

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

Action Id. **SAW-2007-03641-010**

County: **Brunswick**

U.S.G.S. Quad: **Wilmington**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee:	<u>NC DOT</u>	Agent:	<u>NC DOT</u>
	<u>Attn: Mr. Phil Harris</u>		<u>attn: Ms. Amy James</u>
Address:	<u>Manager, PDEA</u>		<u>PDEA-Natural Environment Section</u>
	<u>1598 Mail Service Center</u>		<u>1598 Mail Service Center</u>
	<u>Raleigh, NC 27699</u>		<u>Raleigh, NC 27699</u>
Size (miles)	<u>2+</u>	Nearest Town	<u>Leland</u>
Nearest Waterway	<u>Brunswick River/Alligator Creek</u>	River Basin	<u>Cape Fear</u>
USGS HUC	<u>03030005</u>	Coordinates	Latitude: <u>34.2344</u>
			Longitude: <u>-77.9795</u>

Location description: **The project area is along US 17/74/76 from the NC 133/SR 1472 interchange to the US 421/NC 133 interchange crossing Brunswick River and Alligator Creek near the Cape Fear River floodplain in Brunswick County.**

Description of projects area and activity: **The NCDOT propose to widen the aforementioned stretch of road from four to six lanes which also involves the replacement of two bridges over the Brunswick River and Alligator Creek. Additionally, the northbound bridge will be the start of an additional seventh lane that will continue on US 17 into Wilmington. The project as proposed would result in the permanent loss of 0.42 acres of non tidal wetlands, 0.04 acres of tidal wetlands, and 182 linear feet of intermittent stream. This authorization additionally includes the installation of temporary test piles outside the footprint of the permanent piles on the south side of the bridge in order to gain information for the future design.**

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

Authorization: Regional General Permit Number or Nationwide Permit Number: **NWP 23 and NW 5.**

SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application, NW 23 request dated April 26, 2013 and NW 6 request dated July 25, 2013. 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 919-807-6300) 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 in Morehead City, NC, at (252) 808-2808.

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 **Brad Shaver at 910-251-4611 or Brad.E.Shaver@usace.army.mil.**

Determination of Jurisdiction:

- A. ☐ 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).
- B. ☐ 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.
- C. ☐ 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.
- D. ☒ The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 10/6/2008 and 2/24/2010. Action ID: **SAW-2007 3641**.

Basis For Determination: The subject area exhibited both an ordinary high water and had characteristics of wetlands as described in the 1987 Corps Delineation Manual and both resources are abutting or drain to the Cape Fear River, Brunswick River, or Alligator Creek, all of which are traditionally navigable water bodies that are subject to the ebb and flood of tides.

Remarks: See special conditions.

Corps Regulatory Official: **SHAVER.BRAD** Digitally signed by
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ou=PM, ou=USA,
cn=SHAVER.BRAD.E.1276601756
Date: 2013.08.29 15:12:06 -0400
Expiration Date of Verification: **03/18/2017** Date: **08/29/2013**

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 our customer Satisfaction Survey online at <http://per2.nwp.usace.army.mil/survey.html>.

Copy furnished (electronic):

NCDENR-DWR, Mr. Mason Herndon
NCDOT-NES, Mr. Chris Rivenbark
NC WRC, Mr. Travis Wilson
NCDENR-DCM, Mr. Stephen Lane
NCDENR-DCM, Mr. Steve Sollod
NCDOT-Div 3, Mr. Stonewall Mathis
NCDOT-Div 3, Mr. Jackson Provost
USACE, Mr. Todd Tugwell
NCEEP, Ms. Beth Harmon

SPECIAL CONDITIONS

1. The NCDOT must use the United States Department of Interior, Fish and Wildlife Service's GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATTEE: Precautinary Measures for Construction Activities in North Carolina Waters.
2. The NCDOT must adhere to an inwater work moratorium for the Brunswick River between the periods of Jan 1 – Sept 30 of any year during the construction period. This moratorium takes into consideration the protection of both Sturgeon spawning areas as well as inland Primary Nursery Areas. An inwater work moratorium is also required for Alligator Creek during Feb 15-Sept 30 of any year during construction to protect inland Primary Nursery Areas. These dates may be adjusted in the future with correspondence from the agencies agreeing to shifts in the moratorium dates to include any conditions that may go along with the approved date changes.
3. NCDOT must hold a preconstruction meeting before road and utility construction to assure that each contractor working on the project is aware of the terms and conditions of the permit.
4. All activities described in the plans as temporary must be restored to their pre project conditions before completion of the project.
5. All structures necessary for the installation of the test piles and permanent piles must be removed upon project completion. The test piles authorized by this action must be removed one foot below the mud level once the testing period is complete.
6. Any directional bores proposed near or around jurisdictional features must take all necessary precautions to avoid any slurry or frac out incidents from entering jurisdictional areas. These precautions should include the use of vac trucks where appropriate and secondary containment around the entry and exit pits.
7. Confirmation should be obtained from NCDOT that the construction drawings and propped impacts do not differ from the approved permit drawings.
8. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

Action ID Number: SAW-2007-03641-010

County: Brunswick

Permittee: NCDOT - PDEA

Project Name: NCDOT/R-3601/US 17-74-76/Division 3

Date Verification Issued: 08/29/2013

Project Manager: Brad Shaver

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
Attn: Brad Shaver
69 Darlington Ave
Wilmington, NC 28403

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

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: North Carolina Department of Transportation
Project Name: US 17/74/76 widening

Action ID: SAW-2007-3641
County: Brunswick

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Ecosystem Enhancement Program (NCEEP), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the appropriate ledger and provide a copy of the signed form to the Permittee and to the USACE Bank/In-Lieu Fee Program Manager. The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

Permitted Impacts Requiring Mitigation*

8-digit HUC and Basin: 03030005, Cape Fear River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
182			0.42			0.04

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements:

8-digit HUC and Basin: 03030005, Cape Fear River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
182			0.84			0.08

Mitigation Site Debited: NCEEP

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCEEP, list NCEEP. If the NCEEP acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCEEP), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: NCDENR EEP

Name of Sponsor's Authorized Representative: Beth Harmon

Signature of Sponsor's Authorized Representative

Date of Signature

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed by the mitigation Sponsor and USACE Project Manager. For questions regarding this form or any of the conditions of the permit authorization, contact the Project Manager at the address below.

USACE Project Manager: Brad Shaver
USACE Field Office: Wilmington Regulatory Field Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

Email:

**SHAVER.BRAD.E.1
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ou=USA, cn=SHAVER.BRAD.E.1276601756
Date: 2013.09.03 15:14:28 -04'00'

USACE Project Manager Signature

**September 3, 2013
Date of Signature**

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.

**NATIONWIDE PERMIT 23
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2012**

Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are the: Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/GuidanceLetters.aspx> . Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same web site.

NATIONWIDE PERMIT CONDITIONS

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

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

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

9. Management of Water Flows. 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, unless the primary purpose of the activity is to impound water or manage 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).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA

section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

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

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

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of

the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

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

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the

vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (a) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period, with activity-specific

conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

FURTHER INFORMATION

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

DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

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

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence

of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

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

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

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

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or

flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

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

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

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

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through

which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

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

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

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent

mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

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

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

Waterbody: For purposes of the NWP, a waterbody is a jurisdictional water of the United States. If a jurisdictional wetland is adjacent – meaning bordering, contiguous, or neighboring – to a waterbody determined to be a water of the United States under 33 CFR 328.3(a)(1)-(6), that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbodies” include streams, rivers, lakes, ponds, and wetlands.

Final Regional Conditions 2012

NOTICE ABOUT WEB LINKS IN THIS DOCUMENT:

The web links (both internal to our District and any external links to collaborating agencies) in this document are valid at the time of publication. However, the Wilmington District Regulatory Program web page addresses, as with other agency web sites, may change over the timeframe of the five-year Nationwide Permit renewal cycle, in response to policy mandates or technology advances. While we will make every effort to check on the integrity of our web links and provide re-direct pages whenever possible, we ask that you report any broken links to us so we can keep the page information current and usable. We apologize in advanced for any broken links that you may encounter, and we ask that you navigate from the regulatory home page (wetlands and stream permits) of the Wilmington District Corps of Engineers, to the “Permits” section of our web site to find links for pages that cannot be found by clicking directly on the listed web link in this document.

Final 2012 Regional Conditions for Nationwide Permits (NWP) in the Wilmington District

1.0 Excluded Waters

The Corps has identified waters that will be excluded from the use of all NWP’s during certain timeframes. These waters are:

1.1 Anadromous Fish Spawning Areas

Waters of the United States identified by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas are excluded during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

1.2 Trout Waters Moratorium

Waters of the United States in the twenty-five designated trout counties of North Carolina are excluded during the period between October 15 and April 15 without prior written approval from the NCWRC. (See Section 2.7 for a list of the twenty-five trout counties).

1.3 Sturgeon Spawning Areas as Designated by the National Marine Fisheries Service (NMFS)

Waters of the United States designated as sturgeon spawning areas are excluded during the period between February 1 and June 30, without prior written approval from the NMFS.

2.0 Waters Requiring Additional Notification

The Corps has identified waters that will be subject to additional notification requirements for activities authorized by all NWP's. These waters are:

2.1 Western NC Counties that Drain to Designated Critical Habitat

For proposed activities within Waters of the U.S. that require a Pre-Construction Notification pursuant to General Condition 31 (PCN) and are located in the sixteen counties listed below, applicants must provide a copy of the PCN to the US Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. This PCN must be sent concurrently to the US Fish and Wildlife Service and the Corps Asheville Regulatory Field Office. Please see General Condition 18 for specific notification requirements related to Federally Endangered Species and the following website for information on the location of designated critical habitat.

Counties with tributaries that drain to designated critical habitat that require notification to the Asheville US Fish and Wildlife Service: Avery, Cherokee, Forsyth, Graham, Haywood, Henderson, Jackson, Macon Mecklenburg, Mitchell, Stokes, Surry, Swain, Transylvania, Union and Yancey.

Website and office addresses for Endangered Species Act Information:

The Wilmington District has developed the following website for applicants which provides guidelines on how to review linked websites and maps in order to fulfill NWP general condition 18 requirements: <http://www.saw.usace.army.mil/wetlands/ESA>

Applicants who do not have internet access may contact the appropriate US Fish and Wildlife Service offices listed below or the US Army Corps of Engineers at (910) 251- 4633:

US Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801
Telephone: (828) 258-3939

Asheville US Fish and Wildlife Service Office counties: All counties west of and including Anson, Stanly, Davidson, Forsyth and Stokes Counties

US Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, NC 27636-3726
Telephone: (919) 856-4520

Raleigh US Fish and Wildlife Service Office counties: all counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties.

2.2 Special Designation Waters

Prior to the use of any NWP in any of the following identified waters and contiguous wetlands in North Carolina, applicants must comply with Nationwide Permit General Condition 31 (PCN). The North Carolina waters and contiguous wetlands that require additional notification requirements are:

“Outstanding Resource Waters” (ORW) or “High Quality Waters” (HQW) as designated by the North Carolina Environmental Management Commission; “Inland Primary Nursery Areas” (IPNA) as designated by the NCWRC; “Contiguous Wetlands” as defined by the North Carolina Environmental Management Commission; or “Primary Nursery Areas” (PNA) as designated by the North Carolina Marine Fisheries Commission.

2.3 Coastal Area Management Act (CAMA) Areas of Environmental Concern

Non-federal applicants for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA) must also obtain the required CAMA permit. Development activities for non-federal projects may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – 69 Darlington Avenue, Wilmington, NC 28403 or Washington Field Office – 2407 West 5th Street, Washington, NC 27889).

2.4 Barrier Islands

Prior to the use of any NWP on a barrier island of North Carolina, applicants must comply with Nationwide Permit General Condition 31 (PCN).

2.5 Mountain or Piedmont Bogs

Prior to the use of any NWP in a Bog classified by the North Carolina Wetland Assessment Methodology (NCWAM), applicants shall comply with Nationwide Permit General Condition 31 (PCN). The latest version of NCWAM is located on the NC DWQ web site at: <http://portal.ncdenr.org/web/wq/swp/ws/pdu/ncwam> .

2.6 Animal Waste Facilities

Prior to use of any NWP for construction of animal waste facilities in waters of the US, including wetlands, applicants shall comply with Nationwide Permit General Condition 31 (PCN).

2.7 Trout Waters

Prior to any discharge of dredge or fill material into streams or waterbodies within the twenty-five (25) designated trout counties of North Carolina, the applicant shall comply with Nationwide Permit General Condition 31 (PCN). The applicant shall also provide a copy of the notification to the appropriate NCWRC office to facilitate the determination of any potential

impacts to designated Trout Waters. Notification to the Corps of Engineers will include a statement with the name of the NCWRC biologist contacted, the date of the notification, the location of work, a delineation of wetlands, a discussion of alternatives to working in the mountain trout waters, why alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to mountain trout waters.

NCWRC and NC Trout Counties

Western Piedmont Region Coordinator	Alleghany	Caldwell	Watauga
20830 Great Smoky Mtn. Expressway	Ashe	Mitchell	Wilkes
Waynesville, NC 28786	Avery	Stokes	
Telephone: (828) 452-2546	Burke	Surry	

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

3.0 List of Corps Regional Conditions for All Nationwide Permits

The following conditions apply to all Nationwide Permits in the Wilmington District:

3.1 Limitation of Loss of Perennial Stream Bed

NWPs may not be used for activities that may result in the loss or degradation of greater than 300 total linear feet of perennial, intermittent or ephemeral stream, unless the District Commander has waived the 300 linear foot limit for ephemeral and intermittent streams on a case-by-case basis and he determines that the proposed activity will result in minimal individual and cumulative adverse impacts to the aquatic environment. Loss of stream includes the linear feet of stream bed that is filled, excavated, or flooded by the proposed activity. Waivers for the loss of ephemeral and intermittent streams must be in writing and documented by appropriate/accepted stream quality assessments*. This waiver only applies to the 300 linear feet threshold for NWPs.

*NOTE: Applicants should utilize the most current methodology prescribed by Wilmington District to assess stream function and quality. Information can be found at:

<http://www.saw.usace.army.mil/wetlands/permits/nwp/nwp2012> (see “Quick Links”)

3.2 Mitigation for Loss of Stream Bed

For any NWP that results in a loss of more than 150 linear feet of perennial and/or ephemeral/intermittent stream, the applicant shall provide a mitigation proposal to compensate for more than minimal individual and cumulative adverse impacts to the aquatic environment. For stream losses less than 150 linear feet, that require a PCN, the District Commander may determine, on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

3.3 Pre-construction Notification for Loss of Streambed Exceeding 150 Feet.

Prior to use of any NWP for any activity which impacts more than 150 total linear feet of perennial stream or ephemeral/ intermittent stream, the applicant must comply with Nationwide Permit General Condition 31 (PCN). This applies to NWPs that do not have specific notification requirements. If a NWP has specific notification requirements, the requirements of the NWP should be followed.

3.4 Restriction on Use of Live Concrete

For all NWPs which allow the use of concrete as a building material, live or fresh concrete, including bags of uncured concrete, may not come into contact with the water in or entering into waters of the US. Water inside coffer dams or casings that has been in contact with wet concrete shall only be returned to waters of the US when it is no longer poses a threat to aquatic organisms.

3.5 Requirements for Using Riprap for Bank Stabilization

For all NWPs that allow for the use of riprap material for bank stabilization, the following measures shall be applied:

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

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

3.5.3. 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.

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

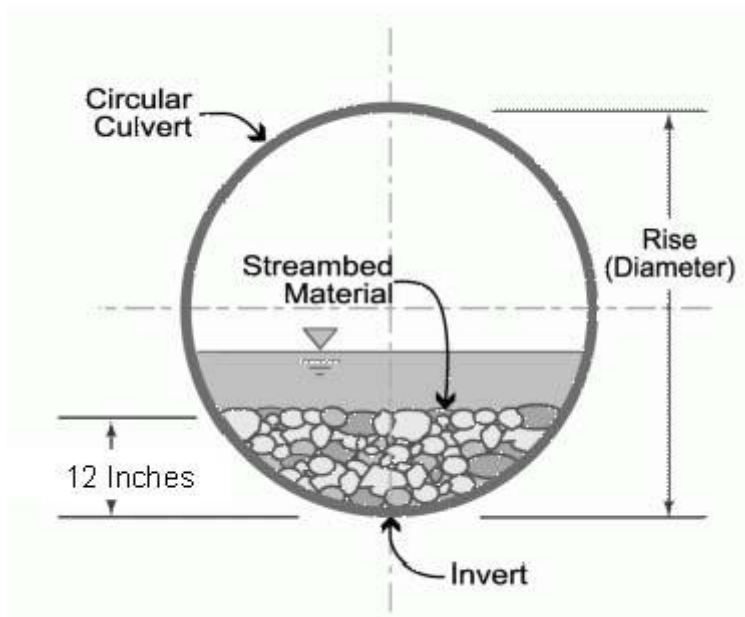
3.5.5. The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

3.5.6. A waiver from the specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional condition would result in greater adverse impacts to the aquatic environment.

3.6 Safe Passage Requirements for Culvert Placement

For all NWP's that involve the construction/installation of culverts, measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. 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 culvert 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.

In the twenty (20) counties of North Carolina designated as coastal counties by the Coastal Area Management Act (CAMA): All pipes/culverts must be sufficiently sized to allow for the burial of the bottom of the pipe/culvert 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) 7.5-minute quadrangle maps.



In all other counties: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. 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 bottom of the culvert must be placed at a

depth below the natural stream bottom to provide for passage during drought or low flow conditions.

Culverts are to be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

A waiver from the depth specifications in this condition may be requested in writing. The waiver will be issued if it can be demonstrated that the proposal would result in the least impacts to the aquatic environment.

All counties: Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried.

3.7 Notification to NCDENR Shellfish Sanitation Section

Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps of Engineers Regulatory Field Office. Any disposal of sand to the ocean beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued by the permittee.

3.8 Preservation of Submerged Aquatic Vegetation

Adverse impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP within any of the twenty coastal counties defined by North Carolina's Coastal Area Management Act of 1974 (CAMA).

3.9 Sedimentation and Erosion Control Structures and Measures

3.9.1. All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the US. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

4.0 Additional Regional Conditions for Specific Nationwide Permits

4.1 NWP #23 – Approved Categorical Exclusions

4.1.1. No development activities authorized by this NWP may begin until the permittee obtains a consistency concurrence or a CAMA permit from the North Carolina Division of Coastal Management, if either is required.



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Division of Water Quality
Charles Wakild, P. E.
Director

RECEIVED

SEP 10 2013

DIVISION OF HIGHWAYS
PDEA-OFFICE OF NATURAL ENVIRONMENT
Secretary

May 16, 2013
Brunswick County
NCDWQ Project No. 13-0472
Widening of US 17-74-76/ NC 133
TIP Project No. R-3601

APPROVAL of 401 WATER QUALITY CERTIFICATION, with ADDITIONAL CONDITIONS

Dr. Greg Thorpe, PhD., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Dear Dr. Thorpe:

You have our approval, in accordance with the conditions listed below, for the following impacts associated with the widening of US 17-74-76/NC 133 from NC 133 (River Road)/SR 1472(Village Road) Interchange to the US 421/NC 133 Interchange in Brunswick County:

Stream Impacts in the Cape Fear River Basin

Site	Station	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1	-Y2- 13+50	0	0	47	5	52	0
14	-Y- 34+96 to 36+35	0	0	135	6	135	0
TOTAL		0	0	182	11	193	0

Total Stream Impact for Project: 193 linear feet.

Wetland Impacts in the Cape Fear River Basin (riparian)

Site	Station	Fill (ac)	Fill (temporary) (ac)	Excavation (temporary) (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)
2	-LMED- 50+77	0	0	0	0	<0.01	<0.01
3	-LMED- 54+56 to 55+07	<0.01	0	<0.01**	0	0.02	0.02
4	-LMED- 63+40 to 64+46	0.05	0	0	0	0.03	0.08
4	-LMED- 66+05	<0.01	0	<0.01**	0	0.02	0.02
5	-LMED- 69+14 to 74+28	0.04	<0.01	0	0	0.19	0.23
5	-LMED- 75+10	0	0.01*	0.01*	0	0	0.02
6	-LMED- 83+10	0	0.01*	0.01*	0	0	0.02
7	-LRT- 85+80 to 86+75	0	0	0	0	0.01	0.01

225 Green St., Suite 714, Fayetteville, NC 28301-5095
Phone: 910-433-3300 \ FAX: 910-486-0707
Internet: www.ncwaterquality.org

One
North Carolina
Naturally

8	-LLT- 91+99	0	0	0	0	<0.01	<0.01
8	-LLT- 94+10	0	<0.01*	<0.01*	0	0	0.02
9	-LLT- 98+95 to 99+99	<0.01	0	0	0	0.02	0.02
10	-LRT- 101+08	0	0	0	0	<0.01	<0.01
11	-LLT- 111+77 to 113+16	0.02	0	0	0	0.03	0.05
11	-LRT- 112+39 to 115+42	0.14	0	0	0	0.08	0.22
12	-RPLRT- 116+15 to 121+70	0	0	0	0	0.02	0.02
13	-Y2- 20+65	0.16	0	0	0.04	0	0.20
15	-Y- 38+27	0	0	0	0	<0.01	<0.01
	EC measures in HC areas	0	0.04	0	0	0	0.04
TOTAL***		0.42	0.06	0.02	0.04	0.43	0.97

Total Wetland Impact for Project: 0.93 acres.

*denotes temporary fill and excavation for pipe cleanout,

**denotes temporary excavation for pipe installation,

***totals may not match sum of individual impacts due to rounding

The project shall be constructed in accordance with your application dated received April 26, 2013. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3891. This certification corresponds to the Nationwide Permit 23 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 NCDWQ 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 and any additional conditions listed below.

Condition(s) of Certification:

Project Specific Conditions

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWQ staff shall be invited to the pre-construction meeting.
2. The permittee shall provide written verification that the final construction drawings comply with the permit drawings contained in the application dated April 26, 2013. Any deviations from the approved drawings are not authorized unless approved by the NC Division of Water Quality.
3. 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 15th and September 30th 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.
4. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank of Alligator Creek and Brunswick River. This condition can be waived with prior approval from DWQ.

5. All portions of the proposed project draining to 303(d) listed watersheds that are impaired due to biological criteria exceedances shall not discharge stormwater directly to surface waters. Stormwater shall be treated using appropriate best management practices (e.g., vegetated conveyances, constructed wetlands, detention ponds, etc.) prior to discharging to surface waters.
6. 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.
7. 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 first.
8. 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.
9. For the 11 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species.
10. Material temporarily excavated for pipe installation shall be stockpiled in an upland area and placed back into the excavated area in a manner that restores the original grade and soil profile with the organic/root layer on top.
11. The project shall be constructed in accordance with the provisions of the NCDOT's National Pollutant Discharge Elimination (NPDES) Stormwater Permit as described in the submitted Stormwater Management Plan, dated March 29, 2013.

General Conditions

12. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall 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 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
13. 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.
14. 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.
15. 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.
16. 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.
17. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
18. All work in or adjacent to stream waters shall be conducted in a dry work area. 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.

19. 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.
20. 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.
21. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
22. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
23. 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 NCDWQ 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, NCDWQ may reevaluate and modify this certification.
24. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification..
25. 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.
26. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization 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.
27. 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.
28. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
29. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.
30. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction.
31. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit 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.
32. 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.

33. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.

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:

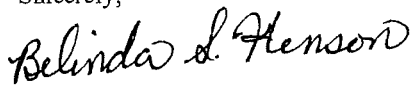
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-431-3000, Facsimile: (919)-431-3100

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

Mr. Lacy Presnell, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

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 Mason Herndon at (910) 308-4021 or mason.hemdon@ncdenr.gov.

Sincerely,


for Charles Wakild
Director

cc: Brad Shaver, US Army Corps of Engineers, Wilmington Field Office
Stoney Mathis, Division 3 Environmental Officer
Chris Militscher, Environmental Protection Agency
Gary Jordan, US Fish and Wildlife Service
Travis Wilson, NC Wildlife Resources Commission
Amy James, NCDOT NES
Sonia Carrillo, NCDWQ Central Office
Steve Sollod, NC Coastal Management
Steven Lane, NC Coastal Management
File Copy

NCDWQ Project No.: _____

County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

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 Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

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

Signature: _____ Date: _____

Agent's Certification

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

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

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

Signature _____ Registration No. _____

Date _____

Water Quality Certification No. 3891

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 23 (APPROVED CATEGORICAL EXCLUSIONS) AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES)

Water Quality Certification Number 3891 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (23) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 02B .0200.

The category of activities shall include only Federally-approved Categorical Exclusion projects.

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.

Activities meeting any one (1) of the following thresholds or circumstances require *written approval* for a 401 Water Quality Certification from the Division of Water Quality (the "Division"):

- a) Stream impacts (temporary or permanent) equal or greater than 40 linear feet; or
- b) Any stream relocation; or
- c) Impacts equal to or greater than one-tenth (1/10) acre of wetlands or open waters; or
- d) Any impacts to wetlands adjacent to waters designated as: ORW, SA, WS-I, WS-II, or Trout, or wetlands contiguous to waters designated as a North Carolina or National Wild and Scenic River.
- e) Any impacts to coastal wetlands [15A NCAC 7H .0205], or Unique Wetlands (UWL) [15A NCAC 2H .0506].
- f) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of DWQ Wetland Rules (15A NCAC 02H .0500), Isolated Wetland Rules (15A NCAC 02H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 02B .0200); or
- g) Any impacts to streams and/or buffers in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman, Jordan or Goose Creek Watersheds (or any other basin or watershed with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless* the activities are listed as "EXEMPT" from these rules or a Buffer Authorization Certificate is issued through N.C. Division of Coastal Management (DCM) delegation for "ALLOWABLE" activities.

In accordance with North Carolina General Statute 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, then one payment to both agencies shall be submitted and will be the higher of the two fees.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval from the Division as long as they comply with the Conditions of Certification listed below. If any of these Conditions cannot be met, then written approval from the Division is required.

Conditions of Certification:

1. No Impacts Beyond those Authorized in the Written Approval or Beyond the Threshold of 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 depicted in the Pre-Construction Notification, as

Water Quality Certification No. 3891

authorized in the written approval from the Division or beyond the thresholds established for use of this Certification without written authorization, 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. Approved plans and specifications for this project are incorporated by reference and are enforceable parts of this permit.

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 and if applicable, comply with the specific conditions and requirements of the NPDES Construction Stormwater Permit issued to the site:

- 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.
- e. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource (ORW) waters, then the sedimentation and erosion control designs must comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

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

Sediment and erosion control measures shall not be placed in wetlands or waters. Exceptions to this condition require application submittal to and written approval by the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream 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 (DLR) or locally delegated program has released the specific area within the project.

4. Construction Stormwater Permit NCG010000

Water Quality Certification No. 3891

An NPDES Construction Stormwater Permit is required for construction projects that disturb one (1) or more acres of land. This Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If your project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. A copy of the general permit (NCG010000), inspection log sheets, and other information may be found at <http://portal.ncdenr.org/web/wq/ws/su/npdessw#tab-w>.

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.

5. Construction Moratoriums and Coordination

If activities must occur during periods of high biological activity (i.e. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities.

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. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium.

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.

6. Work in the Dry

All work in or adjacent to stream waters shall be conducted so that the flowing stream does not come in contact with the disturbed 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 application submittal to and written approval by the Division.

7. Riparian Area Protection (Buffer) Rules

Activities located in the protected riparian areas (whether jurisdictional wetlands or not), within the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman, Jordan, or Goose Creek Watersheds (or any other basin or watershed with buffer rules) shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 02B .0233, .0259, .0243, .0250, .0267 and .0605, 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. If concrete is used during the construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state due to the potential for elevated pH and possible aquatic life/ fish kills.

