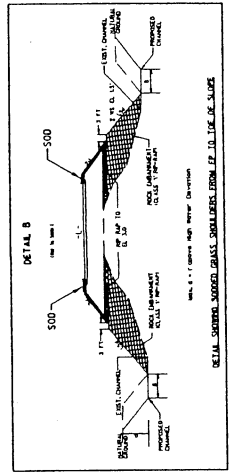


DETAIL A CHANNEL RELOCATION
 8" x 10" FT. ABOVE HIGH WATER ELEVATION
 DETAIL SHOWING PLACEMENT OF ROCK EMBANKMENT FOR L-1
 STA 14+50 -L- TO STA 15+30 -L- RT
 STA 14+50 -L- TO STA 15+30 -L- L1



SKETCH SHOWING PAVEMENT IN RELATIONSHIP TO STRUCTURE (NTS)
 DESIGN EXCEPTION REQUIRED FOR -L- LINE SHOULDER WIDTHS.

DATUM DESCRIPTION
 THE LOCALIZED COORDINATE SYSTEM REFERRED TO FOR THIS PROJECT IS BASED ON THE MGS FOR COORDINATES ESTABLISHED BY WITH AND 83 STATE PLANE GRID COORDINATES OF VARIOUS SUCCESSOR IN ESTING ZONES OF THIS PROJECT THE AVERAGE COORDINATE (GEOID TO DATUM) IS 10.000000 FT. THE LOCALIZED GRID BEARING AND LOCALIZED HORIZONTAL DISTANCE FROM DATUM TO THE POINT IS 111.11 FT. ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES. VERTICAL DIMENSION IS IN FEET.

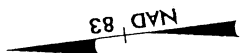


DETAIL B
 8" x 10" FT. ABOVE HIGH WATER ELEVATION
 DETAIL SHOWING PAVEMENT, ROCK EMBANKMENT, LINE SHOULDER FOR L-1
 STA 14+50 -L- TO STA 20+00 -L- RT & L1

NOTE: SEE SHEET 5 FOR L-1 PROFILE FOR STRUCTURE PLANS
 SEE SHEET 3 FOR DETOUR ALIGNMENT

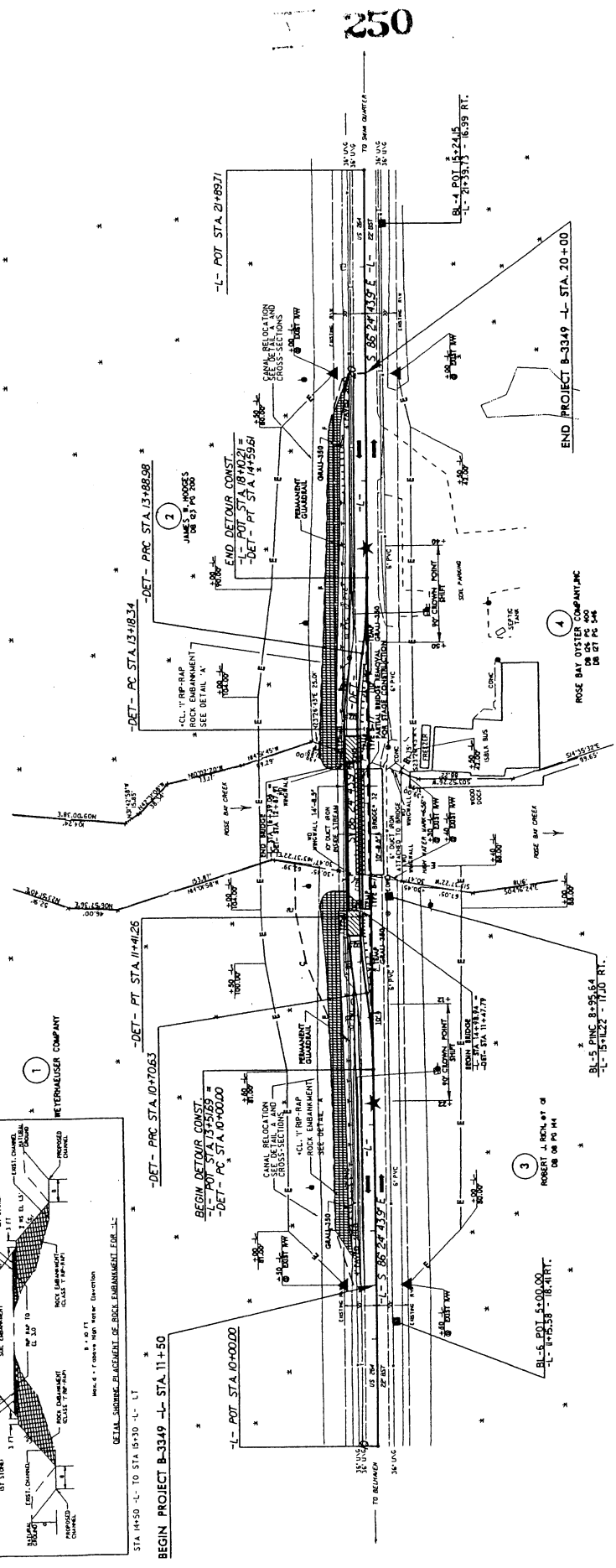
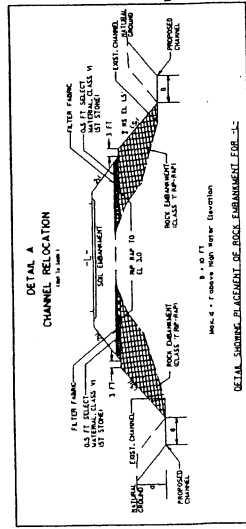
REVISIONS	

