

PROJECT SPECIAL PROVISION

(10-18-95)

Z-1

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.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	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 107-13 of the *2012 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.

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action ID: SAW-2005-11639County: TyrrellUSGS Quad: Fairfield, NW, NC

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: Dr. Gregory J. Thorpe, Ph.DAddress: Environmental Management Director, PDEAN.C. Department of Transportation1598 Mail Service CenterRaleigh, North Carolina 27699-1598Telephone No.: 919) 431-6696Size and location of property (water body, road name/number, town, etc.): The project is located at Bridge # 6 on NC Highway 94, adjacent to and crossing the Northwest Fork Alligator River. TIP # B-4647.

Description of projects area and activity: Replace an existing functionally obsolete 360' long X 29.5' wide 16-span bridge with a new 370' long X 36' wide 8-span cored slab bridge utilizing staged construction and top down construction permanently impacting 0.49 acres of wetlands. Additionally 0.63 acres of temporary wetland impacts for hand clearing vegetation are authorized for construction purposes and erosion control devices (0.1 acres of temp fill will occur in this area for silt fence and special sediment control fence). All utilities (water and telephone) will be relocated via directional bore and will have no jurisdictional impacts. Existing power lines/poles on northwest side of NC 94 will remain in place. SEE ADDITIONAL SPECIAL CONDITIONS.

Applicable Law: Section 404 (Clean Water Act, 33 USC 1344)
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number: 198200031

Nationwide Permit Number: _____

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management .

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Bill Biddlecome at (910) 251-4558 .

Corps Regulatory Official BIDDLECOME.WILLI Digitally signed by
BIDDLECOME.WILLIAM.JJR.1228726504
DN: c=US, ou=U.S. Government, ou=DoD, ou=PRC,
ou=USA, cn=BIDDLECOME.WILLIAM.JJR.1228726504
Date: 2011.08.03 12:28:05 -0400

Date: 08/03/2011Expiration Date of Verification: 10/31/2013

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://regulatory.usacesurvey.com/> to complete the survey online.

Determination of Jurisdiction:

- Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 02/16/2006. Action ID 200511639

Basis of Jurisdictional Determination: This site exhibits criteria as described in the 1987 Corps Wetland Delineation Manual and the November 2010 Atlantic and Gulf Coastal Plain Regional Supplement and is part of a broad continuum of wetlands connected to the Northwest Fork of the Alligator River, which is a tributary to the Alligator River.

Appeals Information (This information applies only to approved jurisdictional determinations.)

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division
Attn: William Biddlecome, Project Manager,
Washington Regulatory Field Office
P.O. Box 1000
Washington, North Carolina 27889

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A.

It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.

Corps Regulatory Official: _____

Date 08/03/2011

Expiration Date 08/03/2016

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

Action ID Number: SAW-2005-11639

County: Tyrrell

Permittee: NCDOT, Greg Thorpe, Ph. D.

Date Verification Issued: 08/03/2011

Project Manager: 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:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
WILMINGTON REGULATORY FIELD OFFICE
POST OFFICE BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

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

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

Signature of Permittee

Date

James, Amy E

From: Biddlecome, William J SAW <William.J.Biddlecome@usace.army.mil>
Sent: Thursday, November 17, 2011 9:38 AM
To: James, Amy E; Lane, Stephen
Cc: Sollod, Steve; Wilson, Travis W.
Subject: RE: B-4647 in Tyrell county (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: NONE

Amy,

I must of missed this one. You're right the PCN had the correct dates but I must of looked at the green sheet commitments instead. But we're going to make it easy and simple. Per this e-mail the above project (Corp Action ID # 200511639, General Permit # 198200031 issued August 3, 2011) is hereby modified to replace the original Additional Special Condition D with the following Special Condition D: To avoid adverse impacts to spawning populations of fish species at this project site, no in-water work will be conducted between February 15 and June 15. For the purpose of this moratorium, in water is defined as those waters within the Northwest Fork of the Alligator River and its adjacent wetlands that during periods of inundation have an active connection to the NW Fork of the Alligator River. It is understood that all conditions of the original permit remain applicable and that the expiration date is unchanged. Please attach a copy of this e-mail to the permit. If you have any questions, please contact me. Thanks!

Bill Biddlecome
 Regulatory Project Manager
 Washington Regulatory Field Office
 P.O. Box 1000
 Washington, North Carolina 27889
 (910) 251-4558
william.j.biddlecome@usace.army.mil

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers. We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:

<http://per2.nwp.usace.army.mil/survey.html>

Thank you for taking the time to visit this site and complete the survey.

-----Original Message-----

From: James, Amy E [mailto:aejames@ncdot.gov]
Sent: Wednesday, November 16, 2011 11:50 AM
To: Biddlecome, William J SAW; Lane, Stephen
Cc: Sollod, Steve
Subject: FW: B-4647 in Tyrell county

Hi Bill and Stephen,

In going through the 404 and CAMA permits for B-4647, we noticed that the dates cited for the anadromous fish moratorium reflect those in the 2008 CE (Feb 15-June 30), which is out-of-date in regards to this issue. In May 2009, Travis Wilson amended the dates to Feb 15-June 15 (also stated in the

PCN) as laid out in the forwarded email below.

Please let me know how you want to handle updating the permits. And if for CAMA you need something else besides this email (and the forwarded one from Travis), please let me know.

Thanks!
Amy

Amy E. James
Biologist, Project Management
NCDOT, Natural Environment Section
Direct 919.707-6129
aejames@ncdot.gov

-----Original Message-----

From: Wilson, Travis W.
Sent: Wednesday, May 27, 2009 1:00 PM
To: Barnes, Veronica A
Subject: RE: B-4647 in Tyrell county

Yes, the revised moratorium would be Feb 15 to June 15.

Travis W. Wilson
Eastern Region Highway Project Coordinator Habitat Conservation Program NC Wildlife Resources Commission
1142 I-85 Service Rd.
Creedmoor, NC 27522
Phone: 919-528-9886 ext. 226
Fax: 919-528-9839
Travis.Wilson@ncwildlife.org

-----Original Message-----

From: Barnes, Veronica A
Sent: Wednesday, May 27, 2009 11:14 AM
To: Wilson, Travis W.
Subject: B-4647 in Tyrell county

Travis,
B-4647 over the Northwest Fork of the Alligator River is listed as having a moratorium for resident fish and anadromous fish from Feb. 15 to June 30. Can the resident fish moratorium be dropped? If so, this would make the moratorium only Feb. 15 to June 15 correct? Thanks.
~Veronica

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Veronica Barnes
Environmental Specialist
NC Dept. of Transportation

Natural Environment Unit
919-431-6758
vabarnes@ncdot.gov

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Classification: UNCLASSIFIED
Caveats: NONE

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Regional General Permit No. 198200031
Name of Permittee: General Public
Effective Date: November 1, 2008
Expiration Date: October 31, 2013

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT**

A regional general permit (RGP) to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and re-issued by authority of the Secretary of the Army by the

District Engineer
U.S. Army Engineer District, Wilmington
Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

TO AUTHORIZE THE DISCHARGE OF DREDGED OR FILL MATERIAL IN WATERS OF THE UNITED STATES, INCLUDING WETLANDS, ASSOCIATED WITH THE CONSTRUCTION, MAINTENANCE AND REPAIR OF BRIDGES, INCLUDING COFFERDAMS, ABUTMENTS, FOUNDATION SEALS, PIERS, APPROACH FILLS, DETOUR FILLS, BOX CULVERT INSTALLATION AND TEMPORARY CONSTRUCTION AND ACCESS FILLS, IN WATERS OF THE UNITED STATES AS PART OF WORK CONDUCTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) OR OTHER STATE, FEDERAL OR LOCAL GOVERNMENTAL ENTITY, IN THE STATE OF NORTH CAROLINA.

1. Special Conditions.

a. Written confirmation that the proposed work complies with this RGP must be received from the Wilmington District Engineer prior to the commencement of any work. To enable this determination to be made, the permittee must furnish the Wilmington District Engineer a pre-construction notification with the following information:

- (1) A map indicating the location of the work.
- (2) Plans of the proposed work showing all pertinent structures, elevations, dimensions and quantities of materials and locations of all structures and/or fill in wetlands or waterward of the normal/high water elevation contours.
- (3) A brief discussion of the affected aquatic resources, including streams and wetlands. The discussion shall include the identification and types of vegetation present.
- (4) Approximate commencement and completion dates.
- (5) A description of methods to be employed to avoid and/or minimize permanent and temporary impacts to aquatic resources caused by the proposed work.
- (6) Plans, including timetables and techniques, for construction, stabilization and removal of all unavoidable temporary fills.
- (7) Names and addresses of adjoining property owners.

b. In the case of fills of one acre or less, including permanent approach fills, detour fills and fills associated with culvert installation, the Corps of Engineers' Project Manager will determine, after appropriate onsite visits and review of plans, if the impacts on aquatic resources, including streams and wetlands, are likely to be such as to require review by Federal and State agencies. If it is determined that impacts are minimal or can be made minimal by changes agreed to by the applicant, a letter of authorization to proceed will be provided. If it is determined that review by Federal and State agencies is necessary to fully evaluate impacts, copies of all plans and materials will be forwarded to the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the U.S. Environmental Protection Agency (EPA) and the North Carolina Department of Environment and Natural Resources (NCDENR). These agencies will furnish comments to the Wilmington District Engineer within thirty (30) days.

c. In cases of fills greater than one acre, copies of all plans and materials will be forwarded to the USFWS, the NMFS, the EPA and the NCDENR. These agencies will furnish comments to the Wilmington District Engineer in thirty (30) days. In cases of land disturbing activities comprising more than one acre, a Sedimentation/Erosion Control Plan will be filed with the North Carolina Division of Land Resources, Land Quality Section, thirty (30) days prior to commencing work.

d. Where work is proposed within the twenty (20) coastal counties, as defined by the North Carolina Division of Coastal Management, the applicant shall forward a copy of the pre-construction notification to:

**National Marine Fisheries Service
101 Pivers Island Road**

Beaufort, North Carolina 28516

The counties in which this condition applies are:

Bertie	Carteret	Dare	Hyde	Pender
Beaufort	Chowan	Gates	Onslow	Perquimans
Brunswick	Craven	New Hanover	Pamlico	Tyrrell
Camden	Currituck	Hertford	Pasquotank	Washington

e. In the event that any Federal agency maintains an objection or any required State authorization is outstanding, no notice to proceed will be given until objections are resolved and State authorizations are issued.

f. No work will proceed until after the applicant has received written notice to proceed from the Wilmington District Engineer. This notice may include additional conditions and/or restrictions. Copies of the notice to proceed will be furnished to the USFWS, the NMFS, the EPA and the NCDENR with a brief description of the work, including the area of wetlands affected and the quantity of fill material.

g. Upon completion of any work authorized by this RGP, all temporary fills will be completely removed and the area reestablished as a wetland by restoring natural hydrology and native vegetation. Stream contours and riparian vegetation will be reestablished upon the removal of temporary culverts. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition j. below.

h. Appropriate soil and erosion control measures must be established and maintained during construction. All fills, temporary and permanent, must be adequately stabilized at the earliest practicable date to prevent erosion of fill material into adjacent waters or wetlands.

i. In cases where new alignment approaches are to be constructed and the existing wetland approach fill is to be abandoned and no longer to be maintained as a roadway, the abandoned fill shall be removed and the area reestablished as a wetland. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition j. below.

j. Discharges of dredged or fill material into waters of the United States, including wetlands, must be minimized or avoided to the maximum extent practicable. In reviewing an activity, the Wilmington District Engineer will first determine whether the activity will result in more than minimal adverse environmental affects. For activities that are determined to have more than minimal impacts, compensatory mitigation will be required. To expedite the process, the applicant will provide a mitigation plan with the request for authorization. Site specific mitigation proposals will include, but are not necessarily limited to, a description of work, a schedule of work and a monitoring plan, and they will be in accordance with currently approved

Wilmington District and/or Corps-wide mitigation guidelines. The applicant may propose other forms of mitigation, such as mitigation bank credits or in-lieu fee mitigation with the notification, which in some situations and at the discretion of the Wilmington District, may be considered acceptable mitigation.

k. Activities in any North Carolina designated "Mountain Trout Waters" must comply with all pH, temperature and turbidity criteria established for such waters by the North Carolina Wildlife Resources Commission (NCWRC) and/or the North Carolina Division of Water Quality (NCDWQ). Work that may result in the sedimentation of trout waters will generally be prohibited from October 15 to April 15, of any year, to avoid impacts on trout spawning.

l. Before discharging dredged or fill material into waters of the United States, including wetlands, in the twenty-five (25) mountain counties of North Carolina that contain trout waters, the applicant will obtain and provide a letter of comments and recommendations from the NCWRC on the proposed activities. A discussion of alternatives to working in the mountain trout waters and why alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the mountain trout waters shall also be submitted with the letter from NCWRC. 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 applicant should contact NCWRC in the following NC Trout Counties at:

Mr. Ron Linville Western Piedmont Region Coordinator 3855 Idlewild Road Kernersville, NC 27284-9180 Telephone: (336) 769-9453	Counties		
	Alleghany	Caldwell	Watauga
	Ashe	Mitchell	Wilkes
	Avery	Stokes	
	Burke	Surry	

Mr. Dave McHenry Mountain Region Coordinator 20830 Great Smoky Mtn. Expressway Waynesville, NC 28786 Telephone: (828) 452-2546 Fax: (828) 452-7772	Counties		
	Buncombe	Henderson	Polk
	Cherokee	Jackson	Rutherford
	Clay	Macon	Swain
	Graham	Madison	Transylvania
	Haywood	McDowell	Yancey

m. This permit does not authorize the use of culverts in areas designated as anadromous fish spawning areas by the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC).

n. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the 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. Discharges into waters of the United States designated by NCDMF as primary nursery areas and discharges into waters of the United States designated by NCWRC as inland nursery areas shall be coordinated with NCDMF and NCWRC prior to being authorized by this RGP. Coordination with NCDMF and NCWRC may result in a required construction moratorium during periods of significant biological productivity or critical life stages.

The Applicant should contact:

NC Division of Marine Fisheries
 3441 Arendell Street
 Morehead City, NC 28557
 Telephone 252-726-7021
 or 800-682-2632

North Carolina Wildlife Resources Commission
 Habitat Conservation Program Manager
 1721 Mail Service Center
 Raleigh, NC 27699-1721
 Telephone (919) 733-7638

o. No activity may result in substantial permanent disruption of the movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. 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 in connection with the construction activity. The width, height, and gradient of a proposed opening should be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gage data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

p. This permit generally allows the permanent installation of culverts to 100 feet in length. For culverts longer than 100 feet, the proposed application will be closely evaluated to determine if unacceptable impacts on movement of aquatic organisms would result. In such cases, approval may not be provided.

q. If the project is located within the twenty (20) counties of North Carolina designated as coastal counties by the Coastal Area Management Act (CAMA), then all pipe and culvert inverts will be buried at least one foot below normal bed elevation when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by CAMA, and/or all streams appearing as blue lines on United States Geological Survey (USGS) quad sheets. If the project is not located within the twenty (20) counties of North Carolina designated as coastal counties by CAMA, then culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. Culverts 48 inches in diameter or less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain the existing channel slope. The potential for destabilization of the channel and head cutting upstream should

be considered in the placement of the culvert. A waiver from the depth specifications in this condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this condition would result in more adverse impacts to the aquatic environment. Culverts placed in wetlands do not have to be buried.

r. All activities authorized by this RGP shall, to the extent practicable, be conducted "in the dry", with barriers installed between work areas and aquatic habitat to protect that habitat from cement or other pollutants. Where concrete is utilized, 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. Water in the work area will be pumped to holding and settling ponds as practicable, and water will not be allowed to re-enter the water column until decanted.

s. If the project authorized by this RGP is proposed by a Federal or State agency, and is located within the twenty (20) counties of North Carolina designated as coastal counties by the CAMA, then prior to project initiation the proponent must obtain a consistency concurrence that the proposed project would be consistent with the state's coastal management program from the N.C. Division of Coastal Management (DCM). A copy of the state's consistency approval must be provided to the appropriate Wilmington District Regulatory Office at the following address:

Wilmington Regulatory Field Office
P.O. Box 1890
Wilmington, NC 28402

Washington Regulatory Field Office
P.O. Box 1000
Washington, NC 27889

The state's consistency approval will be conveyed in the form of a CAMA permit if the project is located within a designated CAMA Area of Environmental Concern (AEC), and will be conveyed in the form of a Consistency concurrence letter from DCM if the project is not located within a designated CAMA AEC.

t. No work shall be authorized by the RGP within the twenty coastal counties, as defined by the North Carolina Division of Coastal Management, without prior consultation with NOAA Fisheries. For each activity reviewed by the Corps of Engineers where it is determined that the activity may affect Essential Fish Habitat (EFH) for Federally managed species, an EFH Assessment shall be prepared by the applicant and forwarded to the Corps of Engineers and NOAA Fisheries for review and comment prior to authorization of work.

u. All work will comply with Water Quality Certification No. 3404, issued by the NCDWQ on 30 September 2008.

v. 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 and the structure or discharge of dredged or fill material must withstand expected high flows

2. General Conditions.

a. All activities authorized by this RGP that involve the discharge of dredged or fill material in waters of the United States will be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pre-treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344) and applicable State and local law. If the proposed activity involves the discharge of dredged or fill material in waters of the United States, prior to the commencement of any work, the applicant will satisfy the NCDWQ regarding the need for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

b. All activities authorized by this RGP that involve 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.

c. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

d. All activities authorized by this RGP that involve the use of riprap material for bank stabilization, the following measures shall be applied:

(1) Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

(2) The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

(3) The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities that would not have an adverse environmental effect.

(4) It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

(5) The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

(6) A waiver from the specifications in this general 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 greater adverse impacts to the aquatic environment.

- e. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of activities authorized by this RGP.
- f. The activity must comply with applicable FEMA approved state or local floodplain management requirements.
- g. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
- h. A permittee, upon receipt of written notice from the Wilmington District Engineer of failure to comply with the terms or conditions of this RGP, will, within 60 days, without expense to the U.S. Government, and in such manner as the Wilmington District Engineer may direct, affect compliance with the terms and conditions or return the worksite to a pre-work condition.
- i. The permittee must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.
- j. The permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the water body is 50 NTU's or less in all rivers not designated as trout waters by the North Carolina Division of Environmental Management (NCDEM), 25 NTU's or less in all saltwater classes and in all lakes and reservoirs, and 10 NTU's or less in trout waters, are not considered significant.
- k. The permittee will permit the Wilmington District Engineer or his representative to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.
- l. This RGP does not convey any rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein. These may include, but are not necessarily limited to, a Dredge and/or Fill Permit (N.C.G.S. 113-229), a CAMA Permit (N.C.G.S. 113A-118), an Easement to Fill (N.C.G.S. 146-12) and a Water Quality Certification pursuant to Section 401 of the Clean Water Act.
- m. Authorization provided by this RGP may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this RGP shall be five years. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the U.S. Government.

n. This RGP does not authorize the interference with any existing or proposed Federal project and the permittee will not be entitled to compensation for damages or injury to the structures or work authorized herein which may be caused by or results from existing or future operations undertaken by the United States in the public interest.

o. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

p. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines, after any necessary investigations, that the proposed activity would adversely affect areas that possess historic, cultural, scenic, conservation or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by State and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 as amended, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of Interior or Commerce and concerned in accordance with the Endangered Species Act (16 U.S.C. 1531).