Water Quality Certification No. 3891

9. 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*. Exceptions to this condition require written approval by the Division.
10. 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 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, however matting that incorporates plastic mesh and/or plastic twine shall not be used in wetlands, riparian buffers or floodplains as recommended by the North Carolina Sediment and Erosion Control Manual. 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* (or its subsequent updates), the restored length may be used as compensatory mitigation for the impacts resulting from the relocation.
11. Placement of Culverts and Other Structures in Waters and Wetlands

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 and streams must be 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.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/ connectivity has been provided when possible (rock ladders, crossvanes, etc). Notification to the Division including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations shall be provided to the Division 60 days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification to the Division including supporting documentation such as, but not limited to, a location map of the culvert, geotechnical reports, photographs, etc shall be provided to the Division a minimum of 60 days prior to the installation of the culvert. If bedrock is discovered during construction, then the Division shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application submittal to, and written approval by, the Division of Water Quality, regardless of the total impacts to streams or wetlands from the project.

Water Quality Certification No. 3891

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.

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

12. Compensatory Mitigation

In accordance with 15A NCAC 02H .0506 (h), compensatory mitigation may be required for losses of equal to or greater than 150 linear feet of streams (intermittent and perennial) and/or equal to or greater than one (1) acre of wetlands. For linear public transportation projects, impacts equal to or exceeding 150 linear feet per stream shall require mitigation.

Buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for activities classified as "Allowable with Mitigation" or "Prohibited" within the Table of Uses.

A determination of buffer, wetland, and stream mitigation requirements shall be made for any General Water Quality Certification for this Nationwide and/or Regional General Permit. 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 to the Division for written approval as required in those protocols. The mitigation plan must be implemented and/or constructed before any impacts occur on site. Alternatively, the Division will accept payment into an in-lieu fee program or a mitigation bank. In these cases, proof of payment shall be provided to the Division before any impacts occur on site.

13. 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.
14. In the twenty (20) coastal counties, the appropriate DWQ Regional Office must be contacted to determine if Coastal Stormwater Regulations will be required.
15. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals.
16. 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 being violated, or that further conditions are necessary to assure compliance, then the Division may reevaluate and modify this General Water Quality Certification.

Water Quality Certification No. 3891

17. 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.
18. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards.
19. This certification grants permission to the director, an authorized representative of the Director, or DENR staff, upon the presentation of proper credentials, to enter the property during normal business hours.

This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide and/or Regional General 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.

Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General 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: March 19, 2012

DIVISION OF WATER QUALITY

By

A handwritten signature in blue ink, appearing to read "Charles Wakild", followed by a small "for" written in the same ink.

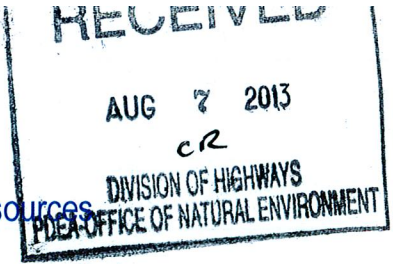
Charles Wakild, P.E.

Director

History Note: Water Quality Certification (WQC) Number 3891 issued March 19, 2012 replaces WQC 3701 issued November 1, 2007; WQC Number 3632 issued March 2007; WQC Number 3403 issued March 2003; WQC Number 3361 issued March 18, 2002; WQC Number 3107 issued February 11, 1997; WQC Number 2734 issued May 1 1993; and WQC Number 2670 issued on January 21, 1992. This General Certification is rescinded when the Corps of Engineers reauthorizes any of the corresponding Nationwide and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Quality.



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



Pat McCrory
Governor

Braxton C. Davis
Director

John E. Skvarla, III
Secretary

August 2, 2013

Gregory J. Thorpe, Ph.D.
Environmental Manager Director
Project Development and Environmental Analysis Branch
NC Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

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 require 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

Permit Class
NEW

Permit Number
89-13

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

Permit

for

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

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

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

Authorizing development in Brunswick County at the Brunswick River and Alligator Creek on
US 17-74-76 / NC 133 as requested in the permittee's application dated 4/26/13,
including the attached drawings as referenced in Condition No. 1 of this permit.

This permit, issued on 8/2/13, 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.

Widening and New Bridges on US 17-74-76 / NC 133 (TIP No. R-3601)

- 1) Unless specifically altered herein, all work authorized by this permit shall be carried out in accordance with the following sixty five (65) workplan drawings:

1/2 size drawings: Four (4) drawings dated 2/21/13, nine (9) drawings dated 2/28/13, twenty three (23) drawings dated 3/1/13, twenty three (23) drawings dated 3/4/13, one (1) drawing dated 4/8/13, two (2) drawings dated 5/21/13, and one (1) drawing dated as received on 5/3/13.

8 1/2" X 11": One (1) drawing dated 4/23/12, and one (1) drawing dated 4/25/12.

(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.

Douglas V. Haggitt
for

Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

E. L. Luck for Deborah M. Barlow, PE
Signature of Permittee

ADDITIONAL CONDITIONS

- 2) In order to protect anadromous fish during spawning periods and through embryonic, larval, or juvenile life stages, no in-water work shall be conducted in the Brunswick River from February 15 through September 30, and no in-water work shall be conducted in the Alligator Creek from February 15 through June 30, without prior approval of the NC Division of Coastal Management (DCM), in consultation with the appropriate resource agencies. The removal of bridge piles utilizing a static pull method is specifically excluded from these in-water work moratoriums.

NOTE: The permittee is reminded that additional in-water work moratoriums may be required by other regulatory agencies and shall be implemented, regardless of whether or not such requirements are addressed by individual conditions of this permit.

- 3) The authorized project is located within a Primary Nursery Area (PNA). Therefore, in accordance with T15A:07H.0208 of the rules of the Coastal Resources Commission, no new dredging or excavation within the PNA of the Brunswick River shall be permitted. Dredging in any manner, including "kicking" with boat propellers is not authorized. This prohibition shall be applied and enforced throughout the construction and any following maintenance activities.
- 4) Unless specifically altered herein, the NCDOT document "Best Management Practices for Bridge Demolition and Removal" (final 9/20/99) shall be followed during demolition and construction activities.
- 5) The permanent and temporary work bridge piles shall be installed with vibratory hammer, pile driver, or drilling. Should jetting of any bridge piles become necessary, additional authorization shall be required by DCM in consultation with the appropriate resource agencies.
- 6) Drill slurry, uncured concrete, and water that has been in contact with uncured concrete, shall not be allowed to contact waters of the State or water that will enter waters of the State. Drilling fluids shall be disposed of in an upland disposal site. Water returning to the river shall be of sufficient quality so as not to pose as threat to aquatic organisms or otherwise violate State water quality standards.
- 7) Excavated material from the drill-shaft construction shall be removed from the encasements directly into containment vessels and sufficient efforts shall be utilized to minimize spillage of spoil material into waters of the State.
- 8) Pilings from the existing bridges and the temporary work bridges, 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.
- 9) Temporary work bridges shall maintain existing navigational channel height, in accordance with project commitments made within the permit application.
- 10) During bridge construction, the permittee shall make every attempt to allow the same navigation that is currently possible in the Brunswick River and Alligator Creek. If this is not possible, then adequate notice shall be provided to the public that navigation will be limited during construction. The notice shall include an estimate of the amount of time that the limited navigation will occur.

ADDITIONAL CONDITIONS

- 11) The permittee shall install and maintain at his expense any lights or signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the authorized facilities.
- 12) The temporary work bridges shall be removed in their entirety within 90 days after it is no longer needed and saved for reuse, recycled, or disposed of at an approved high ground site. However, if this timeframe occurs while the moratorium referenced in Condition No. 2 of this permit is in effect, then the temporary work bridges shall be removed in their entirety within 30 days of the moratorium end date.
- 13) Any debris resulting from the construction of the new bridges shall not enter wetlands or waters of the State, even temporarily.
- 14) The permittee and/or his contractor shall exercise all available precautions in day-to-day operations to prevent waste from entering the adjacent waters.
- 15) Any waste materials and debris associated with bridge construction or other activities shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations are obtained from any relevant state, federal, or local authorities.
- 16) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals, etc., necessary to carry out the project.
- 17) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 18) Placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be free from loose dirt or any pollutant. The riprap material shall consist of clean rock or masonry materials, such as but not limited to, granite, marl, or broken concrete.
- 19) The permittee shall minimize the need to cross wetlands in transporting equipment to the maximum extent practicable.
- 20) Construction mats shall be utilized to support equipment within wetland areas to minimize temporary wetland impacts. These mats shall be removed immediately following project completion.

Excavation and Fill

- 21) No excavation, filling, clearing or grubbing 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.
- 22) Material excavated may be used in fill areas associated with the project or shall be removed from the site and taken to an approved high ground location.

ADDITIONAL CONDITIONS

- 23) All excavated materials shall be confined above normal high 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.
- 24) The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 25) All fill material shall be clean and free of any pollutants except in trace quantities.

Sedimentation and Erosion Control

- 26) This project shall conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.
- 27) Unless specifically altered herein, the permittee shall follow "Best Management Practices for the Protection of Surface Waters (3/97)" and shall also implement sedimentation and erosion control measures sufficient to protect aquatic resources. At a minimum, appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses, and property (e.g. silt fence, diversion swales or berms, etc.).

Barges

- 28) Barges shall be removed promptly when they are no longer needed.
- 29) Barges shall be utilized only in areas of sufficient depth such that the barges do not rest on the bottom during periods of low tide.
- 30) Caution shall be exercised with placement and removal of any barges to ensure that impacts to shallow water habitat are avoided and minimized to the maximum extent practicable.

Utilities Relocation

- 31) Any relocation of utility lines that has not been previously permitted by DCM or is not already depicted on the attached work plan drawings, or described within the attached permit application, shall require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

ADDITIONAL CONDITIONS

Wetland and Stream Mitigation

- 32) Due to the possibility that compaction, mechanized clearing and/or other site alterations might prevent any temporary Coastal Wetland impact area from re-attaining pre-project wetland functions, the permittee shall monitor temporary wetland impacts for three years after project completion. The permittee shall schedule a meeting with DCM to verify the extent and location of temporary impacts upon project completion. The permittee shall then provide an annual update on any wetland areas temporarily impacted by this project. This annual update shall consist of photographs and written report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM to determine if the wetland areas temporarily impacted by this project have re-attained pre-project wetland functions. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained pre-project wetland functions, DCM shall determine whether compensatory wetland mitigation shall be required.

NOTE: The Ecosystem Enhancement Program (EEP) agreed to provide mitigation for 0.42 acre of riparian wetlands, 0.04 acre of Coastal Marsh, and 182 linear feet of stream impacts, in accordance to the EEP Mitigation Acceptance Letter, dated 6/25/13.

General

- 33) The permittee and/or contractor shall contact the DCM Transportation Field Representative at (252) 808-2808 extension No. 208 to schedule a pre-construction conference prior to project initiation.
- 34) DWQ authorized the proposed project (DWQ Project No. 130472) on 5/16/13 under Certification No. 3891. Any violation of the Certification approved by the DWQ shall be considered a violation of this CAMA permit.

NOTE: DWQ provided confirmation that the subject project is excluded from State Coastal Stormwater permitting requirements by way of the Stormwater Permit Exclusion letter, dated 4/2/13 (Project No. SW8130310).

NOTE: If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached permit drawings or described in the authorized permit application, permit modification or additional authorization from DCM may be required.

NOTE: This permit does not eliminate the need to obtain any additional state, federal, or local permits, approvals, or authorizations that may be required, including, but not limited to, the US Army Corps of Engineers and/or the US Coast Guard.

NOTE: The bridge demolition debris may be suitable for use as artificial reef material. The permittee is encouraged to contact the Artificial Reef Coordinator at 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.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE Precautionary Measures for Construction Activities in North Carolina Waters

The West Indian manatee (*Trichechus manatus*), also known as the Florida manatee, is a Federally-listed endangered aquatic mammal protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C 1461 *et seq.*). The manatee is also listed as endangered under the North Carolina Endangered Species Act of 1987 (Article 25 of Chapter 113 of the General Statutes). The U.S. Fish and Wildlife Service (Service) is the lead Federal agency responsible for the protection and recovery of the West Indian manatee under the provisions of the Endangered Species Act.

Adult manatees average 10 feet long and weigh about 2,200 pounds, although some individuals have been recorded at lengths greater than 13 feet and weighing as much as 3,500 pounds. Manatees are commonly found in fresh, brackish, or marine water habitats, including shallow coastal bays, lagoons, estuaries, and inland rivers of varying salinity extremes. Manatees spend much of their time underwater or partly submerged, making them difficult to detect even in shallow water. While the manatee's principal stronghold in the United States is Florida, the species is considered a seasonal inhabitant of North Carolina with most occurrences reported from June through October.

To protect manatees in North Carolina, the Service's Raleigh Field Office has prepared precautionary measures for general construction activities in waters used by the species. Implementation of these measure will allow in-water projects which do not require blasting to proceed without adverse impacts to manatees. In addition, inclusion of these guidelines as conservation measures in a Biological Assessment or Biological Evaluation, or as part of the determination of impacts on the manatee in an environmental document prepared pursuant to the National Environmental Policy Act, will expedite the Service's review of the document for the fulfillment of requirements under Section 7 of the Endangered Species Act. These measures include:

1. The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, and the need to avoid any harm to these endangered mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that

there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act and the Endangered Species Act.

3. If a manatee is seen within 100 yards of the active construction and/or dredging operation or vessel movement, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of moving equipment if a manatee comes within 50 feet of the operational area of the equipment. Activities will not resume until the manatee has departed the project area on its own volition (i.e., it may not be herded or harassed from the area).

4. Any collision with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service (ph. 919.856.4520 ext. 16), the National Marine Fisheries Service (ph. 252.728.8762), and the North Carolina Wildlife Resources Commission (ph. 252.448.1546).

5. A sign will be posted in all vessels associated with the project where it is clearly visible to the vessel operator. The sign should state:

CAUTION: The endangered manatee may occur in these waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All equipment must be shut down if a manatee comes within 50 feet of the vessel or operating equipment. A collision with and/or injury to the manatee must be reported immediately to the U.S. Fish and Wildlife Service (919-856-4520 ext. 16), the National Marine Fisheries Service (252.728.8762), and the North Carolina Wildlife Resources Commission (252.448.1546).

6. The contractor will maintain a log detailing sightings, collisions, and/or injuries to manatees during project activities. Upon completion of the action, the project manager will prepare a report which summarizes all information on manatees encountered and submit the report to the Service's Raleigh Field Office.

7. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

8. If siltation barriers must be placed in shallow water, these barriers will be: (a) made of material in which manatees cannot become entangled; (b) secured in a manner that they cannot break free and entangle manatees; and, (c) regularly monitored to ensure that manatees have not become entangled. Barriers will be placed in a manner to allow manatees entry to or exit from essential habitat.

Figure 1. The whole body of the West Indian manatee may be visible in clear water; but in the dark and muddy waters of coastal North Carolina, one normally sees only a small part of the head when the manatee raises its nose to breathe.

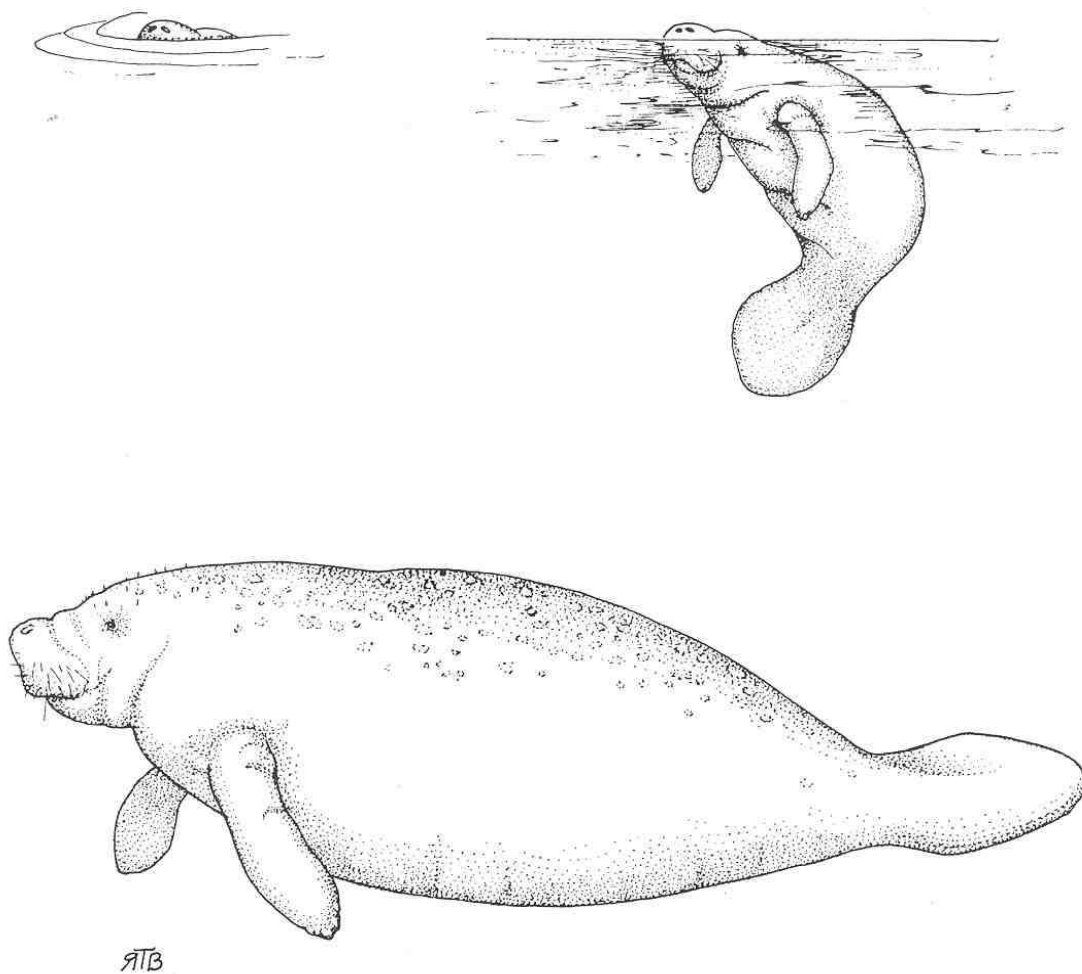


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I. A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-3. North Carolina State Museum of Natural Sciences. Raleigh, NC. pp. 52.

U.S. Department of
Homeland Security

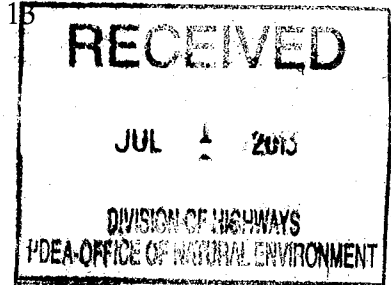
United States
Coast Guard



Commander
United States Coast Guard
Fifth Coast Guard District

431 Crawford Street
Portsmouth, Va. 23704-5004
Staff Symbol: dpb
Phone: (757) 398-6587
Fax: (757) 398-6334
Email: Terrance.A.Knowles@uscg.mil

16591
26 JUN 15



Ms. Amy James
Biologist, Project Management
North Carolina Department of Transportation
Natural Environment Section
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Ms. James:

Review of your proposed bridge project is complete. Based on the documentation provided and your response to the lone comment received to Public Notice 5-1298, it is determined that a formal Coast Guard bridge permit will not be required for the proposed replacement of US 17 dual Bridges over Brunswick River, Brunswick County and Wilmington, New Hanover County, NC.

The project will be placed in our Advance Approval category as per Title 33 Code of Federal Regulations Part 115.70. This Advance Approval determination is for the location, proposed replacement and removal of the dual bridges over Brunswick River on US 17 in Brunswick County and **is valid for five years from the date of this letter**. If the replacement and removal do not commence within this time period, you must contact this office for reaffirmation of this authorization. Future bridge projects along the same waterway will have to be independently evaluated before they may be considered for Advance Approval.

The fact that a Coast Guard bridge permit is not required does not relieve you of the responsibility for compliance with the requirements of any other Federal, State, or local agency who may have jurisdiction over any aspect of the project. Although the project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following must be met:

- a. At no time during the bridgework will the waterway be closed to navigation without the prior notification and approval of the Coast Guard.
- b. This office should be notified as soon as possible to commencement and completion of bridgework so that appropriate announcements may be prepared for our Local Notice to Mariners publication.
- c. The lowest portion of the superstructure of the bridges across the waterway should clear the 100-year flood height elevation, if feasible.

The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the charts of U.S. waters; therefore, they must be notified of this proposed work. You must notify our office and the NOS upon completion of the activity approved in this letter. Your notification of completion must include as-built drawings, which

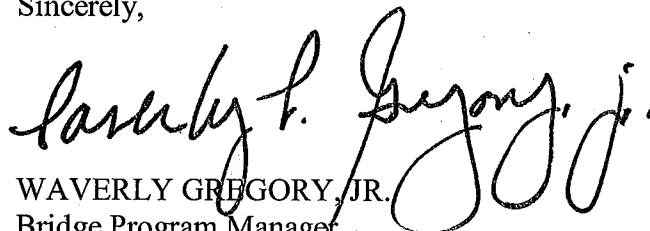
16591
26 JUN 13

certifies the location and clearance of the dual bridges that were constructed. This information will be sent to the following address:

Ms. Allison Wittrock
National Ocean Service
N/CS26, Room 7317
1315 East-West Highway
Silver Spring, MD 20910-3282

If you have any further questions, please contact Terry Knowles at the above-listed address or telephone number.

Sincerely,

A handwritten signature in cursive script, reading "Waverly L. Gregory, Jr.", written in black ink.

WAVERLY GREGORY, JR.
Bridge Program Manager
By direction of the Commander
Fifth Coast Guard District

Copy: Allison Wittrock, NOS
Coast Guard Sector North Carolina, Waterways Management

U.S. Department of
Homeland Security

United States
Coast Guard

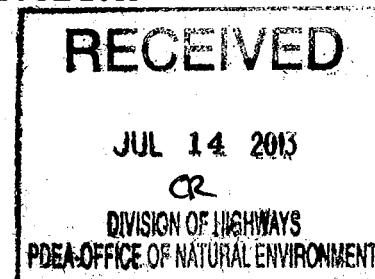


Commander
United States Coast Guard
Fifth Coast Guard District

431 Crawford Street
Portsmouth, Va. 23704-5004
Staff Symbol: dpb
Phone: (757) 398-6587
Fax: (757) 398-6334
Email: Terrance.A.Knowles@uscg.mil

16591
12 JUL 2013

Ms. Amy James
Biologist, Project Management
North Carolina Department of Transportation
Natural Environment Section
1548 Mail Service Center
Raleigh, NC 27699-1548



Dear Ms. James:

Review of your proposed bridge project is complete. Based on the documentation provided and that no comments were received to Public Notice 5-1299, it is determined that a formal Coast Guard bridge permit will not be required for the proposed replacement of US 17 Bridge over Alligator Creek, Brunswick County, NC.

The project will be placed in our Advance Approval category as per Title 33 Code of Federal Regulations Part 115.70. This Advance Approval determination is for the location and proposed replacement of the bridge on US 17 in Brunswick County including removal of the existing bridge across Alligator Creek and **is valid for five years from the date of this letter**. If the replacement and removal do not commence within this time period, you must contact this office for reaffirmation of this authorization. Future bridge projects along the same waterway will have to be independently evaluated before they may be considered for Advance Approval.

The fact that a Coast Guard bridge permit is not required does not relieve you of the responsibility for compliance with the requirements of any other Federal, State, or local agency who may have jurisdiction over any aspect of the project. Although the project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following must be met:

- a. At no time during the bridgework will the waterway be closed to navigation without the prior notification and approval of the Coast Guard.
- b. This office should be notified as soon as possible to commencement and completion of bridgework so that appropriate announcements may be prepared for our Local Notice to Mariners publication.
- c. The lowest portion of the superstructure of the bridge across the waterway should clear the 100-year flood height elevation, if feasible.

The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the charts of U.S. waters; therefore, they must be notified of this proposed work. You must notify our office and the NOS upon completion of the activity approved in this letter. Your notification of completion must include as-built drawings, which

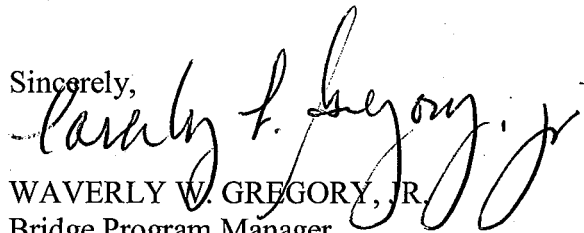
16591
12 JUL 2013

certifies the location and clearance of the bridge that was constructed. This information will be sent to the following address:

Ms. Allison Wittrock
National Ocean Service
N/CS26, Room 7317
1315 East-West Highway
Silver Spring, MD 20910-3282

If you have any further questions, please contact Terry Knowles at the above-listed address or telephone number.

Sincerely,


WAVERLY W. GREGORY, JR.
Bridge Program Manager
By direction of the Commander
Fifth Coast Guard District

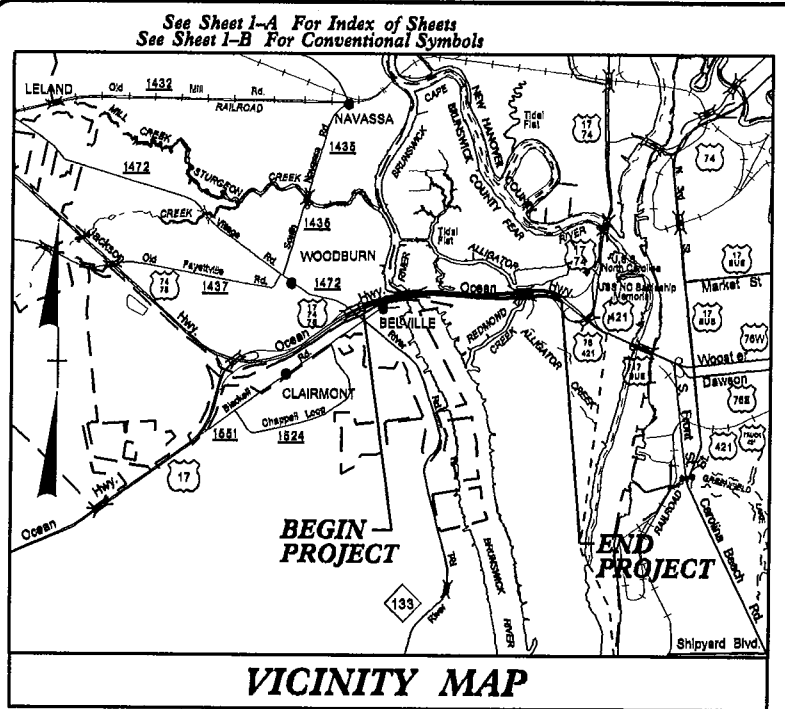
Copy: Allison Wittrock, NOS
Sector North Carolina, Waterways Management

95/80/60

\$\$\$\$\$SYTIME\$\$\$\$\$
\$\$\$\$\$DGN\$\$\$\$\$
\$\$\$\$\$USERNAME\$\$\$\$\$

TIP PROJECT: R-3601

CONTRACT:



VICINITY MAP

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

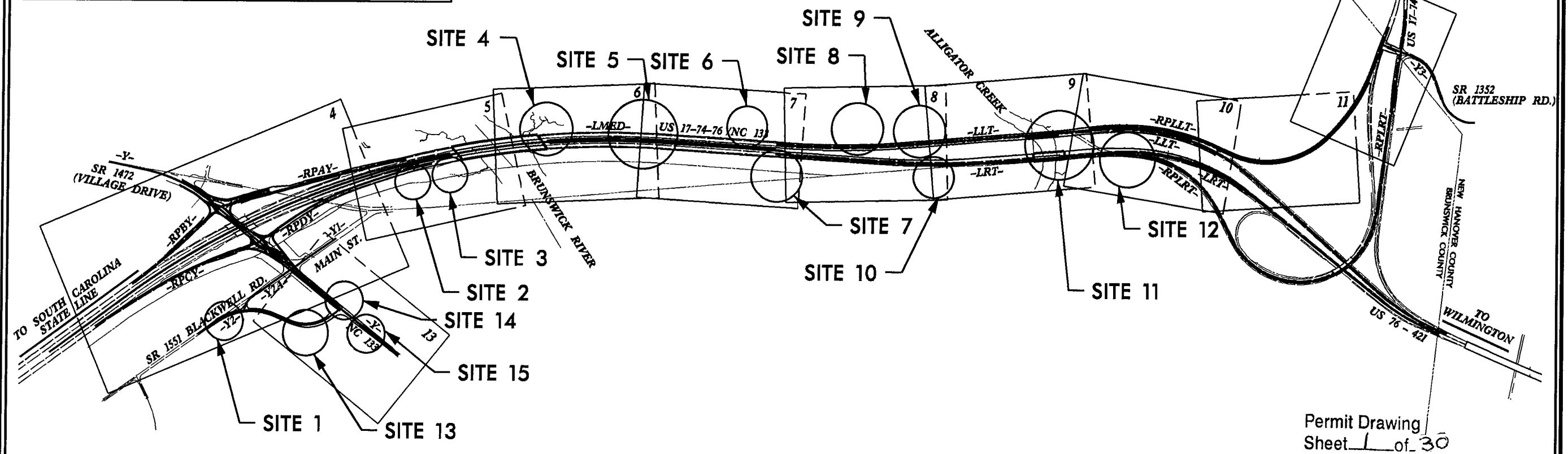


**BRUNSWICK AND
NEW HANOVER COUNTIES**

LOCATION: US 17-74-76 FROM NC 133 / SR 1472 INTERCHANGE
TO THE US 421 / NC 133 INTERCHANGE

TYPE OF WORK: GRADING, DRAINAGE, PAVING, AND STRUCTURES
WETLAND/SURFACE WATER PERMIT DWG.

