

# STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY GOVERNOR ANTHONY J. TATA SECRETARY

May 20, 2014

MEMORANDUM TO:	Mr. Jerry Jennings, P.E. Division 1 Engineer
FROM:	Philip S. Harris, III, P.E., Section Head Natural Environment Section Project Development and Environmental Analysis Unit
SUBJECT:	Washington County, New route from US 64 to NC 32; WBS Element 34548.1.1; Federal Aid Project No. STP-0005(252), <b>TIP R-3620</b>

Attached are the U.S. Army Corps of Engineers Section 404 Individual Permit, N.C. Division of Water Resources Section 401 Water Quality Certification, the N.C. Division of Coastal Management CAMA Consistency Concurrence, and the Central Coastal Plain Capacity Use Analysis Permit for the above-referenced project. All environmental permits have been received for the construction of this project.

A copy of this permit package posted on the NCDOT Website at <u>https://connect.ncdot.gov/resources/Environmental</u>, under *Quick Links > Issued Permits* 

cc:

Mr. Randy Garris, P.E. State Contract Officer
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Glen Mumford, P.E., Roadway Design Unit
Mr. Dewayne Sykes, P.E. Utilities Unit
Mr. Jay Twisdale, P.E., Hydraulics Unit
Mr. Greg Perfetti, P.E., Structure Design Unit
Mr. Ron Hancock, P.E., State Roadway Construction Engineer
Mr. Mike Robinson, P.E., State Bridge Construction Engineer
Mr. Rob Hanson, P.E., PDEA Project Development Unit
Mr. Clay Willis, Division Environmental Officer
Ms. Beth Harmon, EEP
Mr. Phillip Ayscue, Office of Inspector General
Mr. Clarence Coleman, P.E., FHWA

Telephone: 919-707-6100 FAX: 919-212-5785

# **PROJECT COMMITMENTS**

TIP PROJECT R-3620 Proposed NC 32 Connector From US 64 to the Intersection of NC 32 and NC 94 Washington County WBS Project 34548.1.1 Federal Aid Project No. STP-0005(252)

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

#### Project Development & Environmental Analysis Unit- Natural Environment Section

In order to remain consistent with the Coastal Area Management Act (CAMA) Land Use Plan for Washington County, all mitigation for wetlands impacted within the county boundaries must be performed within Washington County, as opposed to any other county in North Carolina.

NCDOT is proposing to use wetland mitigation sites outside Washington County for impacts from the project, through the Ecosystem Enhancement Program (EEP). The NCDOT - ICI/Onsite Mitigation Group has coordinated with Washington County on this issue. The Commissioners have revised a policy statement in their CAMA Land Use Plan with a resolution that states: "the Washington County Board of Commissioners hereby clarifies the intent of the policy to object to mitigation in the county for out of county projects and not for in-county projects mitigated outside of the county." This clarification ensures that NCDOTs proposed mitigation will be in compliance with Washington County's CAMA Land Use Plan

## Roadway Design Unit & Geotechnical Engineering Unit

Additional coordination with resource agencies regarding the use of undercut versus fill will take place prior to the Concurrence Point 4B meeting.

NCDOTs Roadway Design, Project Development & Environmental Analysis, and Geotechnical Units initiated a dialogue with the resource agencies via email and resolved this issue prior to the CP 48 meeting. It was determined that NCDOT will raise the grade of the existing facility in order to provide separation from the groundwater.

#### **Roadway Design Unit**

4-foot paved shoulders will be added to the typical section of the existing NC 32 that is being improved as part of this project in order to accommodate cyclists traveling on adjacent state and regional bike routes.

NCDOTs Roadway Design has added 4-foot paved shoulders to the project design.

# **COMMITMENTS FROM PERMITTING**

## **Division 1 Construction & PDEA-Natural Environment Section**

At locations where ponds will be drained, proper measures will be taken to drain the pond with limited impact to upstream and downstream channel stability as well as to native aquatic species. Proper measures will be taken to avoid sediment release and/or sediment accumulation downstream as a result of pond draining. If typical pond draining techniques will create significant disturbance to native aquatic species, additional measures such as collection and relocation may be necessary to prevent a significant fish kill. NCDOT shall consult with NC Wildlife Resources staff to determine if there are any sensitive species, and the most appropriate measures to limit impacts to these species.

In accordance with the Ecosystem Enhancement Program (EEP) letter dated November 25, 2013, compensatory mitigation for permanent impacts to 82 feet of stream, 1.81 acres of riparian wetlands, and 7.32 acres of non-riparian wetlands associated with the authorized project shall be provided by the EEP in accordance with the EEP In-Lieu Fee Instrument dated 7/28/10.



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

Washington Regulatory Field Office 2407 W 5<sup>th</sup> Street Washington, North Carolina 27889

May 16, 2014

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OFFICE OF NATURAL ENVIRONMENT								

**Regulatory Division** 

Action ID. SAW-2006-40559

N REPLY REFER TO

Mr. Richard Hancock Project Development and Environmental Analysis Branch N.C. Department of Transportation 1548 Mail Service Center Raleigh, North Carolina 27699-1548

Dear Mr. Hancock,

Enclosed is a Department of the Army permit to discharge fill material directly into 9.13 acre of wetlands and 82 linear feet of stream associated with construction of a 3.33 mile long two lane connector from US 64 to the intersection of NC 32 and NC 94 between the interchange of US Highway 64 and NCSR 1139 (Beasley Road) and the intersection of NC Highway 32 and NC Highway 94 near Roper in Washington County, North Carolina. The Corps is issuing this permit in response to your written request of December 18, 2013, and the ensuing administrative record.