(5) NOAA designated marine sanctuaries, National Estuarine Research Reserves, and coral reefs.


q. Permittees are advised that activities in or near a floodway may be subject to the National Flood Insurance Program, which prohibits any activities, including fill within a floodway that results in any increase in base flood elevations.

r. At his discretion, the Wilmington District Engineer may determine that this RGP will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

s. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

t. The discharge of dredged or fill material shall consist of suitable material free from toxic pollutants in toxic amounts.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Jefferson M. Ryscavage.
Colonel, Corps of Engineers
District Commander

Additional Special Conditions

Action I.D. # SAW-2005-11639 - NCDOT, Bridge Replacement No. 6 on NC Highway 94, Tyrrell County, NC, TIP # B-4647

- a) 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.
- b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fills, 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.
- c) 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.
- d) To avoid adverse impacts to spawning populations of fish species at this project site, no in-water work will be conducted between February 15 and June 30. For the purpose of this moratorium, in water is defined as those waters within the Northwest Fork of the Alligator River and its adjacent wetlands that during periods of inundation have an active connection to the NW Fork of the Alligator River.
- e) The permittee will follow NCDOT adopted anadromous fish stream crossing guidelines.
- f) Temporary BMP's will be utilized to minimize erosion and sedimentation from ground disturbing activities. Remove all temporary structures (cofferdams, erosion control devices, turbidity curtains) upon completion of the project.
- g) All work authorized by this permit must be performed in strict compliance with the plans which were submitted with the permit application and are considered part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

- h) Compensatory mitigation for impacts to 0.49 acres of wetlands associated with the proposed project shall be provided in accordance with Special Conditions i and j contained on pages 3 and 4 and in association with the document titled "Wetland Restoration Plan, Bridge No. 6 over the Northwest Fork Alligator River on NC 94, Tyrrell County," dated April 5, 2011.
- i) 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.
- j) All measures will be taken to avoid any temporary fill from entering into Northwest Fork Alligator River 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.
- k) 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.
- l) 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 (b) 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 condition b. 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.
- m) Failure to institute and carry out the details of special conditions a. - 1., above,

may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP No. B-4647, or such other remedy as the District Engineer or his authorized representatives may seek.



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Division of Highways

JUL 07 2011

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

Preconstruction
Project Development and
Environmental Analysis Branch
Dee Freeman
Secretary *DF*

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

July 1, 2011
Tyrrell County
DWQ Project No. 20110427
Bridge 6 over NW Fork of Alligator R.
TIP B-4647

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Dr. Gregory Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis Branch
N. C. 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 for the purpose of replacing Bridge Number 6 over the Northwest Fork of the Alligator River on NC 94 in Tyrrell County:

Wetland Impacts in the Pasquotank Basin

Site Number	Wetlands Fill (ac)	Wetlands Hand Clearing (ac)
Tyrrell 6	0.49	0.63
Net Total Impacts	1.12	

The project shall be constructed in accordance with your application dated received May 6, 2011. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3820 . This certification corresponds to the General Permit 198200031 issued by the Corps of Engineers. 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.

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. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

North Carolina Division of Water Quality
943 Washington Square Mall
Washington, NC 27889

Internet: www.ncwaterquality.org
Phone: 252-946-6481
FAX: 252-946-9215



2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
- * 3. The Permittee shall ensure that the final design drawings adhere to the certification and to the drawings submitted for approval.
4. The permittee shall use /Design Standards in Sensitive Watersheds/[15A NCAC 4B.0124(a)-(e)] in areas draining to ORW waters. However, due to the size of the project, NC DOT shall not be required to meet 15A NCAC 4B .0124(a) regarding the maximum amount of uncovered acres. Temporary cover (wheat, millet, or similar annual grain) or permanent herbaceous cover shall be planted on all bare soil within 15 business days of ground disturbing activities to provide erosion control.
5. NCDOT shall design, construct, and operate and maintain hazardous spill catch basins (HSCBs) at stream crossings within the ORW watershed. The HSCBs shall be located at STA.-L- 24+50 RT and STA.-L- 29+50 RT.
6. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission and NC Division of Marine Fisheries. No in-water work is permitted between February 15 and June 15 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, the permittee shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
7. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
8. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
9. 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.
10. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
11. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
12. 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.
13. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
14. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
15. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.

16. The outside buffer, wetland or water boundary located within the construction corridor approved by this certification shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
17. Native riparian vegetation (ex. list trees and shrubs native to your geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
18. Tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian areas. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with an appropriate native seed mix on disturbed soils within the riparian area and on disturbed steep slopes with the following exception. Erosion control matting is not necessary if the area is contained by perimeter erosion control devices such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Erosion control matting placed in riparian areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydroseeding along with wood or cellulose based hydro mulch applied from a fertilizer- and limestone-free tank is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters is prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank.
19. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this certification without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
20. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
21. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.
22. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
23. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from NCDWQ.

24. All pile driving or drilling activities shall be enclosed in turbidity curtains unless otherwise approved by NCDWQ in this certification.
25. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
26. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
27. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- * 28. Upon completion of the project (including any impacts at associated borrow or waste site), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.
29. A copy of this Water Quality Certification shall be maintained on site at the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

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, 6714 Mail Service Center, Raleigh, N.C. 27699. 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 Garcy Ward at (252) 948-3922.

Sincerely,



for . . . Coleen Sullins

Attachments (General Certification and Certificate of Completion form)

cc: Clay Willis, DOT Division 1 Environmental Officer
Bill Biddlecome, US Army Corps of Engineers, Washington Field Office
Stephen Lane, DCM, Morehead City
Garcy Ward, NC DWQ, Washington Regional Office
File Copy

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Water Quality Certification N^o. 3820

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 14 (LINEAR TRANSPORTATION PROJECTS) AND REGIONAL GENERAL PERMIT 198200031 (WORK ASSOCIATED WITH BRIDGE CONSTRUCTION, MAINTENANCE OR REPAIR CONDUCTED BY NCDOT OR OTHER GOVERNMENT AGENCIES) AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES)

Water Quality Certification Number 3820 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and adjacent wetland areas or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (as described in 33 CFR 330 Appendix A (B) (14) of the Corps of Engineers regulations (Nationwide Permit No. 14 and Regional General Permit 198200031) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200.

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.

Any proposed fill or modification of wetlands and/or waters, including streams, under this General Certification requires application to, and written approval from the Division of Water Quality (the "Division") except for the single family lot exemption described below.

Application and written approval is *not* required for construction of a driveway to a single family lot as long as the driveway involves *less than 25 feet* of temporary and/or permanent stream channel impacts, including any in-stream stabilization needed for the crossing. This activity must meet all of the Conditions of Certification listed below. **If any of these Conditions cannot be met, or if the activity is associated with or in response to a Notice of Violation from the Division of Water Quality or the NC Division of Land Resources, then written approval from the Division is required.**

- * In accordance with North Carolina General Statute Section 143-215.3D(e), written approval for a 401 Water Quality General 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.

Conditions of Certification:

1. No Impacts Beyond those Authorized in the Written Approval or Beyond the Threshold for Use of this Certification

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts authorized in the written approval or beyond the thresholds for use of this Certification, including incidental impacts. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

2. Standard Erosion and Sediment Control Practices

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices:

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- a. Design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- b. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
- c. Reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
- d. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times, except for publicly funded linear transportation projects when materials can be accessed offsite in a timely manner.
- e. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNA's), Trout (Tr), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource (ORW) waters, then the sediment and erosion control requirements contained within *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) supercede all other sediment and erosion control requirements.

3. No Sediment and Erosion Control Measures in Wetlands or Waters

Sediment and erosion control measures should not be placed in wetlands or waters outside of the permitted impact areas without prior approval by the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

4. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by the Division is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/su/Forms_Documents.htm.

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit.

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5. Work in the Dry

All work in or adjacent to stream waters shall be conducted in a dry work area. Approved best management practices from the most current version of the NC Sediment and Erosion Control Manual, or the NC DOT Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require submittal to, and approval by, the Division of Water Quality.

6. Construction Moratoriums and Coordination

If activities must occur during periods of high biological activity (i.e. sea turtle or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. This condition can be waived through written concurrence on a case-by-case basis upon reasonable justification.

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) to lessen impacts on trout, anadromous fish, larval/post-larval fishes and crustaceans, or other aquatic species of concern shall be implemented. This condition can be waived through written concurrence on a case-by-case basis upon reasonable justification.

Work within the twenty-five (25) designated trout counties or identified state or federal endangered or threatened species habitat shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

7. Riparian Area Protection (Buffer) Rules

Activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not), within the Neuse, Tar-Pamlico, Catawba, Randleman, and Jordan (or any other basin with buffer rules), shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0233, .0259, .0250, .0243, and .0267, and 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. All buffer rule requirements, including diffuse flow requirements, must be met.

8. Water Supply Watershed Buffers

The 100-foot wide vegetative buffer (high-density development) or the 30-foot wide vegetative buffer (low density development) shall be maintained adjacent to all perennial waters except for allowances as provided in the Water Supply Watershed Protection Rules [15A NCAC 2B .0212 through .0215].

9. If concrete is used during the construction, then a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life/fish kills.

10. Compensatory Mitigation

In accordance with 15A NCAC 2H .0506 (h), compensatory mitigation may be required for losses of 150 linear feet or more of streams (intermittent and perennial) and/or one (1) acre or more of wetlands. For linear, public transportation projects, impacts equal to or exceeding 150 linear feet per stream may require mitigation.

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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 Buffer Rules or require a variance under the Buffer Rules.

A determination of buffer, wetland and stream mitigation requirements shall be made by the Division for any application to use this Certification. Design and monitoring protocols shall follow the US Army Corps of Engineers Wilmington District *Stream Mitigation Guidelines* (April 2003), or its subsequent updates. Compensatory mitigation plans shall be submitted for written Division approval as required in those protocols. Alternatively, the Division will accept payment into an in-lieu fee program or credit purchase from a mitigation bank.

Finally, 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 public whenever practical or at the earliest reasonable time during the construction of the project. Proof of payment to an in-lieu fee program or mitigation bank must be provided to the Division to satisfy this requirement.