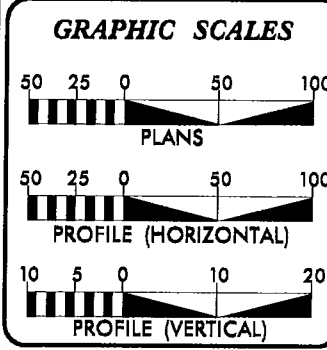
STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	R-3601	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
38868.1.1	NHS-0017(68)	P.E.	
38868.2.1	NHS-0017(68)	R/W & UTIL.	



Permit Drawing
Sheet 1 of 30

A PORTION OF THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDARIES
OF LELAND AND BELVILLE.
CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.
THIS IS A CONTROLLED-ACCESS PROJECT WITH ACCESS BEING LIMITED TO INTERCHANGES.

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



DESIGN DATA

ADT 2013 =	78,321 VPD
ADT 2035 =	107,000 VPD
DHV =	11 %
D =	55 %
* T =	6 %
V =	60 MPH
*(TTST 3% + DUALS 3%)	
FUNC. CLASS. =	FREWAY
STATEWIDE TIER	

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT R-3601 =	1.471 MILES
LENGTH STRUCTURE TIP PROJECT R-3601 =	0.205 MILES
TOTAL LENGTH TIP PROJECT R-3601 =	1.676 MILES

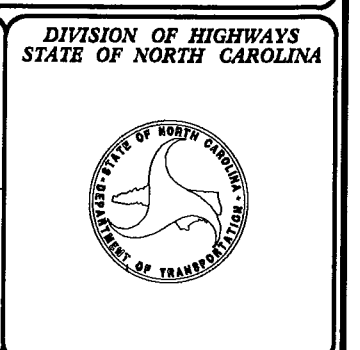
(EASTBOUND LANES WERE USED FOR
LENGTH OF PROJECT CALCULATION.)

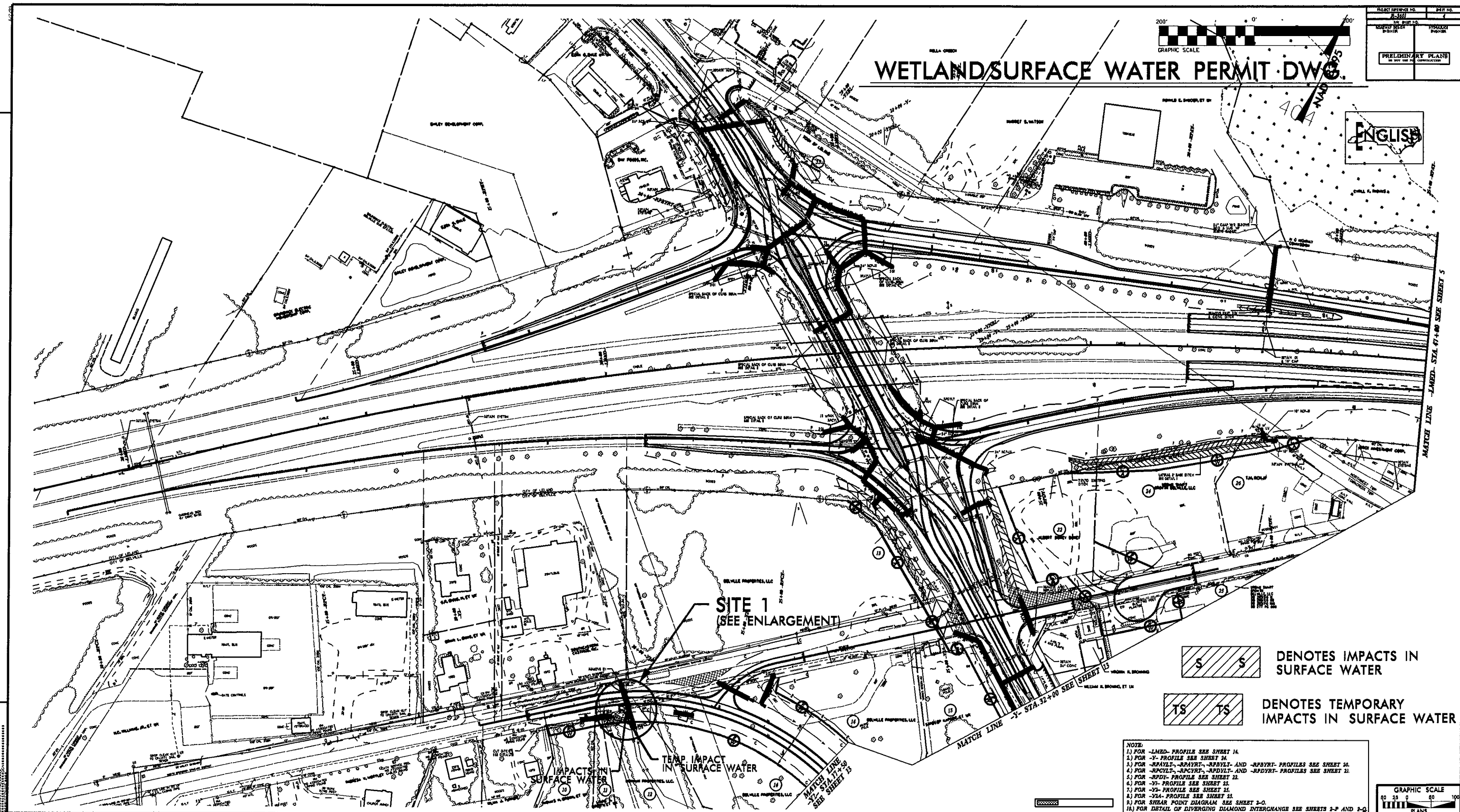
Prepared In the Office of:
DIVISION OF HIGHWAYS
1000 Birch Ridge Dr., Raleigh NC, 27610

2012 STANDARD SPECIFICATIONS	GARY LOVERING, PE PROJECT ENGINEER
RIGHT OF WAY DATE: FEBRUARY 28, 2013	SUSAN C. LANCASTER, PE PROJECT DESIGN ENGINEER
LETTING DATE: FEBRUARY 18, 2014	

HYDRAULICS ENGINEER

SIGNATURE: _____ ROADWAY DESIGN ENGINEER	P.E.
SIGNATURE: _____	P.E.




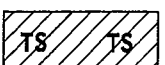


WETLAND/SURFACE WATER PERMIT DWG.

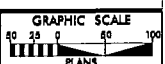
PROJECT NO.	DATE
6-100	10/1/00
DESIGNER	DRAWN
PRELIMINARY PLANS	CONSTRUCTION

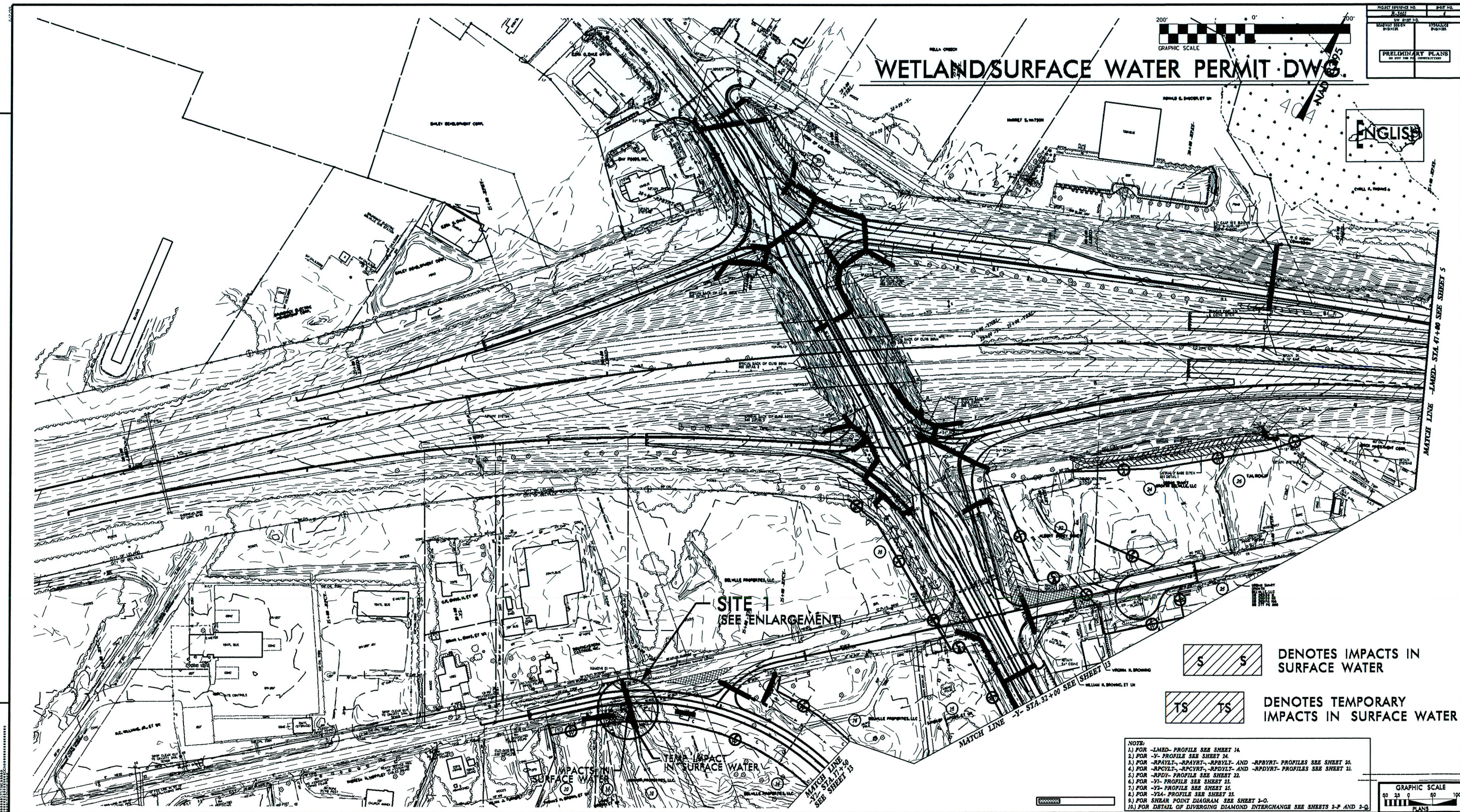
ENGLISH

 DENOTES IMPACTS IN SURFACE WATER

 DENOTES TEMPORARY IMPACTS IN SURFACE WATER

NOTE:
1) FOR -L&ED- PROFILE SEE SHEET 14.
2) FOR -V- PROFILE SEE SHEET 14.
3) FOR -RPAVLT-, -RPAVLT-, -RPAVLT- AND -RPAVLT- PROFILES SEE SHEET 10.
4) FOR -RPAVLT-, -RPAVLT-, -RPAVLT- AND -RPAVLT- PROFILES SEE SHEET 11.
5) FOR -RPAVLT- PROFILE SEE SHEET 12.
6) FOR -V- PROFILE SEE SHEET 12.
7) FOR -V- PROFILE SEE SHEET 13.
8) FOR -V- PROFILE SEE SHEET 13.
9) FOR SHEAR POINT DIAGRAM SEE SHEET 3-0.
10) FOR DETAIL OF DIVERGING DIAMOND INTERCHANGE SEE SHEETS 3-P AND 3-Q.





WETLAND/SURFACE WATER PERMIT DWG.

PROJECT NUMBER: R-100	SHEET NO.
DATE: 10/1/00	10/1/00
DESIGNED BY: [Signature]	CHECKED BY: [Signature]
DRAWN BY: [Signature]	IN CHARGE: [Signature]
PRELIMINARY PLANS BY [Signature] FOR [Signature]	

ENGLISH



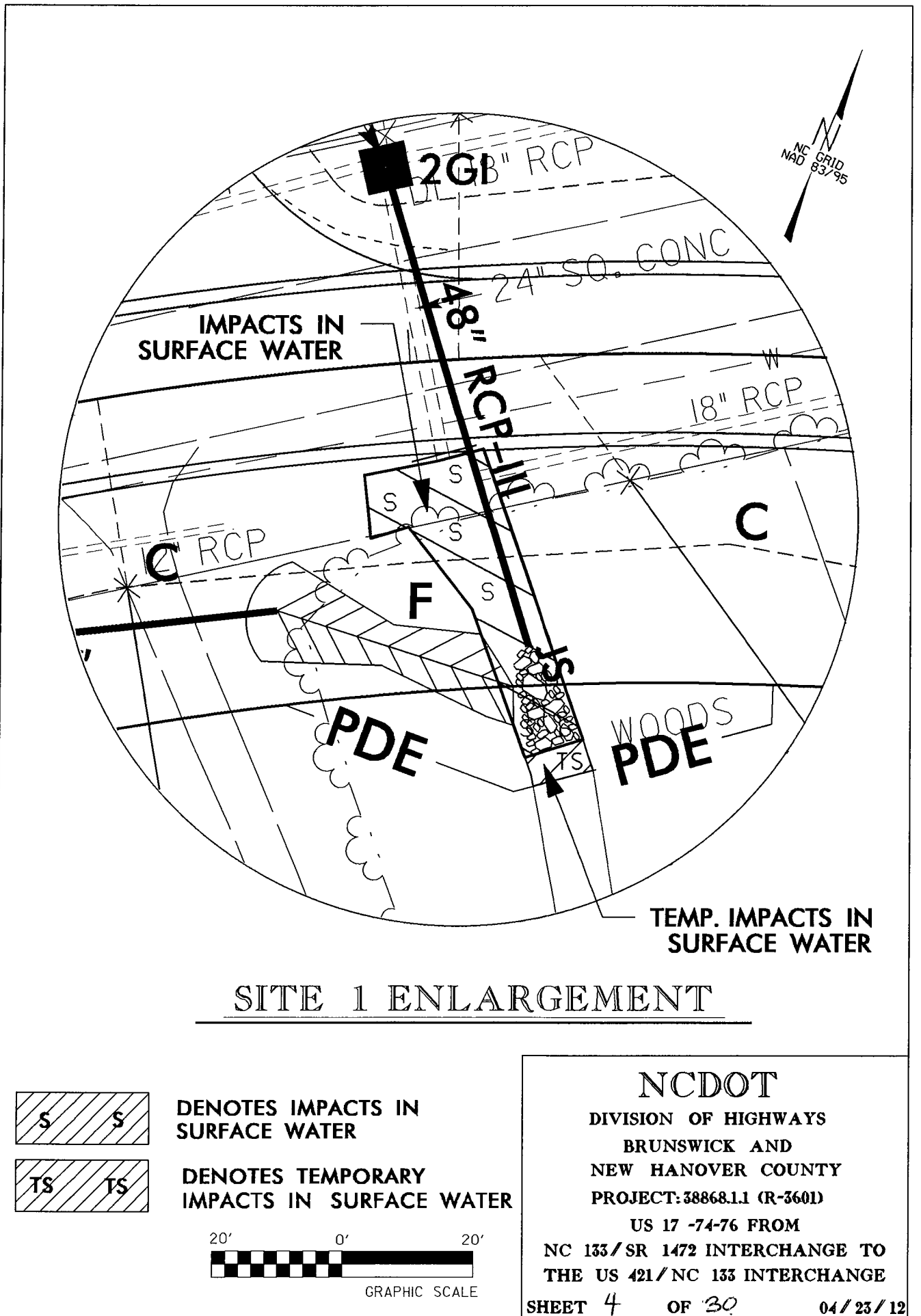
DENOTES IMPACTS IN SURFACE WATER



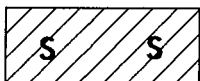
DENOTES TEMPORARY IMPACTS IN SURFACE WATER

- NOTE:
- 1.) FOR -LMED- PROFILE SEE SHEET 14.
 - 2.) FOR -V- PROFILE SEE SHEET 24.
 - 3.) FOR -RPAVLT-, -RPAVRT-, -RBYVLT- AND -RBYVRT- PROFILES SEE SHEET 24.
 - 4.) FOR -RPAVLT-, -RPAVRT-, -RBYVLT- AND -RBYVRT- PROFILES SEE SHEET 21.
 - 5.) FOR -RPAVLT- PROFILE SEE SHEET 22.
 - 6.) FOR -V- PROFILE SEE SHEET 21.
 - 7.) FOR -V- PROFILE SEE SHEET 21.
 - 8.) FOR -V- PROFILE SEE SHEET 21.
 - 9.) FOR SHEAR POINT DIAGRAM SEE SHEET 3-G.
 - 10.) FOR DETAIL OF DIVERGING DIAMOND INTERCHANGES SEE SHEETS 3-P AND 3-Q.

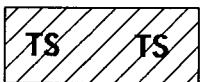




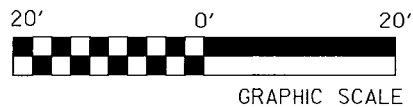
SITE 1 ENLARGEMENT



DENOTES IMPACTS IN
SURFACE WATER



DENOTES TEMPORARY
IMPACTS IN SURFACE WATER



NCDOT

DIVISION OF HIGHWAYS

BRUNSWICK AND

NEW HANOVER COUNTY

PROJECT: 38868.1.1 (R-3601)

US 17 -74-76 FROM

NC 133/SR 1472 INTERCHANGE TO
THE US 421/NC 133 INTERCHANGE

SHEET 4

OF 30

04/23/12

8/17/99

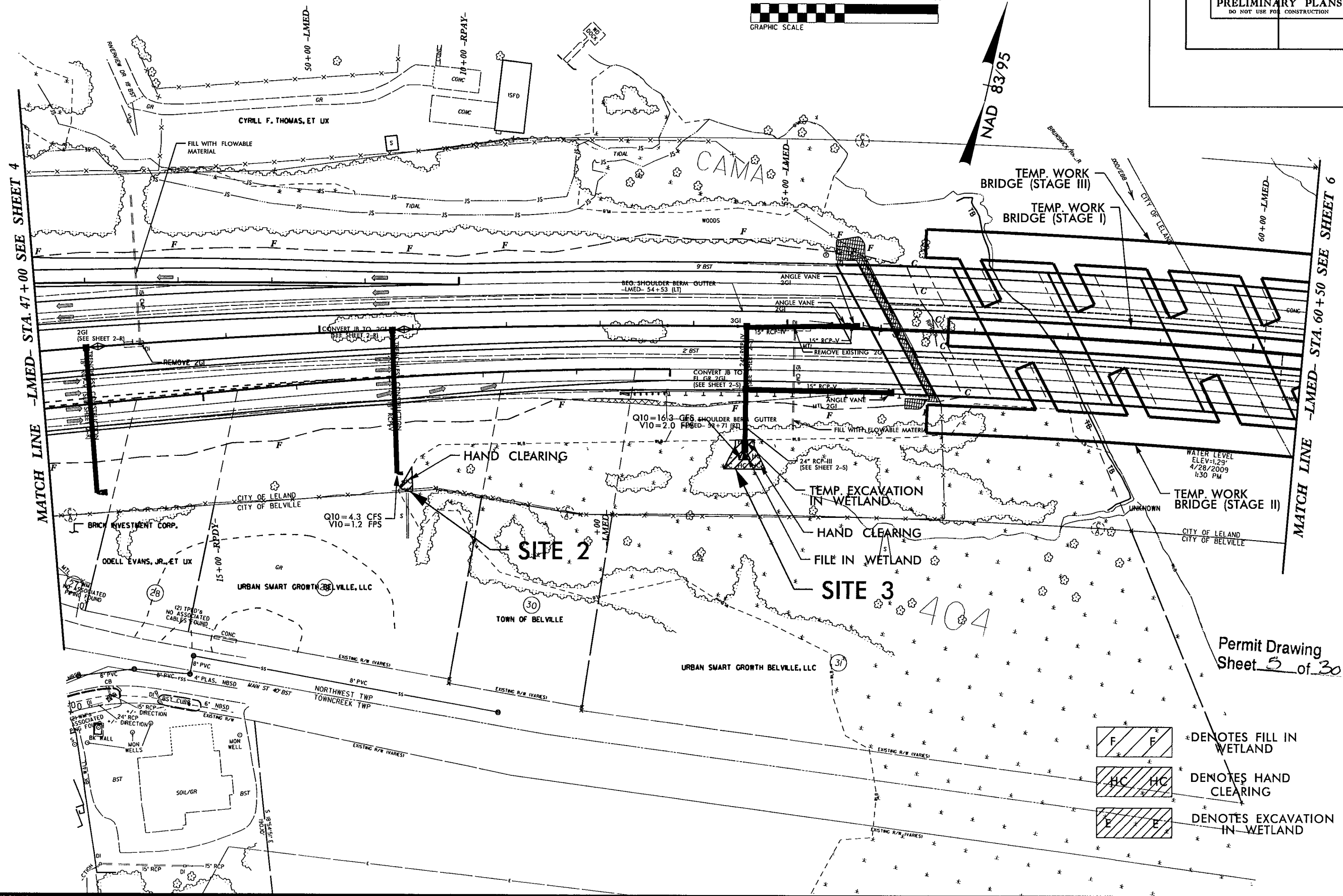
WETLAND/SURFACE WATER PERMIT DWG.



PROJECT REFERENCE NO.	SHEET NO.
R-3601	5
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



NAD 83/95



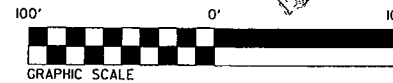
- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND

Permit Drawing
Sheet 5 of 30

8/17/99

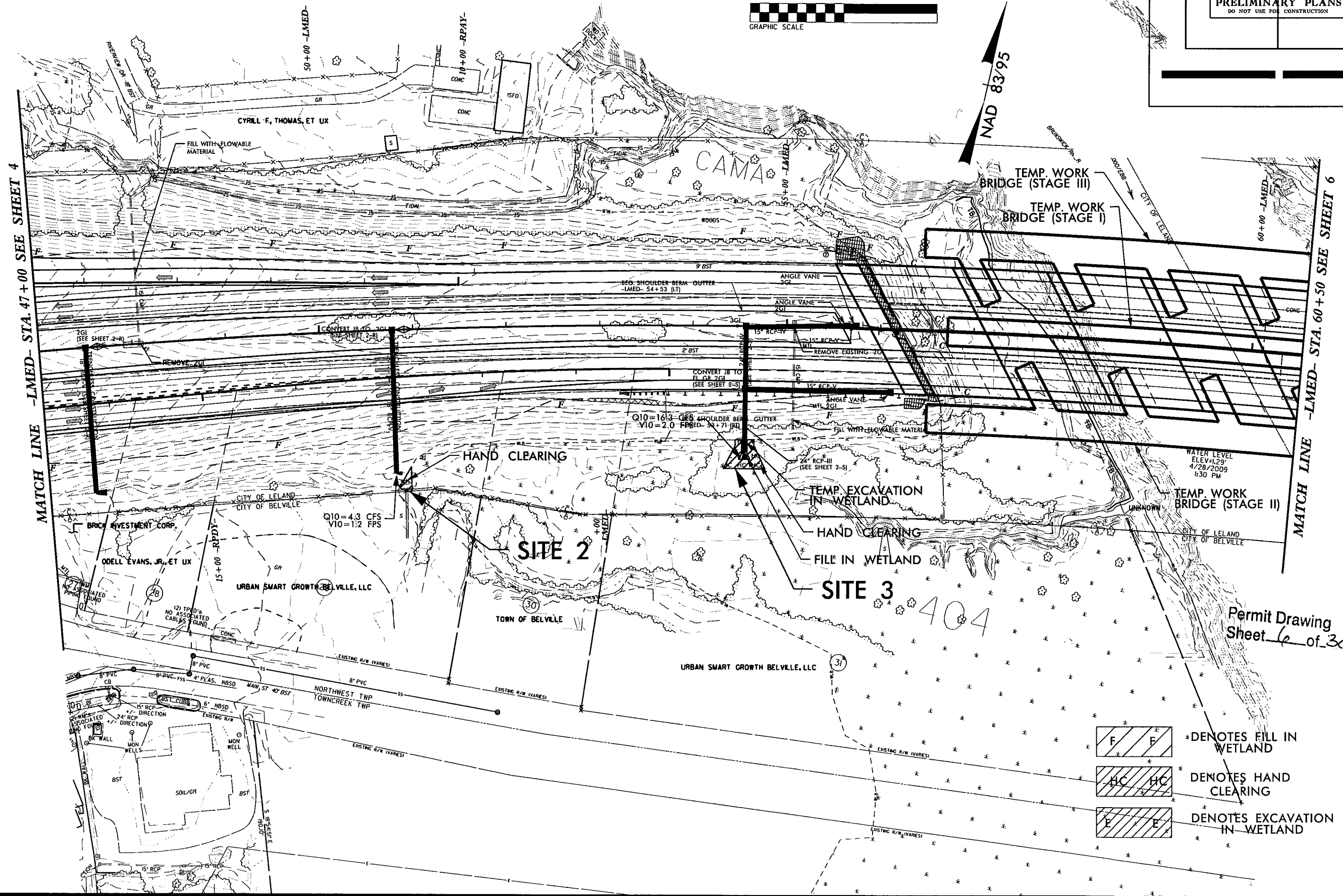
WETLAND/SURFACE WATER PERMIT DWG.