Any deviation in the authorized work will likely require modification of this permit. If a change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant conditions require that:

a. You must complete construction before December 31, 2019.

b. You must notify this office in advance as to when you intend to commence and complete work.

c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

You should address all questions regarding this authorization to Tracey Wheeler of the Washington Regulatory Field Office (910) 251-4627.

Sincerely,

illion J. Biddlecore Steven A. Baker

Colonel, U.S. Army District Engineer

Enclosures

Copy Furnished with enclosures:

Mr. Pete Benjamin U.S. Fish and Wildlife Service Fish and Wildlife Enhancement Post Office Box 33726 Raleigh, North Carolina 27636-3726

Mr. Fritz Rhode National Marine Fisheries Service Habitat Conservation Service 101 Pivers Island Road Beaufort, North Carolina 28516

Mr. Jeffrey Garnett Wetlands and Marine Regulatory Section Water Protection Division-Region IV U.S. Environmental Protection Agency 61 Forsyth Street, SW Atlanta, Georgia 30303

Mr. Doug Huggett Division of Coastal Management North Carolina Department of Environment and Natural Resources 1638 Mail Service Center Raleigh, North Carolina 27699-1638

# RECEIVED

#### **DEPARTMENT OF THE ARMY PERMIT**

MAY 1 3 2014

U.S. ARMY CORPS ENG

# Permittee: NCDOT NC32 Proposed new Route from US 64 to NC 32 TIP No. R 3620

Permit No.: SAW-2006-40559

#### Issuing Office: USAED, WILMINGTON – CESAW-RG-W

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

#### You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The North Carolina Department of Transportation (NCDOT) has identified this project as TIP R3620, which involves discharging fill material directly into 9.13 acre of wetlands 82 linear feet of stream associated with construction of a 3.33 mile long two lane connector from US 64 to the intersection of NC 32 and NC 94 between the interchange of US Highway 64 and NCSR 1139 (Beasley Road) and the intersection of NC Highway 32 and NC Highway 94 near Roper in Washington County, North Carolina.

**Project Location:** The project, known as TIP No. R 3620, is a 3.33 mile long two lane connector from US 64 to the intersection of NC 32 and NC 94. The project area contains jurisdictional wetlands connected to the Albemarle Sound. The project starts at approximate Latitude 35.893522N, Longitude -76.538300W and ends at approximate Latitude 35.958693N, Longitude -76.4898894W. The project is located in the Pasquotank River Basin, Hydrologic Unit 03010205.

**Permit Conditions:** 

**General Conditions:** 

1. The time limit for completing the work authorized ends on <u>December 31, 2019</u> If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal

ENG FORM 1721, Nov 86

EDITION OF SEP 82 IS OBSOLETE.

(33 CFR 325 (Appendix A))

1

and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified

in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

**Special Conditions:** 

#### SEE ATTACHED SPECIAL CONDITIONS

#### **Further Information:**

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit, Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

05/04/2014 (DATE) (PERMITTEE) NC bot - ATTN: RICHARD W. HANCOCK, P.E.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

_	William	A	Bibblecone	5/
2	DISTRICT ENGINEE	/ STI	EVEN A. BAKER, COLONEL	(

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

(TRANSFEREE)

(DATE)

#### SPECIAL CONDITIONS

#### ACTION ID SAW-2006-40559 (TIP PROJECT NO. R 3620)

#### NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, PROPOSED NEW ROUTE FROM US 64 TO NC 32 IN WASHINGTON COUNTY

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

b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

c) Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

d) The permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Ms. Tracey L. Wheeler, Washington Regulatory Field Office. There shall be no additional excavation from, waste disposal into, or degradation of jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation.

e) The Permittee shall schedule an onsite preconstruction meeting between its representatives, the contractor's representatives and the appropriate Corps of Engineers Project Manager prior to undertaking any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all terms and conditions contained within the Department of the Army permit. The Permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meeting in order to provide that individual with ample opportunity to schedule and participate in the required meeting

f) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic

materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

g) The permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

h) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act.

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

j) The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

k) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit.