- * 11. For all activities requiring re-alignment of streams, a stream relocation plan must be included for written Division approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel (or a stable reference reach if the existing channel is unstable), to the maximum extent practical. The new channel should be constructed in the dry and water shall not be turned into the new channel until the banks are stabilized. Vegetation used for permanent bank stabilization shall be limited to native woody species, and should include establishment of a 30-foot wide wooded and an adjacent 20-foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating appropriate erosion control matting materials and seedling establishment is allowable. Rip-rap, A-Jacks, concrete, gabions or other hard structures may be allowed if it is necessary to maintain the physical integrity of the stream, however, the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage. Please note that if the stream relocation is conducted as a stream restoration as defined in the US Army Corps of Engineers Wilmington District, April 2003 *Stream Mitigation Guidelines*, the restored length can be used as compensatory mitigation for the impacts resulting from the relocation.

12. Stormwater Management Plan Requirements

- A. Linear public transportation projects will be required to treat stormwater runoff to the Maximum Extent Practicable in accordance with the practices described in the NCDOT Best Management Practices (BMP) Manual.
- B. All other projects shall comply with the requirements set forth below. In addition, the applicants shall follow the procedures explained in the version of *Protocol for Stormwater Management Plan (SMP) Approval and Implementation* that is in place on the date of the submittal of the SMP.
 - i. **Project Density:** Projects with SMPs that require 401 Oversight/ Express Unit approval shall be classified as either Low or High Density according to the criteria described below.
 - a. **Low Density:** A development shall be considered Low Density if ALL of the following criteria are shown to have been met.
 - 1. The overall site plan, excluding ponds, lakes, rivers (as specified in North Carolina's Schedule of Classifications) and saltwater wetlands

Water Quality Certification N°. 3820

(SWL), must contain less than 24% impervious surface area considering both current and future development.

2. All stormwater from the entire site must be transported primarily via vegetated conveyances designed in accordance with the most recent version of the NC DWQ Stormwater BMP Manual.
3. The project must not include a stormwater collection system (such as piped conveyances) as defined in 15A NCAC 2B .0202(60).
4. If a portion of project has a density equal to or greater than 24%, then the higher density area must be located in an upland area and away from surface waters and drainageways to the maximum extent practicable.

b. **High Density:** Projects that do not meet all of the Low Density criteria described above are considered to be High Density, requiring the installation of appropriate BMPs as described below.

1. All stormwater runoff from the site must be treated by BMPs that are designed, at a *minimum*, to remove 85 percent of Total Suspended Solids (TSS).
2. Projects located in watersheds that drain directly to waters containing the following supplemental classifications shall meet these additional requirements:

<i>Water Quality Supplemental Classification</i>	<i>Stormwater BMP Requirement</i>
§303(d)	Project-specific conditions may be added by the Division to target the cause of the water quality impairment.
NSW	A minimum of 30 percent total phosphorus and 30 percent total nitrogen removal, or other applicable nutrient reduction goal for the watershed as codified in the 15A NCAC 2B .0200 rules.
Trout (Tr)	A minimum of 30 percent total phosphorus and 30 percent total nitrogen removal; BMPs should also be designed to minimize thermal pollution.

3. All BMPs must be designed in accordance with the version of the *NC Division of Water Quality Stormwater Best Management Practices Manual* that is in place on the date of the submittal of the SMP. Use of stormwater BMPs other than those listed in the *Manual* may be approved on a case-by-case basis if the applicant can demonstrate that these BMPs provide equivalent or higher pollutant removal and water quality protection.

ii. **Vegetated Setback:** In areas that are not subject to a state Riparian Area Protection Rule, a 30-foot wide vegetated setback must be maintained adjacent to streams, rivers and tidal waters as specified below.

- a. The width of the setback shall be measured horizontally from:

Water Quality Certification N°. 3820

1. The normal pool elevation of impounded structures,
 2. The streambank of streams and rivers, and
 3. The mean high waterline of tidal waters, perpendicular to shoreline.
- b. The vegetated setback may be cleared or graded, but must be planted with and maintained in grass or other appropriate plant cover.
 - c. The DWQ may, on a case-by-case basis, grant a minor variance from the vegetated setback requirements pursuant to the procedures set forth in 15A NCAC 02B .0233(9)(b).
 - d. Vegetated setbacks and filters required by state rules or local governments may be met concurrently with this requirement and may contain coastal, isolated or 404 jurisdictional wetlands.
- iii. **Stormwater Flowing to Streams and Wetlands:** Stormwater conveyances that discharge to streams and wetlands must discharge at a non-erosive velocity prior to entering the stream or wetland during the peak flow from the ten-year storm.
 - iv. **Projects Below Written Authorization Thresholds:** Projects that are below written authorization thresholds must comply with the version of *Protocol for Stormwater Management Plan (SMP) Review and Approval* that is in place on the date of the certification for the project.
 - v. **Phased Projects:** The DWQ will allow SMPs to be phased on a case-by-case basis, with a final SMP required for the current phase and a conceptual SMP for the future phase(s). If the current phase meets the Low Density criteria, but future phase(s) do not meet the Low Density criteria, then the entire project shall be considered to be High Density.
13. If this Water Quality Certification is used to access building sites, all lots owned by the applicant must be buildable without additional fill. For road construction purposes, this General Water Quality Certification shall only be utilized from natural high ground to natural high ground.

14. Placement of Culverts and Other Structures in Waters and Wetlands

The application must include construction plans with cross-sectional details in order to indicate that the current stability of the stream will be maintained or enhanced (i.e., not result in head cuts).

Culverts required for this project shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. Existing stream dimensions (including the cross section dimensions, pattern, and longitudinal profile) must be maintained above and below locations of each culvert. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life unless otherwise justified and approved by the Division

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Water Quality Certification N°. 3820

Installation of culverts in wetlands must ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

Any rip rap required for normal pipe burial and stabilization shall be buried such that the original stream elevation is restored and maintained.

The establishment of native, woody vegetation and other soft stream bank stabilization techniques must be used where practicable instead of rip-rap or other bank hardening methods.

15. Additional site-specific conditions may be added to the written approval in order to ensure compliance with all applicable water quality and effluent standards.
- * 16. If an environmental document is required under the National or State Environmental Policy Act (NEPA or SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse.
17. Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time of recording of the property, or of individual lots, whichever is appropriate. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>
The text of the sample deed notification may be modified as appropriate to suit to a specific project.
- * 18. Certificate of Completion

When written authorization is required for use of this certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return the certificate of completion attached to the approval. One copy of the certificate shall be sent to the DWQ Central Office in Raleigh at 1650 Mail Service Center, Raleigh, NC, 27699-1650.
19. This General Certification shall expire three (3) years from the date of issuance of the written approval from the Division or on the same day as the expiration date of the corresponding Nationwide Permit 14 or Regional General Permit 198200031. In accordance with General Statute 136-44.7B, certifications issued to the NCDOT shall expire only upon expiration of the federal 404 Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. If the construction process for approved activities will overlap the expiration and renewal date of the corresponding 404 Permit and the Corps allows for continued use of the 404 Permit, then the General Certification shall also remain in effect without requiring re-application and re-approval to use this Certification for the specific impacts already approved.
20. The applicant/permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If the Division determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is

Water Quality Certification N°. 3820

being violated, or that further conditions are necessary to assure compliance, then the Division may reevaluate and modify this General Water Quality Certification.

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

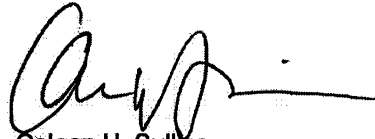
The Director of the North Carolina Division of Water Quality may require submission of a formal application for Individual Certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality including state or federally listed endangered or threatened aquatic species 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: April 6, 2010

DIVISION OF WATER QUALITY

By



Coleen H. Sullins

Director

History Note: Water Quality Certification (WQC) Number 3820 issued April 6, 2010 replaces WQC Number 3704 issued November 1, 2007, WQC Number 3627 issued March 2007, WQC Number 3404 issued March 2003, WQC Number 3375 issued March 18, 2002, WQC Number 3289 issued June 1, 2000, WQC Number 3103 issued on February 11, 1997, WQC Number 2732 issued May 1, 1992, WQC Number 2666 issued January 21, 1992, and WQC Number 2177 issued November 5, 1987. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 14 or Regional General Permit 198200031 or when deemed appropriate by the Director of the Division of Water Quality.



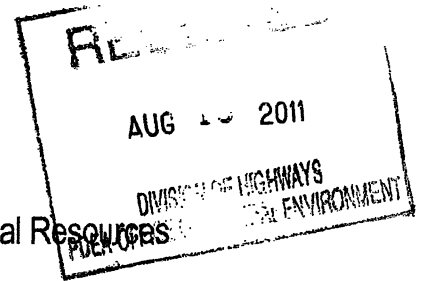
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North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary



August 10, 2011

N.C. Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699-1598

Dear Sir or Madam:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit or any of the conditions, you may request a hearing pursuant to NCGS 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NCGS Chapter 150B with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27611-6714, (919) 733-2698 within twenty (20) days of this decision on your permit. You should also be aware that if another qualified party submits a valid objection to the issuance of this permit within twenty (20) days, the matter must be resolved prior to work initiation. The Coastal Resources Commission makes the final decision on any appeal.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance requires additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Sincerely,

Douglas V. Huggett
Major Permits and Consistency Manager

Enclosure



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

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 18, 2011

N.C. Department of Transportation
Project Development and Environmental Analysis
1598 Mail Service Center
Raleigh, NC 27699-1598

RE: Letter of Refinement, CAMA Major Development Permit No. 98-11, Replacement of Bridge No. 6 on NC 94 over Northwest Fork Alligator River, Tyrrell County, TIP No. B-4647.

Dear Sir/Madam:

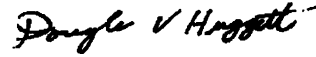
This letter is in response to the N.C. Department of Transportation's (NCDOT's) e-mail correspondence dated November 16, 2011 requesting a refinement of CAMA Major Permit No. 98-11. NCDOT is requesting that the in-water work moratorium to protect anadromous fisheries resources end on June 15th instead of ending on June 30th.