PROJECT REFERENCE NO.	B-3349
SHEET NO.	4A
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
2-23-05 RCH	
-DETOUR- Vdet = 35 MPH	



-DETOUR-

<p>PI STA 10+35.38 Δ = 8' 42" 1/2 (LT) D = 12' 19" 1/80" L = 70.53' T = 26.50' R = 465.00' SE = SEE PLANS</p>	<p>PI STA 11+06.02 Δ = 8' 42" 1/2 (RT) D = 12' 19" 1/80" L = 70.53' T = 26.50' R = 465.00' SE = SEE PLANS</p>	<p>PI STA 13+53.73 Δ = 8' 42" 1/2 (RT) D = 12' 19" 1/80" L = 70.53' T = 26.50' R = 465.00' SE = SEE PLANS</p>	<p>PI STA 14+24.36 Δ = 8' 42" 1/2 (LT) D = 12' 19" 1/80" L = 70.53' T = 26.50' R = 465.00' SE = SEE PLANS</p>
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NOTE: THE DETOUR ALIGNMENT WILL USE THE PROJECTION OF THE -L- GRADE AT THE .025 SUPER RATE FOR THE DETOUR GRADE.

DESIGN EXCEPTION REQUIRED FOR -L- LINE SHOULDER WIDTH.

★ DENOTES SIGNAL REQUIRED FOR ONE LANE TWO-WAY DETOUR OPERATION
SEE SHEETS TCP-1 THRU TCP-10 FOR DETOUR OPERATION
SEE SHEETS S-1 THRU S-44 FOR STRUCTURE PLANS

