

PROJECT SPECIAL PROVISIONS
PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

PERMIT

AUTHORITY GRANTING THE PERMIT

Dredge and Fill and/or
Work in Navigable Waters (404)

U. S. Army Corps of Engineers

Water Quality (401)

Division of Environmental Management, DENR,
State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the Standard Specifications and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.

B 3467

RECEIVED
JUN 24 2005
DIVISION OF HIGHWAYS
PDEA OFFICE OF NATURAL ENVIRONMENT

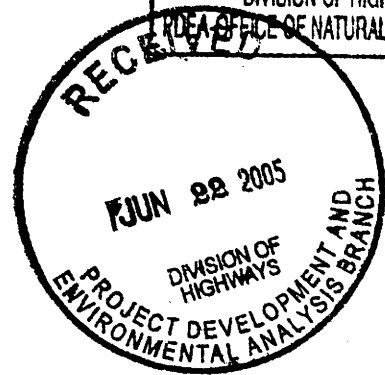
105

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. Box 1890
Wilmington, North Carolina 28402-1890



IN REPLY REFER TO

June 17, 2005



Regulatory Division

Action ID. 200411359

Dr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

In accordance with your written request of December 6, 2004, and the ensuing administrative record, enclosed are two copies of a permit to remove and replace Bridge Nos. 40 and 45, located approximately 850' apart on NCSR 1003, approximately 6 miles east of Enfield, crossing over and adjacent to Beech Swamp in Halifax County.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as Permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. **All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.**

Title 33, Part 325.1(f), of the Code of Federal Regulations reads, in part, that, "A \$10 fee will be charged for permit applications when the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise..." and "A fee of \$100 will be charged for permit applications when the planned or ultimate purpose of the project is commercial or industrial in nature and is in support of operations that charge for the production, distribution, or sale of goods or services." As your application fits the first category, you are requested to remit your check for \$10, made payable to the Finance and Accounting Officer, USAED, Wilmington. The check should accompany the signed and dated copies of your permit.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office.

106

Thank you for your time and cooperation. If you have questions, please contact Mr. William Biddlecome at the Washington Regulatory Field Office, telephone 252-975-1616, extension 31.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Lekson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David M. Lekson, PWS
Chief, Washington Regulatory Field Office

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee **North Carolina Department of Transportation, Mr. Greg Thorpe, Ph.D.**

Permit No. **200411359**

Issuing Office **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: **Remove and replace two functionally obsolete and structurally deficient bridges.**

Project Location: **The project is located at Bridge Nos. 40 and 45 located approximately 850' apart on NCSR 1003, approximately 6 miles east of Enfield, crossing over and adjacent to Beech Swamp in Halifax County.**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2008**. 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 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.

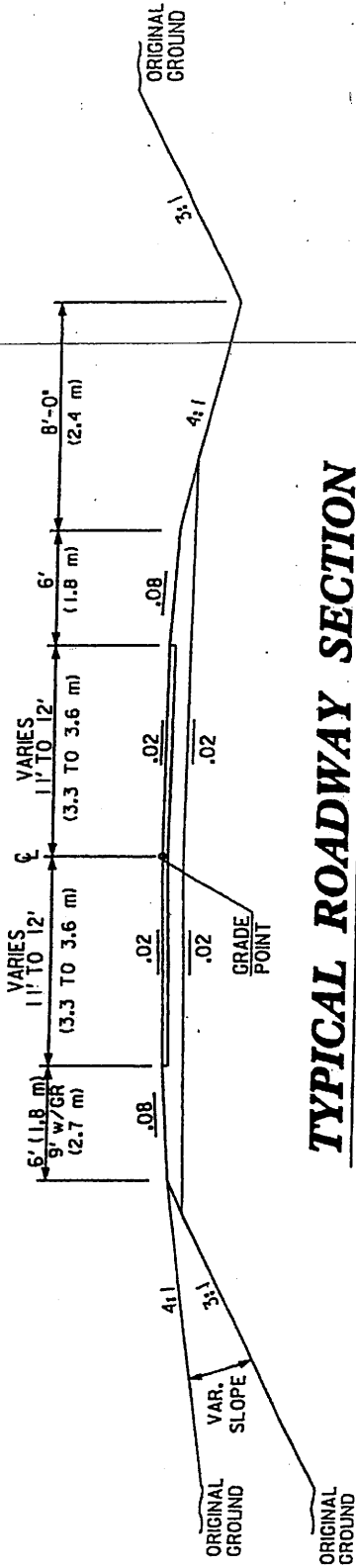
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, 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.



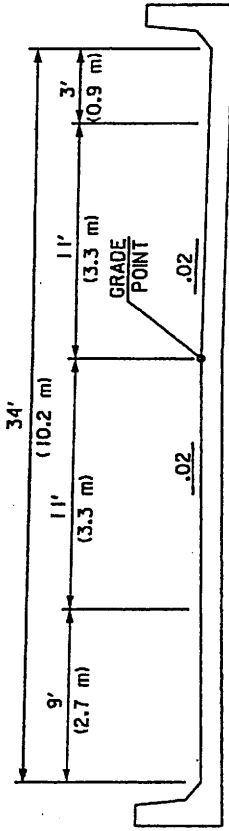
TYPICAL ROADWAY SECTION

TRAFFIC DATA

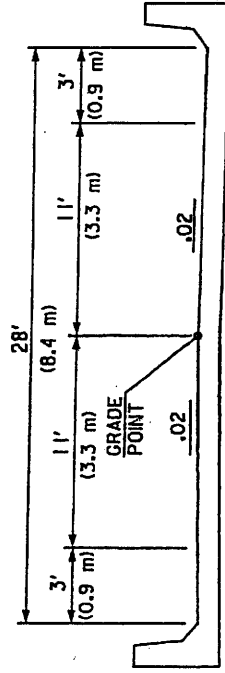
ADT 2001	850
ADT 2003	900
ADT 2025	1,500
DUAL	2%
TTST	1%