Please be advised that through this **Letter of Refinement**, the Division of Coastal Management (DCM) conveys its determination that the above referenced request is consistent with existing State rules and regulations and is in keeping with the original purpose and intent of CAMA Major Permit No. 98-11 with the following conditions:

1. This Letter of Refinement shall be attached to the original of Permit No. 98-11, which was issued on August 8, 2011, and both documents shall be readily available on site when a Division representative inspects the project for compliance.
2. All conditions and stipulations of the active permit remain in force under this Letter of Refinement unless altered herein.
3. This Letter of Refinement does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

Please contact Stephen Lane or Cathy Brittingham if you have any questions or concerns. Stephen can be reached at (252) 808-2808 x208 or via e-mail at Stephen.Lane@ncdenr.gov. Cathy can be reached at (919) 733-2293 x238 or via e-mail at Cathy.brittingham@ncdenr.gov.

Sincerely,



Doug Huggett
Major Permits and Consistency Coordinator

Cc: Bill Biddlecome, USACE
Garcy Ward, DWQ
Cathy Brittingham, DCM
Stephen Lane, DCM

Permit Class
NEW

Permit Number
98-11

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, 1598 Mail Service Center, Raleigh, NC 27699-1598

Authorizing development in Tyrrell County at Northwest Fork of the Alligator River on NC 94, as requested in the permittee's application dated 4/28/11, including the attached workplan drawings (16) as described in Condition No. 1 below.

This permit, issued on 8/8/11, 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-4647, Bridge Replacement

- 1) All work authorized by this permit shall be carried out in accordance with the following attached workplan drawings, except as modified herein: 1 dated 10/5/09, 1 dated 10/6/09, 2 dated 1/31/11, 2 dated 3/8/11, 6 dated 3/10/11, 2 dated 3/30/11, and 2 dated 4/19/11.
- 2) In accordance with commitments made within the Categorical Exclusion document dated 8/26/08, and in order to protect anadromous fisheries resources, no in-water work shall be conducted between February 15 to June 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the N.C. Wildlife Resources Commission (WRC).

(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

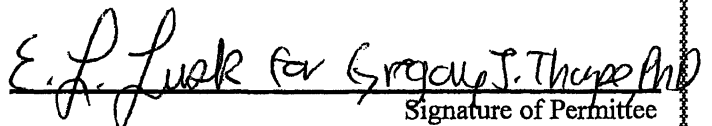
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

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



James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.


Signature of Permittee

ADDITIONAL CONDITIONS

- 3) In accordance with commitments made within the Categorical Exclusion document dated 8/26/08, the permittee shall implement the N.C. Department of Transportation's (NCDOT's) Stream Crossing Guidelines for Anadromous Fish Passage, except as modified in Condition No. 2 of this permit.
- 4) Material excavated may be used in fill areas associated with the project or shall be removed from the site and taken to a high ground location.
- 5) 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.
- 6) The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 7) No excavation or filling shall take place at any time in any vegetated wetlands or surrounding waters outside of the alignment of the areas indicated on the attached workplan drawings, without permit modification.
- 8) All fill material shall be clean and free of any pollutants except in trace quantities.
- 9) Live concrete shall not be allowed to contact the water in or entering into the Northwest Fork of the Alligator River, or the adjacent wetlands.
- 10) All fill material shall be obtained from an upland source, except for any that may be used at the on-site wetland restoration area.
- 11) Construction staging areas shall be located only in upland areas, and not in wetlands or Waters of the State. Construction staging areas shall also not prevent public usage of the pier and boat access area adjacent to the northeast end of the project.
- 12) The bridge shall be constructed using top down construction methodologies with an on-site detour by using phased construction. Any other construction method may require additional authorization from DCM.
- 13) Wetlands shall not be crossed in transporting equipment to the project site, without prior approval from DCM.
- 14) Unless specifically altered herein, NCDOT's document "Best Management Practices for Construction and Maintenance Activities" (August 2003) shall be followed.
- 15) Pilings from the existing bridge, as well as any remnant pilings from previous bridges, shall be removed in their entirety, except that in the event that a piling breaks during removal and cannot be removed in its entirety, the piling may be cut off flush with the bed of the water body, and DCM shall be notified of each occurrence within one working day.

ADDITIONAL CONDITIONS

- 16) The installation of the bridge piles shall be accomplished by pile driving and/or the use of a vibratory hammer. Should the permittee and/or its contractor propose to utilize another type of pile installation, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.
- 17) All materials and debris associated with the removal and/or construction of the existing and/or new bridge, existing and/or new causeway, other existing structures within the Right-of-Way as authorized by the permit and associated materials, shall not enter wetlands or Waters of the State, even temporarily. Any such material 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.

NOTE: The bridge demolition debris may be suitable for use as artificial reef material. The permittee is encouraged to contact the Artificial Reef Coordinator, and the N.C. Division of Marine Fisheries Morehead City Office at (252) 726-7021 to coordinate review of the suitability of the material and arrangements for such use.

- 18) In accordance with the permittee's Stormwater Management Plan dated 12/21/10, there shall be no bridge deck drains over the Northwest Fork Alligator River.
- 19) The placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities. The riprap material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl or broken concrete.
- 20) Fill slopes in wetlands shall be 3:1 or steeper.

Utility Impacts

- 21) Any utility work associated with this project that is not specifically depicted on the attached workplan drawings, or described within the attached permit application, shall require approval from DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.
- 22) Water and telephone lines shall be installed using open trench and directional bore drilling methods. Entry and exit points of the directional bore drilling, including disposal of material from the drilling activity, shall be outside of all wetlands and Waters of the State.
- 23) Authorized fill includes only that necessary to backfill or bed the utility line. Any excess material shall be removed to an upland disposal area. Finished grades of wetland crossings shall be returned to pre-project contours and elevations.

NOTE: Plans and specifications for the relocation and/or replacement of water mains must be submitted to the N.C. Division of Environmental Health Public Water Supply Plan Review Section for approval prior to construction. Final approval must be issued before water lines are placed into service.

ADDITIONAL CONDITIONS

NOTE: The permittee is advised to contact the Tyrrell County Water Department to determine precise locations and coordinate that construction does not affect utility piping or services to customers.

Impacts to Wetlands and Waters of the State and Compensatory Mitigation

NOTE: This project will permanently impact approximately 0.49 acres of 404 wetlands due to fill. This project will temporarily impact approximately 0.12 acres of Coastal Wetlands due to hand clearing and approximately 0.51 acres of 404 wetlands (approximately 0.49 acres due to hand clearing and approximately 0.02 acres due to mechanized clearing). There will also be approximately 0.02 acres of excavation in 404 wetlands for utility work within 404 wetland areas that are also permitted for hand clearing.

- 24) There shall be no clearing of wetlands outside of the areas indicated on the attached workplan drawings without prior approval from DCM.
- 25) Wetland areas to be temporarily impacted by hand clearing shall not be grubbed.
- 26) Except as specified by conditions of this permit, on-site mitigation shall be carried out as described in the document titled "Wetland Restoration Plan, Bridge No. 6 over the Northwest Fork Alligator River on NC 94, Tyrrell County" dated 4/5/11.

NOTE: The removal of existing causeway fill material should result in the restoration of approximately 0.52 acres of riverine swamp forest. Because this project will impact approximately 0.49 acres of riverine swamp forest, there may be a net gain of up to 0.03 acres of riverine restoration credits.

NOTE: This permit does not convey or imply approval of the suitability of the 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. This includes consistency with any relevant Coastal Area Management Act (CAMA) Land Use Plans, such as the following policy in the 2008 Tyrrell County CAMA Land Use Plan, that was certified by the N.C. Coastal Resources Commission (CRC) on 3/25/10: "Tyrrell County opposes the location of US Army Corps of Engineers 404 wetland mitigation sites resulting from development outside of Tyrrell County. This policy is intended to protect the tax base of the County."

- 27) The on-site mitigation shall be constructed prior to or concurrent with construction of this project. Subsequent monitoring shall demonstrate that success criteria in the final approved mitigation plan has been met prior to cessation of monitoring.
- 28) The on-site mitigation shall be protected in perpetuity in its restored state according to the approved final mitigation plan and owned by the permittee or its approved designee. An appropriate conservation easement, deed restriction or other appropriate instrument shall be attached to the title for the subject property. Failure to adequately protect the on-site mitigation may result in further mitigation requirements.

ADDITIONAL CONDITIONS**Sedimentation and Erosion Control**

- 29) Turbidity curtains shall be used at all times to isolate all work areas from the adjacent waters of the Northwest Fork of the Alligator River, including pile installation, pile removal, placement of riprap and fill material and wetland restoration. The turbidity curtains shall be of sufficient length and effectiveness to prevent a visible increase in the amount of suspended sediments in adjacent waters. The turbidity curtains shall encircle the immediate work area, but, shall not impede navigation. The turbidity curtains shall be properly maintained and retained in the water until construction is complete and shall only be removed when turbidity within the curtains reaches ambient levels.
- 30) In accordance with commitments made within the Categorical Exclusion document dated 8/26/08, sedimentation and erosion control measures shall be implemented in accordance with the Design Standards in Sensitive Watersheds.
- 31) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and properties (e.g. silt fence, diversion swales or berms, etc.).
- 32) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation's (NCDOT's) Memorandum of Agreement with the Division of Land Resources.
- 33) The permittee shall follow "Best Management Practices for the Protection of Surface Waters".
- 34) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.

Stormwater Management

- 35) The N.C. Division of Water Quality (DWQ) confirmed in a letter dated 11/4/09 (SW7090917) that the subject project is excluded from State Stormwater permitting requirements as set forth in Section 2(d)(1) of Session Law 2008-211, effective October 1, 2008, and the stormwater rules under Title 15A NCAC 2H .1000, as amended.

General

- 36) 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 following completion of construction activities.
- 37) During bridge construction, the permittee shall make every attempt to maintain the same navigation that is currently possible in the Northwest Fork of the Alligator River, upstream and downstream of the existing bridge.
- 38) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent waters and wetlands.