PROJECT NO.	B-3349
SHEET NO.	5
DESIGNER	HYDRAULIC ENGINEER
DATE	2-23-05
BY	KCH

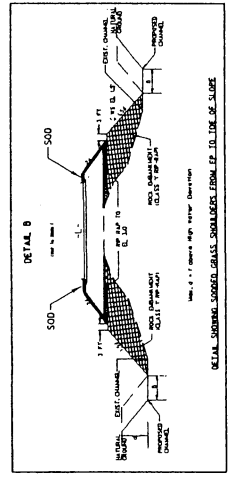
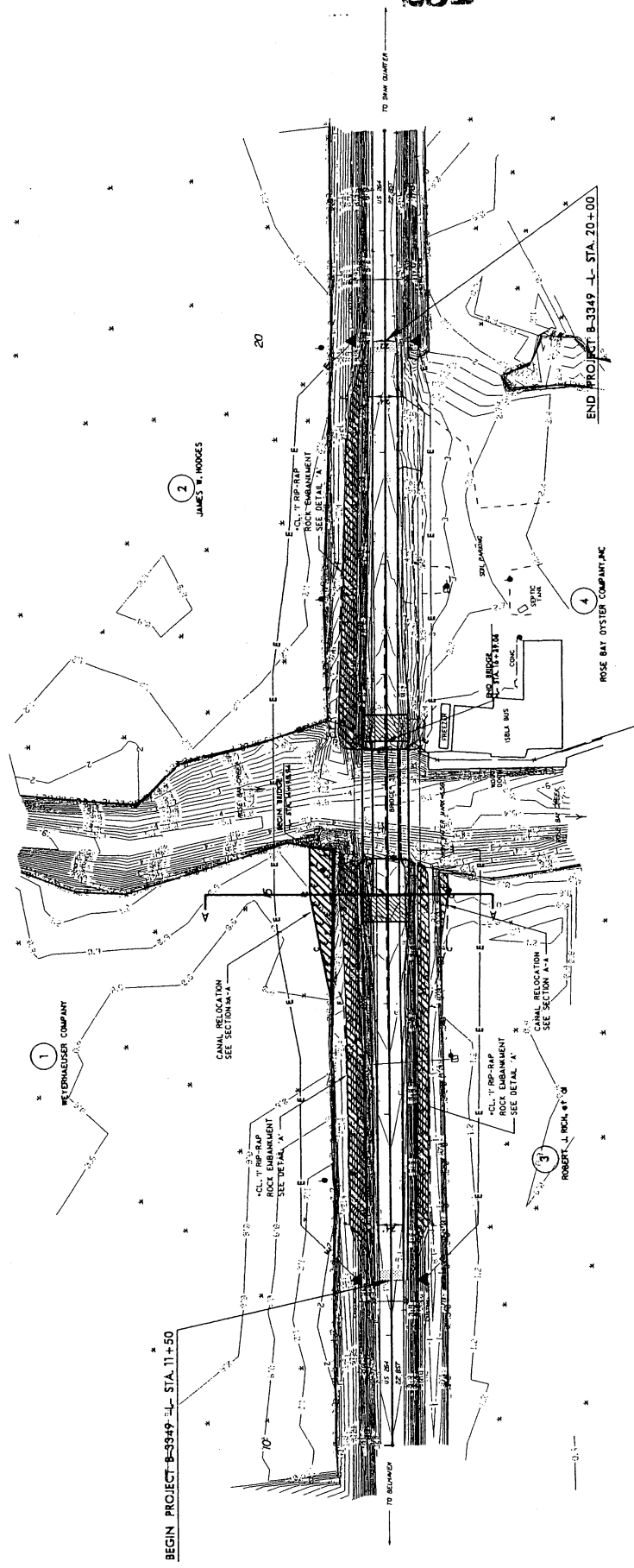


REVISED 01/8/05

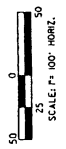
NAD 83

-L-

251



DENOTES FILL IN SURFACE WATER
 DENOTES EXCAVATION IN WETLAND



REVISED 1/8/05

DESIGN EXCEPTION REQUIRED FOR -L- LINE SHOULDER WIDTHS.

NOTE: SEE SHEET 'S' FOR -L- PROFILE FOR STRUCTURE PLANS
SEE SHEET 'A' FOR DETOUR ALIGNMENT

REVISIONS	

23-FB-2005 08.59
 P:\Hydro\Projects\2349\2349.dwg
 7/27/99

BEGIN GRADE -L- STA 12+00
 ELEV. = 5.50'

RESURFACE

10

0

-10

(Hurricane Floyd)
 HIGH WATER MARK=6.56'

(+10.50)3%

US 264

N.G.(MARSHLAND) LT & RT

CL.'B' RIP-RAP

MATCH LINE 15+52

252

PI = 15+83.00
 EL = 7.42'
 VC = 300'

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 FEB 21 2005
 COASTAL MANAGEMENT
 ELIZABETH CITY

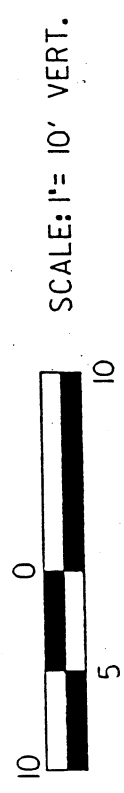
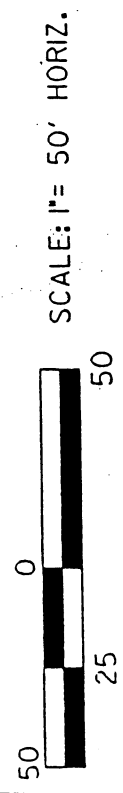
11

12

13

14

15



PLAN VIEW

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 HYDE COUNTY
 PROJECT: 8.1080701 (B-3349)
 BRIDGE #32 OVER ROSE BAY
 CREEK ON US 264
 SHEET 6 OF 10 REV. 8/19/04

