

**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

U. S. Army Corps of Engineers

State Dredge and Fill and/or  
CAMA

Division of Coastal Management, DENR,  
State of North Carolina

Water Quality (401)

Division of Environmental Management, DENR  
State of North Carolina

Stormwater

Division of Environmental and Natural Resources,  
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.**

Permit Class  
NEW

152

Permit Number  
100-04

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

# Permit

for

- Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118
- Excavation and/or filling pursuant to NCGS 113-229

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

Authorizing development in Hyde County at Kitty Creek, Bridge No. 54 and Wallace Canal, Bridge No. 52 on US 264 (TIP No. B-3348), as requested in the permittee's application dated 4/26/04 including the attached four (4) 1/2 size drawings dated 8/28/03 and two (2) dated 3/22/04.

This permit, issued on 7/9/04, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### B-3348, Bridge Replacements

- 1) In accordance with project commitments made within the Categorical Exclusion document dated August 2002, due to the presence of anadromous fish and the classification of Kitty Creek as a Primary Nursery Area, no in-water work shall be conducted from March 1<sup>st</sup> to September 30<sup>th</sup> of any year without prior approval of the NC Division of Coastal Management (DCM), in consultation with the NC Wildlife Resources Commission (WRC) and the NC Division of Marine Fisheries (DMF).
- 2) The permittee shall implement NC DOT's Stream Crossing Guidelines for Anadromous Fish Passage, except as modified in Condition No. 1 of this permit.

**(See attached sheets for Additional Conditions)**

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

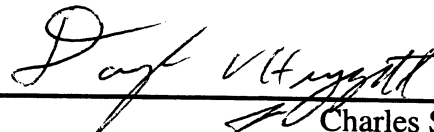
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

### No Expiration Date, pursuant to GS 136-44.7B

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



Charles S. Jones, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

\_\_\_\_\_  
Signature of Permittee

**ADDITIONAL CONDITIONS**

- 3) The NCDOT document "Best Management Practices for Bridge Demolition and Removal" (final 9/20/99) shall be followed during demolition and construction activities.
- 4) Turbidity curtains shall be used to isolate all work areas from Kitty Creek and Wallace Canal, including pile or casement installation, placement of riprap, excavation or filling. The turbidity curtains shall be installed parallel to the banks on each side of the creek or canal. The turbidity curtains shall extend past the construction limits and attach to the silt fences containing the work site. The turbidity curtains shall not encircle a work area or extend across the creek or canal. The turbidity curtains are to be properly maintained and retained in the water until construction is complete and all of the work area contained by the turbidity curtains has been stabilized by vegetation or other means. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.
- 5) All excavated materials and debris associated with the removal of the existing bridge and existing causeway will be disposed of on an approved upland site.
- 6) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands are not authorized.
- 7) All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- 8) Debris resulting from demolition of the existing bridge, including deck components, shall not enter wetlands or waters of the United States, even temporarily.
- 9) Existing bridge pilings shall be extracted or removed flush with the streambed.
- 10) No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plan drawing(s).
- 11) The fill material will be clean and free of any pollutants except in trace quantities.
- 12) There shall be no clearing or grubbing in wetlands outside of the area indicated on the workplan drawing(s).
- 13) No excavation shall occur within wetlands or waters of the United States, except as depicted on the attached workplan drawings.
- 14) Placement of riprap shall be limited to the areas as depicted on the attached work plan drawings. The riprap material must be free from loose dirt or any pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action. The riprap material must consist of clean rock or masonry materials, such as but not limited to, granite or broken concrete.
- 15) Live concrete shall not be allowed to contact waters of the state. Furthermore, no water that has contacted live concrete shall be allowed to enter waters of the state.

**ADDITIONAL CONDITIONS**

- 16) Pilings shall be installed by vibratory hammer or pile driver, specifically piles shall not be jetted. Should drilled shaft construction or jetting of any bridge piles become necessary, a modification to this permit will be required.

**Sedimentation and Erosion Control**

- 17) This project is in a High Quality Water Zone and must comply with the Design Standards in Sensitive Watersheds, 15A NCAC 4B .0124.
- 18) The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.
- 19) Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).
- 20) This project must conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Land Resources.
- 21) In order to protect water quality, runoff from the construction must not visibly increase the amount of suspended sediments in adjacent waters.

**Mitigation**

- 22) In accordance with project commitments, three 24" diameter pipes will be installed under the road leading to the NC Wildlife Resources Commission (WRC) boat ramp to reestablish a hydrological connection to the adjacent coastal marsh. The culvert inverts must be buried a minimum of one foot below normal streambed elevation to allow for passage of water and aquatic life.

**NOTE:** It is anticipated that the bridge lengthening with the proposed removal of 95 linear feet of existing causeway and restoration of additional causeway due to the 17-foot shift in roadway alignment will lead to the hydrological and vegetative restoration of approximately 0.64 acres of filled causeway. Roadway fill and undercutting will impact 0.26 acres of coastal wetlands.

