

DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS

Washington Regulatory Field Office 2407 West 5th Street Washington, North Carolina 27889

January 11, 2016

Regulatory Division

Action ID No. 2010-02125

IN REPLY REFER TO

Mr. Richard W. Hancock, P.E., Manager Project Development and Environmental Analysis Unit 1598 Mail Service Center Raleigh, North Carolina 27699-1598

Dear Mr. Hancock:

Reference the Department of the Army (DA) individual permit (IP) issued to you on September 27, 2013, to impact approximately 6.94 acres of Department of the Army (DA) jurisdictional wetlands and 851 linear feet of surface waters associated with NCDOT TIP No. R-3307; Gallants Channel Bridge, related approaches, and upgrades to US 70 located near the town of Beaufort, Carteret County, North Carolina.

This office received permit modifications dated November 20, 2015 and December 16, 2015, affecting areas of the above referenced project. The modification requests are detailed as follows:

1). The contractor is requesting a modification for the installation of the 48" RCP at Site 2, resulting in an additional 0.03 acre of fill in CAMA wetlands and 0.01 acre of surface water fill. Mitigation for the additional fill will be debited from the on-site coastal wetland restoration.

2). Permit drawing sheets 6 and 7 have been revised to show the removal of small bridges and pipes along a channel adjacent to the Beaufort Morehead City Airport. As discussed in the field on January 5, 2016, these will not be replaced. An existing 60" pipe on the northern extent of the channel may require removal and replacement with a structure of similar size and length is allowed without further permitting. A structure of any additional length will require notification to the Corps.

3). As requested in the December 16, 2015 mod, additional rip rap will be required for the 48" RCP at Site 2, resulting in an additional 0.01 acre of fill in CAMA wetlands, 15 feet of permanent stream impact, 24 feet of bank stabilization and 10 feet of temporary stream impact. Mitigation for the additional fill in CAMA wetlands will be debited from the on-site coastal wetland restoration site. The additional 8' of permanent stream impacts calculated at Site 2 may be compensated by the removal of an unusable driveway culvert in a jurisdictional stream on the corner of Turner Street and Beaufort Road. Compensation may be accepted once the acquisition and disposition of the site has been determined as appropriate and successful. If unsuccessful, the applicant will coordinate with the Corps in determining another source of required compensatory mitigation.

4.) It is noted that the modification to the 48" RCP at Site 2 also resulted in a 0.01 acre reduction of fill in 404 wetlands and 0.04 acre reduction of hand clearing in wetlands. It is also noted that eight work pads located at Site 1 have been reduced in dimension but impact totals are not affected since quantities are based on the permanent bridge footprint.

These modification requests were discussed and coordinated with the appropriate State and Federal agencies at several on-site meetings and the coordination revealed no objections to this modification request. The proposed modifications for R-3307 as detailed above are hereby modified in accordance with the specific work activities described and depicted on the plan sheets, drawings and descriptions enclosed with the permit modification request package. A revised impact summary sheet (sheet 34 of 34) and Permit Drawing Sheets (2, 3, 5, 5A, 6 and 7 of 34 revised December 16, 2015) were received and combined from both modification requests and represent the most recent modifications.

It is understood that all conditions of the original permit and applicable modifications remain valid. In addition, the permittee will comply with the additional special permit conditions as follows:

a.) All work authorized by this permit modification must be performed in strict compliance with the submitted work plans, which are part of this permit. Any modification to the permit plans must be approved by US Army Corps of Engineers (Corps) prior to implementation.

b.) 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, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

Questions regarding this correspondence may be directed to Tom Steffens, NCDOT Coordinator/Regulatory Project Manager at the Washington Regulatory Field Office, telephone (910) 251-4615.

Sincerely,

STEFFENS.THOMAS.ANCRUM.1284706273 2016.01.11 13:36:10 -05'00' Tom Steffens Regulatory Project Manager Washington Regulatory Field Office

E-Copies:

Ed Eatmon/NCDOT Tyler Stanton/NCDOT Jay Johnson/NCDOT Chris Rivenbark/NCDOT Garcy Ward/NCDWR Stephen Lane/NCDCM



Governor



DONALD R. VAN DER VAART

S. JAY ZIMMERMAN

Director

Secretary

January 8, 2016

Mr. Colin Mellor, Group Leader Project Development and Environmental Analysis North Carolina Department of Transportation 1598 Mail Service Center Raleigh, North Carolina, 27699-1598