ADDITIONAL CONDITIONS

- 39) 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 drawings or described in the authorized permit application, a permit modification and/or additional authorization from 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.
- 40) The permittee shall install and maintain at its expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities.
- 41) Development authorized by this permit shall only be conducted on lands owned by the NCDOT and/or its Right-of-Ways and/or easements.
- 42) The permittee and/or its contractor shall contact the DCM Transportation Field Representative in Morehead City at (252) 808-2808 ext. 208 to request a preconstruction conference prior to project initiation.
- 43) The N.C. Division of Water Quality (DWQ) authorized the proposed project on 7/1/11 (DWQ Project No. 20110427) under General Water Quality Certification No. 3820. Any violation of the Certification approved by DWQ shall be considered a violation of this CAMA permit.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project COE Action ID No. SAW-2005-11639.

NOTE: This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

**Wetland Restoration Plan
Bridge No. 6 over the Northwest Fork Alligator River on NC 94
Tyrrell County**

**TIP B-4647
Federal Aid Project No. BRSTP-94(1) and State Project No. 8.1130501
WBS No. 33813.1.1**

April 5, 2011

1.0 BASELINE INFORMATION

The project is located within sub-basin 03-01-51 of the Pasquotank River Basin and is part of the USGS Hydrologic Unit 03010205 of the South Atlantic Gulf region. The project is located on NC 94 in Tyrrell County near Gum Neck and is bordered by the Albermarle Sound to the north and east. It is within the Coastal Plain physiographic province; specifically the Mid-Atlantic Floodplain and Low Terrace Ecoregion. The majority of the land use in the vicinity of the project is undeveloped forest and wetlands. The entire project study area is part of the Pocosin Lakes National Wildlife Refuge.

One jurisdictional stream is located within the project area: Northwest Fork Alligator River. This portion of the river has been assigned Stream Index Number 30-16-8 (NCDWQ 2005a) and is designated a warm water stream (USACE et al. 2003) with a classification of C-Sw-ORW.

The two plant communities found within the project area are Cypress-Gum Swamp (Blackwater Subtype) and disturbed/maintained land. Approximately 83% of the project area (38 acres) is made up of the Cypress-Gum Swamp, 7% (3 acres) is composed of disturbed/maintained land containing both the narrow roadside shoulder of NC 94 and a boating access area, and the remaining 10% is the existing road (NC 94).

The North Carolina Department of Transportation (NCDOT) will perform on-site mitigation for wetland impacts associated with Transportation Improvement Program (TIP) B-4647 through the restoration of 0.52 acres of riverine wetland restoration via the removal of existing pavement and causeway associated with the current bridge and NC 94 alignment.

2.0 SITE SELECTION

TIP B-4647 will involve replacing bridge No. 6 over the Northwest Fork Alligator River as well as performing improvements to the approach roadway of the replacement structure. These improvements will extend approximately 780 feet south from the southwest end of the new structure and approximately 970 feet north from the northeast end of the new structure. Permanent wetland impacts associated with the project are 0.49 acres of riverine wetlands.

The mitigation site includes two areas which both occur within the existing Right-of-Way of NC 94 within the areas of the approach roadway improvements. The first area occurs from approximately Sta. 19+75 RT to Sta. 25+25 RT on the southwest end of the bridge. The second

area occurs from Sta. 30+25 RT to 34+00 RT on the northeast end. Within these areas NCDOT will restore 0.52 acre of riverine swamp forest via existing pavement and causeway removal, site grading and planting.

3.0 SITE PROTECTION INSTRUMENT

The mitigation areas are located with the NCDOT Right-of-Way for the project. They are outside of bridge maintenance areas and free of utilities. They will be managed to prohibit all use inconsistent with its use as mitigation property, including any activity that would materially alter the biological integrity or functional and educational value of the site, consistent with the mitigation plan.

The site will be placed on the NEU mitigation geo-database. It will be monitored for three years with annual reports provided to the agencies. After closeout, the site will be placed in the NCDOT Stewardship Program for long term management and protection.

4.0 OBJECTIVES

The goal of the project is to restore 0.52 acres of riverine swamp forest and mitigate for 0.49 acres of riverine wetland impacts associated with TIP B-4647. The functional restoration of the site will be accomplished through existing pavement and causeway removal and site grading to match the target elevation of the existing adjacent reference wetland system. The remaining 0.03 acres of riverine wetland restoration credit will be placed on the NCDOT debit ledger for future use.

5.0 MITIGATION WORK PLAN

The mitigation areas will be constructed in conjunction with TIP B-4647. Construction activities involve pavement and causeway removal, site grading and site planting. Once the pavement and causeway have been excavated, the areas will be graded to match existing adjacent reference wetland elevation as well as be ripped and disked if necessary.

The Natural Environment Unit shall be contacted to provide construction assistance to ensure that the mitigation areas are constructed appropriately.

Following the successful completion of site grading and stabilization, the restoration areas will be planted with species found in cypress-gum swamp communities including at least three of the following: bald cypress (*Taxodium distichum*), swamp gum (*Nyssa biflora*), atlantic white cedar (*Chamaecyparis thyoides*), and Carolina ash (*Fraxinus caroliniana*) depending on availability. Native grass seeding and mulching will be performed on all disturbed areas within the wetland restoration area for stabilization purposes according to guidance and standard procedures of NCDOT's Roadside Environmental Unit. An as-built report will be submitted within 60 days of completion of the project.

6.0 PERFORMANCE STANDARDS

No specific hydrological monitoring is proposed for the wetland restoration area. The target elevation will be based on the reference wetland and verified during construction. Constructing the site at the adjacent wetland elevation will ensure the hydrology in the restored area is similar to the hydrology in the reference area.

NCDOT shall monitor the restoration site by visual observation and photo points for survival and aerial cover of vegetation. NCDOT shall monitor the site for a minimum of three years or until the site is deemed successful. Monitoring will be initiated upon completion of the site planting.

7.0 MONITORING REQUIREMENTS

Upon successful completion of construction, the following monitoring strategy is proposed for the 0.52 acre restoration within the NCDOT Right-of-Way. NCDOT will perform visual inspection and photo points for three years and document monitoring activities on the site in an annual report distributed to the regulatory agencies.

8.0 OTHER INFORMATION

The Cypress-Gum Swamp plant community associated with B-4647, adjacent to Northwest Fork Alligator River is a Riverine Swamp Forest based on NCWAM field assessment methodology.

9.0 DETERMINATION OF CREDITS

Per the NCDOT plans and 401/404 permit application for B-4647; NCDOT proposes to restore 0.52 acres of riverine wetlands via pavement/causeway removal and subsequent reforestation to mitigate for permanent impacts associated with the TIP at a 1:1 ratio. An as-built report will be submitted within 60 days of completion of the project to verify actual constructed acreage. The success of the mitigation area and determination of total credits will be based upon successful completion and closeout of the monitoring period.

9.1 CREDIT RELEASE SCHEDULE

NCDOT proposes immediate, full release of the proposed 0.52 acres of restored riverine wetlands as on-site mitigation for the associated riverine impacts of 0.49 acres for B-4647 at a 1:1 ratio. The remaining 0.03 acres of riverine restoration will be placed on the NCDOT on-site debit ledger but will not be available for use until the 0.52 acre site is closed out following a three year monitoring period.

10.0 GEOGRAPHIC SERVICE AREA

The proposed Geographic Service Area (GSA) for the mitigation area is composed of the Hydrologic Cataloging Unit (HUC) 03010205. 0.49 acres of the 0.52 acres will be used on-site at a 1:1 ratio to offset wetland impacts associated with B-4647. The remaining 0.03 acres will be available for use within HUC 03010205 once the mitigation site has been closed out and placed in the NCDOT Stewardship Program.

11.0 MAINTENANCE PLAN

The site will be held by NCDOT and placed on the NEU mitigation geodatabase. Once monitoring is completed and the site is closed out, it will be placed in the NCDOT Stewardship Program for long term maintenance and protection.

If an appropriate third party recipient is identified in the future, then the transfer of the property will include a conservation easement or other measure to protect the natural features and mitigation value of the site in perpetuity.

12.0 LONG TERM ADAPTIVE MANAGEMENT PLAN

The site will be managed by the NCDOT according to the mitigation plan. In the event that unforeseen issues arise that affect the management of the site, any remediation will be addressed by NCDOT in coordination with the Interagency Review Team.

13.0 FINANCIAL ASSURANCES

The site will be managed by NCDOT with its own distinct cost center number within the NCDOT budgeting and financial tracking system. Therefore, all accounting for revenues, contract encumbrances, fund transfers, and expenses will be performed and reported independent from other capital budget or operating budget accounting.