1) The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

m) The permittee shall take measures to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with any water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with concrete shall only be returned to waters of the United States when it no longer poses a threat to aquatic organisms.

n) For construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms. For all culvert construction activities, the dimension, pattern, and profile of the stream, (above and below a pipe or culvert), should not be

modified by widening the stream channel or by reducing the depth of the stream. Culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert.

o) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands.

p) All necessary precautions and measures will be implemented so that any activity will not kill, injure, capture, harass, or otherwise harm any protected federally listed species. While accomplishing the authorized work, if the permittee discovers or observes a damaged or hurt listed endangered or threatened species, the District Engineer will be immediately notified to initiate the required Federal coordination.

q) In order to compensate for impacts to 9.13 acres of wetlands and 82 linear feet of stream associated with this permit, mitigation shall be provided by the Ecosystem Enhancement Program (EEP) 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. Pursuant to the In-Lieu Fee Instrument signed July 28, 2010 between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 3.62 acres restoration equivalent riparian wetlands, 14.62 acres restoration equivalent non-riparian wetlands and 164 linear feet of restoration equivalent warm water stream channel in the Chowan River basin 03010204 in accordance with Section F of the instrument.

r) Violation of these conditions or violation of Section 404 of the Clean Water Act of Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permitee's discovery of the violation.

s) A representative of the Corps of Engineers will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in a directive to cease work until the problem is resolved to the satisfaction of the Corps.

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

#### Permittee: North Carolina Department of Transportation Project Name: NCDOT/NC 32 Connector/TIP # R-3620

Action ID: SAW-2006-40559 County: Washington

**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 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: 03020105, Pamlico Sound

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
82			1.81		7.32	

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

Stre	Stream Mitigation (credits)		Wetland Mitigation (credits)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal	
164			3.62		14.64		

#### Mitigation Site Debited:\_

(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:\_

Name of Sponsor's Authorized Representative:

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: USACE Field Office:** 

**Tracey Wheeler** Washington Regulatory Field Office **US Army Corps of Engineers** 2407 West Fifth Street Washington, NC 27889

Email:

USA CE Project Manager Signature

May 6, 2014 **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.

Page 2 of 2

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



#### North Carolina Department of Environment and Natural Resources

Pat McCrory Governor Division of Water Resources Water Quality Programs Thomas A. Reeder Director

March 24, 2014

John E. Skvarla, III Secretary

RECEIVED Division of Highways

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

MAR 2 7 2014

Preconstruction Project Development and Environmental Analysis Branch

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and ISOLATED WATERS PERMIT with ADDITIONAL CONDITIONS for the proposed new route from US 64 to NC 32 in Washington County, Federal Aid Project No. STP-000S(252), TIP R-3620. NCDWR Project No. 20131308

Dear Mr. Hancock:

Attached hereto is a copy of Certification No. 003986 issued to The North Carolina Department of Transportation (NCDOT) dated March 24, 2014.

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

Sincerely,

Thomas A. Reeder

Attachments

cc: Tracey Wheeler, US Army Corps of Engineers, Washington Field Office (electronic copy only) Jerry Jennings, PE, Division 1 Engineer
Clay Willis, Division 1 Environmental Officer
Chris Militscher, Environmental Protection Agency (electronic copy only)
Cynthia Van der Wiele, Environmental Protection Agency (electronic copy only)
Travis Wilson, NC Wildlife Resources Commission (electronic copy only)
Cathy Brittingham, Division of Coastal Management (electronic copy only)
Beth Harmon, Ecosystem Enhancement Program (electronic copy only)
Garcy Ward, NCDWR Washington Regional Office (electronic copy only)
File Copy

Transportation and Permitting Unit 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Location: 512 N. Salisbury St. Raleigh, North Carolina 27604 Phone: 919-807-6300 \ FAX: 919-733-1290 Internet: www.ncwaterguality.org



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#### 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and ISOLATED WATERS PERMIT with ADDITIONAL CONDITIONS

**THIS CERTIFICATION** is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500 and Isolated water s permit. This certification authorizes the NCDOT to impact 12.23 acres of jurisdictional wetlands, 120 linear feet of isolated stream, and 158 linear feet of jurisdictional stream in Washington County. The project shall be constructed pursuant to the application dated received December 18, 2013. The authorized impacts are as described below:

Site	Station	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	lsolated Waters (linear feet)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1	20+22 -L-			120	120	0
14	148+73 -L-	114	44		158	0
	TOTAL	114	44	120	278	0

## Stream Impacts in the Pasquotank River Basin

Total Stream Impact for Project: 278 linear feet

Site	Station	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
1	12+35/44+78 LT -L-	2.36			0.01	0.73	3.10	2.37
1	24+22/24+57 RT -L-					< 0.01	0.00	0.00
1	30+15/32+90 RT -L-	0.05				0.09	0.14	0.05
5	90+10/109+22 -L-	3.20				0.79	3.99	3.20
7	111+39 LT -L-	< 0.01				0.01	0.01	0.00
9	113+25/118+90 -L-	1.02				0.26	1.28	1.02
11	134+35 -L-	0.05		0.01	0.02	0.01	0.09	0.08
12	137+70 RT -L-	0.09				0.04	0.13	0.09
13	141+10	0.07					0.07	0.07
14	146+00 RT			< 0.01		< 0.01	0.01	0.01
14	147+73/157+50	1.80			0.01	0.44	2.25	1.81
15	170+30/172+90 -L-	0.39				0.06	0.45	0.39
16	179+05 -L-	< 0.01					0.00	0.00
19_	25+60 LT -Y1-	0.04				0.02	0.06	0.04
1	-L-11+67/20+25 Utility	<0.01				0.23	0.23	0.00
2	-L-24+17/37+33 Utility	< 0.01				0.33	0.33	0.00
3	-L-40-14/50+65 Utility					0.03	0.03	0.00
4	-L-174+15/174+43 Utility					0.02	0.02	0.00
5	-L-178+85/179+45 Utility		0.01	0.01		0.01	0.03	0.00
7	-Y1-25+30/25+78 Utility		<0.01	< 0.01		0.01	0.01	0.00
	Total	9.07	0.01	0.02	0.04	3.08	12.23	9.13

#### Wetland Impacts in the Pasquotank River Basin

Total Wetland Impact for Project: 12.23 acres.