110

**FUNCTIONAL CLASSIFICATION:
RURAL MAJOR COLLECTOR**



**TYPICAL BRIDGE SECTION
PROPOSED BRIDGE NO. 40**



**TYPICAL BRIDGE SECTION
PROPOSED BRIDGE NO. 45**



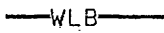
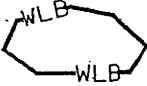


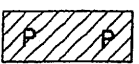
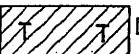
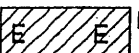
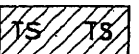

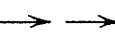


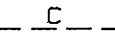
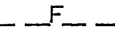

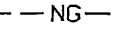
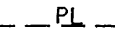
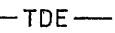
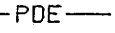
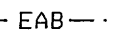
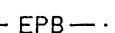
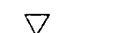
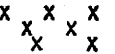

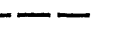
NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND
ENVIRONMENTAL ANALYSIS BRANCH

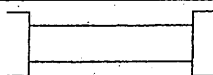
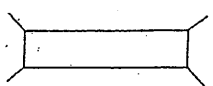

HALIFAX COUNTY



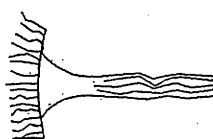
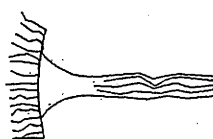
BRIDGE NO. 40 & BRIDGE NO. 45 ON SR 1003
OVER BEECH SWAMP




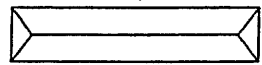
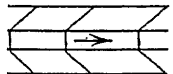
B-3467

WETLAND 111 LEGEND

-  WLB — WETLAND BOUNDARY
-  WLB
WLB
WETLAND
-  F F
DENOTES FILL IN WETLAND
-  S S
DENOTES FILL IN SURFACE WATER
-  P P
DENOTES FILL IN SURFACE WATER (POND)
-  T T
DENOTES TEMPORARY FILL IN WETLAND
-  E E
DENOTES EXCAVATION IN WETLAND
-  TS TS
DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING
-  —> FLOW DIRECTION
-  TB
TOP OF BANK
-  WE
EDGE OF WATER
-  C
PROP. LIMIT OF CUT
-  F
PROP. LIMIT OF FILL
-  PROP. RIGHT OF WAY
-  NG
NATURAL GROUND
-  PL
PROPERTY LINE
-  TDE
TEMP. DRAINAGE EASEMENT
-  PDE
PERMANENT DRAINAGE EASEMENT
-  EAB
EXIST. ENDANGERED ANIMAL BOUNDARY
-  EPB
EXIST. ENDANGERED PLANT BOUNDARY
-  WATER SURFACE
-  X X X X X X
LIVE STAKES
-  BOULDER
-  CORE FIBER ROLLS

-  PROPOSED BRIDGE
 -  PROPOSED BOX CULVERT
 -  PROPOSED PIPE CULVERT
12"-48"
PIPES
54" PIPES
& ABOVE
- (DASHED LINES DENOTE EXISTING STRUCTURES)

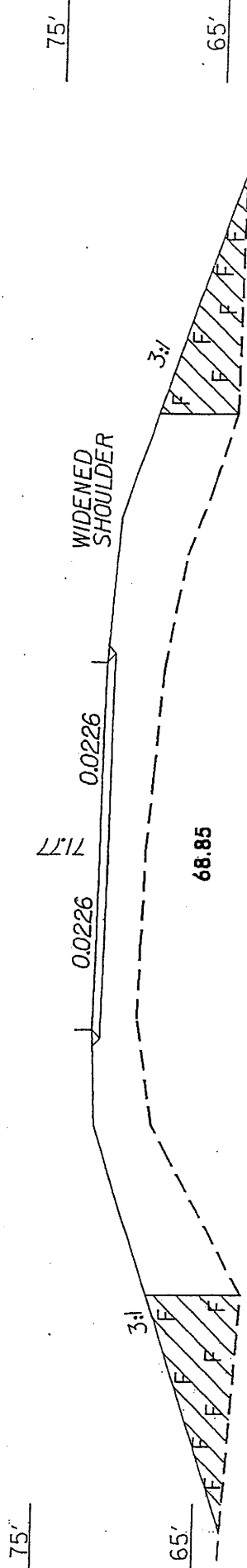
-  SINGLE TREE
-  WOODS LINE
-  DRAINAGE INLET
-  ROOTWAD

-  RIP RAP
-  5
ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE
-  PREFORMED SCOUR HOLE
-  LEVEL SPREADER (LS)
-  DITCH / GRASS SWALE

NCDOT
 DIVISION OF HIGHWAYS
 HALIFAX COUNTY
 PROJECT: 8.2301201 (B-3467)