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to US 70 from the existing four lanes at Radio Island to US 70 north of S.R. 1429 in Carteret County in, Federal Aid Project No. No. STPNHF-70(43), State Project No. 8.116250, TIP R-3307. NCDWR Project No.20111003 v. 6

Dear Mr. Mellor:

Attached hereto is a modification of Certification No. 003195 issued to The North Carolina Department of Transportation (NCDOT) dated April 30, 2012.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

S. Jay Zimmerman, Director Division of Water Resources

Attachments

Electronic copy only distribution:

Tom Steffens, US Army Corps of Engineers, Washington Field Office Jay Johnson, Division 2 Environmental Officer Chris Rivenbark, NC Department of Transportation Dr. Cynthia Van Der Wiele, US Environmental Protection Agency Gary Jordan, US Fish and Wildlife Service Travis Wilson, NC Wildlife Resources Commission Cathy Brittingham, NC Division of Coastal Management Stephen Lane, NC Division of Coastal Management Garcy Ward, NC Division of Water Resources Washington Regional Office

Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact an additional 0.13 acres of jurisdictional wetlands, and 49 linear feet of jurisdictional streams in Carteret County. The project shall be constructed pursuant to the modification request dated received November 20, 2015 and revised request dated received December 16, 2015. The authorized impacts are as described below:

Site	Permanent Fill in Perennial Stream (lf)	Temporary Fill in Perennial Stream (lf)	Total Stream Impact (lf)	Stream Impacts requiring mitigation (lf)		
Previously approved impacts at Site 2	124*	24*	148	0		
New additional impacts with this approval at Site 2	39	10	49	163		
Total	163	34	197	163		

Stream Impacts in the White Oak River Basin

Total Stream Impact for Site 2: 197 linear feet

*These numbers reflect a change in the alignment of the 48" pipe and should have been captured in the March 31, 2015 modification.

Site	Fill (ac)	Temporary Fill (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)		
		Previously	Approved Im	pacts				
1 - Coastal 0.02 0.88 0.1								
1- Riparian	< 0.01	0.08	0.48		0.02	0.58		
2 - Coastal	0.24					0.24		
2- Riparian	1.39		< 0.01	0.21	0.12	1.72		
Total	1.65	0.08	0.48	0.21	1.02	3.44		
	Additio	onal Impacts A	pproved with t	his Modificatio	n			
1 - Coastal					0.14	0.14		
1- Riparian								
2 - Coastal	0.04					0.04		
2- Riparian	-0.01				-0.04	-0.05		
Total additional impacts with this modification	0.03				0.10	0.13		
Total for Sites 1 and 2	1.68	0.08	0.48	0.21	1.12	3.57		

Wetland Impacts in the White Oak River Basin

Total Wetland Impact for Sites 1 and 2: 3.57 acres.

The application provides adequate assurance that the discharge of fill material into the waters of the White Oak River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modified application dated received November 20, 2015 and revised application dated received December 16, 2015. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated April 30, 2012 and subsequent modifications dated October 15, 2012, October 2, 2014, March 31, 2015, and August 13, 2015

still apply except where superseded by this certification. Should your project change, you are required to notify the NCDWR 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

- This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated April 30, 2012 and subsequent modifications dated October 15, 2012, October 2, 2014, March 31, 2015, and August 13, 2015 still apply except where superseded by this certification.
- 2. Compensatory mitigation for the additional permanent stream impacts at Site 2 is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. The acceptance letter from DMS indicating that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the DMS Mitigation Banking Instrument signed July 28, 2010, shall be forwarded to DWR upon receipt. [15A NCAC 2H.0506(h)]
- 3. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water during the removal of the small bridges and pipes along the channel adjacent to the Beaufort Morehead City Airport. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 4. Disturbed stream banks at the bridge and pipe removal sites shall be stabilized, and approved on site by NCDWR staff, prior to allowing flowing water into the newly restored sections of channel. Stream banks shall be matted with coir-fiber matting. Vegetation used for bank stabilization shall be limited to native riparian vegetation, and should include establishment of a vegetated buffer on both sides of the relocated channel to the maximum extent practical. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. [15A NCAC 02H .0506(b)(3)]
- A copy of this Water Quality Certification shall be maintained on 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714 Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Sam M. Hayes, General Counsel Department of Environmental Quality 1601 Mail Service Center