Open Water Impacts in the Pasquotank River Basin

Site	Permanent Fill in Open Waters (ac)	Temporary Fill in Open Waters (ac)	Total Fill in Open Waters (ac)
15	0.11		0.11
TOTAL	0.11	0.00	0.11

Total Open Water Impact for Project: 0.11 acres.

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

This approval is only valid for the purpose and design that you submitted in your application dated received December 18, 2013. Should your project change, you are required to notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

#### **Conditions of Certification:**

#### **Project Specific Conditions:**

- 1. 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 the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required.
- If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
- 3. At locations where ponds will be drained, proper measures will be taken to drain the pond with limited impact to upstream and downstream channel stability as well as to native aquatic species. Proper measures will be taken to avoid sediment release and/or sediment accumulation downstream as a result of pond draining. If typical pond draining techniques will create significant disturbance to native aquatic species, additional measures such as collection and relocation may be necessary to prevent a significant fish kill. NCDOT shall consult with NC Wildlife Resources staff to determine if there are any sensitive species, and the most appropriate measures to limit impacts to these species.
- 4. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
- 5. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species.
- 6. Pipes and culverts used exclusively to maintain equilibrium in wetlands, where aquatic life passage is not a concern, will not be buried. These pipes shall be installed at natural ground elevation.
- 7. NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000. Please note the extra protections for the sensitive watersheds.

- 8. Tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian areas. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with an appropriate native seed mix on disturbed soils within the riparian area and on disturbed steep slopes with the following exception. Erosion control matting is not necessary if the area is contained by perimeter erosion control devices such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Erosion control matting placed in riparian areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydroseeding along with wood or cellulose based hydro mulch applied from a fertilizer- and limestone-free tank is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters in prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank.
- 9. Mitigation
  - a. Compensatory mitigation for impacts to 9.13 wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated November 25, 2013 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with EEP's Mitigation Banking Instrument signed July 28, 2010.
  - b. The project, as proposed, does not currently require compensatory mitigation for stream impacts. However, should additional stream impacts occur, mitigation may be required.

#### **General Conditions:**

- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
- 19. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.

- 20. 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 the NCDWR 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, the NCDWR may reevaluate and modify this certification.
- 21. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification..
- 22. 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.
- 23. 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.
- 24. 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.
- 25. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery.
- 26. 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 NCDWR when all work included in the 401 Certification has been completed.
- 27. 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.
- 28. 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.
- 29. 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.
- Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.

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

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

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

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

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

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

This the 24th day of March 2014

**DIVISION OF WATER RESOURCES** 

Thomas A. Reeder

WQC No. 003986



North Carolina De	epartment of Environment	and Natural Resources
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Division of Water Resources Water Quality Programs Thomas A. Reeder Director

Pat McCrory Governor	Thomas A. Reeder Director	John E. Skvarla, III Secretary
NCDWR Project No.: 20131308	County: Washi	ngton
Applicant: <u>NCDOT</u>		
Project Name:	w route from US 64 to NC 32	
Date of Issuance of 401 Water Quali	ty Certification:	
any subsequent modifications, the appl Unit, North Carolina Division of Water	I within the 401 Water Quality Certification licant is required to return this certificate to r Resources, 1650 Mail Service Center, Ral plicant, the applicant's authorized agent, or of these.	the 401 Transportation Permitting eigh, NC, 27699-1650. This form
Applicant's Certification		
	, hereby state that, to the best of m struction such that the construction was obse r Quality Certification and Buffer Rules, the aterials.	erved to be built within substantial
Signature:	Date:	
Agent's Certification		
was used in the observation of the cons	, hereby state that, to the best of m struction such that the construction was obse r Quality Certification and Buffer Rules, the aterials.	erved to be built within substantial
Signature:	Date:	
Engineer's Certification		
Partial Final		
Permittee hereby state that, to the best of construction such that the construction	, as a duly registered Profession serve (periodically, weekly, full time) the co of my abilities, due care and diligence was was observed to be built within substantial Rules, the approved plans and specification	used in the observation of the compliance and intent of the 401
Signature	Registration No.	Date
Transportation and Permitting Unit 1650 Mail Service Center, Raleigh, North Carolina 276 Location: 512 N. Salisbury St. Raleigh, North Carolina Phone: 919-807-6300 \ FAX: 919-733-1290 Internet: <u>www.ncwaterquality.org</u> An Equal Opportunity \ Affirmative Action Employer		NorthCarolina Naturally



# North Carolina Department of Environment and Natural Resources

Pat McCrory Governor John E. Skvarla, III Secretary

April 10, 2014

Richard W. Hancock, P.E. Manager Project Development and Environmental Analysis Unit N.C. Department of Transportation 1598 Mail Service Center Raleigh, North Carolina 27699-1598



## **SUBJECT:** Conditional Consistency Concurrence - **CD14-011.** Proposed new route from US 64 to NC 32, in Washington County, TIP No. R-3620 (DCM #20140017).