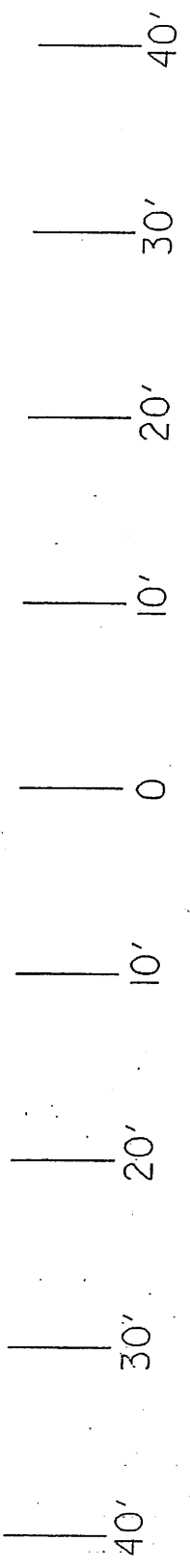
REPLACE BRG[#]40 AND BRG[#]45
 OVER BEECH SWAMP ON SR 1003

SHEET OF 07/06/07



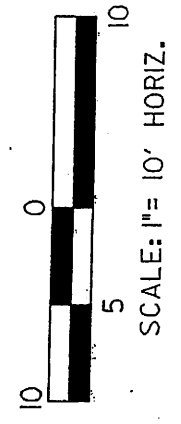
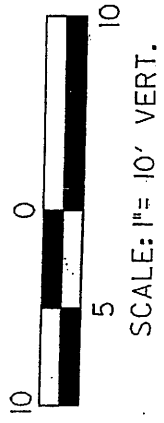
112

18+00 -L-

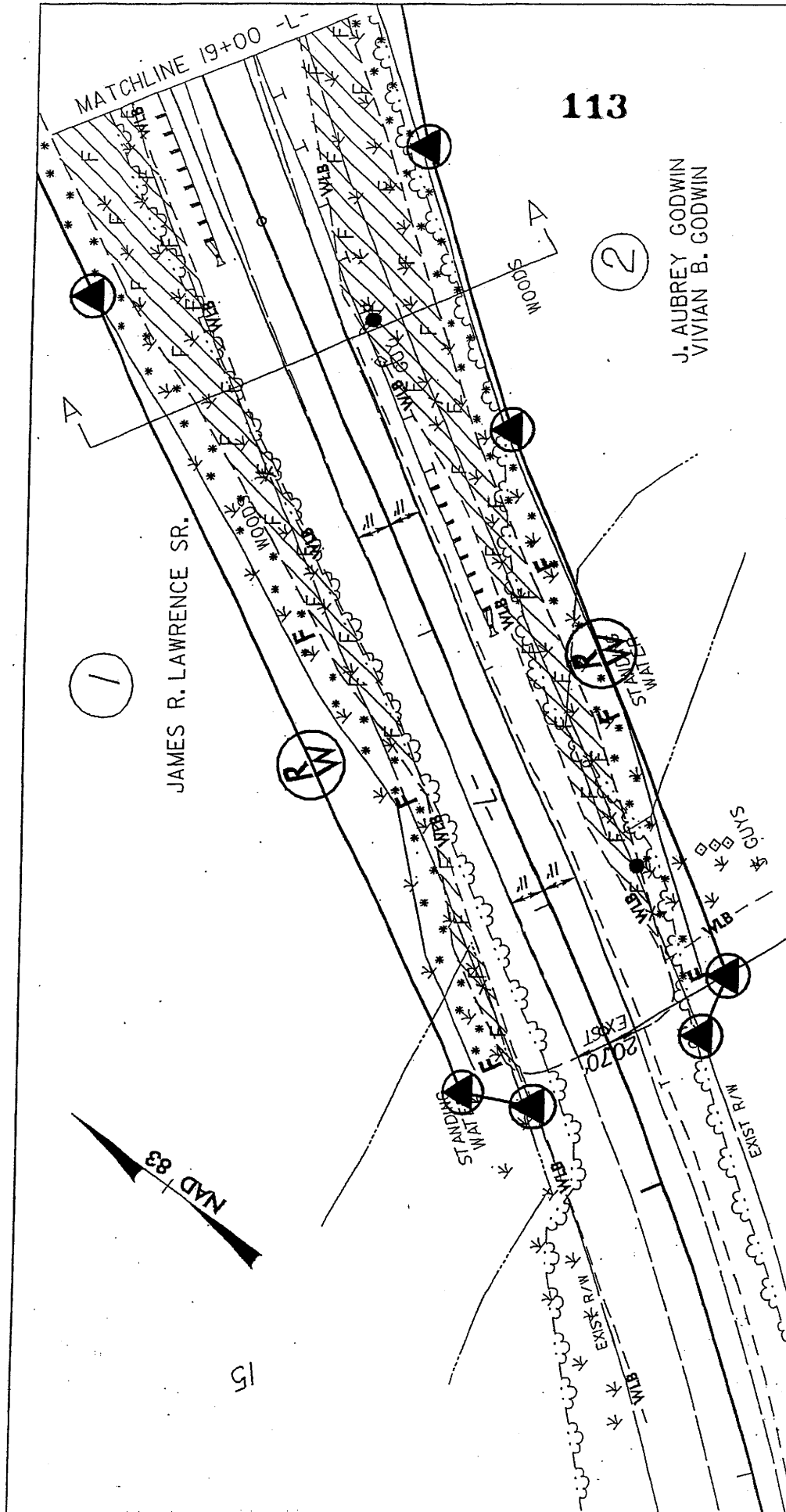


 DENOTES FILL IN WETLAND

SECTION A-A



NCDOT
 DIVISION OF HIGHWAYS
 HALIFAX COUNTY
 PROJECT: 8.2301201 (B-3467)
 REPLACE BRG#40 AND BRG#45
 OVER BEECH SWAMP ON SR 1003



NCDOT
 DIVISION OF HIGHWAYS
 HALIFAX COUNTY
 PROJECT: 8.2301201 (B-3467)