ENGLISH



NAD 83/95

PROJECT REFERENCE NO.	SHEET NO.
R-3601	5
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

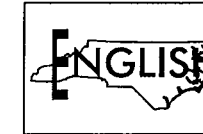


- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND

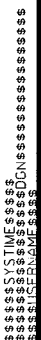
Permit Drawing
Sheet 6 of 30

8/17/99

NAD 83/95



REVISIONS



- Permit Drawing
Sheet 7 of 30

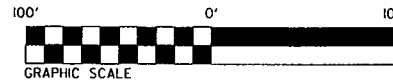
NORTHWEST TW
TOWNCREEK TW

8/17/95

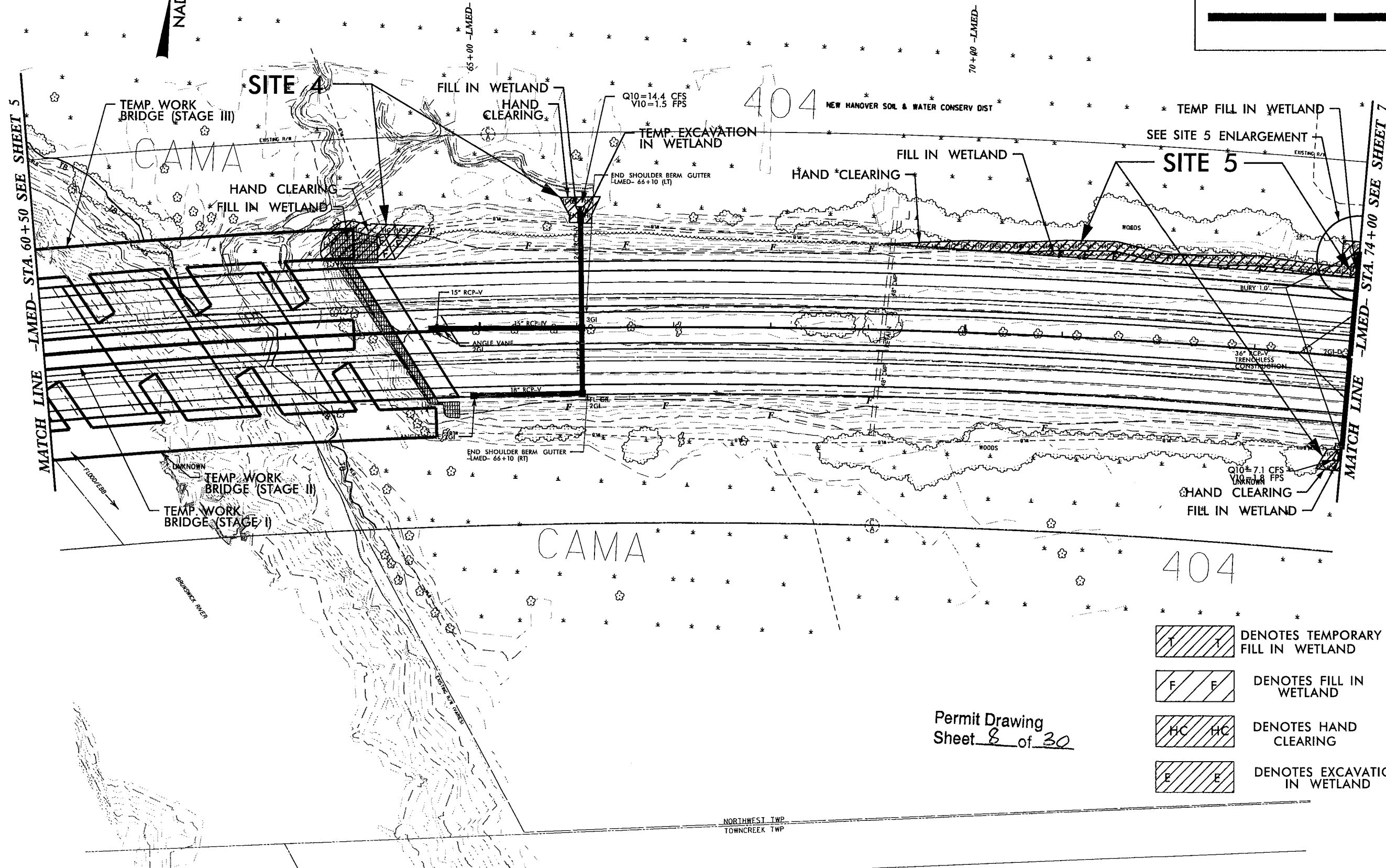
WETLAND/SURFACE WATER PERMIT DWG.



PROJECT REFERENCE NO.	SHEET NO.
R-3601	6
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



NAD 83/95



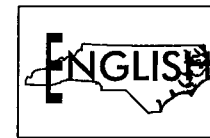
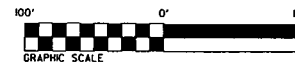
- DENOTES TEMPORARY FILL IN WETLAND
- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND

Permit Drawing
Sheet 8 of 30

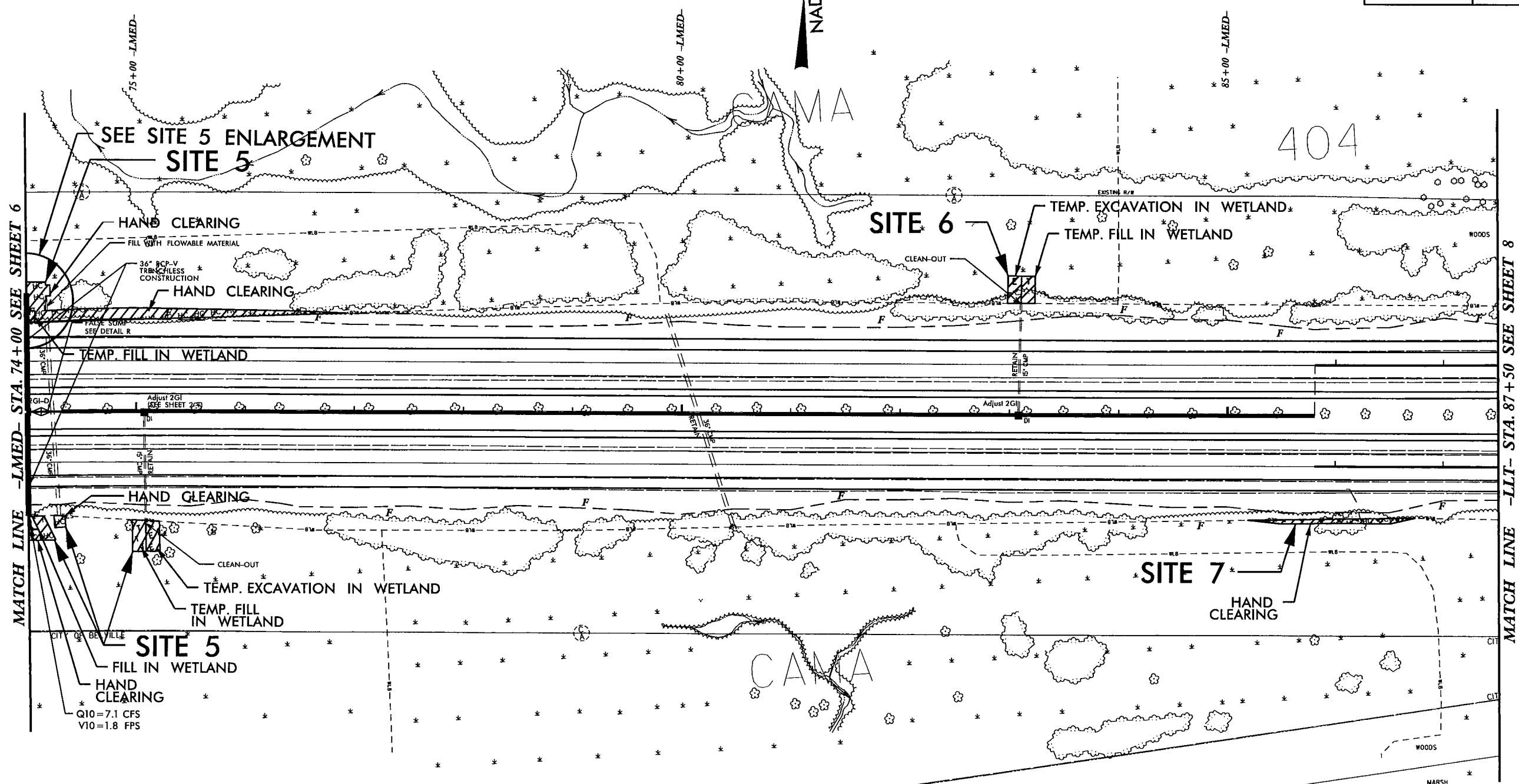
NORTHWEST TWP.
TOWNCREAK TWP.

8/17/99

WETLAND/SURFACE WATER PERMIT DWG.



PROJECT REFERENCE NO. R-3601	SHEET NO. 7
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



MATCH LINE -LMED- STA. 74+00 SEE SHEET 6

MATCH LINE -LLT- STA. 87+50 SEE SHEET 8

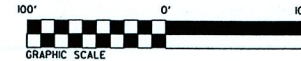
- DENOTES EXCAVATION IN WETLAND
- DENOTES HAND CLEARING
- DENOTES TEMPORARY FILL IN WETLAND
- DENOTES FILL IN WETLAND

Permit Drawing
Sheet 9 of 30

CITY OF BELVILLE

8/17/99

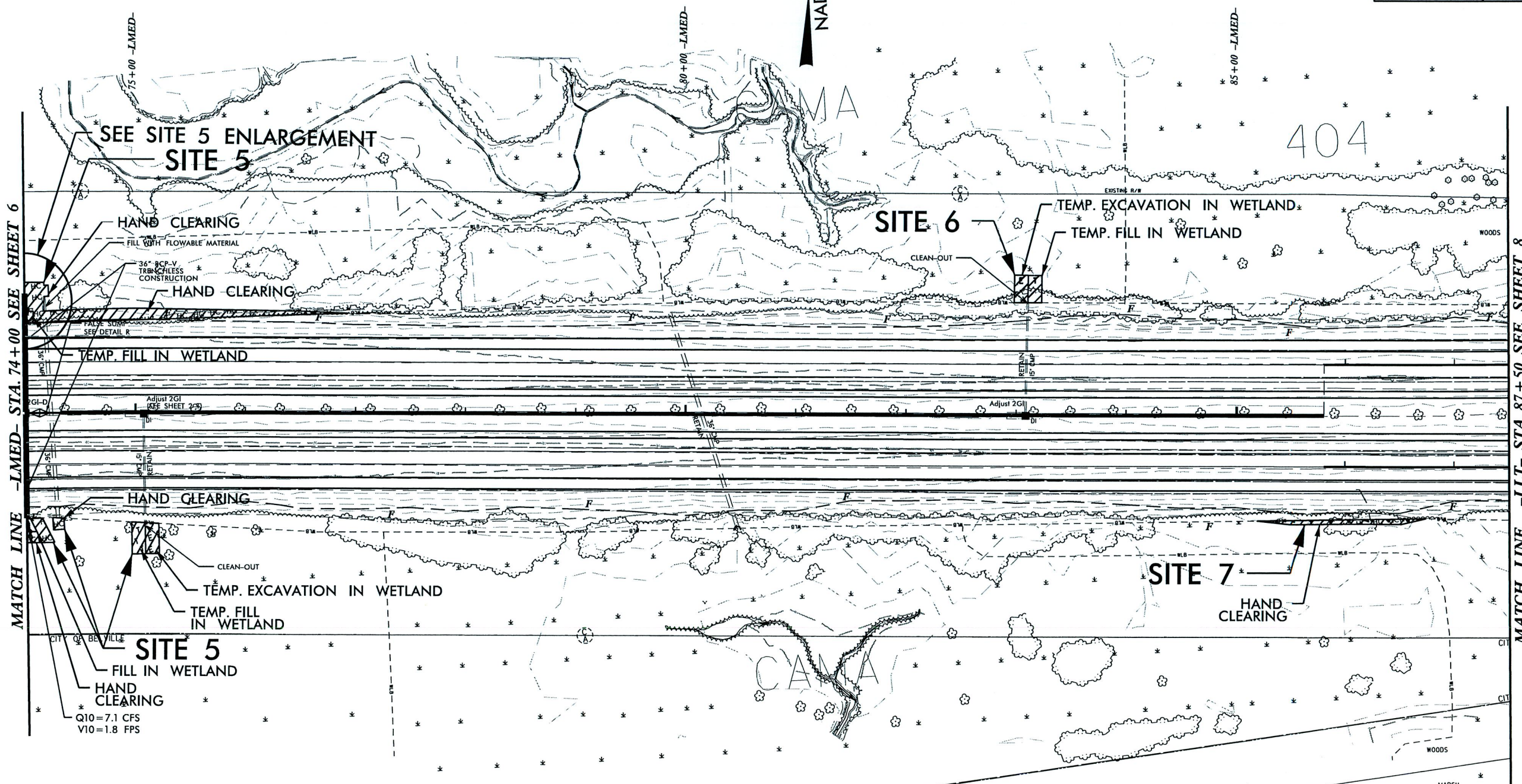
WETLAND/SURFACE WATER PERMIT DWG.



NAD 83/95



PROJECT REFERENCE NO. R-3601	SHEET NO. 7
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



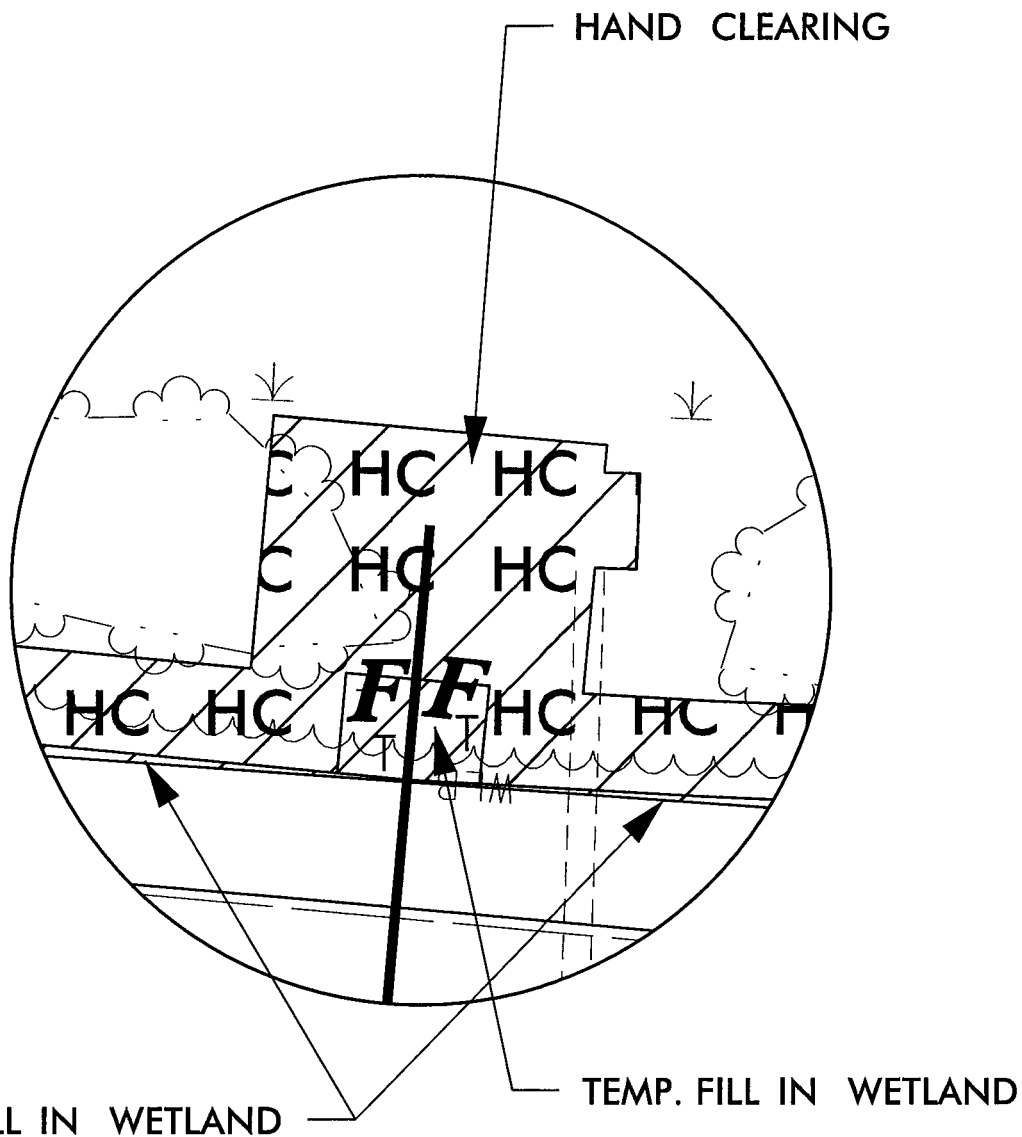
- DENOTES EXCAVATION IN WETLAND
- DENOTES HAND CLEARING
- DENOTES TEMPORARY FILL IN WETLAND
- DENOTES FILL IN WETLAND

Permit Drawing
Sheet 10 of 30

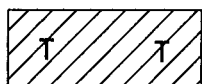
REVISIONS

UNDESIGNED

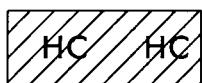
NAD 83/95



SITE 5 ENLARGEMENT



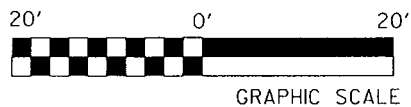
DENOTES TEMPORARY
FILL IN WETLAND



DENOTES HAND
CLEARING



DENOTES FILL IN
WETLAND



NCDOT

DIVISION OF HIGHWAYS
BRUNSWICK AND
NEW HANOVER COUNTY
PROJECT: 38868.1.1 (R-3601)

US 17 -74-76 FROM
NC 133/SR 1472 INTERCHANGE TO
THE US 421/NC 133 INTERCHANGE

SHEET 11

OF 30

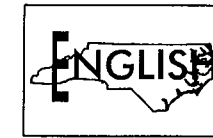
04/25/12

8/17/99

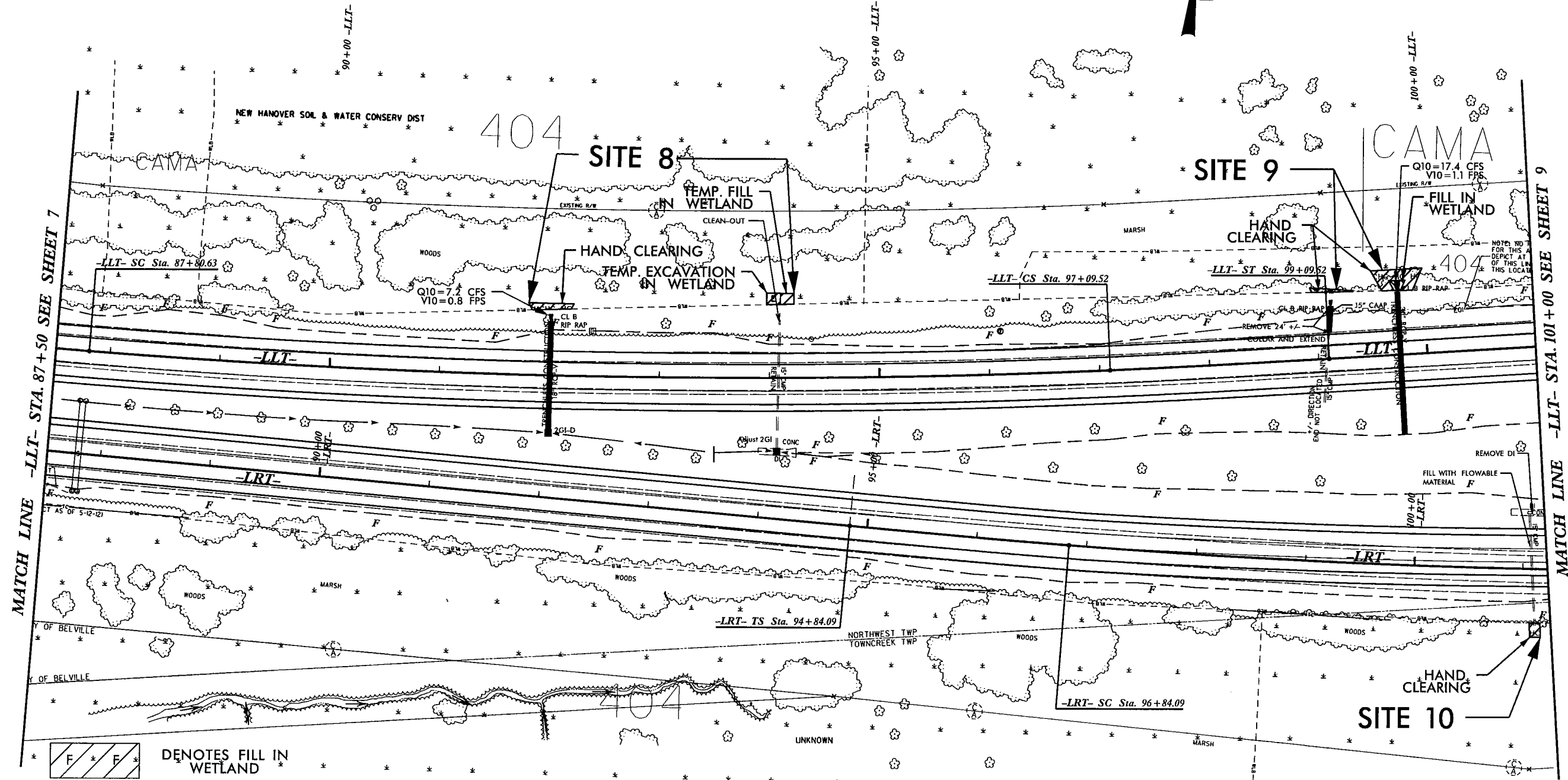
WETLAND/SURFACE WATER PERMIT DWG.



NAD 83/95



PROJECT REFERENCE NO. R-3601		SHEET NO. 8	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<div>PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION</div>			



- DENOTES FILL IN WETLAND
- DENOTES TEMPORARY FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND

Permit Drawing
Sheet 12 of 30

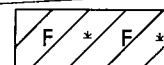
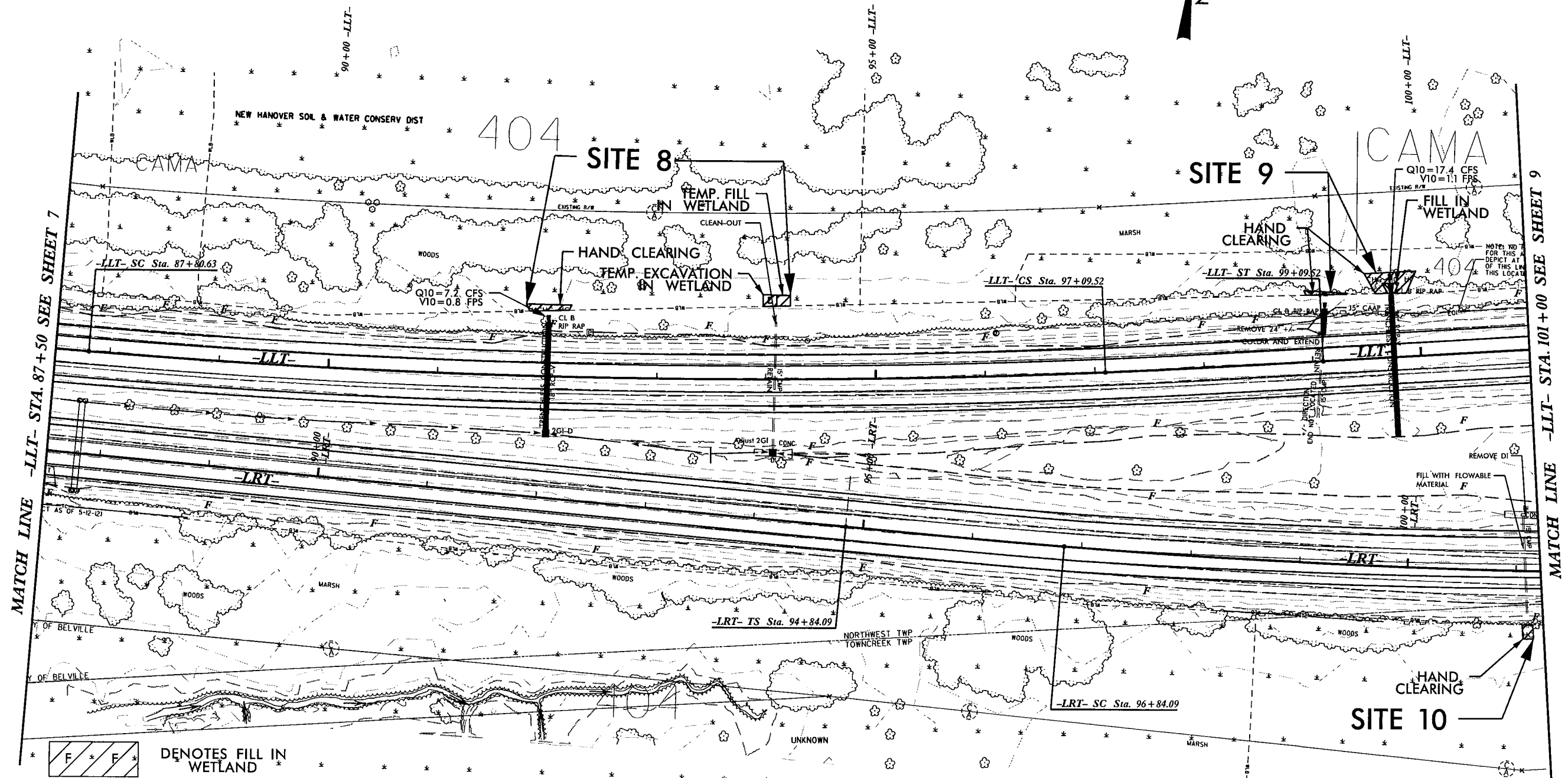
- NOTES:
- 1.) FOR -LLT- PROFILE SEE SHEET 16.
 - 2.) FOR -LRT- PROFILE SEE SHEET 18.

8/17/99

WETLAND/SURFACE WATER PERMIT DWG.



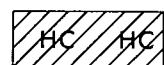
PROJECT REFERENCE NO. <i>R-3601</i>		SHEET NO. <i>8</i>	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<div>PRELIMINARY PLANS</div> <div>DO NOT USE FOR CONSTRUCTION</div>			



DENOTES FILL IN WETLAND



DENOTES TEMPORARY FILL IN WETLAND



DENOTES HAND CLEARING

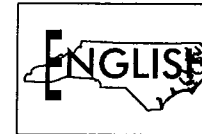
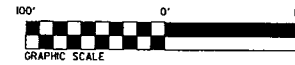


DENOTES EXCAVATION IN WETLAND

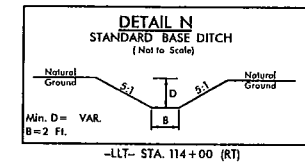
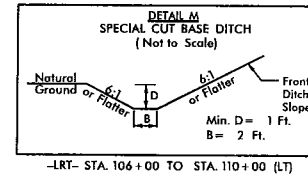
Permit Drawing
Sheet 13 of 30

NOTES:
1.) FOR -LLT- PROFILE SEE SHEET 16.
2.) FOR -LRT- PROFILE SEE SHEET 18.

WETLAND/SURFACE WATER PERMIT DWG.