Dear Mr. Hancock:

The N.C. Division of Coastal Management (DCM) received a Consistency Certification from the N.C. Department of Transportation (NCDOT) on December 11, 2013 certifying that the subject project is consistent with the N.C. Coastal Management Program. NCDOT proposes to construct a connector from the US 64/SR 1139 (Beasley Road) interchange to the intersection of NC 32 and NC 94 in Washington County for a distance of 3.33 miles. The proposed typical section has two 12-foot lanes with 8-foot shoulders (4-foot paved).

The N.C. Coastal Management Program consists of, but is not limited to, the Coastal Area Management Act, the State's Dredge and Fill Law, and the land use plan of the County and/or local municipality in which the proposed project is located. It is the objective of DCM to manage the State's coastal resources to ensure that proposed activities are compatible with safeguarding and perpetuating the biological, social, economic and aesthetic values of the State's coastal resources.

To solicit public comments, DCM published a public notice in the "*Roanoke Beacon*" on February 12, 2014. DCM also circulated a description of the proposed project to State agencies that would have a regulatory interest in the proposed development. No comments were received asserting that the proposed project would be inconsistent with the N.C. Coastal Management Program.

Based upon the review of NCDOT's Consistency Certification, comments received from the interested State agencies, and the enforceable policies of the N.C. Coastal Management Program, DCM concurs, as conditioned below, that the proposed project is consistent, to the maximum extent practicable, with the N.C. Coastal Management Program provided that the following conditions are implemented.

1. NCDOT shall comply with the Section 401 Water Quality Certification No. 3986 issued by the N.C. Division of Water Resources on March 24, 2014, DWR Project Number 20131308.

- 2. In accordance with the Ecosystem Enhancement Program (EEP) letter dated November 25, 2013, compensatory mitigation for permanent impacts to 82 feet of stream, 1.81 acres of riparian wetlands, and 7.32 acres of non-riparian wetlands associated with the authorized project shall be provided by the EEP in accordance with the EEP In-Lieu Fee Instrument dated 7/28/10.
- This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and NCDOT's Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.
- Should the project be modified, or if there is any deviation from the stated commitments, then NCDOT should consult with DCM, and a Supplemental Consistency Certification pursuant to 15 CFR 930.66 may be necessary.

These conditions allow DCM to concur with the proposed action. It should be noted that in accordance with 15 CFR 930.4, if the conditions of concurrence are not met, then this concurrence shall be considered an objection to the action. Should there be disagreement with any stated conditions of concurrence; a response to this correspondence is requested as soon as possible, to resolve any disagreement with the conditions.

If you have any questions about this Consistency Concurrence, please contact Cathy Brittingham at (919) 707-9149 or via e-mail at cathy.brittingham@ncdenr.gov. Thank you for your consideration of the N.C. Coastal Management Program.

Sincerely,

Dougle V Huggett

Doug Huggett Manager, Major Permits and Consistency Unit. N.C. Division of Coastal Management

cc: Beth Harmon, EEP David Moye, DCM Chris Rivenbark, NCDOT David Wainwright, DWR Tracey Wheeler, USACE



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Pat McCrory Governor Division of Water Resources Thomas A. Reeder Director

February 12, 2014

Mr. Richard Hancock NCDOT 1598 MSC Raleigh, NC 27699-1598 CERTIFIED MAIL RETURN RECEIPT REQUESTED 7011 1570 0000 6989 4035

Subject:

CCPCUA Permit No. CU4032 NCDOT TIP project: R-3620 Washington County

Dear Mr. Hancock:

In accordance with your application dated December 16, 2013 and associated documentation, we are forwarding Permit No. CU4032 for water use in the Central Coastal Plain Capacity Use Area in Washington County. This permit allow for the withdrawal of water for the purpose of mine dewatering.

Enclosed with this package are forms DWR CCPCUA-4 and DWR CCPCUA-6. Form DWR CCPCUA-4 is for reporting water withdrawals, in accordance with Sections I. C. and IV. A. of your permit. Form DWR CCPCUA-6 is for reporting ground water levels, in accordance with Sections II. B. and IV. B. of your permit.

If you are not already doing so, DWR requests you submit your monthly water withdrawal and water level information using our online system. By doing so you will <u>not</u> need to mail the Division a signed hard copy. The CCPCUA online permit renewal application, water withdrawal and levels reporting forms are at:

#### http://www.ncwater.org/CCPCUAreportonline

If you do not have internet access then please make as many copies as necessary and send forms on a monthly basis to the address on the top of the forms.

This permit is effective from the date of issuance until January 31, 2019, and is subject to the conditions and/or limitations contained therein. In order for this permit to continue uninterrupted, please apply for permit renewal at least three (3) months before the expiration date.