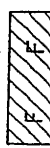
J. AUBREY GODWIN
 VIVIAN B. GODWIN


REPLACE BRG #40 AND BRG #46
 OVER BEECH SWAMP ON SR 1003

SHEET OF 03 / 26 / 03

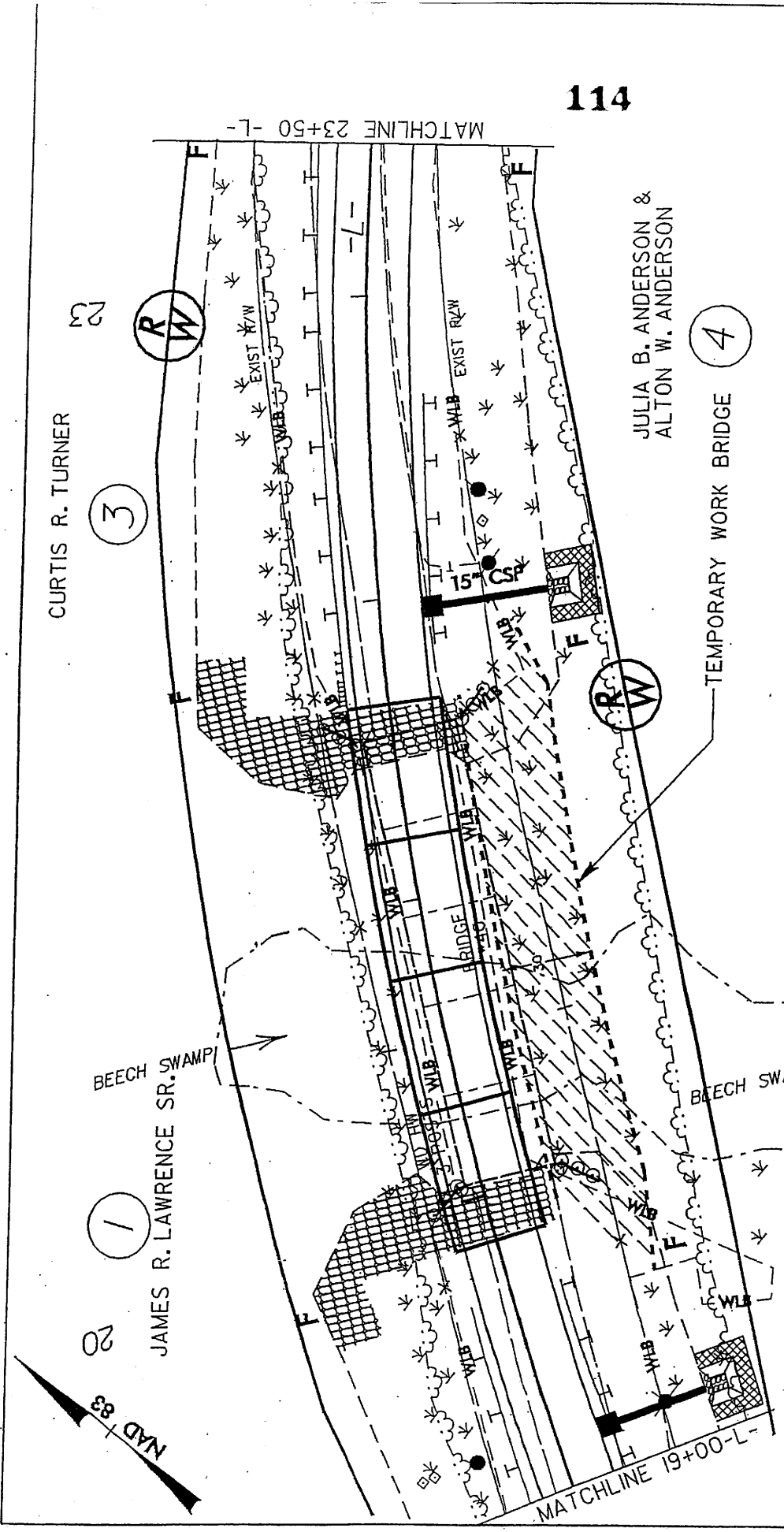
-L- POT STA. 15+50.00
 BEGIN CONSTRUCTION

PLAN VIEW

 DENOTES MECHANIZED CLEARING
 DENOTES FILL IN WETLAND



SCALE: 1" = 50' HORIZ.



114

NCDOT

DIVISION OF HIGHWAYS
 HALIFAX COUNTY

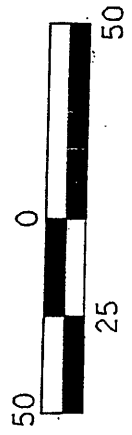
PROJECT: 8.2301201 (B-3467)

REPLACE BRG#40 AND BRG#46
 OVER BEECH SWAMP ON SR 1003

SHEET OF

PLAN VIEW

TEMPORARY WORK BRIDGE



SCALE: 1" = 50' HORIZ.

J. AUBREY GODWIN
 VIVIAN B. GODWIN

CURTIS R. TURNER

JAMES R. LAWRENCE SR.