PROJECT REFERENCE NO. **B-667**

SHEET NO. **4**

BOUNDARY DESIGN

HYDRAULIC ENGINEER

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

DRMP
DRMP Engineering
1000 N. 10th St., Suite 100
Fargo, ND 58102
701.785.1234

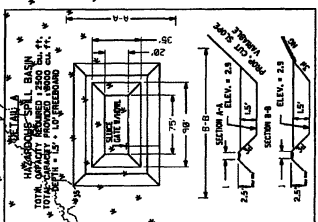
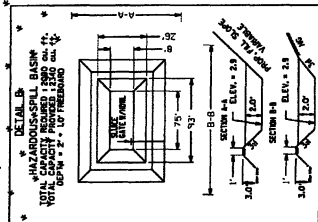
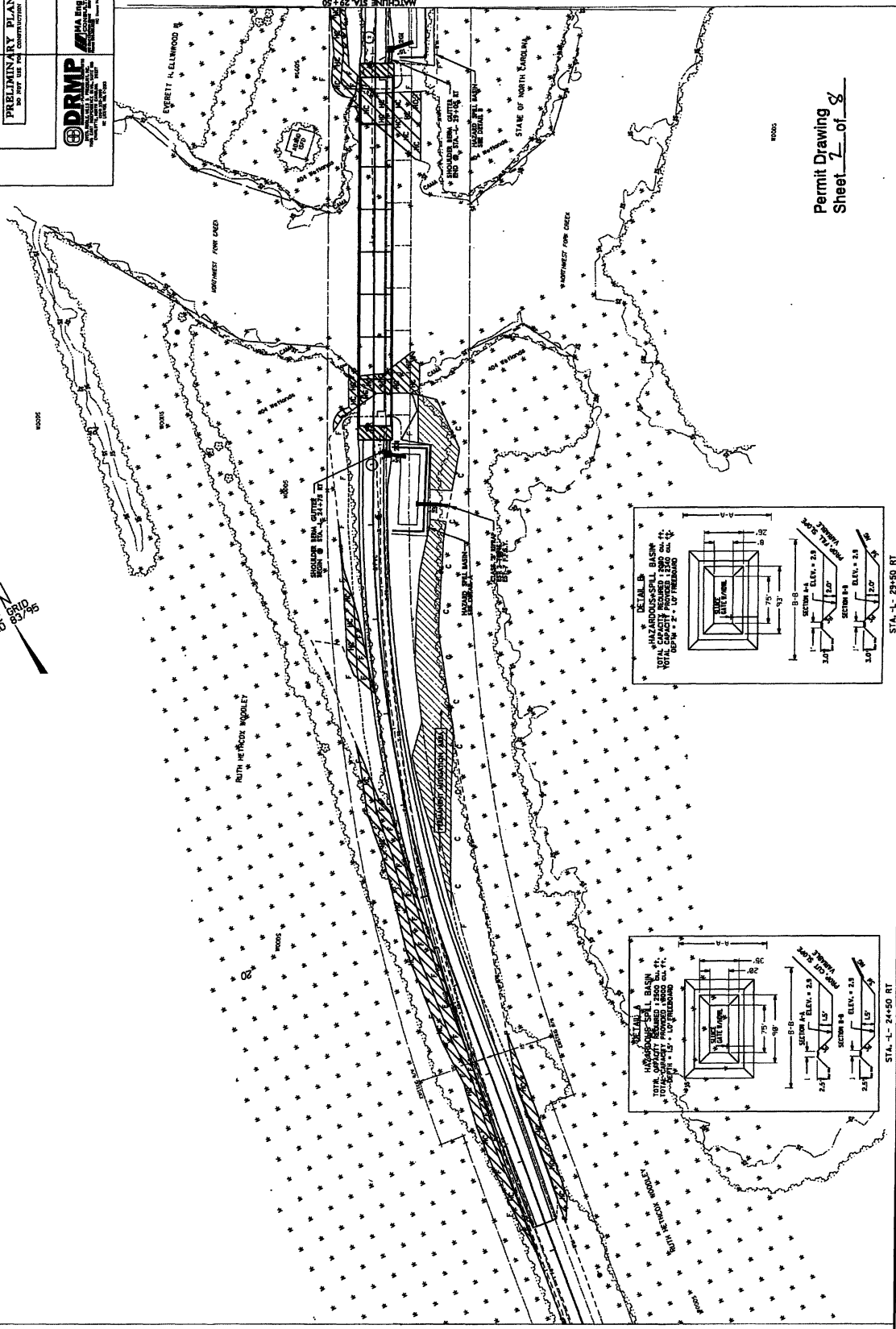
148



PERMANENT MITIGATION AREA

DEVELOP ELEV. IN DEPRESSION

DEPRESSION



Permit Drawing
Sheet 7 of 8

STA. -L- 29+50 RT

STA. -L- 24+50 RT

REVISIONS

8/17/99

8/29/201

PROJECT REFERENCE NO. **B-647** SHEET NO. **1**

DATE: **05/21/95**

BY: **DRMP**

DESIGNED BY: **DRMP**

CHECKED BY: **DRMP**

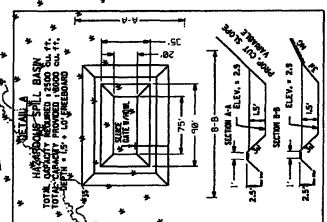
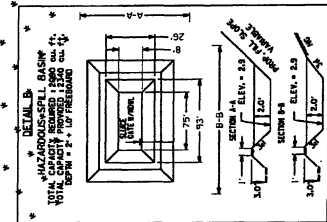
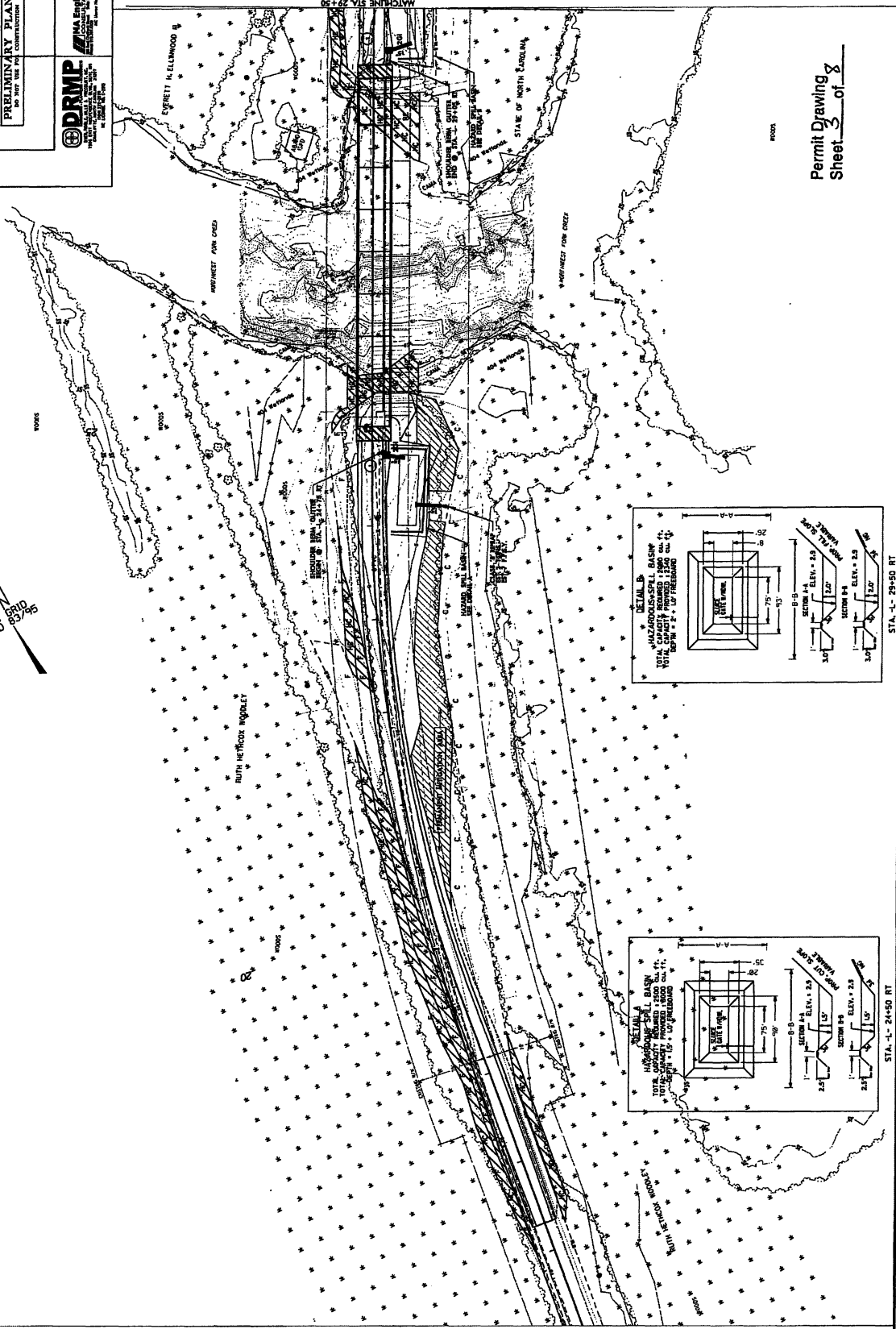
APPROVED BY: **DRMP**

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

DRMP
DRMP Engineering
1000 W. 10th Street, Suite 100
Raleigh, NC 27603
Phone: (919) 876-1100
Fax: (919) 876-1101




REMAINING ACTIVATION AREA
 REMOVED IN
 DEPRESSION



Permit Drawing
Sheet 3 of 8

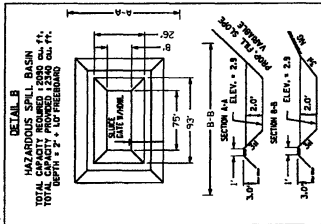
STA. -L- 29+50 RT




STA. -L- 24+50 RT

PROJECT REFERENCE NO. E-467	SHEET NO. 9
DESIGNER ROADWAY DESIGN ENGINEER	HYDRAULIC ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	
	