Sincerely Elston

Nathaniel C. Wilson, Chief Ground Water Management Branch

1611 Mail Service Center, Raleigh, North Carolina 27699-1611 Location: 512 N. Salisbury St. Raleigh, North Carolina 27604 Phone: 919-707-9000\ FAX: 919-733-3558 Internet: www.ncwater.org

An Equal Opportunity \ Affirmative Action Employer

## North Carolina Environmental Management Commission Department of Environment and Natural Resources

# Permit For The Withdrawal And Use Of Water In The Central Coastal Plain Capacity Use Area

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

## **Permission Is Hereby Granted To**

#### NC Department of Transportation

NCDOT TIP project: R-3620 Proposed NC 32 Connector from US 64 to NC 32

#### FOR THE

Withdrawal and Use of Water in Washington County, North Carolina in accordance with the grantee's application dated December 16, 2013, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until January 31, 2019, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the  $12^{th}$  day of <u>February</u>, 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY

Thomas A. Reeder Director, Division of Water Resources

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4032

## I. WITHDRAWALS

## A. USE

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

#### **B. RATES OF WITHDRAWALS**

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

## C. SOURCE(s) OF WITHDRAWALS

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

## D. MONITORING OF WITHDRAWALS

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

## II. WATER LEVELS

## A. MAXIMUM DRAWDOWN LEVELS

- 1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
- 2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

## **B. MONITORING OF WATER LEVELS**

- 1. The <u>pumping</u> water level in each supply well shall be measured once a month:
  - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
  - b. within accuracy limits of plus or minus one percent,
  - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
  - d. during the last planned pumping day of the month, or within the last five days of the month.

- 2. The static water level in each supply well shall be measured once a month:
  - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
  - b. within accuracy limits of plus or minus one percent,
  - c. after the pump is shut off for approximately 12 hours, and
  - d. within the last five days of the month.
- 3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

## **III. OTHER PROVISIONS**

## A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Division of Water Quality, P.O. Box 2188, Washington, NC 27889.

## **B.** ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

## **IV. REPORTS REQUIRED**

## A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

,

## **B. WATER LEVELS**

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

## V. MODIFICATION OR REVOCATION

## A. MODIFICATION

- 1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
- 2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

## **B. REVOCATION**

The Director may revoke the permit if he finds that:

- 1. the Permittee has violated the terms of the permit; or
- 2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
- 3. the Permittee made false or fraudulent statements in the application for the water use permit; or
- 4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

## VI. CONSTRUCTION OF PERMIT

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

## VII. ADDITIONAL CONDITIONS

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

#### VIII. PENALTIES

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

#### IX. PERMIT NONTRANSFERABLE

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

## X. RENEWAL OF PERMIT

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate. Report of Water Withdrawals

# North Carolina Department of Environment and Natural Resources

from Each Source			1611 Ma Raleigh,	n of Water Resources il Service Center North Carolina 276 n : Capacity Use Adm	Check Box If No Use This Month				
For month of:		Year:	Facility	NCDOT TIP projec	t: <u>R-3620</u>	Permit #: <u>CU4032</u>		Sheetof	
Well/Sump ID									
	meter reading	gs 🖡	gallons per day	meter readings	gallons per day	meter readings	gallons per day	Total Withdrawn	
Beginning reading 📥									
Day 1									
Day 2									
Day 3									
Day 4									
Day 5			······································						
Day 6									
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Highway Stormwater

(Version 1.2; Released July 2012)

North Carolina Department of Transportation

Highway Stormwater Program STORMWATER MANAGEMENT PLAN

FOR LINEAR ROADWAY PROJECTS

Project/TIP No.:	34548.1.1	County(ies):	Washington					Pag	e 1	of	3
			General Projec	t Information							
Project No.:		34548.1.1	Project Type: New Location				Date:	7/16/2012			
NCDOT Contact:		W.G. Cail	Contractor / Desig								
	Address:	1020 Birch Ridge Rd			Address:						
		Raleigh, NC 27610									
		(919) 707-6711			Phone:						
	Email:	gcail@ncdot.gov			Email:						
City/Town:		Skinnersville	[	County(ies):	Washii	0					
River Basin(s):		Pasquotank	CAMA County?	Yes							
Primary Receiving W	/ater:	Chapel Swamp; Albemarle Sound	L	NCDWQ Stream In		30-11				1	
NCDWQ Surface Water Classification Other Stream Classification:		for Primary Receiving Water	Primary:	Class						-	
			Supplemental:	Swamp Wate	rs (Sw)						
	fication:	None								-	
303(d) Impairments: Buffer Rules in Effect	4	None N/A									
Buffer Rules in Effec		N/A	Breiset De	corintian							
Project Length (lin. M	dilag or fact).	2.22 miles	Project De Surrounding Land Use:	scription		R	ural; Agricultural				
	villes of leet).	3.33 miles		Existing Site							
Project Built-Upon A	rea (ac )	14.33		6.89 ac.							
Typical Cross Sectio		12' lanes w/ 8' shoulders (2' paved;		10' lanes w/ 2			ac.				
· )p.c c. c.c. c.c		Vary 3:1 to 6:1 side slopes (3:1 and									
Average Daily Traffic	; (veh/hr/day):	Design/Future:		Existing: 3250							
General Project Narr	ative:	Design/Future:         5200         Existing:         3250           The project consists of constructing a 2-lane shoulder section highway on both existing and new location, between the intersection of NC 32 and US 64 and the interchange.         3250									
		There is one major structure, a 1 @ 12'x7' RCBC on a unnamed trib to Albemarle Sound.									
		Best Mgmt. Practices:									
		Use of grassed shoulders and swal	es.								
		Minimize use of SBG allowing for flo									
		Equalizer pipes in wetlands.									
		Grading out existing NC 94 and NC 32 intersection w/ grassed swales and flat side slopes.									
		Use of rip rap disipaters / grass swales at ditch tie-ins at wetlands to get non-erosive velocities.									
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	11/26/2013 gcail R:\Hydraulics\PERMITS_Environmental\Drawings\PSH\R3620_Hyd_psh_17.dgn_De <i>Sign_ReVi</i>	100' 0' $100'43^{10}Scole: 1" = 100'$