JULIA B. ANDERSON &
 ALTON W. ANDERSON

NAD 83

20

1

3

2

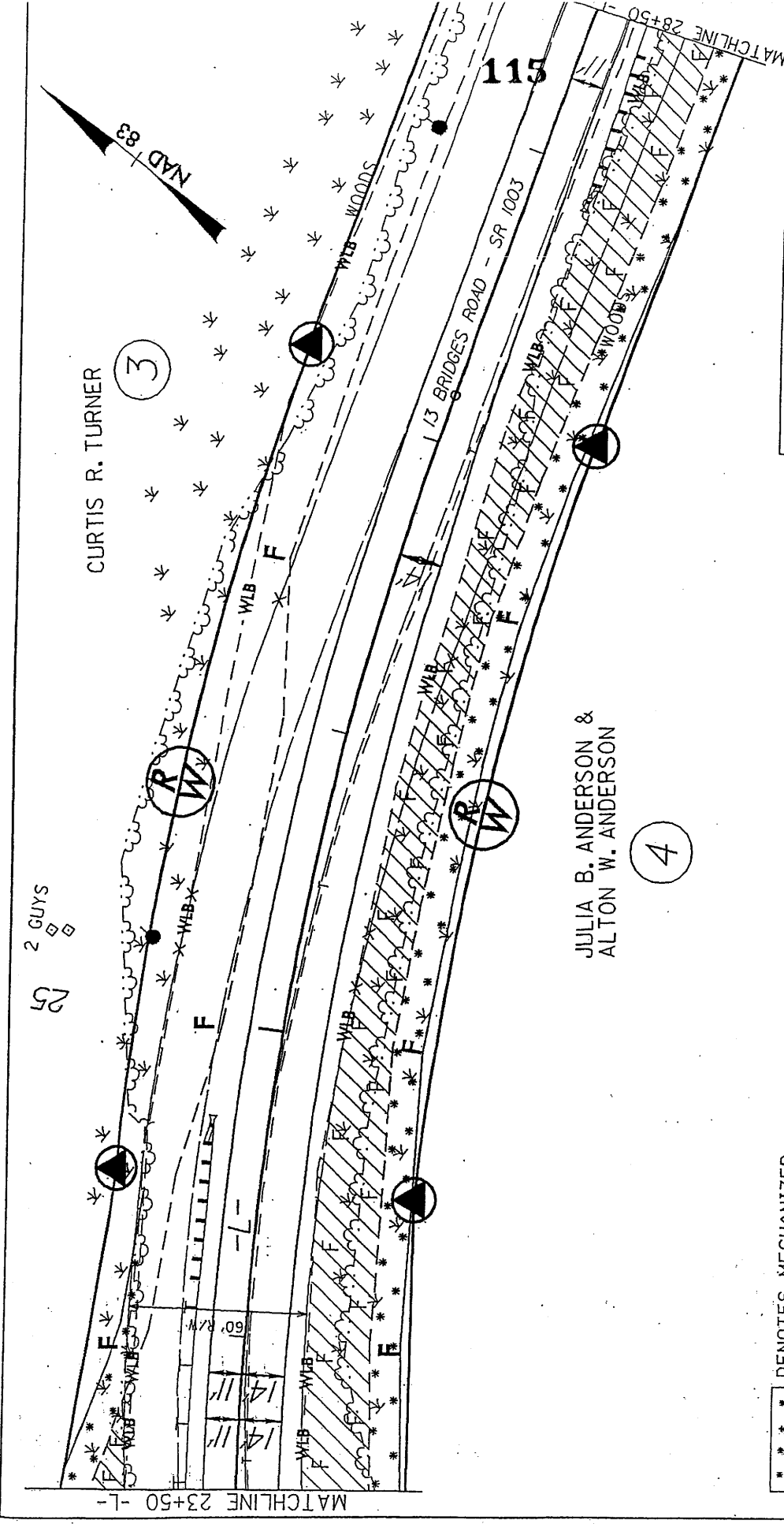
TEMPORARY WORK BRIDGE



4

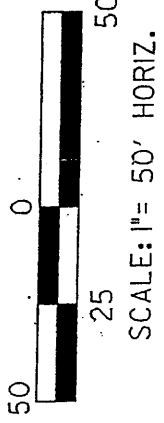
2

MATCHLINE 23+50 -L-

MATCHLINE 19+00 -L-



 DENOTES MECHANIZED CLEARING
 DENOTES FILL IN WETLAND



PLAN VIEW

NCDOT
 DIVISION OF HIGHWAYS
 HALIFAX COUNTY
 PROJECT: 82301201 (B-3467)
 REPLACE BRG#40 AND BRG#46
 OVER BEECH SWAMP ON SR 1003