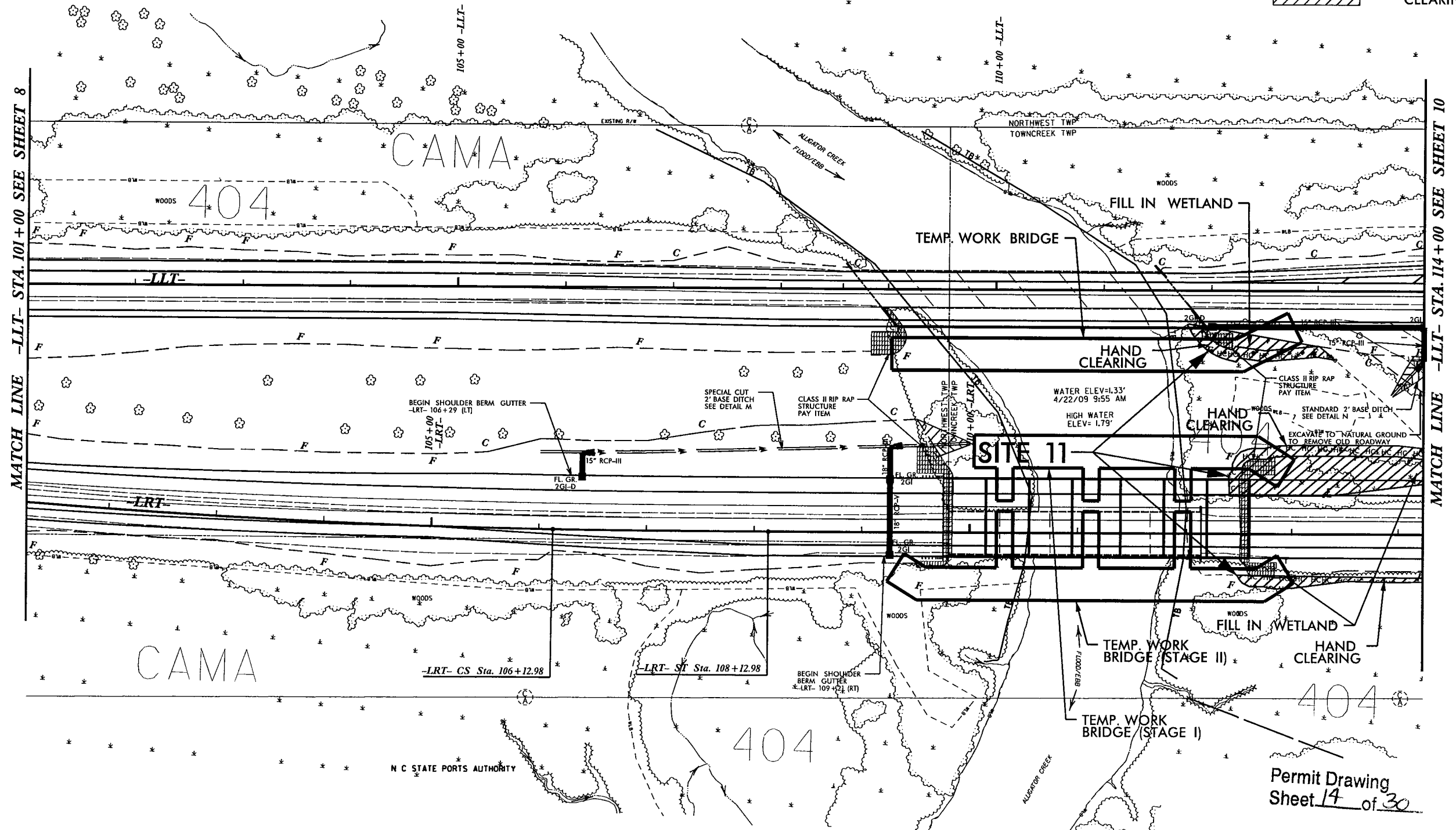
PROJECT REFERENCE NO. R-3601	SHEET NO. 9
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



DENOTES FILL IN WETLAND



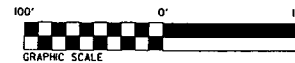
DENOTES HAND CLEARING



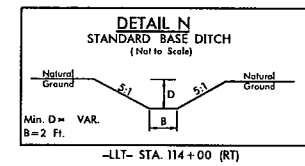
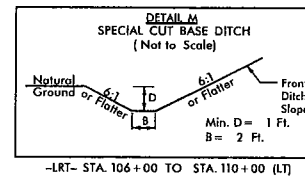
Permit Drawing
Sheet 14 of 30

8/17/95

WETLAND/SURFACE WATER PERMIT DWG.



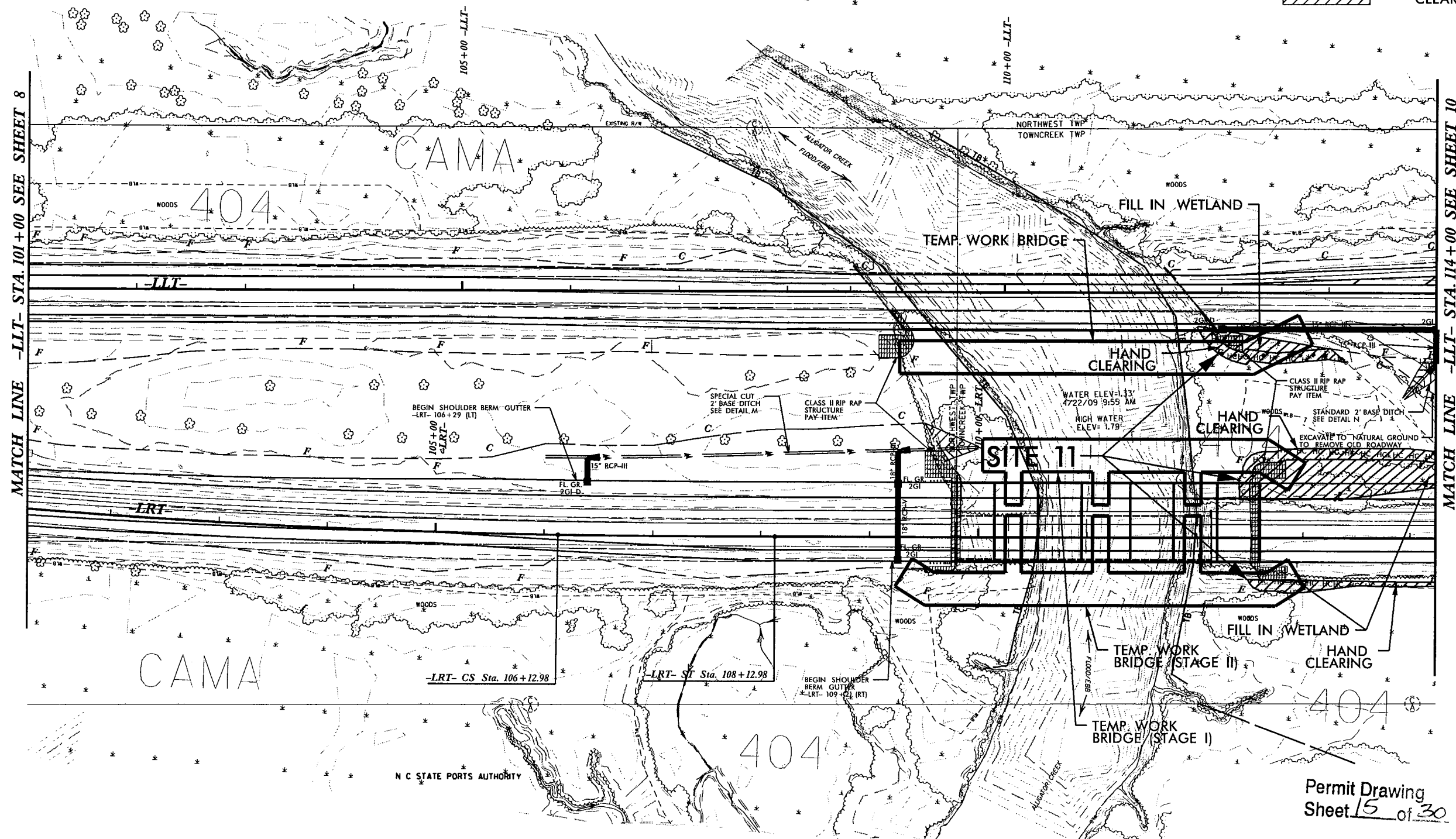
PROJECT REFERENCE NO. R-3601	SHEET NO. 2
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



DENOTES FILL IN
WETLAND



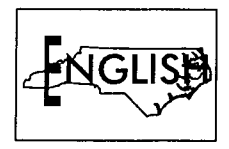
DENOTES HAND
CLEARING



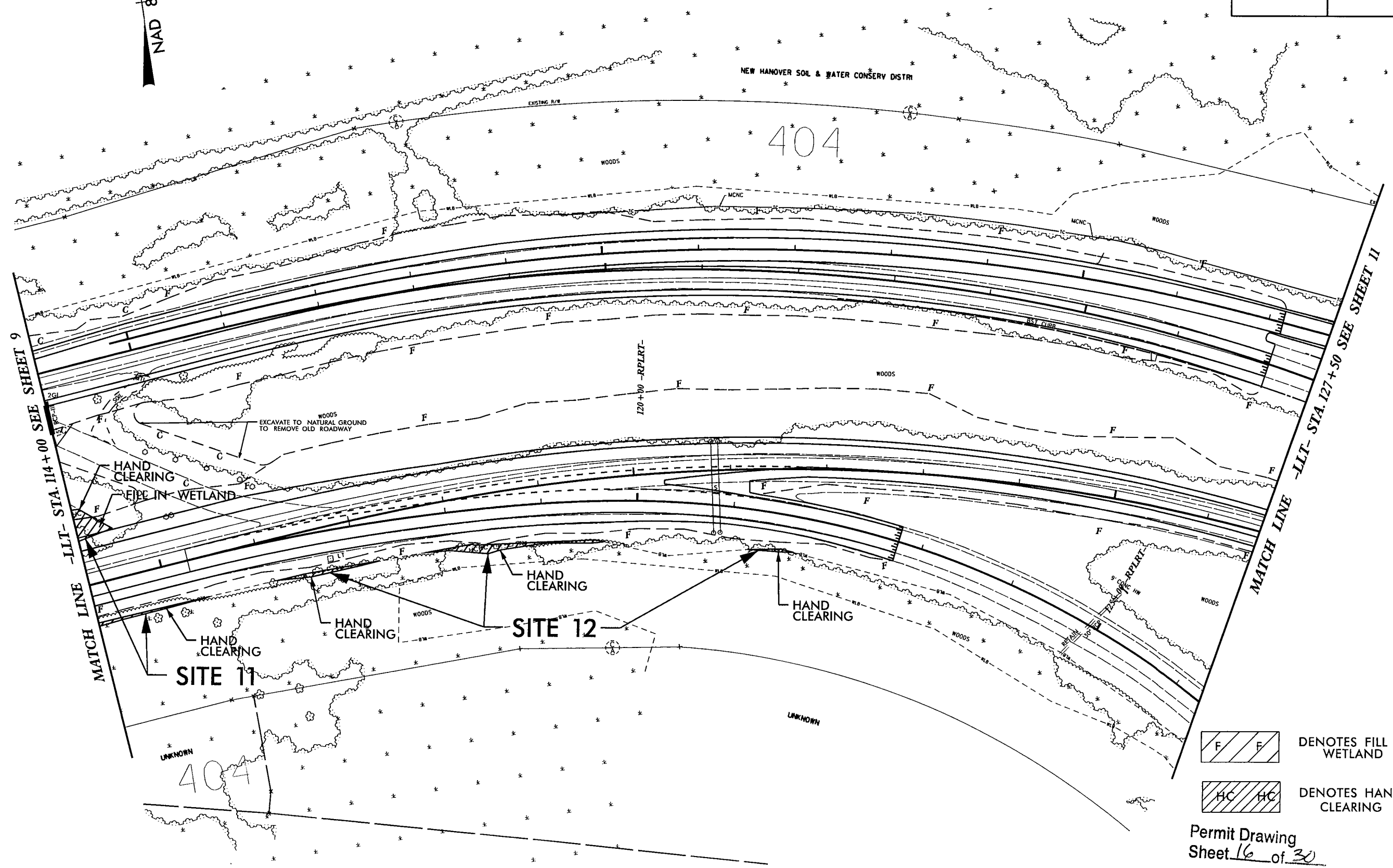
Permit Drawing
Sheet **15** of **30**

8/17/95

WETLAND/SURFACE WATER PERMIT DWG.



PROJECT REFERENCE NO. R-3601	SHEET NO. 10
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING

Permit Drawing
Sheet 16 of 30

REVISIONS

8/17/99

REVISIONS

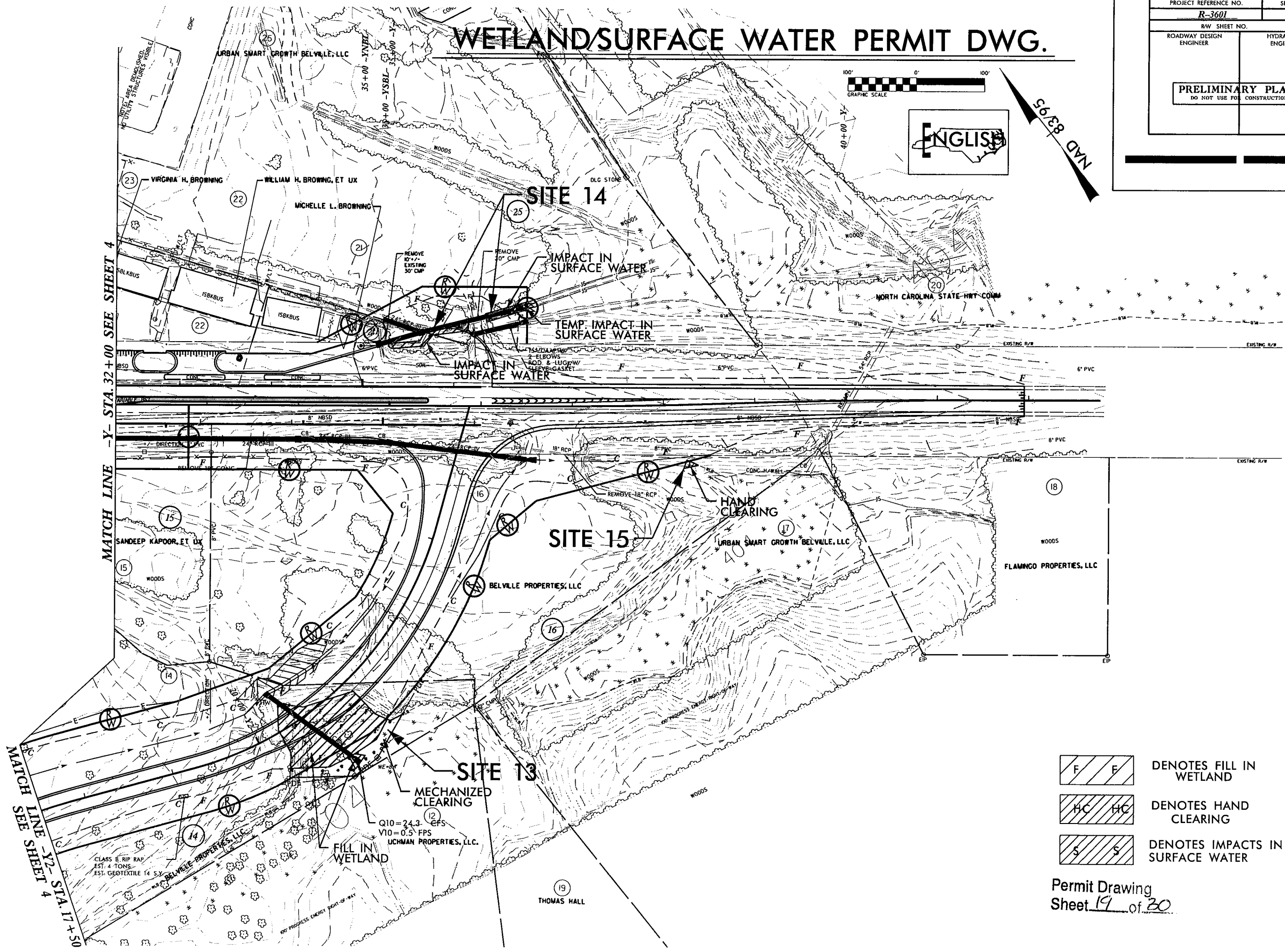
MATCH LINE -Y2- STA. 17+50
SEE SHEET 4


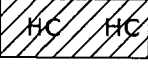
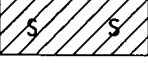
MATCH LINE -Y- STA. 32+00 SEE SHEET 4

WETLAND/SURFACE WATER PERMIT DWG.



PROJECT REFERENCE NO.	SHEET NO.
R-3601	13
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



-  DENOTES FILL IN WETLAND
-  DENOTES HAND CLEARING
-  DENOTES IMPACTS IN SURFACE WATER

Permit Drawing
Sheet 19 of 30

5/28/99

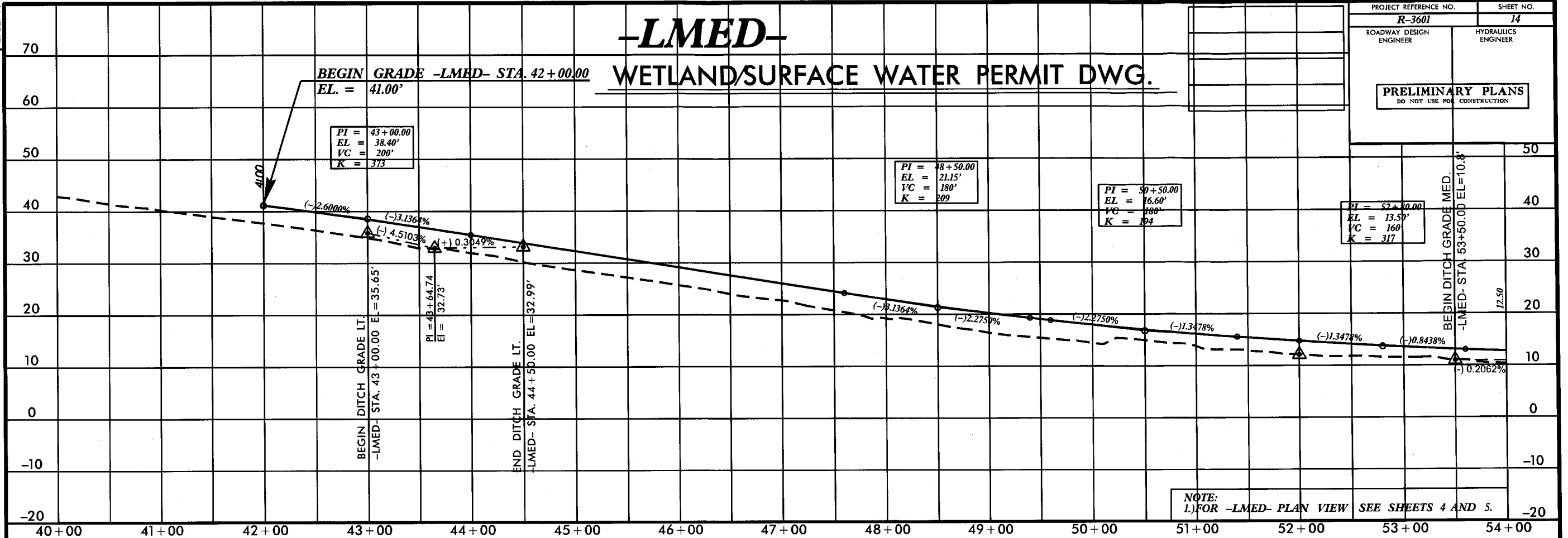
REVISIONS

5/28/99

-LMED-

WETLAND/SURFACE WATER PERMIT DWG.

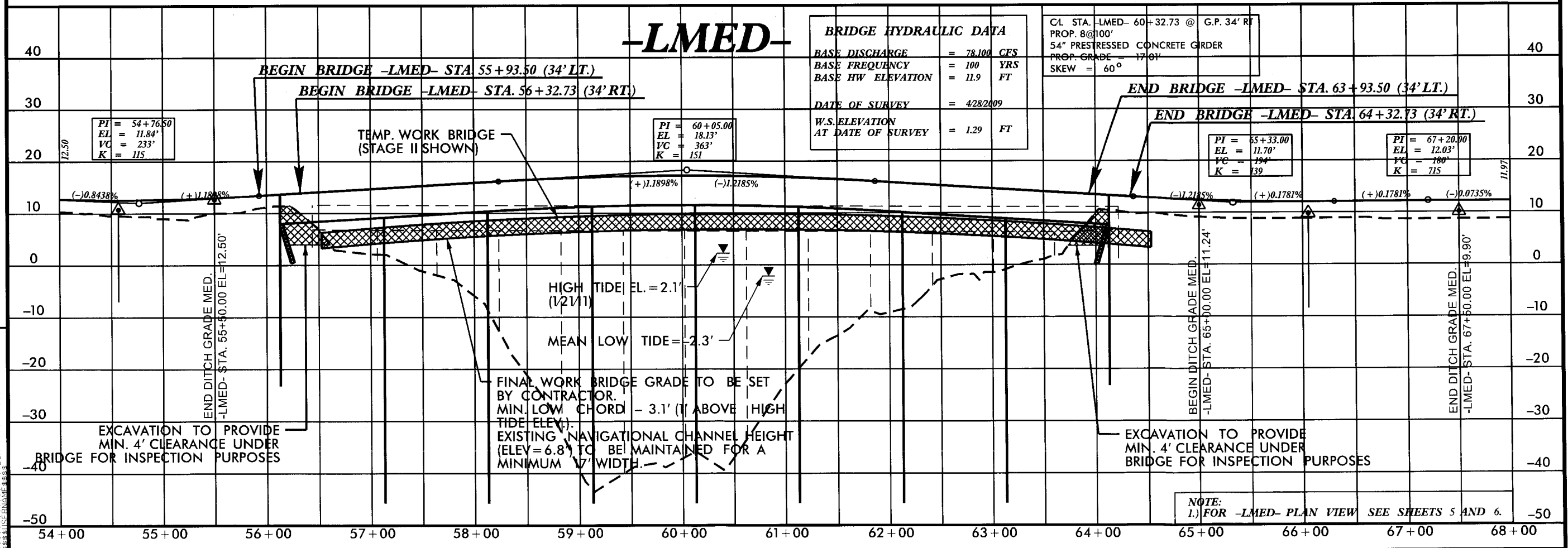
PROJECT REFERENCE NO.		SHEET NO.	
R-3601		14	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			



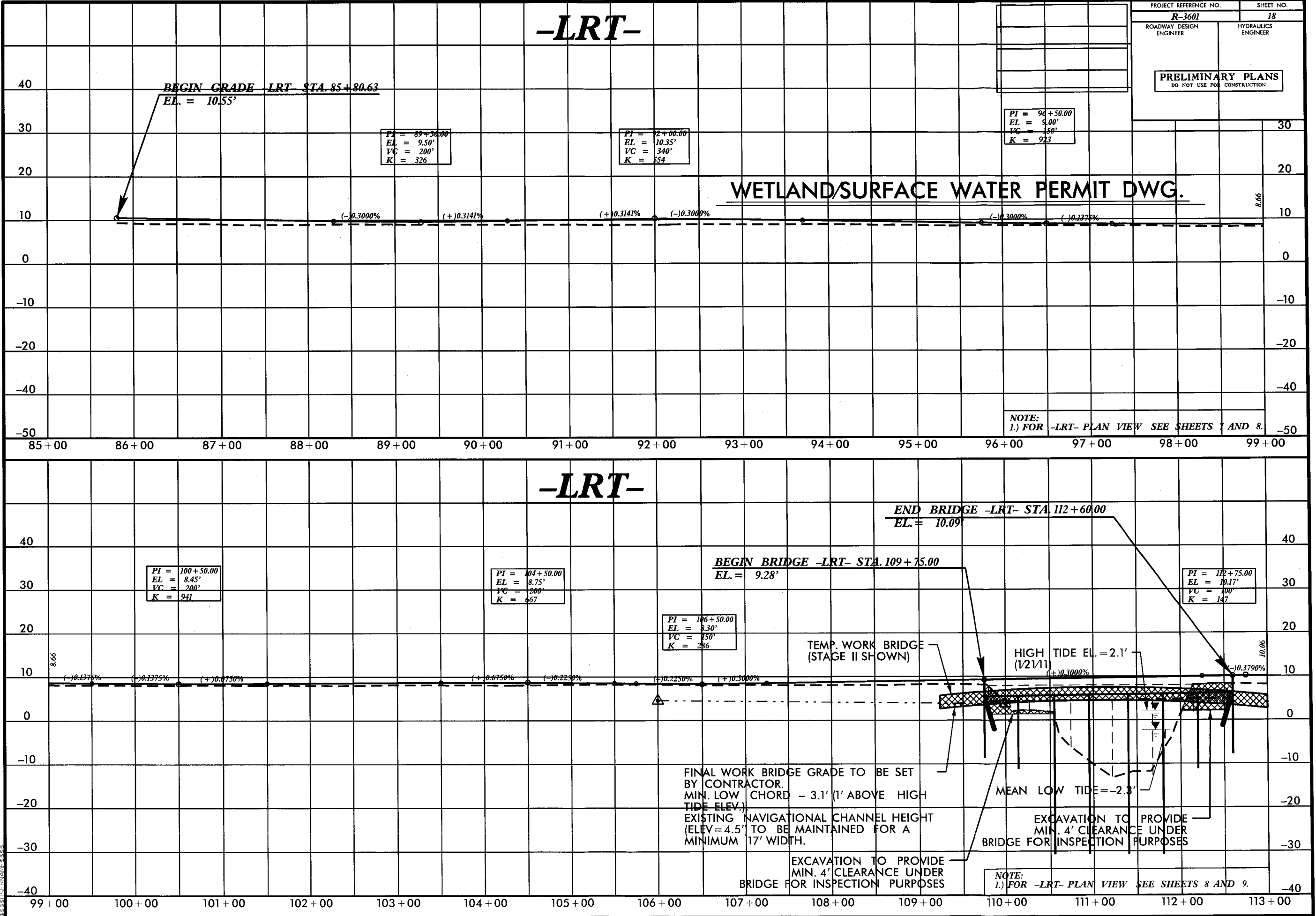
-LMED-

BRIDGE HYDRAULIC DATA	
BASE DISCHARGE	= 78.100 CFS
BASE FREQUENCY	= 100 YRS
BASE HW ELEVATION	= 11.9 FT
DATE OF SURVEY	= 4/28/2009
W.S. ELEVATION AT DATE OF SURVEY	= 1.29 FT

C1. STA. -LMED- 60+32.73 @ G.P. 34' RT
PROP. 8@100'
54" PRESTRESSED CONCRETE GIRDER
PROP. GRADE = 17.01'
SKEW = 60°



5/28/99
C:\ENGINEERING\PROJECTS\WETLANDS\DWG\WETLANDS.DWG



5/28/99

-LRT-

DITCH LEGEND	
RIGHT DITCH	----
MEDIAN DITCH	----
LEFT DITCH	----

PROJECT REFERENCE NO. R-3601	SHEET NO. 18
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

PI = 90+50.00
EL = 9.00'
VC = 150'
K = 923

PI = 89+50.00
EL = 9.50'
VC = 200'
K = 326

PI = 92+00.00
EL = 10.35'
VC = 340'
K = 554

WETLAND/SURFACE WATER PERMIT DWG.

NOTE:
1.) FOR -LRT- PLAN VIEW SEE SHEETS 7 AND 8.

-LRT-

CL STA. -LRT- 111+17.50
PROP. 3@40', 1@45', 3@40'
36" PRESTRESSED CONC. GIRDER
PROP. GRADE = 9.70' (@ G.P. 12' LT)
SKEW = 90°

END BRIDGE -LRT- STA. 112+60.00
EL. = 10.09'

BEGIN BRIDGE -LRT- STA. 109+75.00
EL. = 9.28'

PI = 100+50.00
EL = 8.45'
VC = 200'
K = 941

PI = 104+50.00
EL = 8.75'
VC = 200'
K = 667

PI = 106+50.00
EL = 8.30'
VC = 150'
K = 286

PI = 112+75.00
EL = 10.17'
VC = 100'
K = 147

TEMP. WORK BRIDGE
(STAGE II SHOWN)

HIGH TIDE EL. = 2.1'
(1/2 1/1)

BEGIN DITCH (RT)
STA. 106+00 ELEV. 7.55'

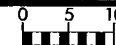
FINAL WORK BRIDGE GRADE TO BE SET
BY CONTRACTOR.
MIN. LOW CHORD - 3.1' (1' ABOVE HIGH
TIDE ELEV.)
EXISTING NAVIGATIONAL CHANNEL HEIGHT
(ELEV. = 4.5') TO BE MAINTAINED FOR A
MINIMUM 17' WIDTH.

MEAN LOW TIDE = -2.3'

Permit Drawing
Sheet 22 of 30

NOTE:
1.) FOR -LRT- PLAN VIEW SEE SHEETS 8 AND 9.

8/23/99



PROJ. REFERENCE NO.

R-3601

SHEET NO.

X-35

WETLAND/SURFACE WATER PERMIT DWG.