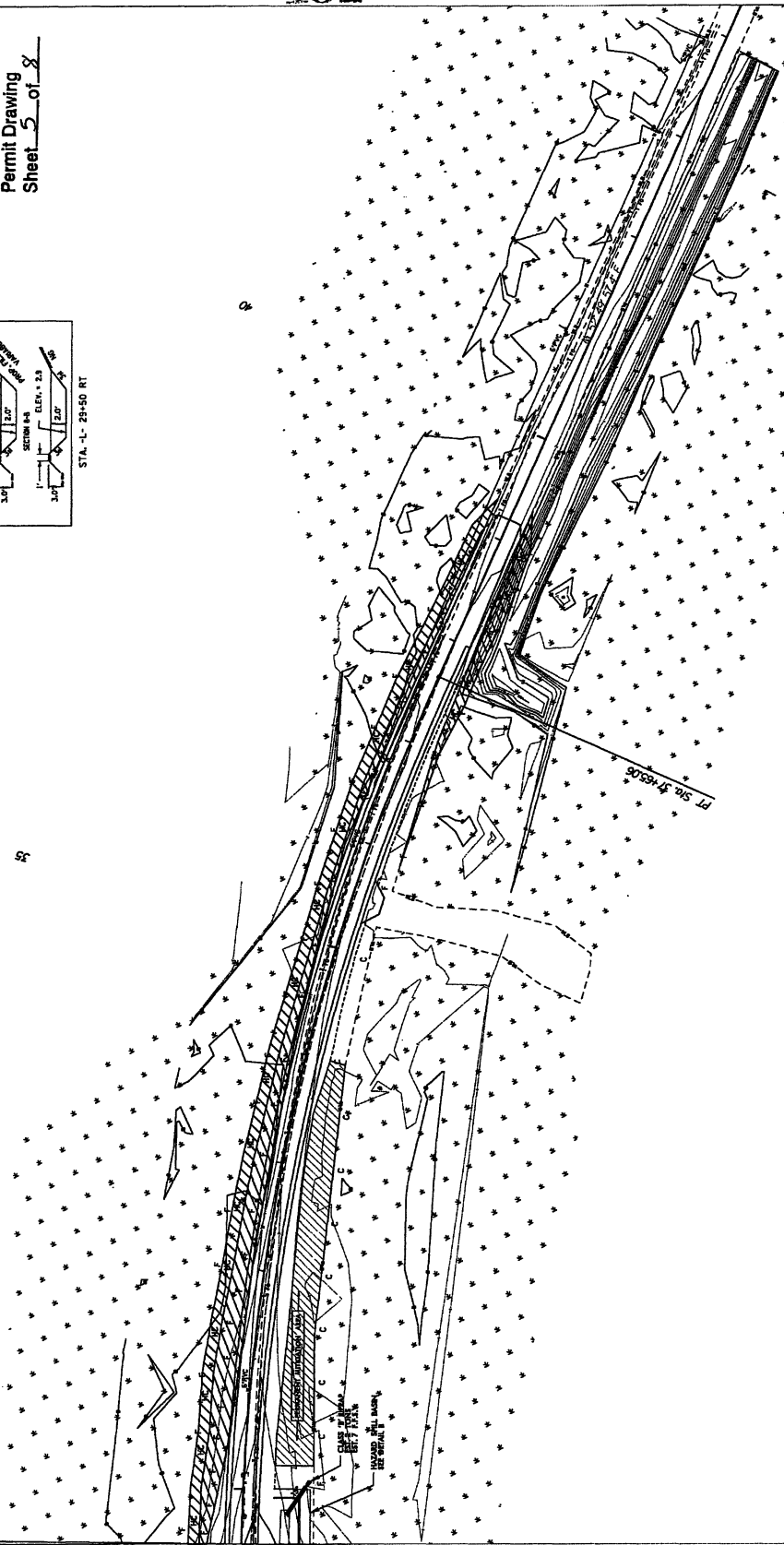
Permit Drawing
Sheet 5 of 8

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-  PERMANENT MITIGATION AREA
-  BENCHMARK ELEV. IN
-  DEPRESSION

30



MATCHLINE STA. 29+50

8/17/99

REVISIONS

*****SYTIME*****
 *****REVISIONS*****

NEU PERMIT DRAWING (03-30-11)
B-4647 (NC-94 OVER NORTHWEST FORK CREEK)
WATER AND TELEPHONE RELOCATION PLAN

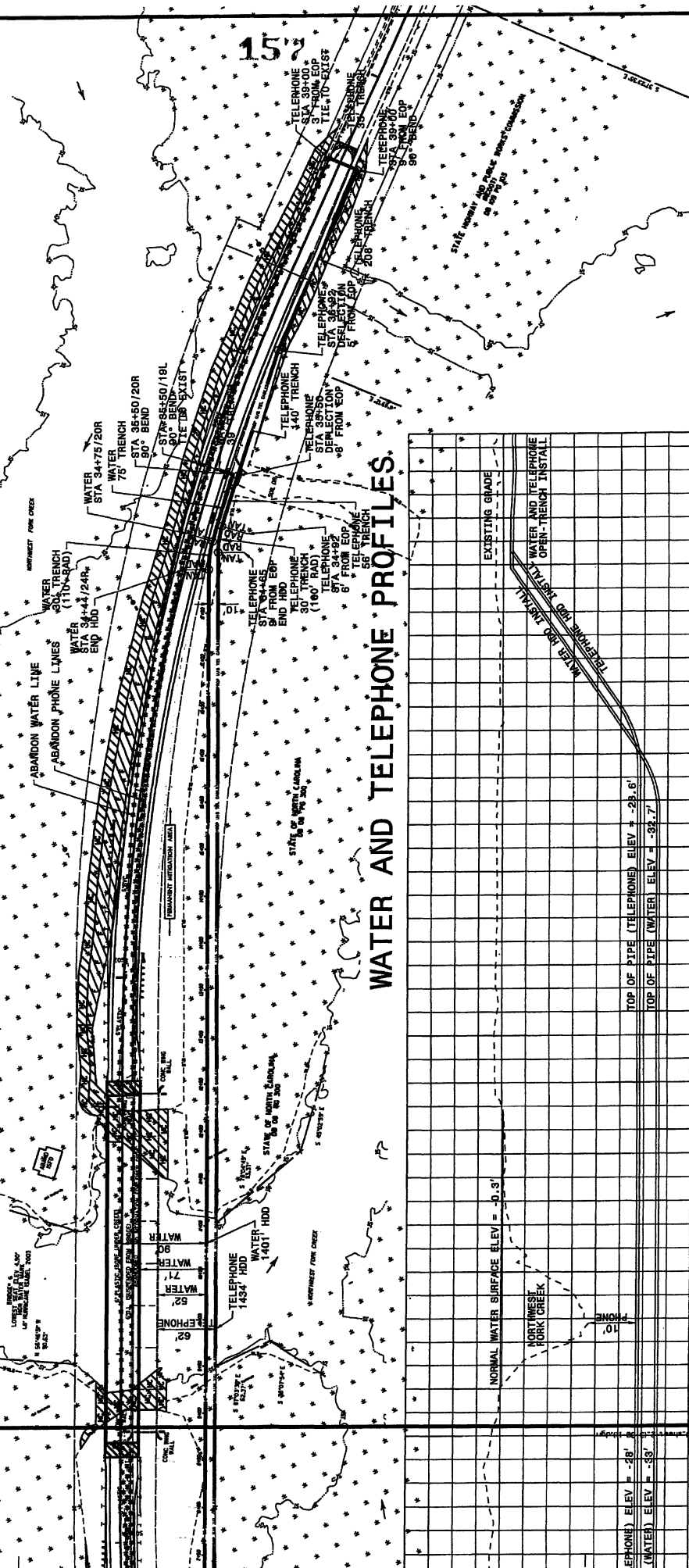
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DESIGNED BY: _____
 CHECKED BY: _____
 APPROVED BY: _____
 REVISIONS: _____

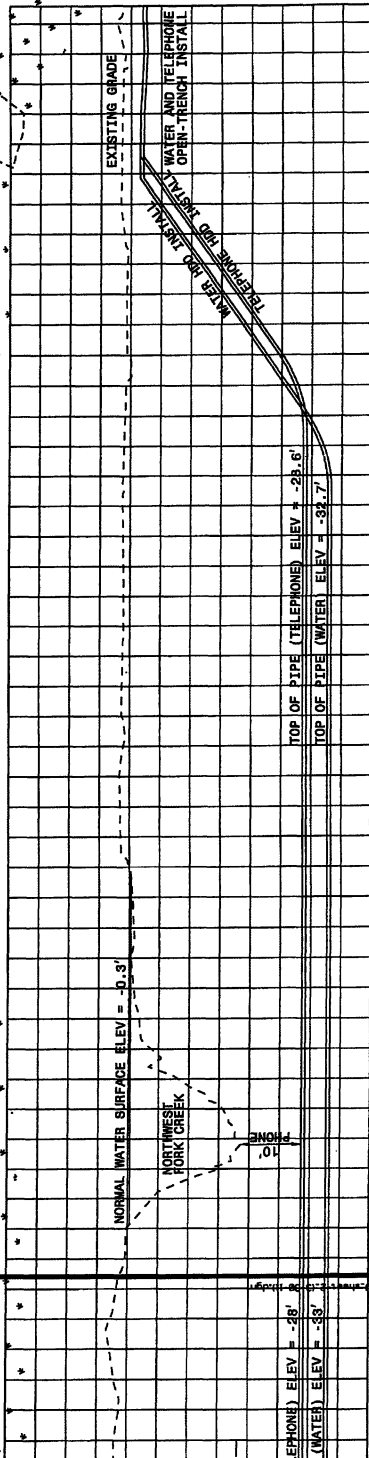
DATE: _____

UTILITY CONSTRUCTION PLANS ONLY

DO NOT USE FOR CONSTRUCTION



WATER AND TELEPHONE PROFILES



SCALE:
1" = 50' (FULL-SIZE PLANS)
1" = 100' (HALF-SIZE PLANS)

B-4647 NEU Narrative

March 30, 2011

Ref: Bridge replacement (#6) over Northwest Fork Creek on NC-94, Tyrell County

- **Existing Utilities:**
 - Telephone...owned by CenturyLink Telephone Company (contact: Ms. Cecilia Price: 252-321-9401)...underground telephone line runs along northwest (left) side of NC-94 for entire length of project limits
 - Water...owned by Tyrell County Water Department (contact: Mr. Johnny Spencer: 252-796-1371)...6" diameter PVC water line runs along northwest (left) side of NC-94 for entire length of project limits

- **Proposed Utilities:**
 - Telephone...underground line will be installed on right side of project by open trench and directional bore (under creek)
 - Water...underground line will be installed on right side of project by open trench and directional bore (under creek)

- **Additional Notes:**
 - There are existing power poles/lines on northwest (left) side of NC-94 that are not in conflict with any work undertaken in this project
 - There are two wetland mitigation areas delineated inside project limits, but proposed water and telephone lines will not be located inside mitigation boundaries
 - Tyrell County is CAMA county and requires utility profiles
 - Open trench installations (water and telephone lines) will be used only in areas outside of wetlands or inside of Hydro's permitted area, therefore **there are no environmental impacts due to utility relocations**