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	PROJECT REFERENCE NO.	SHEET NO.
	<u>R-3620</u>	<u>18</u>
	R/W SHEET NO.	
	ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
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# PERMITDRAWINGSHEET33OF35



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		PROJECT REFERENCE N	
		<u>R-3620</u>	<u>18</u>
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# PERMIT DRAWING

# **SHEET 35 OF 35**

				W/E7	WI FLAND IMPA	ETLAND PE	RMIT IMP/	ACT SUMM		E WATER IM	DACTO	
	Τ			VVEI			Hand		SUKFAU	Existing	Existing	
			Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Natural
Site	Station	Structure	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Wetlands	Wetlands		in Wetlands	Wetlands	impacts	impacts	Permanent		Design
	( /	, , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , - , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , , ,	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ft)	(ft)	(ft)
1	12+35 / 44+78 LT-L-	FILL	2.36			0.01	0.73		. ,			
1	20+22 -L-	54" RCP						0.01		108		
1	20+22 -L-	Bank Stabilization						<0.01		12		
1	19+95 -L-RT	54" RCP							<0.01			
1	24+22 / 24+57 RT-L-	FILL					<0.01					
1	30+15 / 32+90 RT-L-	FILL	0.05				0.09					
1	45+40 -L-	54" RCP						0.01				
2	47+60 -L-	30" RCP						0.03				
3	51+05 LT -L-	24" RCP						<0.01				
4	89+25 -L-	42" RCP						0.01				
5	90+10 / 109+22-L-	FILL	3.20				0.79					
6	110+18 -L-	48" RCP						0.01				
7	111+39 LT -L-	FILL	<0.01				0.01					
8	112+80 -L-	24" RCP						0.01				
9	113+25 / 118+90-L-	FILL	1.02				0.26					
10	127+75 -L-	42" RCP						0.01				
11	134+35 -L-	FILL	0.05		0.01	0.02	0.01					
12	137+70 RT -L-	FILL	0.09				0.04					
13	141+10 TOTAL TAKE	FILL	0.07									
14	146+00 RT	EXCAVATION			<0.01		<0.01					
14	147+73 / 157+50	FILL	1.80			0.01	0.44					
14	148+73 -L-	Box Culvert						0.01		82		
14	148+73 LT/RT-L-	Bank Stabilization						0.01	0.01	32	44	
15	169+92 -L-	48" RCP						0.02				
15	170+30 / 172+90-L-	FILL	0.39				0.06	0.11				
16	179+05-L-	FILL	<0.01									
17	184+35-L-	Extend 48" RCP						0.01				
17	9+93-Y2-	48" RCP						<0.01				
18	13+00 RT -Y1-	FILL						0.02				
19	25+60 LT-Y1-	FILL	0.04				0.02					
20	27+50 RT-Y1-	18" Pipe						<0.01				
TOTAL	.S:		9.07		0.01	0.04	2.45	0.27	0.01	234	44	0

#### JS Non-Mitigable:

Site 1-Sta 19+95RT, Site 1-Sta 45+40, Site 2-Sta 47+60, Site 4-89+25, Site 6-Sta 110+18, Site 8-Sta 112+80, Site 10-Sta 127+75, Site 15-Sta 169+92, Site 17-Sta 184+35/9+93, Site 18-Sta 13+00; Site 20-Sta 27+50

Site 15 - Fill in Surface Water Pond=0.11ac Sites 5,9, and 14 - Epualizer pipes placed @ natural ground and not to be buried. Site 13- Total take Site 19- Total take

**Note:** 0.48 ac of Temp Fill in Wetland In the Hand Clearing areas for erosion control.

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS COUNTY WBS - 34548.1.1 (R-3620)

SHEET 35 of 35 #######

# **R-3620** NEU Narrative

#### **Utility Owners:**

Power (D	istribution): Dom	inion Power – contact:	Clarence Wall (252) 308-1021 clarence.wall@dom.com
Power (Tr	ansmission) <b>:</b> Dom	inion Power – contact:	<u>Kyle A. Keno, P.E.</u> (804) 771-3548 Kyle.a.keno@dom.com
Telephon	e: Century Link – c	contact:	<u>Jeffrey Williamson</u> (252)-814-7244 Jeffrey.williamson@CenturyLink.com
CATV:	Mediacom – con	tact:	<u>Nate Harris</u> (252) 482-8089 nharris@mediacomcc.com
Water:	Washington Cour	nty Water – contact:	<u>Jerry W. Rhodes</u> (252) 793-5823 jrhodes@washconc.org

#### **General Utility Relocation:**

All utility lines inside project limits currently within construction limits will be adjusted as necessary or relocated away from construction before project let.