3

CURTIS R. TURNER

30

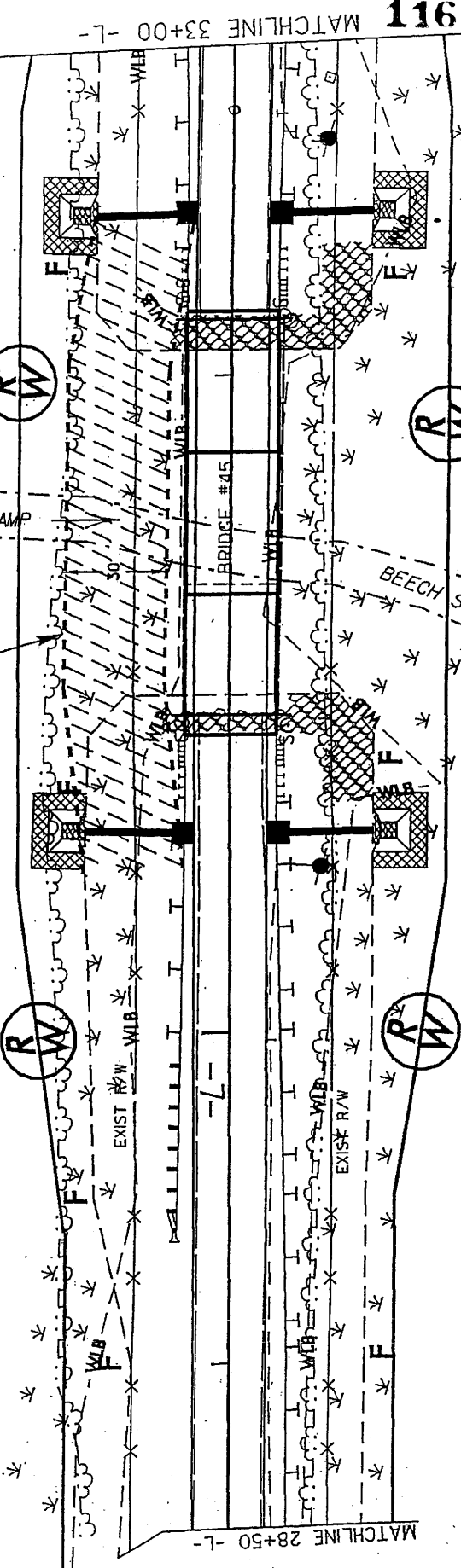
TEMPORARY WORK BRIDGE

BEECH SWAMP

3

CURTIS R. TURNER

32



JULIA B. ANDERSON & ALTON W. ANDERSON

4

JULIA B. ANDERSON & ALTON W. ANDERSON

4

PLAN VIEW



SCALE: 1" = 50' HORIZ.



TEMPORARY WORK BRIDGE

NCDOT

DIVISION OF HIGHWAYS
HALIFAX COUNTY

PROJECT: 8.2301201 (B-3467)

REPLACE BRG #40 AND BRG #45
OVER BEECH SWAMP ON SR 1003

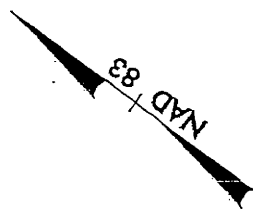
SHEET OF

01 / 22 / 04

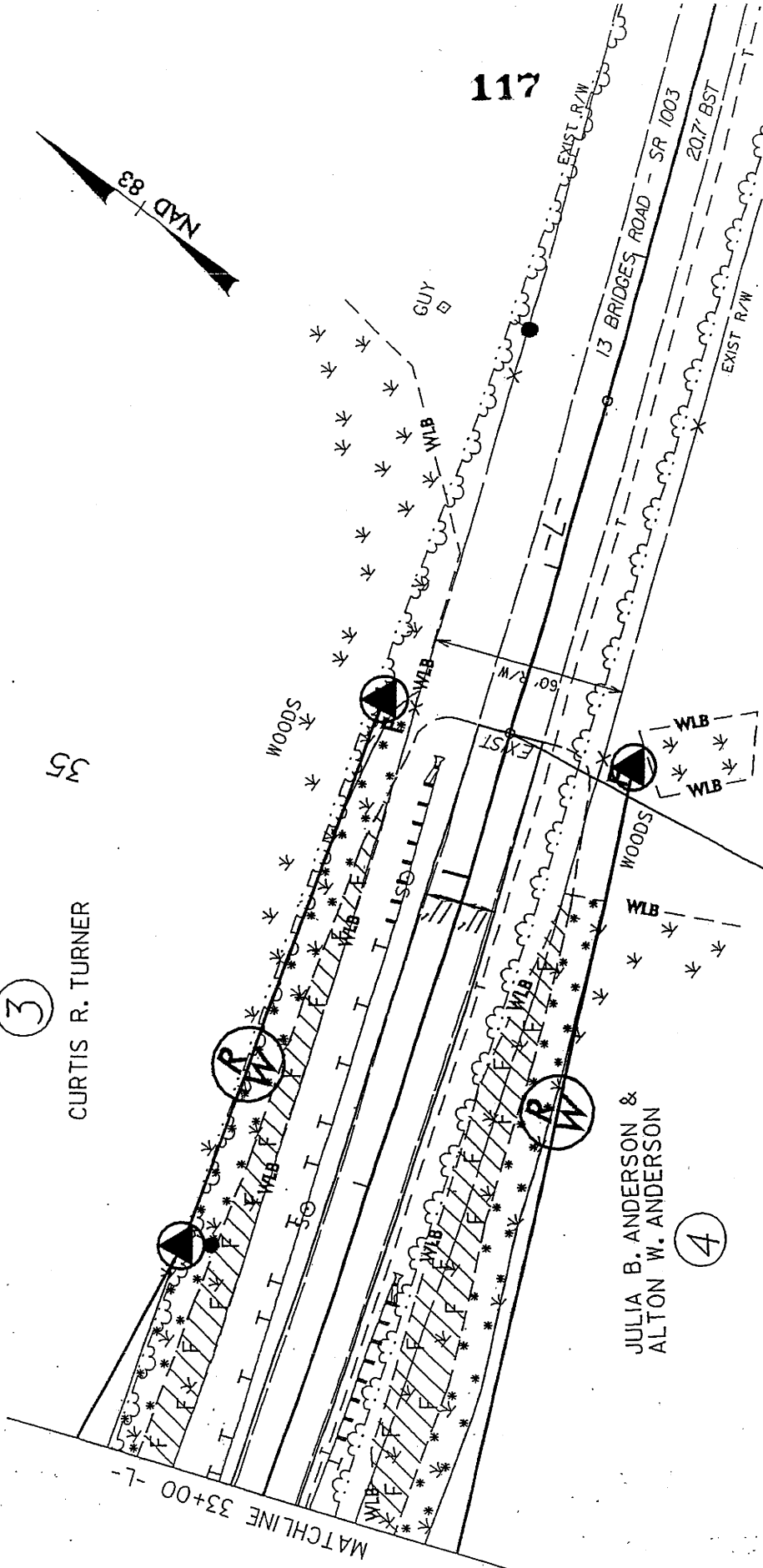
3

CURTIS R. TURNER

35



117

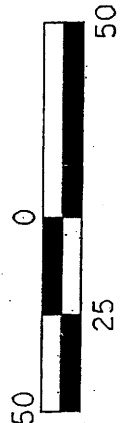


JULIA B. ANDERSON &
ALTON W. ANDERSON

4

DENOTES MECHANIZED
CLEARING

///
DENOTES FILL IN
WETLAND



END CONSTRUCTION
-L- STA. 35+46.97

PLAN VIEW

NCDOT
DIVISION OF HIGHWAYS
HALIFAX COUNTY
PROJECT: 8.2301201 (B-3467)