- 23) The wetland restoration areas will be fully contained by silt fence until all of the unsuitable fill material has been removed and the restoration areas have been restored to the approximate natural elevation of the adjacent wetlands and stabilized with vegetation.
- 24) The permittee will ensure the removal of all unsuitable fill material within the wetland restoration areas, and will fill any void with suitable organic wetland substrate to the same approximate elevation as the adjacent natural wetlands or to an appropriate reference wetland elevation.
- 25) The permittee will provide verification to DCM that the wetland restoration areas have been restored to the approximate natural elevation of the adjacent coastal wetlands.



**ADDITIONAL CONDITIONS**

- \*26) The permittee shall provide an annual update on the wetland restoration areas of this project. This annual update will consist of photographs and a brief report on the progress of the restoration areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality, and the NC Wildlife Resources Commission to determine if the restoration areas have re-attained jurisdictional wetland status and/or if additional remedial actions are necessary.
- 27) Due to the possibility that compaction, mechanized clearing and/or other site alterations might prevent any temporary wetland impact areas from re-attaining jurisdictional wetland status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, NC DCM and the above listed agencies shall determine whether a compensatory wetland mitigation plan will be required.

**NOTE:** This permit does not convey or imply approval of the suitability of any excess mitigation generated by this project as compensatory wetland mitigation for any particular future projects. The use of any portion of the excess mitigation generated by this project as compensatory mitigation for future projects will be approved on a case-by-case basis during the CAMA permit review and/or consistency process.

**NOTE:** If the excess mitigation generated by this project is to be used as mitigation for impacts of future projects, written concurrence must be obtained from DCM that post-construction monitoring demonstrates that vegetative and hydrologic success criteria have been met. Vegetative and hydrologic monitoring data shall be made available to DCM at such time as the site is proposed for use as mitigation for future projects.

**General**

- 28) Any relocation of utility lines that is not already depicted on the attached work plan drawings, or described within the attached permit application, will require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.
- 29) If the permittee determines that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM will be required.
- 30) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

**ADDITIONAL CONDITIONS**

- 31) The N.C. Division of Water Quality (DWQ) has authorized the proposed project under a General Water Quality Certification and the Tar-Pamlico River Buffer Rules (DWQ Project No. 04-0314), which was issued on 4/23/04. Any violation of the Certification approved by the DWQ will be considered a violation of this CAMA permit.
- 32) The Division of Water Quality (DWQ) approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Stormwater Permit No. SW7040508, which was issued on 6/30/04. Any violation of the permit approved by the DWQ will be considered a violation of this CAMA permit.

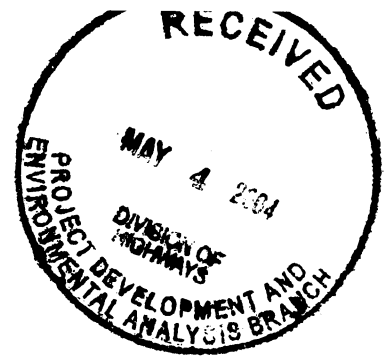
**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 23 (COE Action ID No. 200411262), which was issued on 4/30/04.

**NOTE:** The Permittee is encouraged to contact the Hyde County Health Department to discuss mosquito control measures.



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

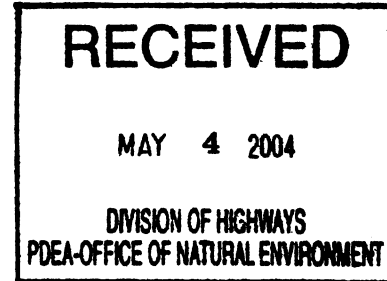


April 30, 2004

Regulatory Division

Subject: Action ID No. 200411262 and Nationwide Permit No. 23 (Approved Categorical Exclusions)

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:

Reference your Categorical Exclusion Document, dated August 30, 2002, and your subsequent correspondence dated February 23, 2004, for the replacement of Bridge No. 52 over an unnamed canal and Bridge 54 over Kitty Creek, Federal Aid Project No. BRSTP-264 (9), State Project No. 8.1080601, T.I.P. No. B-3348, Hyde County, North Carolina. The stated purpose of the project is to replace the currently inadequate, obsolete and structurally deficient bridges with new safer bridges. The preferred alternative involves staged, simultaneous construction and will adversely impact .26 acres of wetlands and .48 acres of open waters adjacent to U.S. Highway 264, an unnamed canal and Kitty Creek.

For the purposes of the Corps of Engineers Regulatory Program, Title 33, Code of Federal Regulations (CFR), Part 330.6, published in the Federal Register on November 22, 1991, lists nationwide permits. Authorization pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act, was provided for activities undertaken, assisted, authorized, regulated, funded or financed, in whole or part, by another Federal agency or department where that agency or department has determined, pursuant to the CEQ Regulation for the Implementing the Procedural Provisions of the National Environmental Policy Act, that the activity, work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

Review of this project indicates that the construction of the new bridge will adversely impact 0.26 acres of coastal marsh and 0.48 acres of surface waters. The coastal wetland and surface water impacts are from shifting the road and bridge alignment 17 feet to the southeast of the current structure.