This the 8th day of January 2015

DIVISION OF WATER RESOURCES

é. S. Jay Zimmerman, Director

WQC No. 003195

PAT MCCRORY

Governor



DONALD R. VAN DER VAART

Secretary S. JAY ZIMMERMAN

Applicant:	a de la compañía de l
Project Name:	

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature:

Date:

Agent's Certification

, hereby state that, to the best of my abilities, due care and diligence I, was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature:

Date:

Engineer's Certification

Partial Final

_____, as a duly registered Professional Engineer in the State of North Ι, _ Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date

Permit Class	
MODIFICATION/MINOF	ł

Permit Number						
37-12						

STATE OF NORTH CAROLINA

Department of Environmental Quality

and

Coastal Resources Commission



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

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

Issued to N.C. Department of Transportation, 1598 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in <u>Carteret</u> County at <u>a new crossing of Gallants Channel and</u>

the US 70 bypass of the town of Beaufort, as requested in the permittee's application letter dated 11/20/15 and

12/16/15, including the attached workplan drawings (6): 4 dated 12/16/15, and 2 dated 11/13/15.

This permit, issued on <u>December 22, 2015</u>, 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.

- 1) Unless specifically altered herein, this Minor Modification authorizes a change to the configuration of the temporary work pads associated with the temporary work bridge at Site 1, additional riprap at the inlet and outlet ends of the 48" reinforced concrete pipe (RCP) at Site 2, additional riprap on both ends of the 18" pipe under the sidewalk at Site 2, and the removal of small bridges and pipes along a channel adjacent to the Michael J. Smith Airport, all as depicted on the attached workplan drawings.
- 2) 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.
- 3) The permittee and/or his contractor shall contact the N.C. Division of Coastal Management (DCM) Transportation Project Field Representative in Morehead City at (252) 808-2808 to request a preconstruction conference.

(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

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 DEQ and the Chairman of the Coastal Resources Commission.

. Dougle V Huggett - for

Braxton C. Davis, Director Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

N.C. Department of Transportation Permit #37-12 Page 2 of 2								
	ADDITIONAL CONDITIONS							
<u>NOTF</u>	E: This project will permanently impact approximately 0.04 acres (1,74). Wetlands due to permanent fill. This project will temporarily impact (6,098 square feet) of Coastal Wetlands due to hand clearing. This p impact approximately 0.01 acres of surface waters. This project will approximately 15 linear feet of streams, and will temporarily impact of streams.	approximately 0.14 acres roject will permanently permanently impact						
<u>NOTE</u>	E: In accordance with commitments made by the permittee, compensator feet of permanent stream impacts associated with the authorized projection N.C. Division of Mitigation Services (DMS) in accordance with the I Instrument dated 7/28/10.	ct shall be provided by the						
4)	In accordance with commitments made by the permittee, compensatory mitig square feet) of Coastal Wetlands shall be debited from the on-site Coastal W associated with the authorized project. A copy of the revised debit ledger sh	etland restoration site						
5)	5) This Minor Modification does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes any permits that may be required from the N.C. Division of Water Resources or the U.S. Army Corps of Engineers.							
6)	6) If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached workplan drawings or described in the authorization request, a permit modification and/or additional authorization from DCM may be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM prior to commencement of any such activity for this determination and any permit modification.							
7)	This Minor Modification shall be attached to the original of Permit No. $37-12$, $5/3/12$, as well as the amendment issued on $5/7/12$, and subsequent modificat refinement, and copies of all documents shall be readily available on site who inspects the project for compliance.	tions and letters of						
8)	All conditions and stipulations of the active permit remain in force under this altered herein.	s Minor Modification unless						
<u>NOTE</u>	A minor modification application processing fee of \$100 was receive	d by DCM for this project.						









Site No. Station (rom/To) Structure Size/Type Wetland Restoration (ac) Fill in Wetlands (ac) in Wetlands (ac) in Wetlands (ac) in Wetlands (ac) SW Wetlands (ac) SW (ac) SW (ac) </th <th></th> <th></th> <th></th> <th></th> <th></th> <th> V</th> <th></th> <th></th> <th>PACT SUM</th> <th>IARY</th> <th></th> <th></th> <th></th> <th></th> <th></th>						V			PACT SUM	IARY					
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	5	-L- STA. 171+47 TO 183+92	Roadway Fill			3.98			0.53						
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