REPLACE BRG#40 AND BRG#45
OVER BEECH SWAMP ON SR 1003

WETLAND PERMIT IMPACT SUMMARY

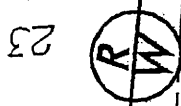
Site No.	Station (From/To)	Structure Size / Type	Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)
1	15+50-35+50-L-	#40- 4@45', 36" Prestressed	1.04	0	0.04	0.67	0	0	0.001	0	0
		O.A.L.- 180'									
		#45- 3@43', 36" Prestressed									
		O.A.L.- 129'									
TOTALS:			1.04	0	0.04	0.67	0	0	0.001	0	0

NCDOT

DIVISION OF HIGHWAYS
 HALIFAX COUNTY
 PROJECT 8.2301201 (B-3467)
 BRIDGE#40 AND #45 OVER BEECH SWAMP ON SR 1003

CURTIS R. TURNER

3



20

1

JAMES R. LAWRENCE SR.



NAD 83

BZ 1

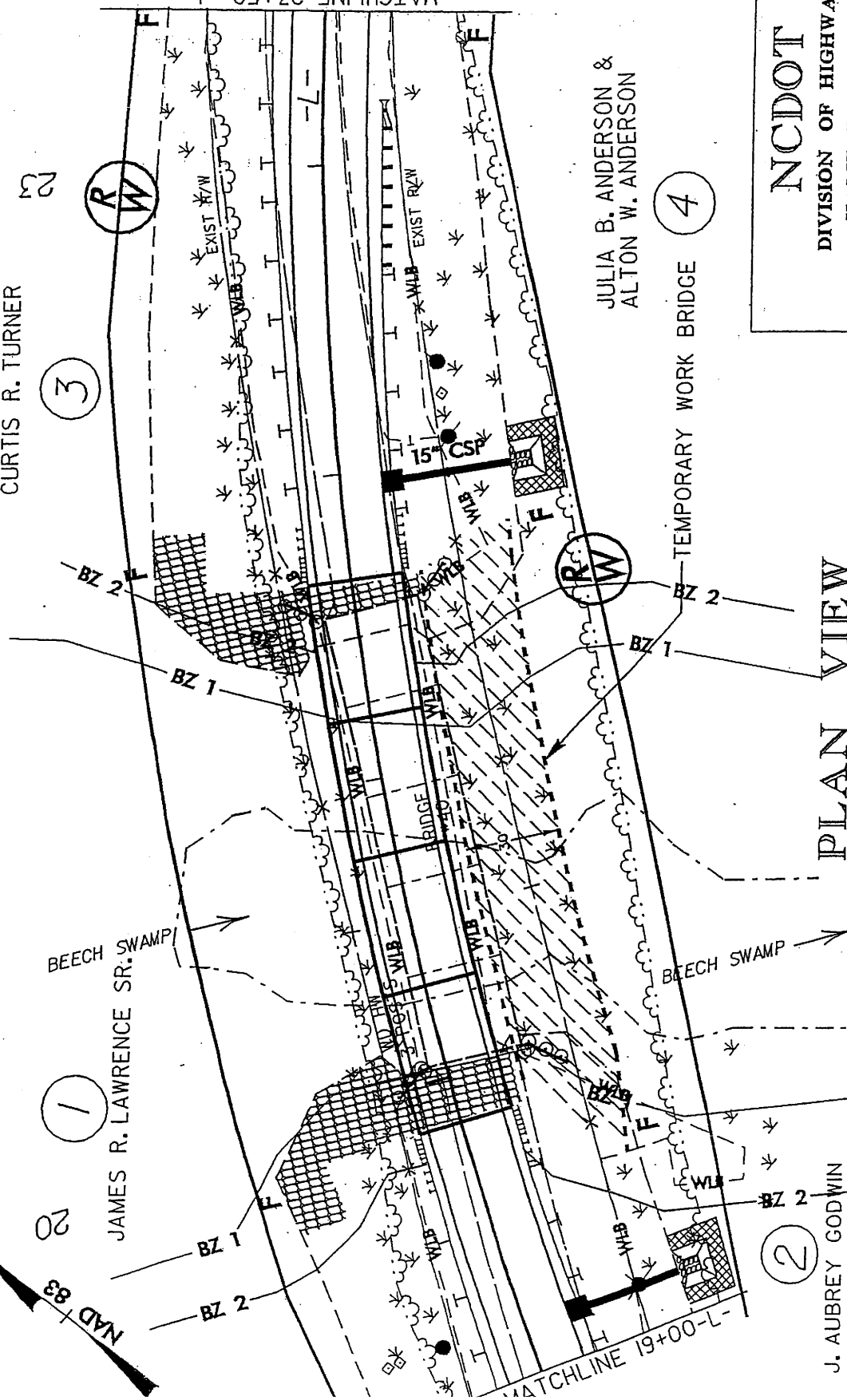
BZ 2

BZ 1

BZ 2

MATCHLINE 19+00 -L-

MATCHLINE 23+50 -L-



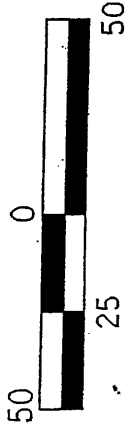
JULIA B. ANDERSON &
ALTON W. ANDERSON

4

TEMPORARY WORK BRIDGE

PLAN VIEW

J. AUBREY GODWIN
VIVIAN B. GODWIN



TEMPORARY WORK BRIDGE

NCDOT

DIVISION OF HIGHWAYS
HALIFAX COUNTY
PROJECT: 8.2301201 (B-5467)