## **Existing Utilities:**

< <sup>1</sup>

- **Power** (Distribution): existing power lines run overhead on poles along the left side and crosses to the right side of the project from NC 64 to -Y- line Beasley Rd (SR 1139) and crossing back to the left along the -Y- line (SR 1139). In addition, the existing power lines run overhead on poles along the left side at the north end of the project parallel to Y1- NC 32 to NC 94.
- **Power** (transmission): existing transmission power lines are not in conflict with this project.

- **Telephone:** existing telephone lines run underground left and right of the existing section of the road for this project.
- **CATV:** existing CATV runs overhead right of NC 94 and crosses over to the left of NC 94 at the north end of the project.
- Water: existing water lines at the north end of the project parallel to -Y1- NC 32 and NC 94.

### **Proposed Utility Relocation:**

- **Power**(distribution): Overhead power lines and power poles will relocate to a position starting at the left side of the project and crossing to the right side of the project from NC 64 to -Y- line Beasley Rd (SR 1139) and on the left side at the north end of the project parallel to -Y1- NC 32 to NC 9.
- **Power**(transmission): existing transmission power lines run over the proposed portion of the road for this project and are not in conflict.
- **Telephone:** proposed telephone line will attach to overhead (joint-use) poles with power from NC 64 to -Y- line Beasley Rd (SR 1139) and on the left side at the north end of the project parallel to -Y1- NC 32 to NC 94. In addition, proposed telephone will relocate underground by open cut parallel to the right side of existing NC 94 and by trenchless method to the right of NC 32/94 at the north end of the project.
- **CATV:** proposed CATV lines will also attach to the power pole line (joint-use) at the north end of the project.
- Water: Existing water lines are not in conflict, they will remain in place.













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	project reference no. $B = 3620$	SHEET NO.
	NW SHEET NO. ROADWAY DESIGN ENGINZER	HYDRAULICS ENGINEER
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<i>43</i>	PRELIMINAR to not the for co	PLYAINS SETRUCTION
	<u> </u>	
MIT PLANS p. 26, 2013)	Utility Permit D Sheet2o	rawing f
PLAN SCALE: 1"=50' (FULL-SIZE) 1"=100' (HALF-SIZE)		
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PARCEL NO	PROPERTY ( NAMES AND ADD		
PARCEL NO.	WEYERHAEUSER	DB 317 PG 323	SITE NO.
 1	WEYERHAEUSER	DB 317 PG 323	2
2	KATHLEEN V. SNELL	DB 278 PG 443	+
1	WEYERHAEUSER	DB 317 PG 323	3
2	KATHLEEN V. SNELL	DB 278 PG 443	
3	JOHN M. DOUGHTY	DB 334 PG 237	
6	ALBEMARLE ACRES, LLC	DB 445 PG 437	4
15	DAVID R. PAYNE	DB 442 PG 352	5
11	PEA RIDGE CONVENIENCE STORE, INC	DB 358 PG 175	6
12	ELMER & RUSHA F. NORMAN	LOTS 3, 4,5	
6	ALBEMARLE ACRES, LLC	DB 445 PG 437	7
15	LAWRENCE PARKS	DB 442 PG 352	8
		NORTH CAR DIVISION OF HIGHY WASHINGTON COU TIP PROJECT: (R-3 NEW ROUT FRO US 64 TO NC 2	VAYS NTY 620) DM

Utility Permit Drawing Sheet\_/0\_of\_//\_\_

Site No.	Station (From/To)	Structure Size / Type	WETLAND PERMIT IMPACT SUMMARY WETLAND IMPACTS SURFACE WATER IMPACTS									
			Permanent Fill In Wetlands (ac)	Temp. Fill 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	Natural Stream Design (ft)
1	-L-11+67 TO 20+25	Aerial Power & Tel	< 0.01				0.23					
2	-L-24+17 TO 37+33	Aerial Power & Tel	< 0.01				0.33					
3	-L-40+14 TO 50+65	Aerial Power & Tel					0.03					
4	-L-174+15 TO 174+43	Aerial Power, Tel & CATV					0.02					
5	-L-178+85 TO 179+45	U/G Tel lines by open cut		0.01	0.01		0.01					
6	-Y1-12+02 TO 12+08	U/G Tel lines by open cut							< 0.01			-
7	-Y1-25+30 TO 25+78	U/G Tel lines by open cut		< 0.01	< 0.01		0.01					
TOTALS:			< 0.01	0.01	0.01	0.00	0.63	0.00	< 0.01	0.00	0.00	0.00

Note :

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS WASHINGTON COUNTY TIP PROJECT (R-3620) Utility Permit Drawing Sheet\_//\_of\_//

-Rev. 11/26/2013

ATN Revised 3/31/05