



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 5, 2005

MEMORANDUM TO: Mr. J. M. Mills, P.E.
Division 7 Engineer

FROM: Philip S. Harris, III, P.E., Manager
Office of the Natural Environment
Project Development and
Environmental Analysis Branch *PSH*

SUBJECT: Rockingham County; Replace Bridge No. 21 on SR 1001
(Woolen Stone Road) over Troublesome Creek; T.I.P. Number
B-3899; State Project No. 8.2511201;
F. A. Project No. BRZ-1001(23)

Attached is the U. S. Army Corps of Engineers Nationwide Permit Number 23 and 33 for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.
Mr. Omar Sultan
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garriss, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. John F. Sullivan, III, FHWA
Mr. Jerry Parker, Division 7 DEO

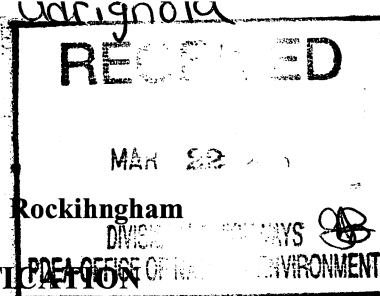
PROJECT COMMITMENTS:

**Rockingham County
Bridge No. 21 on SR 1001 (Woolen Stone Road)
Over Troublesome Creek
Federal Project No. BRZ-1001 (23)
State Project No. 8.2511201
T.I.P. No. B-3899**

All standard procedures and measures, including NCDOT's Best Management Practices for Protection of Surface Waters, Guidelines for Best Management Practices for Bridge Demolition and Removal, will be implemented, as applicable, to avoid or minimize environmental impacts.

No other special commitments are required for this project.

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



Action ID: 200520598 200520599

County: Rockingham

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: **NCDOT**
Attn: Gregory J. Thorpe
Mailing Address: **1548 Mail Service Center**
Raleigh, North Carolina 27699

Telephone No.: (919) 733-3141

B-3899

Authorized Agent:

Mailing Address:

Telephone No.:

Location of property (road name/number, town, etc.): **SR 1001 (Woolen Stone Road) bridge #21 located north of the intersection with US 158, north of Midway, in Rockingham County, North Carolina. The project is located adjacent to Troublesome Creek.**

Site Coordinates: **361800.53 °N 794640.84 °W**

USGS Quad: **Bethany**

Waterway: **Troublesome Creek**

River Basin: **Cape Fear**

HUC: **03030002**

Description of projects area and activity (see page 2 for a summary of authorized impacts): **Mechanized landclearing, excavation and the discharge of fill material associated with the replacement of Bridge No. 21 with a new bridge at approximately 25 feet north of the existing location (new bridge approximately 135 feet in length). Traffic will be maintained on the existing bridge during construction. This project will require a temporary work causeway during the replacement of the bridge resulting in approximately 0.03 acre of temporary impact to the jurisdictional waters of Troublesome Creek. No stream channels or wetlands will be permanently impacted as a result of this project. Note: This verification does not include impacts to waters of the United States, including wetlands, from any spoil disposal or borrow sites. These impacts would have to be permitted separately if they become necessary. NCDOT shall follow the current version of the Best Management Practices for Bridge Demolition and Removal for the existing bridge.**

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

Authorization: **Nationwide or Regional General Permit Number(s): 23 33**

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 will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

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 **John Thomas** at telephone (919) 876-8441, ext 25.

Corps Regulatory Official  Date: 03/16/2005 Verification Expiration Date: 03/26/2007

Copy Furnished:

**WILMINGTON DISTRICT
POST-CONSTRUCTION COMPLIANCE FORM**

Action ID Number: 200520598 200520599

County: Rockingham

Permittee: NCDOT Attn: Gregory J. Thorpe

Date Permit Issued: 03/16/2005

Project Manager: John Thomas

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
Raleigh Regulatory Field Office
6508 Falls Of The Neuse Road
Suite 120
Raleigh, North Carolina 27615**

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

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

Signature of Permittee

Date

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NCDOT Attn: Gregory J. Thorpe	File Number: 200520598	Date: 03/16/2005
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

John Thomas
Raleigh Regulatory Field Office
US Army Corps of Engineers
6508 Falls of the Neuse Road, Suite 120
Raleigh, North Carolina 27615

If you only have questions regarding the appeal process you may also contact: *Mike Bell*

~~Mr. Arthur Middleton~~, Administrative Appeal Review
Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DIVISION ENGINEER:

Commander

**U.S. Army Engineer Division, South Atlantic
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-3490**