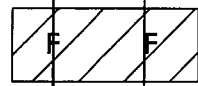
WLB

CLEARING LIMITS

WLB

CLEARING LIMITS

WLB



DENOTES FILL IN WETLAND

FILL IN WETLAND

SITE 11

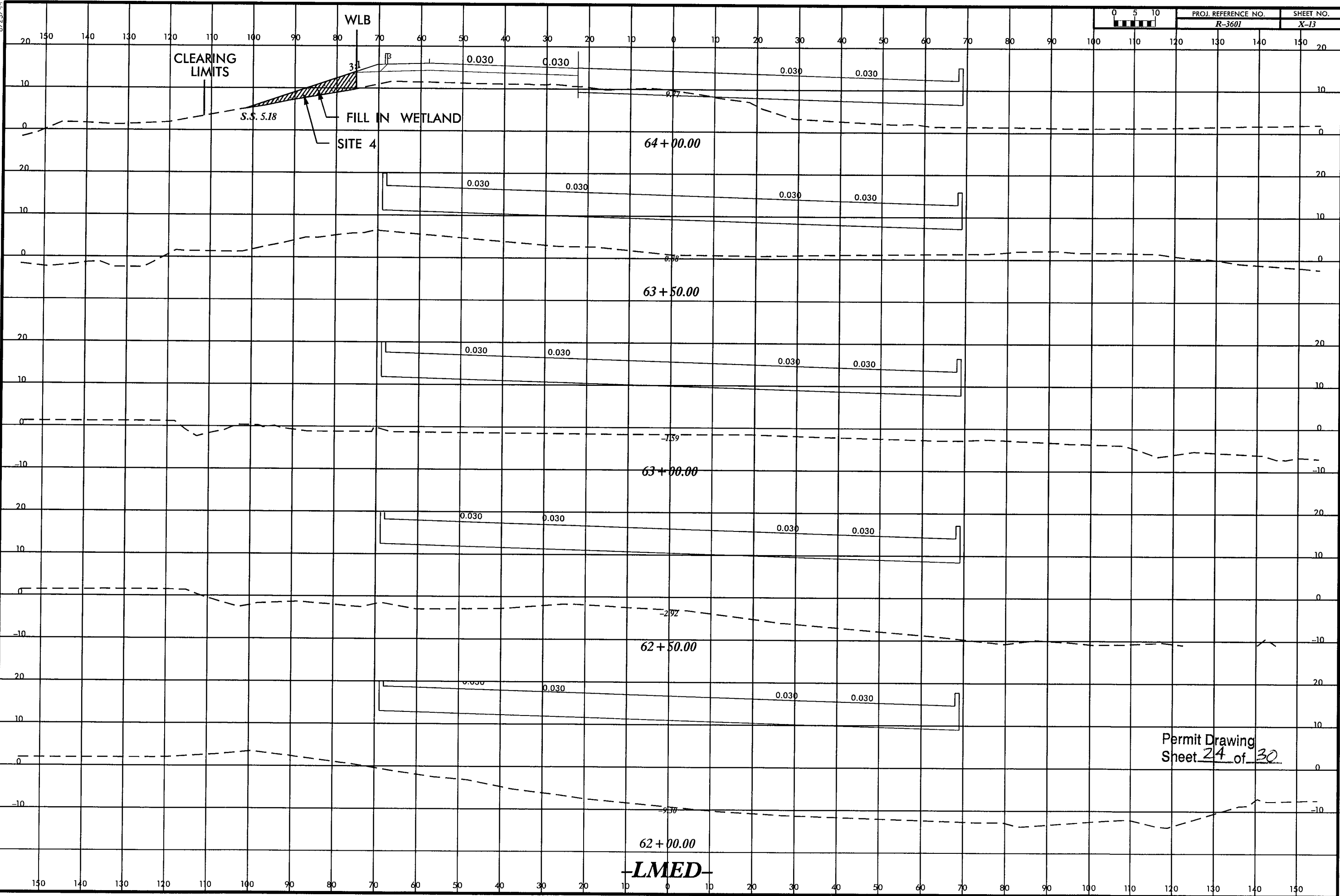
-LLT-

Permit Drawing
Sheet 23 of 30

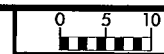
SYSTEMS
DESIGN
ENGINEERING
CONSULTANTS
INC.

8/23/99

DESIGNER'S NAME
DATE
SCALE

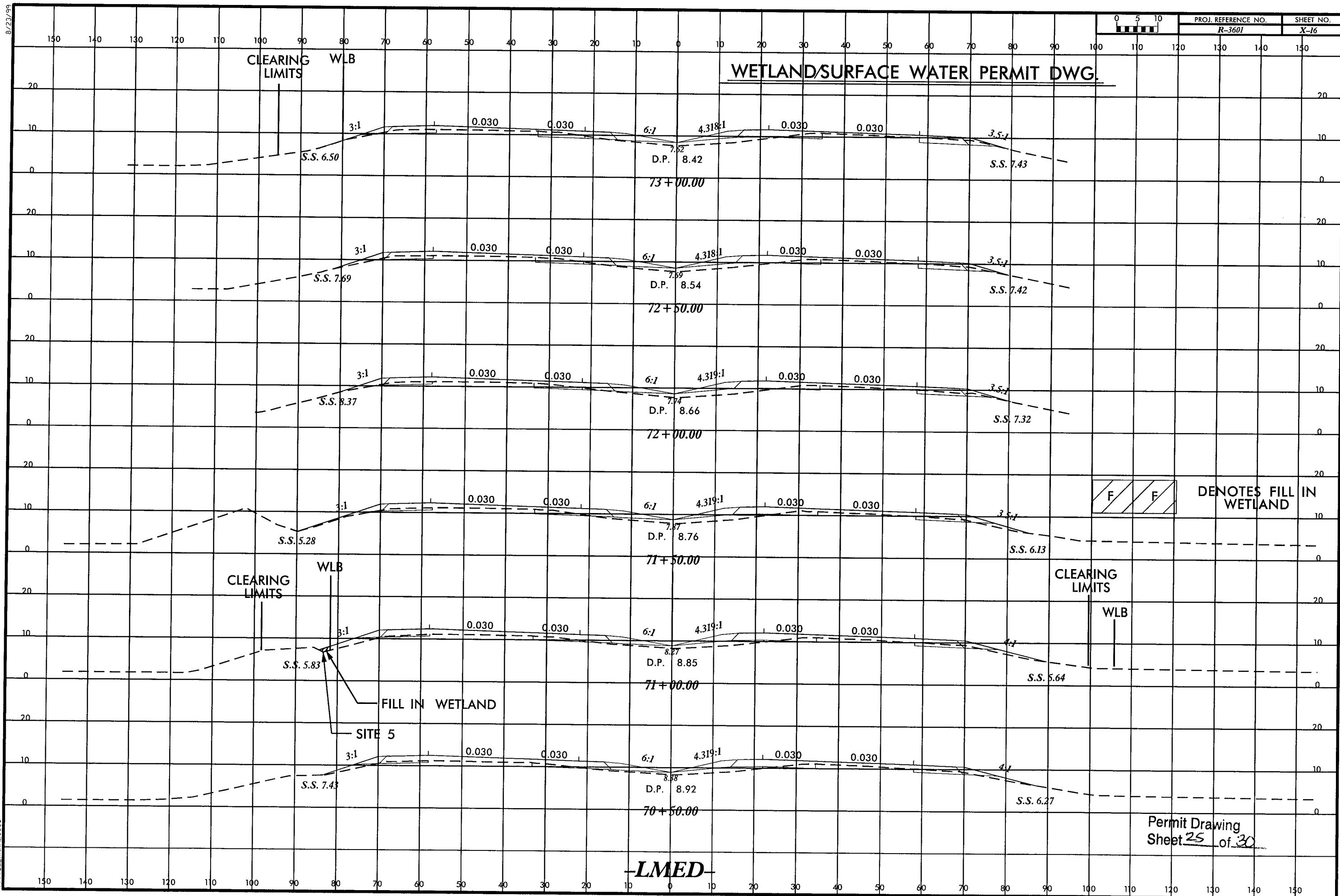


8/23/99



PROJ. REFERENCE NO.	SHEET NO.
R-3601	X-16

WETLAND/SURFACE WATER PERMIT DWG.



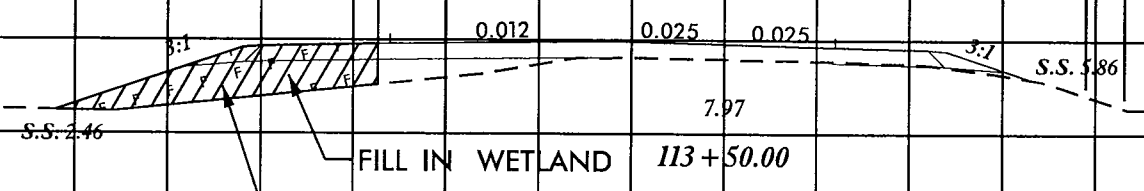
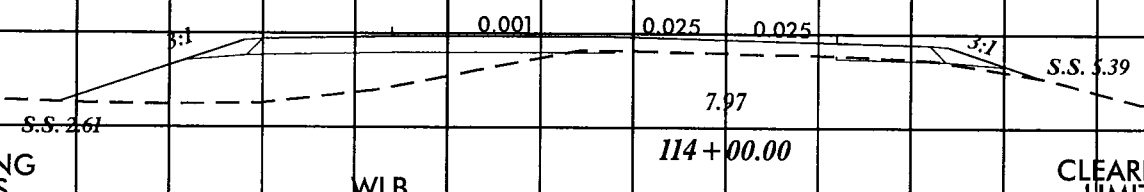
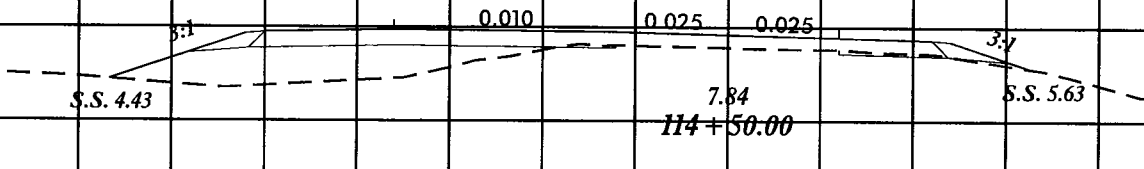
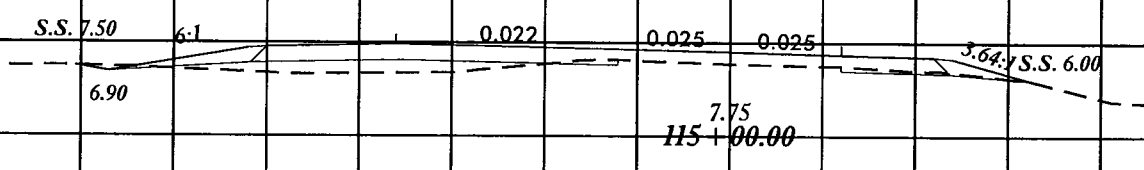
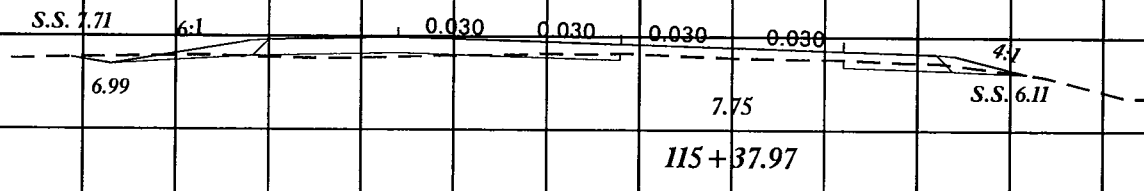
LMED

Permit Drawing
Sheet 25 of 30

8/23/99

WETLAND/SURFACE WATER PERMIT DWG.

- RPLRT -
STA 115 + 37.97
OFF 0.02
EL = 7.75



WLB

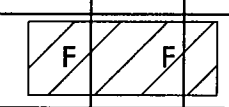
WLB

CLEARING LIMITS

WLB

CLEARING LIMITS

WLB



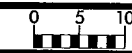
DENOTES FILL IN WETLAND

FILL IN WETLAND
SITE 11

Permit Drawing
Sheet 26 of 30

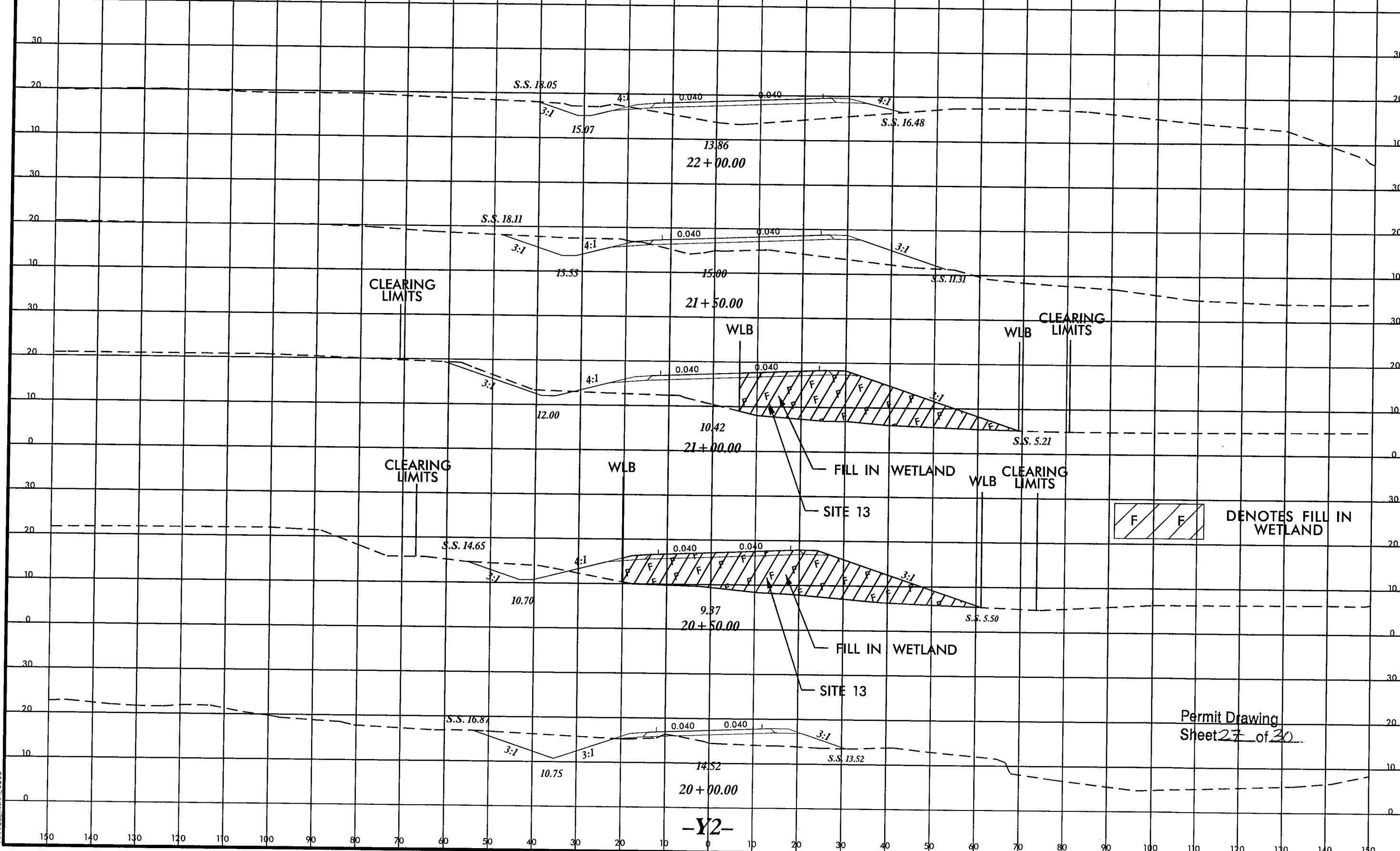
-LRT-

8/23/99



PROJ. REFERENCE NO.	SHEET NO.
R-3601	X-96

WETLAND/SURFACE WATER PERMIT DWG.



-Y2-

Permit Drawing
Sheet 27 of 30

PROPERTY OWNERS
NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
14	Belville Properties LLC.	6131 Oleander Dr., Wilmington, NC 28402
21	Michelle L. Browning	1121 Millstream Ct., Leland, NC 28451
25	Urban Smart Growth Belville, LLC.	P. O. Box 2109, Hollywood, CA
12	Uchman Properties LLC.	

NCDOT

**DIVISION OF HIGHWAYS
BRUNSWICK AND**

NEW HANOVER COUNTIES

PROJECT: 38868.1.1 (R-3601)

US 17-74-76 FROM NC 133 / SR 1472

INTERCHANGE TO THE

US 421 / NC 133 INTERCHANGE

SHEET 28 OF 30

04 / 04 / 12

WETLAND PERMIT IMPACT SUMMARY													
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS						SURFACE WATER IMPACTS				
			CAMA Permanent Fill In Wetlands (ac)	404 Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-Y2- STA 13+05	48" RCP							0.01	<0.01	47	5	
2	-LMED- STA 50+77	18" RCP						<0.01					
3	-LMED- STA 54+56	24" RCP		<0.01		<0.01**		0.02					
	-LMED- STA 55+07	FLOWABLE FILL											
4	-LMED- STA 63+40 TO	BRIDGE	0.04	0.01				0.03					
	-LMED- STA 64+46												
4	-LMED- STA 66+05	24" RCP		<0.01		<0.01**		0.02					
5	-LMED- STA 69+14 TO	ROADWAY/36" RCP		0.04	<0.01			0.19					
	-LMED- STA 74+26	36" CMP FLOWABLE FILL											
5	-LMED- STA 75+10	PIPE CLEANOUT			0.01*	0.01*							
6	-LMED- STA 83+10	PIPE CLEANOUT			0.01*	0.01*							
7	-LRT- STA 85+80 TO	ROADWAY						0.01					
	-LRT- STA 86+75												
***SUBTOTALS THIS SHEET:			0.04	0.05	0.02	0.02	0.00	0.27	0.01	<0.01	47	5	0

NOTES:

(See Notes on Sheet 2)

N.C.D.O.T.
 DIVISION OF HIGHWAYS
 BRUNSWICK AND NEW HANOVER COUNTY
 PROJECT: 38868.1.1 (R-3601)
 US 17-74-76 FROM NC 133/SR 1472
 INTERCHANGE TO THE
 US 421/NC 133 INTERCHANGE
 SHEET OF (01/08/2012)

ATN Revised 3/31/05

Permit Drawing
 Sheet 29 of 30

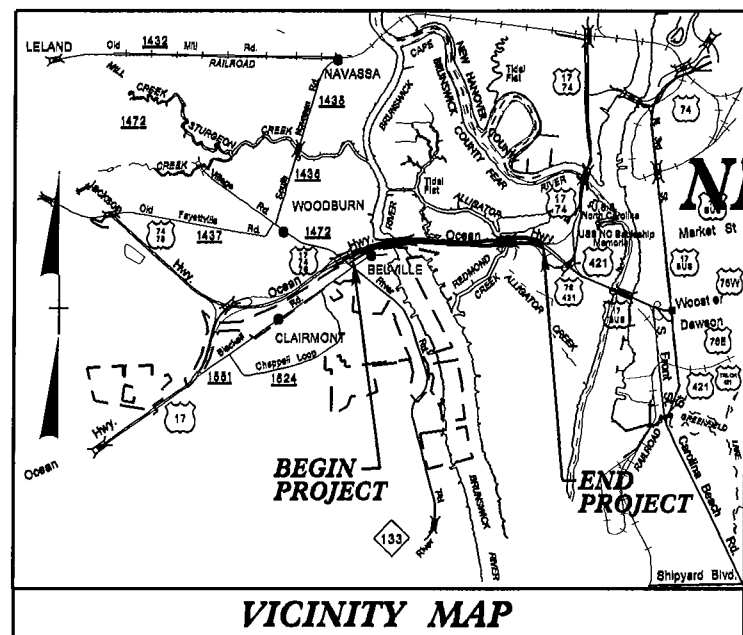
WETLAND PERMIT IMPACT SUMMARY													
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS						SURFACE WATER IMPACTS				
			CAMA Permanent Fill In Wetlands (ac)	404 Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
8	-LLT- STA 91+99	18" RCP						<0.01					
8	-LLT- STA 94+10	PIPE CLEANOUT			<0.01*	<0.01*							
9	-LLT- STA 98+95 TO -LLT- STA 99+99	15" CAAP & 30" RCP		<0.01				0.02					
10	-LRT- STA 101+08	FLOWABLE FILL						<0.01					
11	-LLT- STA 111+77 TO -LLT- STA 113+16	BRIDGE/ROADWAY		0.02				0.03					
11	-LRT- STA 112+39 TO -LRT- STA 115+42	BRIDGE/ROADWAY		0.14				0.08					
12	-RPLRT- STA 116+15 TO -RPLRT- STA 121+70	ROADWAY						0.02					
13	-Y2- STA 20+65	ROADWAY/36" CAAP		0.16			0.04						
14	-Y- STA 34+96 TO -Y- STA 36+45	ROADWAY/STORM DRAIN							0.02	<0.01	135		
15	-Y- STA 38+27	ROADWAY						<0.01					
***TOTAL THIS SHEET:				0.33	<0.01	<0.01	0.04	0.16	0.02	<0.01	135	6	
***SUBTOTALS SHEET 1:			0.04	0.05	0.02	0.02	0.00	0.27	0.01	<0.01	47	5	
***TOTALS:			0.04	0.38	0.02	0.02	0.04	0.43	0.04	<0.01	182	11	0

NOTES:

- * Temporary Fill and Temp. Excavation due to pipe cleanout. Temp. mats will be used for equipment to excavate a hole to capture cleaned out silt and then remove silt after flushout. Natural ground will be restored after flushout.
- ** Temporary Excavation for pipe installation. Natural ground will be restored after installation.
- *** Totals may not match sum of individual impacts due to rounding.
- Permanent impacts due to bents in water or wetlands: 0.03 acres.
- Temporary impacts due to temporary work bridge bents in water or wetlands: 0.13 acres.
- 0.04 acres of Temporary Fill In Wetlands in the Hand Clearing areas for erosions control measures.
- <0.01 acres (approx. 165ft²) of Temporary Fill in CAMA wetlands in the Hand Clearing areas for erosions control measures.

N.C.D.O.T.
DIVISION OF HIGHWAYS
BRUNSWICK AND NEW HANOVER COUNTY
PROJECT: 38868.1.1 (R-3601)
US 17-74-76 FROM NC 133/SR 1472
INTERCHANGE TO THE
US 421/NC 133 INTERCHANGE

TIP PROJECT:



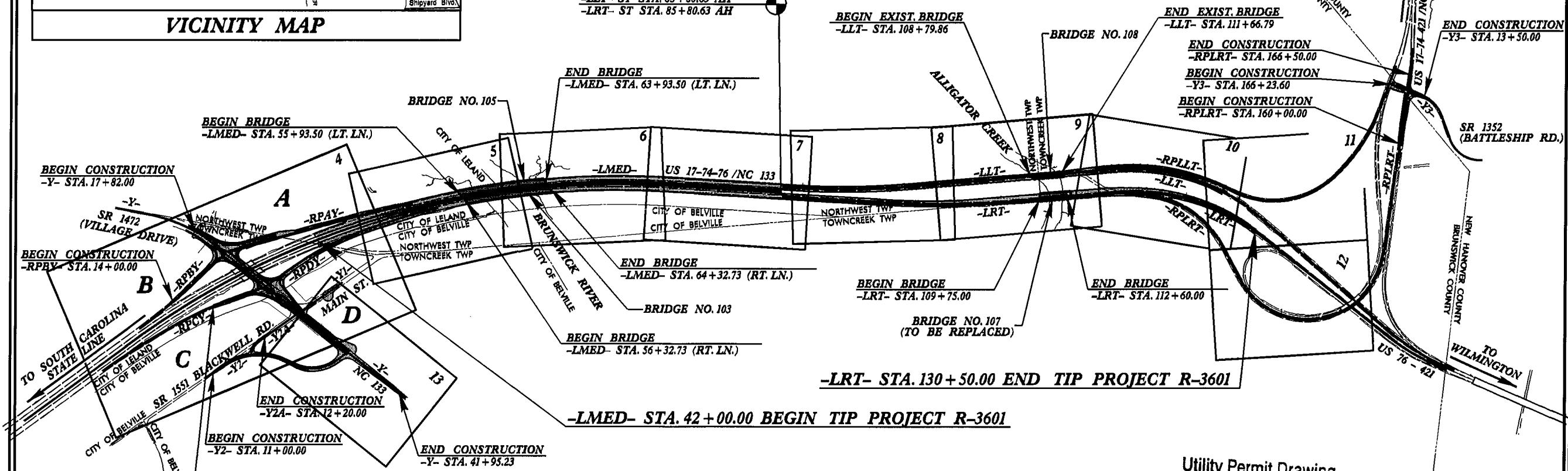
STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

NEU UTILITY DRAWING PLANS
BRUNSWICK AND
NEW HANOVER COUNTIES

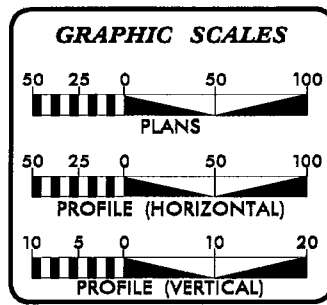
LOCATION: US 17-74-76 FROM NC 133 / SR 1472 INTERCHANGE
TO THE US 421 / NC 133 INTERCHANGE

TYPE OF WORK: RELOCATE UTILITY LINES

-LMED- POT STA. 85+80.63 BK
-LLT- ST STA. 85+80.63 AH
-LRT- ST STA. 85+80.63 AH

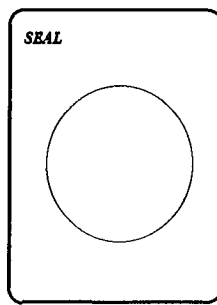


A PORTION OF THIS PROJECT IS WITHIN THE MUNICIPAL BOUNDARIES
OF LELAND AND BELVILLE.



INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	TITLE SHEET
2 THRU 3A	PROFILE SHEETS
4 THRU 12	UTILITY DRAWING SHEETS

- UTILITIES OWNER
- 1- AT&T
 - 2- TIME WARNER CABLE (TWC)
 - 3- EARTHLINK
 - 4- MCNC
 - 5- PROGRESS ENERGY (DISTRIBUTION)
 - 6- ATMC
 - 7- BRUNSWICK REGIONAL H2GO WATER AND SEWER



PREPARED IN THE OFFICE OF:
DIVISION OF HIGHWAYS
UTILITIES UNIT
UTILITIES ENGINEERING

1591 MAIL SERVICES CENTER
RALEIGH NC 27695-1591
PHONE (919) 707-6600
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Roger Worthington, P.E. UTILITIES SECTION ENGINEER
Corey Bousquet, P.E. UTILITIES SQUAD LEADER PROJECT ENGINEER
Kifah Kamil UTILITIES PROJECT DESIGNER

T.I.P. NO.	SHEET NO.
R-3601	1

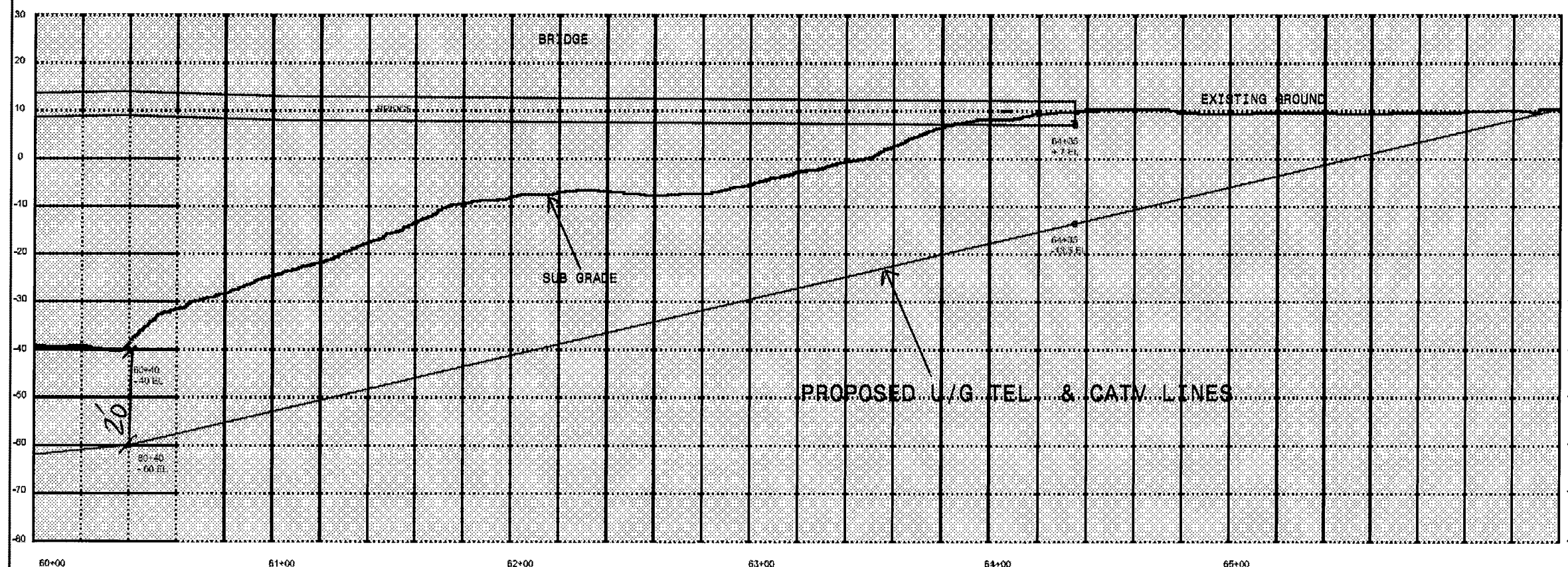
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\$\$\$\$\$USERNAME\$\$\$\$\$

8/17/99

PROJECT REFERENCE NO.	SHEET NO.
R-3601	2A
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

PROPOSED U/G TEL. LINE PROFILE

PRELIMINARY BORE DETAIL - PROFILE VIEW



Utility Permit Drawing
Sheet 3 of 14

DWG_02_OF_02_

REVISIONS

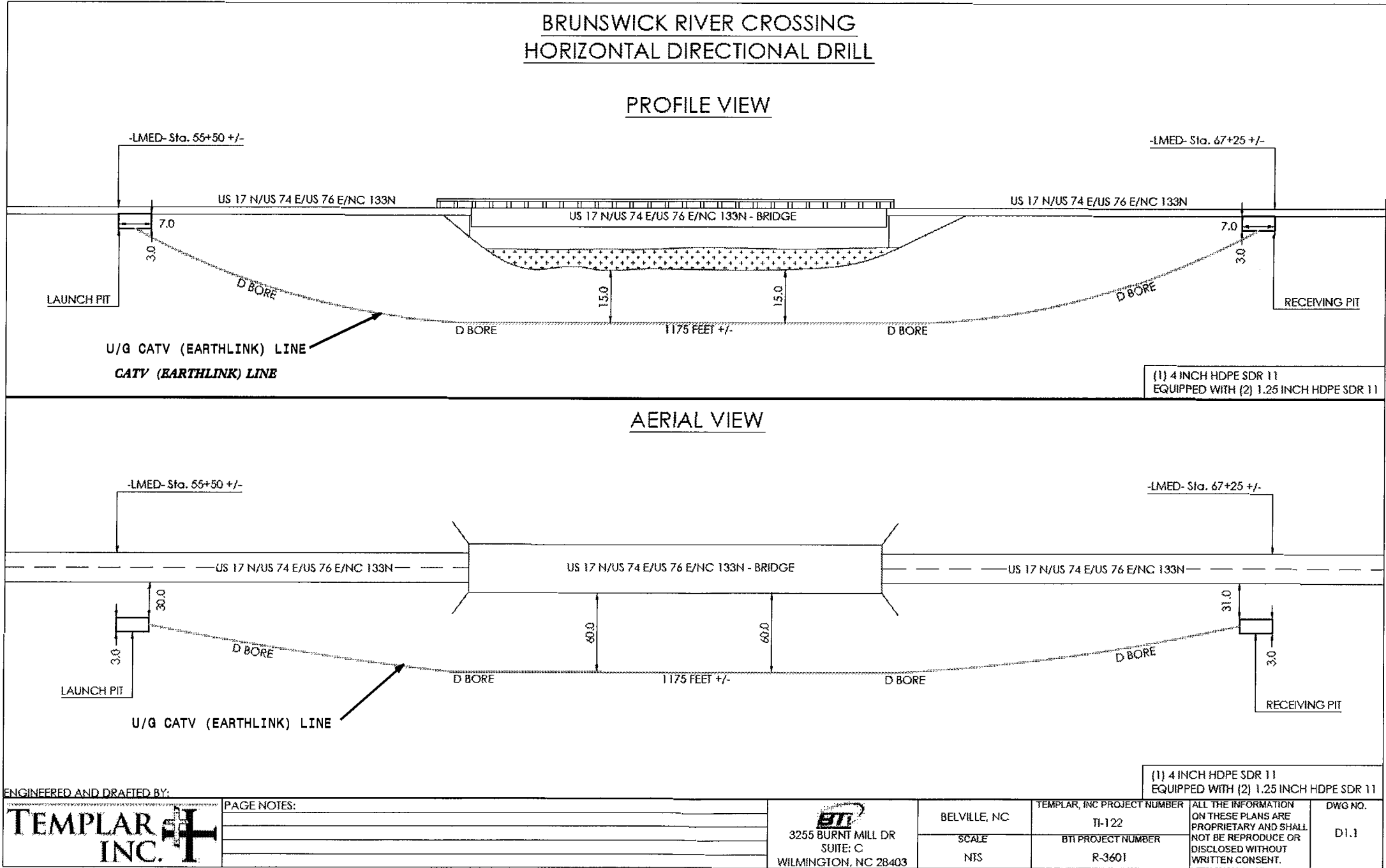
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8/17/99

REVISIONS
92.412 Design Revision: Revised proposed structure over the Brunswick River from dual bridges to one bridge. SCL

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PROJECT REFERENCE NO.		SHEET NO.	
R-3601		5	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
<div>INCOMPLETE PLANS DO NOT USE FOR ACQUISITION</div> <div>PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION</div>			



8/17/99

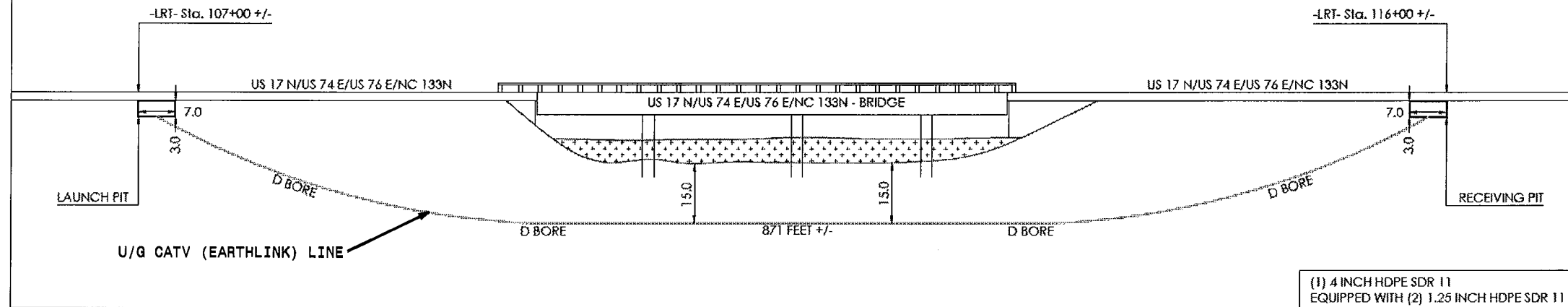
REVISIONS
9/24/12 Design Revision: Revised proposed structure over the Brunswick River from dual bridges to one bridge. SCL

21-FEB-2013 10:09
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S:\STANDARD\BUREAU

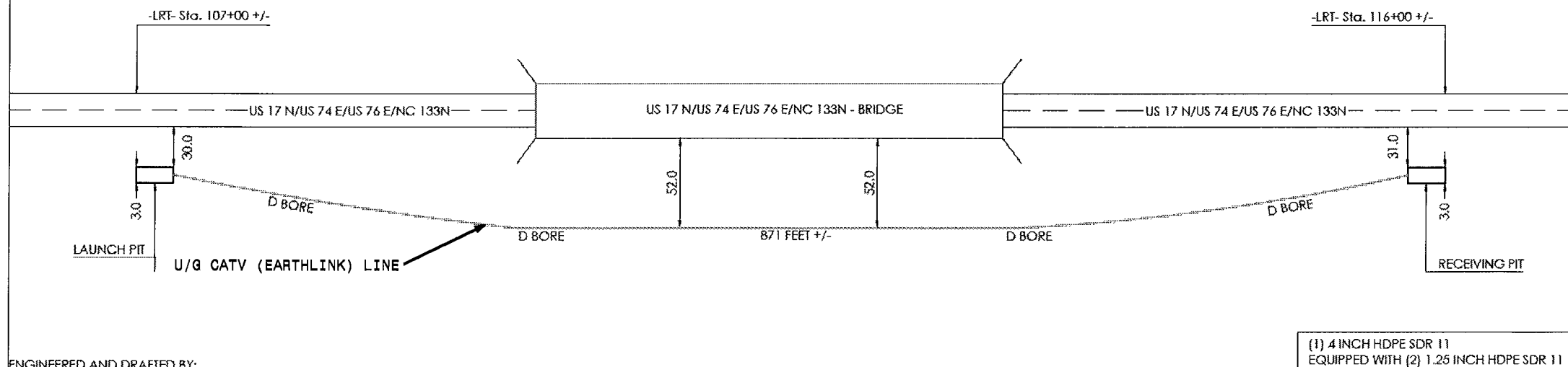
PROJECT REFERENCE NO.		SHEET NO.
R-3601		3A
RW SHEET NO.		
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR A/R ACQUISITION		
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION		

ALLIGATOR CREEK CROSSING HORIZONTAL DIRECTIONAL DRILL

PROFILE VIEW



AERIAL VIEW



ENGINEERED AND DRAFTED BY:

TEMPLAR
INC.

PAGE NOTES:

BTI
3255 BURNT MILL DR
SUITE: C
WILMINGTON, NC 28403

BELVILLE, NC
SCALE
NTS

TEMPLAR, INC PROJECT NUMBER
TI-122
BTI PROJECT NUMBER
R-3601

ALL THE INFORMATION
ON THESE PLANS ARE
PROPRIETARY AND SHALL
NOT BE REPRODUCE OR
DISCLOSED WITHOUT
WRITTEN CONSENT.

DWG NO.
D1.1

Utility Permit Drawing
Sheet 5 of 14

REVISIONS
924712 Design Revision: Revised proposed structure over the Brunswick River from dual bridges to one bridge. SCL

-LMED-			-RPDY-		
Pls Sta 22+98.34	PI Sta 49+95.48	Pls Sta 74+98.35	PI Sta 12+59.51	Pls Sta 16+33.49	PI Sta 20+11.50
$\Theta_s = 0^\circ 45' 00.0''$	$\Delta = 38^\circ 00' 00.0''$ (RT)	$\Theta_s = 0^\circ 45' 00.0''$	$\Delta = 4^\circ 07' 42.6''$ (LT)	$\Theta_s = 0^\circ 47' 44.4''$	$\Delta = 11^\circ 56' 07.9''$ (LT)
$L_s = 200.00'$	$D = 0^\circ 45' 00.0''$	$L_s = 200.00'$	$D = 0^\circ 47' 44.8''$	$\Theta_s = 2^\circ 02' 47.0''$	$D = 2^\circ 02' 46.6''$
$LT = 133.33'$	$L = 5,066.67'$	$LT = 133.33'$	$L = 518.80'$	$L_s = 200.00'$	$L = 583.28'$
$ST = 66.67'$	$T = 2,630.47'$	$ST = 66.67'$	$T = 259.51'$	$LT = 114.69'$	$T = 292.70'$
$N 53^\circ 59' 13.8'' E$ (BACK)	$R = 7,639.44'$		$R = 7,200.00'$	$ST = 85.35'$	$R = 2,800.00'$
	$SE = 0.03$				$SE = 0.05$

THE DISTRIBUTION POWER LINES
ON THE NORTH SIDE OF THE
ANDREW JACKSON BRIDGE
WILL BE RAISED BY DUKE ENERGY IF
NCDOT'S CONTRACTOR DETERMINES
THE LOWEST CONDUCTOR IS
NOT 20' ABOVE BRIDGE GIRDER

REVISED 8/12/2013

NOTES:

- 1.) FOR -LMED- PROFILE SEE SHEET 14.
- 2.) FOR -LMED- BRIDGE SKETCH SEE SHEET 2-M.
- 3.) SEE CROSS-SECTIONS AND ROADWAY STANDARD DRAWINGS, STD. NO. 865.01, SHEET 1 FOR SPECIAL MEDIAN GRADING.
- 4.) TIE PROPOSED APPROACH SLAB TO EXISTING APPROACH SLAB.

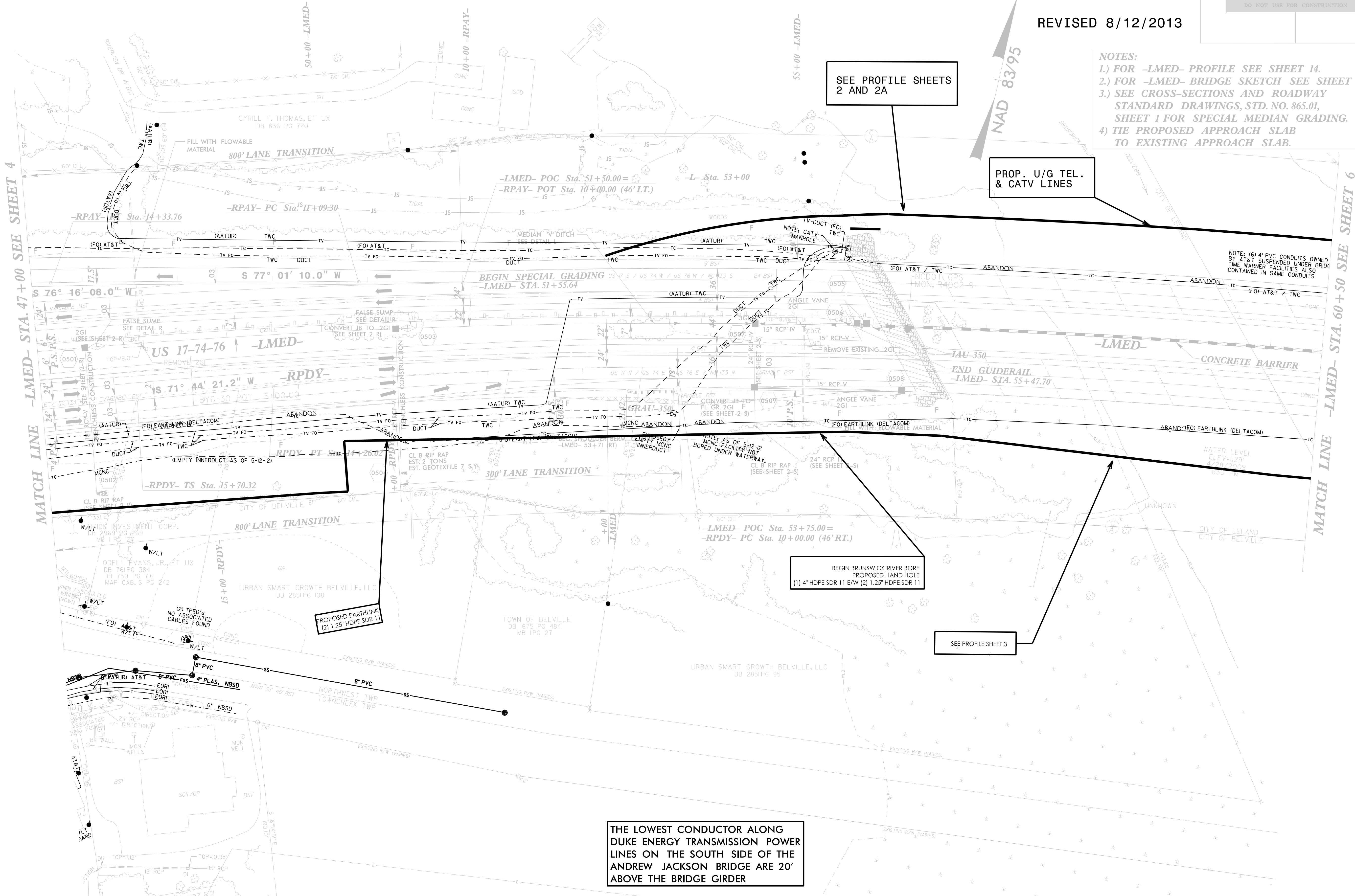
SEE PROFILE SHEETS
2 AND 2A

PROP. U/G TEL.
& CATV LINES

BEGIN BRUNSWICK RIVER BORE
PROPOSED HAND HOLE
(1) 4" HDPE SDR 11 E/W (2) 1.25" HDPE SDR 11

SEE PROFILE SHEET 3

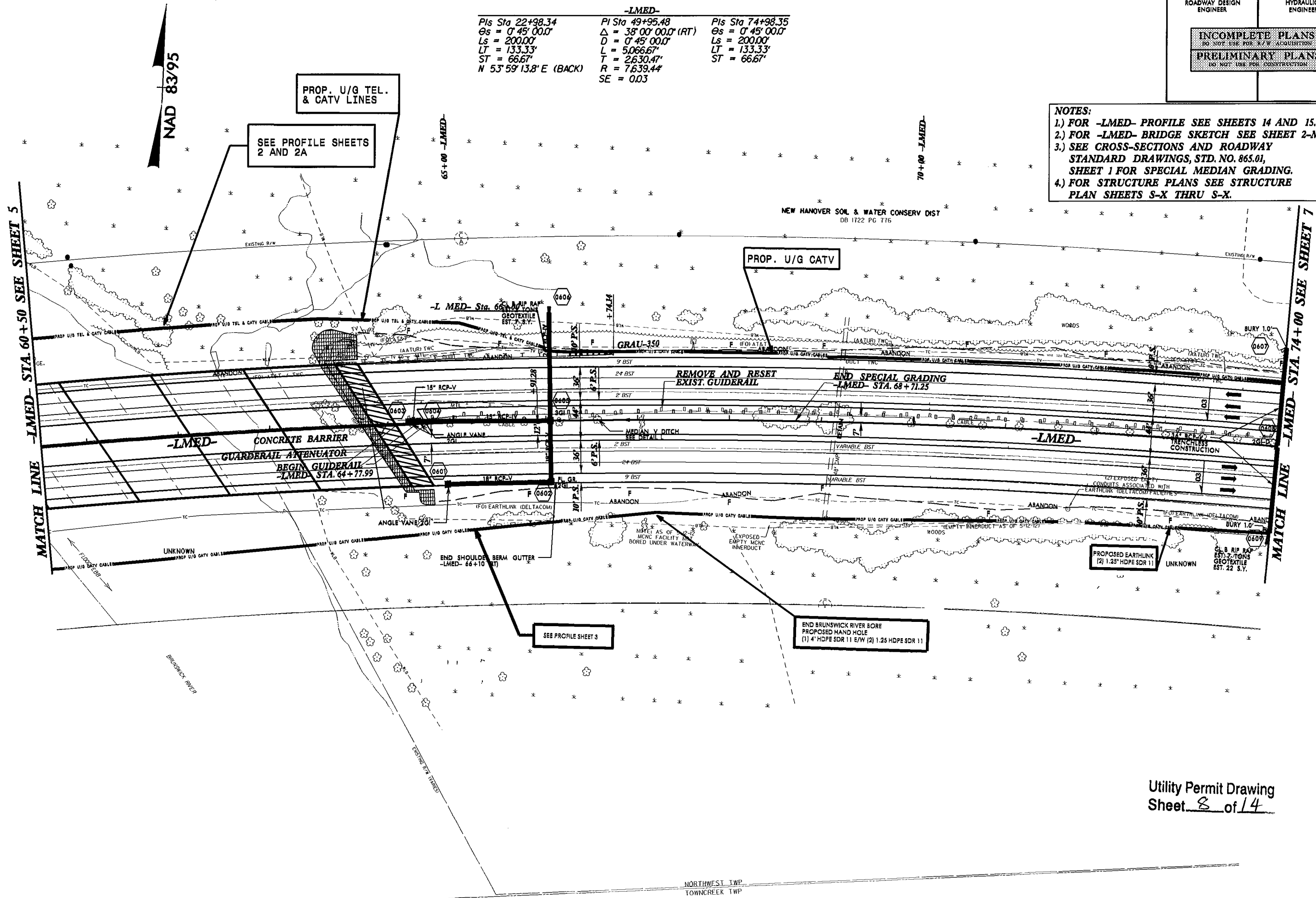
THE LOWEST CONDUCTOR ALONG
DUKE ENERGY TRANSMISSION POWER
LINES ON THE SOUTH SIDE OF THE
ANDREW JACKSON BRIDGE ARE 20'
ABOVE THE BRIDGE GIRDER



PROJECT REFERENCE NO.	SHEET NO.
R-3601	5
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

NOTES:

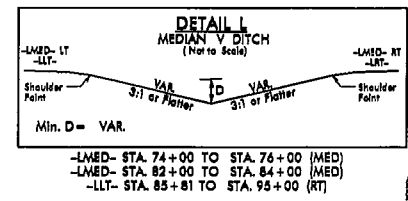
- 1.) FOR ~~L-MED~~ PROFILE SEE SHEETS 14 AND 15.
- 2.) FOR ~~L-MED~~ BRIDGE SKETCH SEE SHEET 2-M.
- 3.) SEE CROSS-SECTIONS AND ROADWAY STANDARD DRAWINGS, STD. NO. 865.01, SHEET 1 FOR SPECIAL MEDIAN GRADING.
- 4.) FOR STRUCTURE PLANS SEE STRUCTURE PLAN SHEETS S-S THRU S-X.



Utility Permit Drawing
Sheet 8 of 14

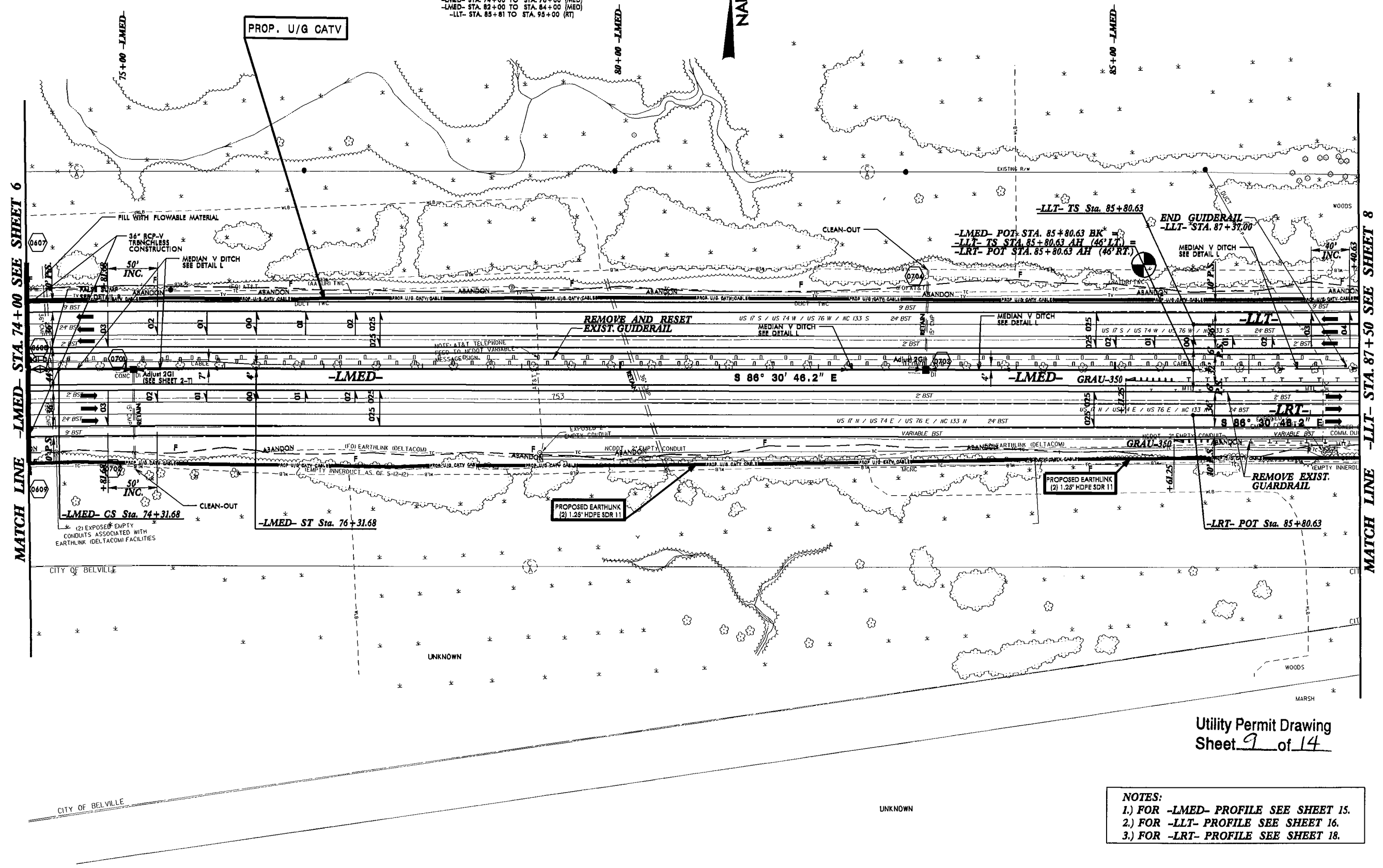
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-LMED-
Pis Sta 22+98.34
 $\Delta s = 0' 45' 00.0''$
 $Ls = 200.00'$
 $LT = 133.33'$
 $ST = 66.67'$
 $N 53' 59' 13.8'' E (BACK)$
 $R = 7639.44'$
 $SE = 0.03$
PI Sta 49+95.48
 $\Delta = 38' 00' 00.0'' (RT)$
 $D = 0' 45' 00.0''$
 $L = 5066.67'$
 $T = 2630.47'$
 $R = 7639.44'$
 $SE = 0.03$
Pis Sta 74+98.35
 $\Delta s = 0' 45' 00.0''$
 $Ls = 200.00'$
 $LT = 133.33'$
 $ST = 66.67'$



-LLT-
Pis Sta 87+13.96
 $\Delta s = 0' 45' 00.0''$
 $Ls = 200.00'$
 $LT = 133.33'$
 $ST = 66.67'$
 $S 86' 30' 46.2'' E (BACK)$
PI Sta 92+45.65
 $\Delta = 6' 58' 00.0'' (LT)$
 $D = 0' 45' 00.0''$
 $L = 928.89'$
 $T = 465.02'$
 $R = 7639.44'$
 $SE = 0.05$
Pis Sta 97+76.19
 $\Delta s = 0' 45' 00.0''$
 $Ls = 200.00'$
 $LT = 133.33'$
 $ST = 66.67'$

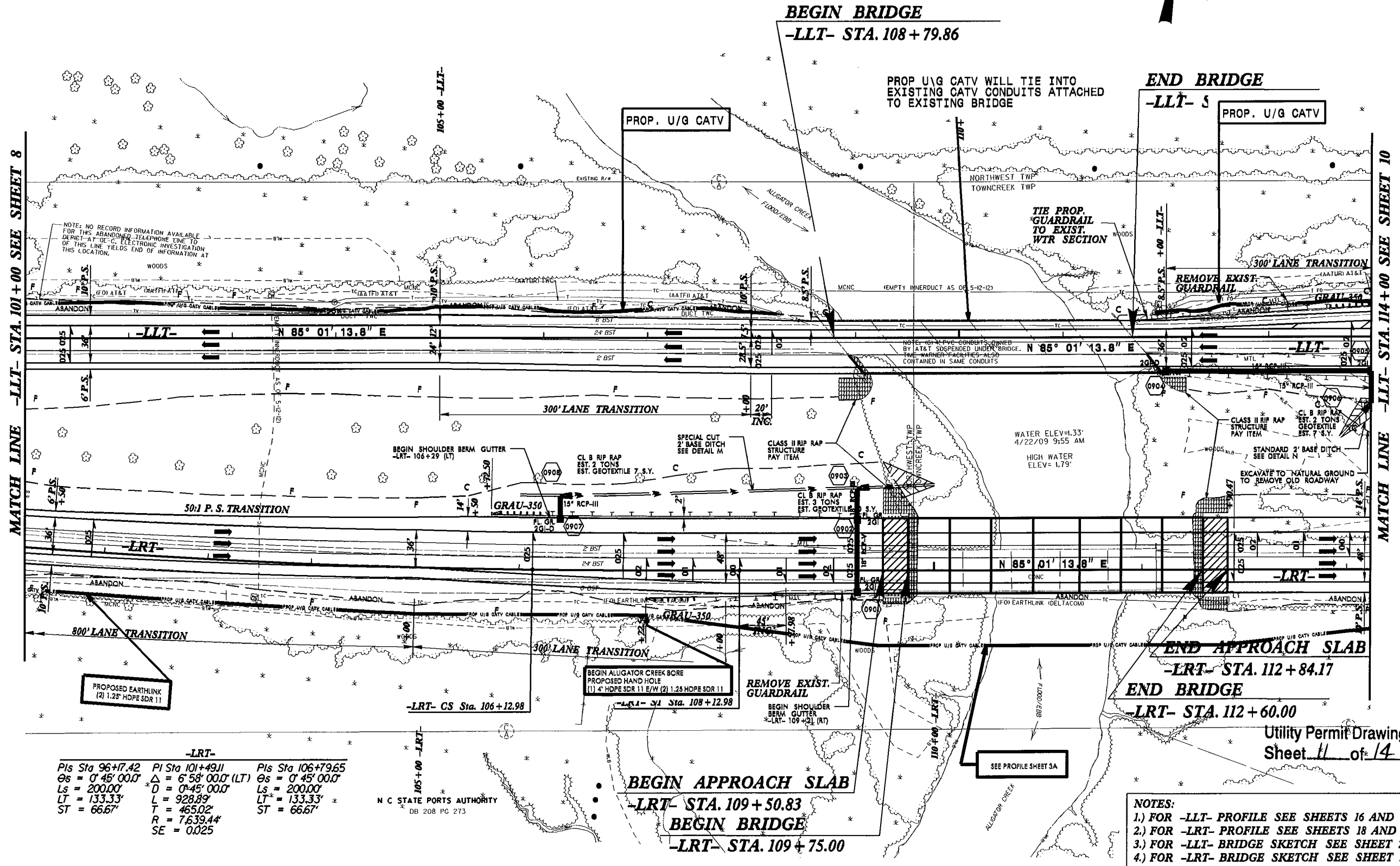
PROJECT REFERENCE NO.	SHEET NO.
R-3601	7
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR E/W ACQUISITION	PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION



Utility Permit Drawing
Sheet 9 of 14

- NOTES:**
1.) FOR -LMED- PROFILE SEE SHEET 15.
2.) FOR -LLT- PROFILE SEE SHEET 16.
3.) FOR -LRT- PROFILE SEE SHEET 18.