MATCH LINE 15+52

PI = 15+83.00
EL = 7.42'
VC = 300'

END GRADE -L- STA 19+50
ELEV. = 5.24'

STA. 15+67.94-L-
SPANS: 3@46' CORED SLAB
ELEV. = 7.02'
SKEW = 90°

(-10.5940%)

US 264

N.G. RT.
N.G. L. (MARSHLAND)

VERTICAL
ABUTMENT

N.W.S. EL. 15.91

10

0

253

-10

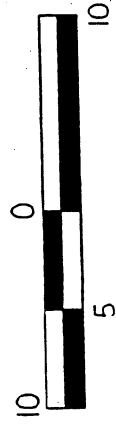
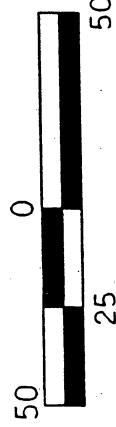
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17

18

19

20



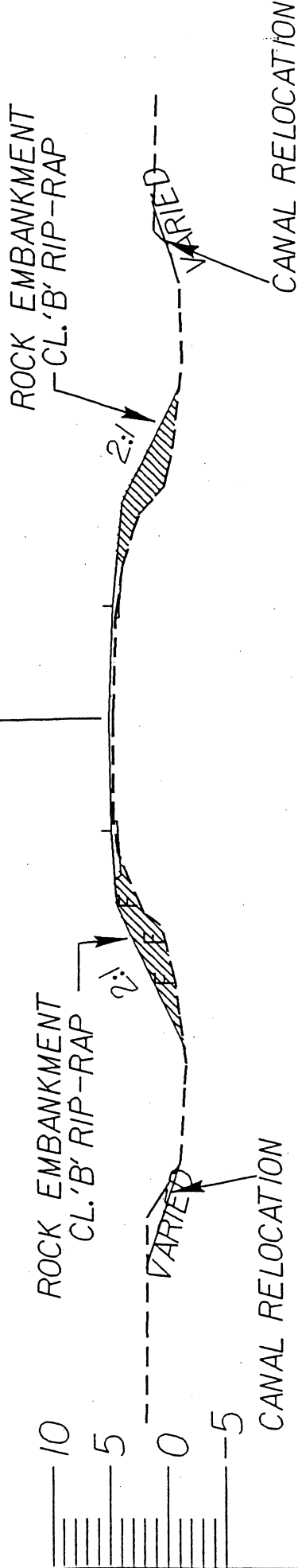
PROFILE

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
HYDE COUNTY
PROJECT: 8.1080701 (B-3349)
BRIDGE #32 OVER ROSE BAY
CREEK ON US 264

SHEET 7 OF 10 REV. 8/19/04

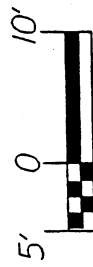
SECTION A — A

STATION 50+12



254

PROFILE



HORIZONTAL SCALE



VERTICAL SCALE

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 HYDE COUNTY
 PROJECT: 8.1080701 (B-3349)
 BRIDGE NO. 32 OVER ROSE BAY
 CREEK ON US264

SHEET 8 OF 10 revised 8/19/04

255
PROPERTY OWNERS
NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
4	MATTAMUSKEET SEAFOOD (ROSE BAY OYSTER COMPANY)	RT.1 BOX 136 SWAN QUARTER, N.C. 27885
2	JAMES W. HODGES	695 E. MAIN ST. BELHAVEN, N.C. 27810
3	ROBERT J. RICH	1468 CAROLINA AVE. WASHINGTON, N.C. 27889
1	WEYERHAEUSER COMPANY	P.O. BOX 1392 NEW BERN, N.C. 28560

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FEB 21 2005

COASTAL MANAGEMENT
ELIZABETH CITY

NCDOT

DIVISION OF HIGHWAYS
HYDE COUNTY

PROJECT: 8.1080701 (B-3549)

REPLACE BRG[#] 32 OVER ROSE
BAY CREEK ON US 264

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS						
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Relocated Channel (ft)			
1	11+75 to 20+00-L-	Bridge: 3@46' cored slab	0.009		0.06		0.3						1080	214
TOTALS:			0.009	0	0.06	0	0.3	0	0	0	0	1080	214	

RECEIVED

FEB 21 2005

COUNTY ENGINEER

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

HYDE COUNTY
PROJECT 8.1080701 B3349

SHEET 10 OF 10 Revised 1/19/2005