REPLACE BRG#40 AND BRG#45
OVER BEECH SWAMP ON SR 1003

SPECIAL CONDITIONS

COMPLIANCE WITH PLANS

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

ACTIVITIES NOT AUTHORIZED

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, nor shall any activities take place that cause the degradation of waters or wetlands. In addition, 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, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters, including wetlands, outside the permitted area. Additionally, no construction materials or equipment will be placed or stored within jurisdictional waters, including wetlands.

CONSTRUCTION PLANS

c) The permittee will 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, Washington Regulatory Field Office prior to any active construction in waters or wetlands.

d) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

POLLUTION SPILLS

e) 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. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. 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) 733-5083 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

NOTIFICATION

f) The permittee shall advise the Corps in writing at least two weeks prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

CLEAN FILL MATERIAL

g) 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.

CONTRACTOR COMPLIANCE

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

SEDIMENTATION AND EROSION CONTROL MEASURES

i) The permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard. 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 assure compliance with the appropriate turbidity water quality standards. 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).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must

be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

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.

During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of nonerodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

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

REPORTING OF VIOLATIONS

j) The permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act in writing to the Wilmington District, U. S Army Corps of Engineers, within 24 hours of the permittee's discovery of the violation.

COMPLIANCE WITH SPECIAL CONDITIONS

k) Failure to institute and carry out the details of these special conditions, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

WET CONCRETE

l) The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.

PRECONSTRUCTION MEETING

n) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE,

Washington Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

BORROW AND WASTE

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. All jurisdictional wetland lines on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with Special Condition b) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the Special Condition b). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

EEP MITIGATION

* p) Compensatory mitigation for the unavoidable impacts to 1.75 acres of riverine wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated June 15, 2005, from William D. Gilmore, EEP Director. The EEP will provide 17.5 acres of preservation of riverine wetlands in the Northern Inner Coastal Plain Eco-Region at the Fishing Creek Site in Edgecombe County that has been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide a minimum of 1.75 acres of restoration of riverine wetlands in the Tar-Pamlico River basin (Hydrologic Cataloging Unit 03020102 by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds

have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.

MORATORIUMS

q) A moratorium on all work in the waters of Beech Swamp and its tributaries will be in effect from March 1 to June 30 of any year.

r) The permittee will follow NCDOT adopted anadromous fish stream crossing guidelines.

**APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS
And Tar-Pamlico River Buffer Authorization**

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 Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received May 13, 2005, for the proposed replacement of Bridge Nos. 40 and 45 on SR 1003 (Thirteen Bridges Road) over Beech Swamp, Halifax County. The approved design is that submitted in your application dated received May 13, 2005. This certification authorizes the following:

Impact Locations	Stream Impacts (Linear Feet)	Riparian Buffer Impacts (Square Feet)	Wetland Impacts (acres)	Temp. Fill in SW (ac)
STA 19 + 75 to STA 21 + 45	0	6,682 (3,023 Zone 1 + 3,659 Zone 2)	NONE	0
STA 15 + 50 to STA 35 + 50	0	0	1.04 (Fill)	0
STA 15 + 50 to STA 35 + 50	0	0	0.04 (Excavation)	0
STA 15 + 50 to STA 35 + 50	0	0	0.67 (Mechanized Clearing)	0
STA 15 + 50 to STA 35 + 50	0	0	0	0.001
Total	0	6,682	1.75	0.001

The application provides adequate assurance that the discharge of fill material into the waters of the Tar-Pamlico 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 May 13, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If 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 three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. 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 assure compliance with the appropriate

turbidity water quality standard.

- a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These 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 equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
 3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification.
 4. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
 5. The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.
 6. When the old bridge is removed, no discharge of bridge material into surface waters is preferred. Strict adherence the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
 7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
 - *8. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
 9. We understand that you have chosen to perform compensatory mitigation for impacts to protected wetlands through the North Carolina Ecosystem Enhancement Program (NCEEP), and that the EEP has agreed to implement the mitigation for the project. The letter from EEP agrees to provide compensation for the 1.75 acres of unavoidable impacts to the wetlands located in CU 03020102 of the Tar-Pamlico River Basin in the Northern Inner Coastal Plain Eco-Region.
 10. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S.
 11. The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission, the US Fish and Wildlife Service, and National Marine Fisheries Service.

12. No in-water work is permitted between February 15 to June 30 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, NCDOT shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
13. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
14. All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.
15. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
16. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
17. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
18. 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.
19. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- * 20. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated May 13, 2005.
21. 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.
22. A copy of this Water Quality Certification shall be posted 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. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
24. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.

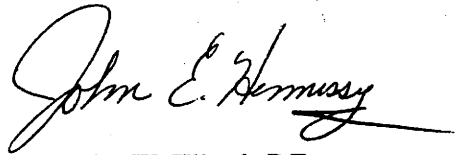
25. Pursuant to NCAC15A 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.

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 this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 20th day of May 2005

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.
Director

WQC No. 3512