PROJECT REFERENCE NO.	SHEET NO.
R-3601	9
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR S/W ACQUISITION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	



-LRT- PIs Sta 96+17.42 $\Delta s = 0' 45' 00.0''$ $Ls = 200.00'$ $L = 133.33'$ $ST = 66.67'$	PI Sta 101+49.11 $\Delta = 6' 58' 00.0''$ (LT) $D = 0' 45' 00.0''$ $L = 928.89'$ $T = 465.02'$ $R = 7639.44'$ $SE = 0.025$	PIs Sta 106+79.65 $\Delta s = 0' 45' 00.0''$ $Ls = 200.00'$ $L = 133.33'$ $ST = 66.67'$
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N C STATE PORTS AUTHORITY
DB 208 PG 273

- NOTES:**
- 1.) FOR -LLT- PROFILE SEE SHEETS 16 AND 17.
 - 2.) FOR -LRT- PROFILE SEE SHEETS 18 AND 19.
 - 3.) FOR -LLT- BRIDGE SKETCH SEE SHEET 2-M.
 - 4.) FOR -LRT- BRIDGE SKETCH SEE SHEET 2-M.

REVISIONS

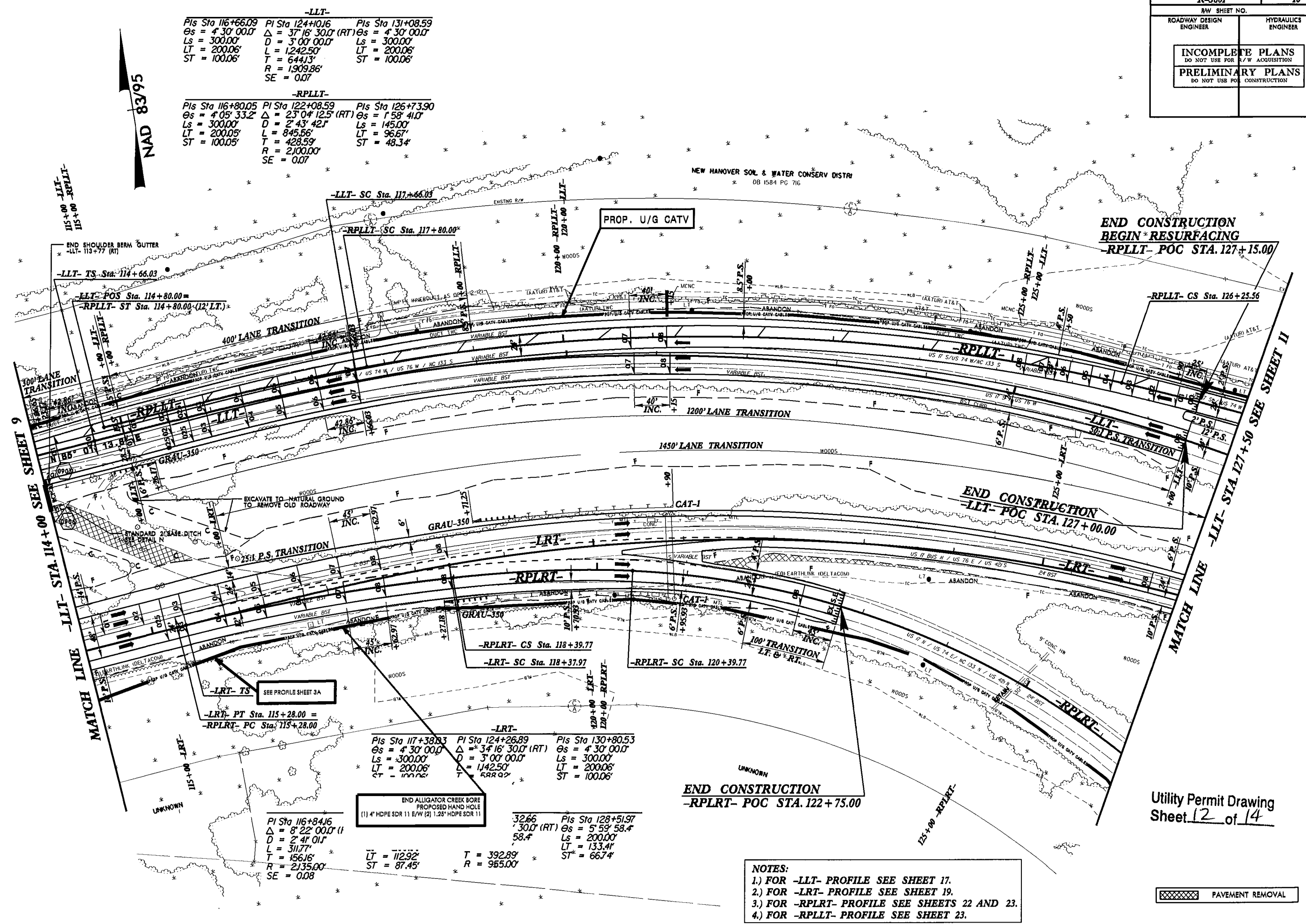
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\$\$\$\$\$SYTIME\$\$\$\$\$

PROJECT REFERENCE NO.	SHEET NO.
R-3601	10
RDW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



-LLT-
Pls Sta 116+66.09 PI Sta 124+10.16 Pls Sta 131+08.59
Es = 4' 30" 00.0' Δ = 37' 16" 30.0' (RT) Es = 4' 30" 00.0'
Ls = 300.00' D = 3' 00" 00.0' Ls = 300.00'
LT = 200.06' L = 1,242.50' LT = 200.06'
ST = 100.06' T = 644.13' ST = 100.06'
R = 1,909.86' SE = 0.07

-RPLLT-
Pls Sta 116+80.05 PI Sta 122+08.59 Pls Sta 126+73.90
Es = 4' 05" 33.2' Δ = 23' 04" 12.5' (RT) Es = 1' 58" 41.0'
Ls = 300.00' D = 2' 43" 42.1' Ls = 145.00'
LT = 200.05' L = 845.56' LT = 96.67'
ST = 100.05' T = 428.59' ST = 48.34'
R = 2,100.00' SE = 0.07

-LRT-
Pls Sta 117+38.93 PI Sta 124+26.89 Pls Sta 130+80.53
Es = 4' 30" 00.0' Δ = 34' 16" 30.0' (RT) Es = 4' 30" 00.0'
Ls = 300.00' D = 3' 00" 00.0' Ls = 300.00'
LT = 200.06' L = 1,142.50' LT = 200.06'
ST = 100.06' T = 644.13' ST = 100.06'
R = 1,909.86' SE = 0.07

PI Sta 116+84.16
Δ = 8' 22" 00.0' (L)
D = 2' 41" 01.1'
L = 311.77'
T = 156.16'
R = 2,135.00'
SE = 0.08

32.66 Pls Sta 128+51.97
30.0' (RT) Es = 5' 53" 58.4'
58.4' Ls = 200.00'
LT = 133.41'
ST = 66.74'

- NOTES:
- 1.) FOR -LLT- PROFILE SEE SHEET 17.
 - 2.) FOR -LRT- PROFILE SEE SHEET 19.
 - 3.) FOR -RPLRT- PROFILE SEE SHEETS 22 AND 23.
 - 4.) FOR -RPLLT- PROFILE SEE SHEET 23.

Utility Permit Drawing
Sheet 12 of 14

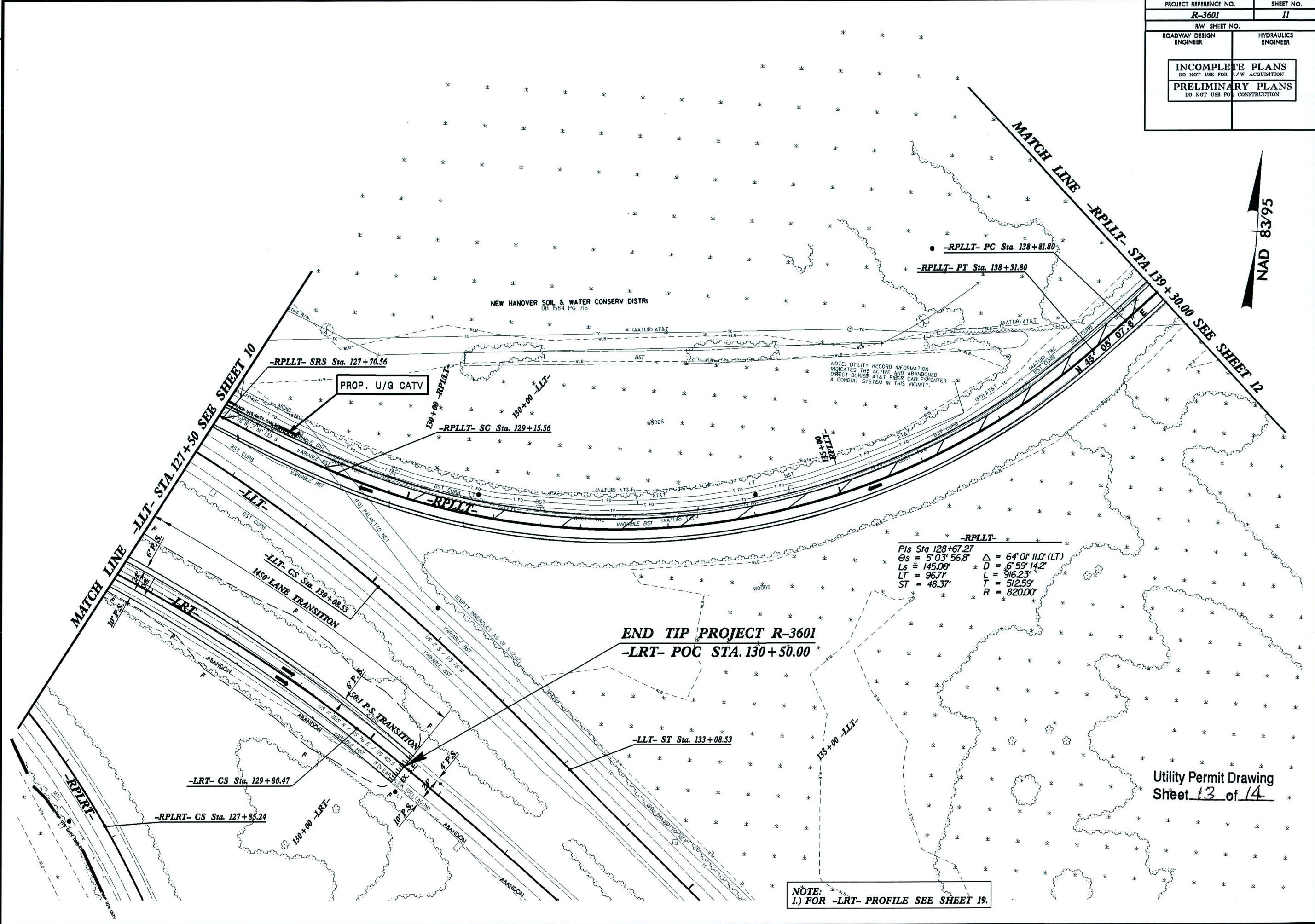
PAVEMENT REMOVAL

8/17/99

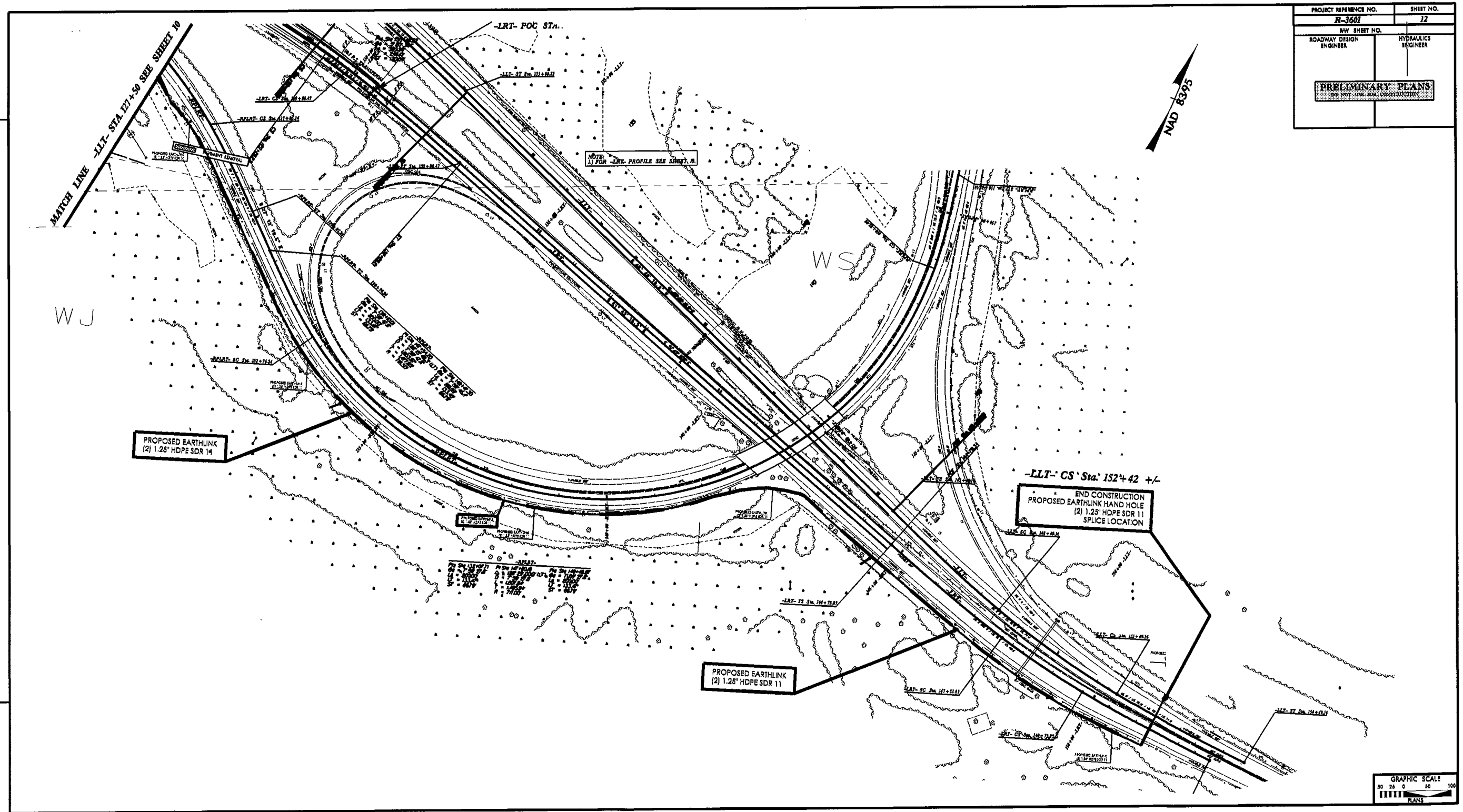
REVISIONS

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jreid

PROJECT REFERENCE NO.		SHEET NO.	
R-3601		11	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
INCOMPLETE PLANS DO NOT USE FOR R/W ACQUISITION			
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			



NOTE:
1.) FOR -LRT- PROFILE SEE SHEET 19.

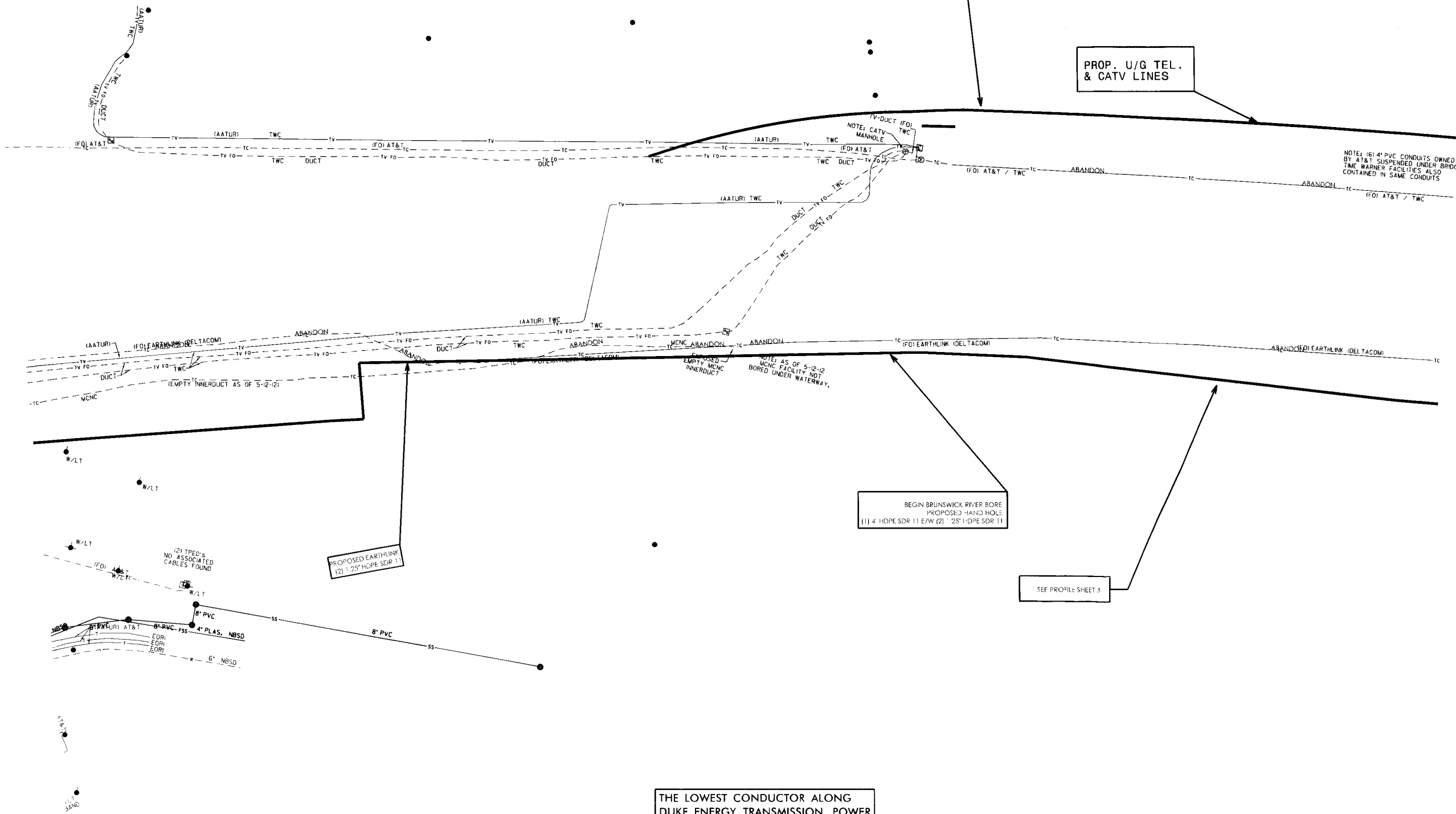


THE DISTRIBUTION POWER LINES
ON THE NORTH SIDE OF THE
ANDREW JACKSON BRIDGE
WILL BE RAISED BY DUKE ENERGY IF
NCDOT'S CONTRACTOR DETERMINES
THE LOWEST CONDUCTOR IS
NOT 20' ABOVE BRIDGE GIRDER

REVISED 8/12/2013

SEE PROFILE SHEETS
2 AND 2A

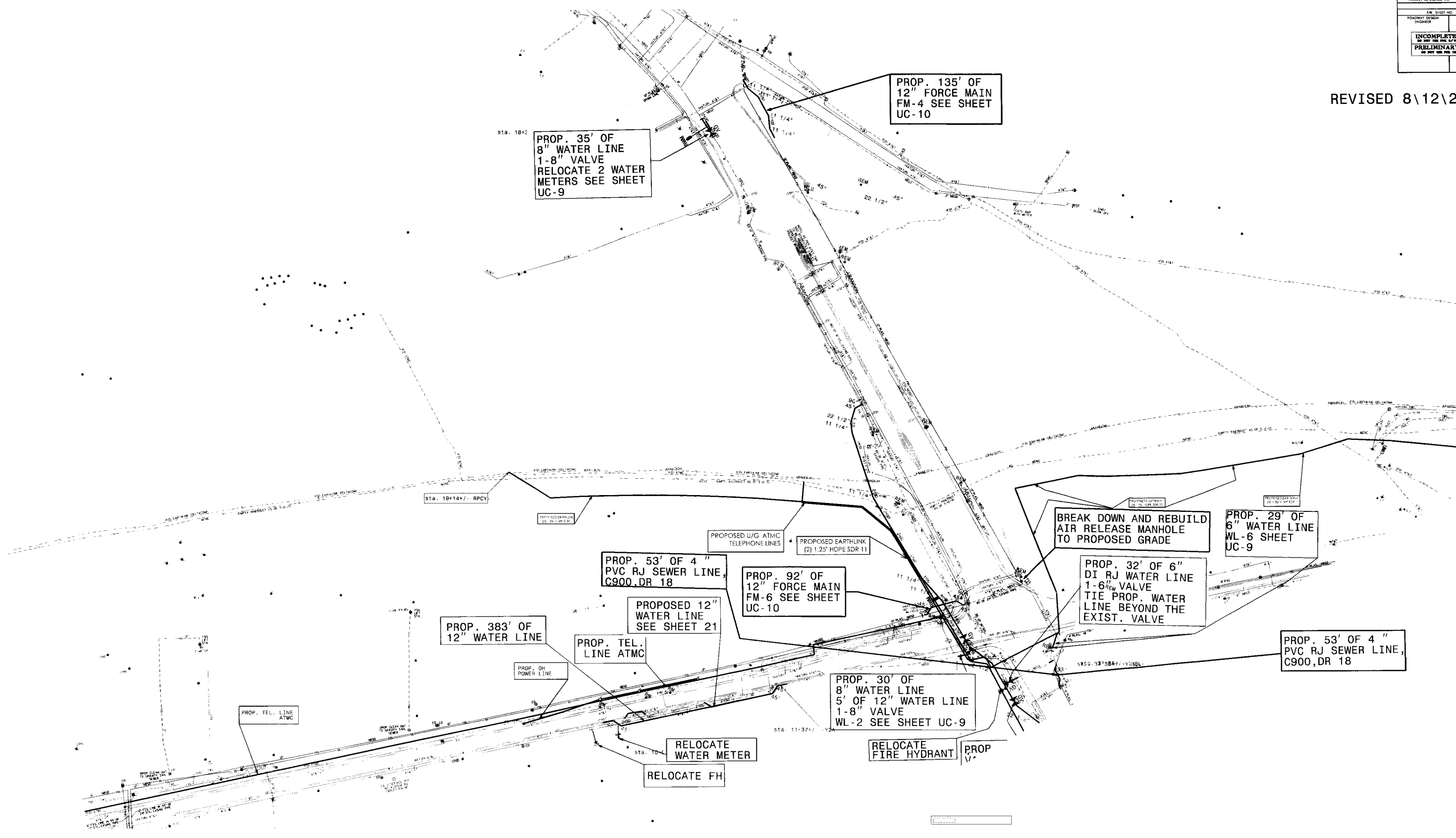
PROP. U/G TEL.
& CATV LINES



THE LOWEST CONDUCTOR ALONG
DUKE ENERGY TRANSMISSION POWER
LINES ON THE SOUTH SIDE OF THE
ANDREW JACKSON BRIDGE ARE 20'
ABOVE THE BRIDGE GIRDER

PROJECT REFERENCE NO.	SHEET NO.
100-100-100-100	1
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
INCOMPLETE PLANS DO NOT USE FOR CONSTRUCTION	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

REVISED 8\12\2013



PROP. 35' OF
8" WATER LINE
1-8" VALVE
RELOCATE 2 WATER
METERS SEE SHEET
UC-9

PROP. 135' OF
12" FORCE MAIN
FM-4 SEE SHEET
UC-10

PROP. 53' OF 4"
PVC RJ SEWER LINE,
C900, DR 18

PROP. 92' OF
12" FORCE MAIN
FM-6 SEE SHEET
UC-10

BREAK DOWN AND REBUILD
AIR RELEASE MANHOLE
TO PROPOSED GRADE

PROP. 29' OF
6" WATER LINE
WL-6 SEE SHEET
UC-9

PROP. 32' OF 6"
DI RJ WATER LINE
1-6" VALVE
TIE PROP. WATER
LINE BEYOND THE
EXIST. VALVE

PROP. 53' OF 4"
PVC RJ SEWER LINE,
C900, DR 18

PROP. 30' OF
8" WATER LINE
5' OF 12" WATER LINE
1-8" VALVE
WL-2 SEE SHEET UC-9

RELOCATE
WATER METER
RELOCATE FH

RELOCATE
FIRE HYDRANT

PROP. 383' OF
12" WATER LINE

PROPOSED 12"
WATER LINE
SEE SHEET 21

PROP. TEL.
LINE ATM

PROP. OH
POWER LINE

PROP. TEL. LINE
ATM