Your work is authorized under Nationwide Permit 23, Categorical Exclusion, provided it is accomplished in strict accordance with the enclosed Nationwide Permit Conditions and the following special conditions:

a. The North Carolina Department of Transportation (NCDOT) will mitigate the project impacts at a ratio of 1:1 by restoring 0.26 acres of wetlands associated with the causeway removal and bridge replacement for this project. Approximately .64 acres of wetlands will be restored at this project location with 0.26 acres being utilized for this project and another 0.14 acres being utilized for TIP No. B-3349 (Action I.D. # 200411264).

b. The wetland restoration will be undertaken pursuant to NCDOT's February 23, 2004, bridge replacement application cover letter for TIP No. B-3348, page 2, avoidance and minimization section. According to that letter, approximately 95 feet of former causeway will be restored to adjacent wetland elevation and be replanted with native brackish marsh plants. Site success will be evaluated to assess whether at least 75% of the area is covered with the following target species: black needlerush (*Juncus roemerianus*), salt meadow cordgrass (*Spartina patens*), and giant cordgrass (*Spartina cynosuroides*) at the end of the fifth growing season. The restoration area will be photo-documented immediately prior to planting, upon completion of the initial planting and any required replanting operations. NCDOT will provide an as-built plan to USACE, including corner stake GPS coordinates, documented qualities of plant materials, final elevations, and photo documentation within 45 days of completion of work. The mitigation will be commenced within the first growing season immediately after the construction of TIP No. B-3348 has been completed. NCDOT will be responsible for monitoring the area for a period of 5 years. Site conditions will be assessed at the end of each growing season during the 5-year monitoring period. NCDOT will provide an annual monitoring report by December 1 of each year documenting success, including: photo documentation, and problems, if any, encountered during the monitoring year timeframe. If at the end of the third replanting or at the end of the fifth and final year of monitoring, the success criteria is not met, a re-evaluation of the site will be made by NCDOT and USACE to determine a course of action to meet the permit requirements for this permit. The Wilmington District, U.S. Army Corps of Engineers, Regulatory Division; must approve any deviation from this schedule.

c. NCDOT shall survey the acreage utilized from the above restoration site and provide the Corps of Engineers, Washington Field Office, with a copy of the survey. The permittee shall maintain the acreage in its described success condition in perpetuity.

d. To allow tidal flow between the unnamed canal and the adjacent marsh, NCDOT will install three 24" culvert pipes buried 1 foot deep under the dirt road leading to the North Carolina Wildlife Boat ramp.

e. To avoid adverse impacts to spawning populations of fish, anadromous and resident species at the project site, NCDOT will follow the "Stream Crossing Guidelines for Anadromous Fish Passage."

f. To minimize negative effects on the early stage of development of the marine organisms found in the Primary Nursery Area, no in-water work will be conducted between March 1 and September 30. For the purpose of this moratorium, in water is defined as those areas that are inundated at mean high water.

g. Bridge deck drains will not discharge directly into Kitty Creek or the unnamed canal to Kitty Creek.

h. No bridge demolition debris or excavated or fill material will be placed at any time, in any wetlands or surrounding waters, outside of the alignment of the fill area indicated on the work plans.

i. The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands are not authorized.

j. All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or retaining structures to prevent spillover of solids into any wetlands or surrounding waters.

k. The fill material will be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

l. All measures will be taken to avoid any temporary fill from entering into Kitty Creek and the unnamed canal to Kitty Creek from bridge demolition. Bridge demolition shall follow NCDOT best management practices for construction and maintenance activities dated August 2003 and incorporate NCDOT policy entitled "Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

m. 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, or any activities that cause the degradation of waters or wetlands, except as authorized by this permit, or any modification to this permit. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional waters or

wetlands associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities connected with this project.

n. 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. The permittee shall ensure that all such areas comply with condition (m) 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 preceding condition (m). 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.

o. 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 and any Corps approved modifications shall be available at the project site during construction and maintenance of this project.

p. Any violation of these conditions or violations of Section 404 of the Clean Water Act or 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 violation.

q. Failure to institute and carry out the details of special conditions a. - p., above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP No. B-3348, or such other remedy as the District Engineer or his authorized representatives may seek.

This nationwide permit does not relieve you of the responsibility to obtain any required State or local approval. This permit will be valid for two years from the date of this letter unless the nationwide authorization is modified, reissued or revoked.

Thank you for your time and cooperation. Questions or comments may be addressed to Mr. Bill Biddlecome, Washington Regulatory Field Office, Post Office Box 1000, Washington, North Carolina, 27889, or telephone 252-975-1616, extension 31.

Sincerely,



E. David Franklin  
Chief, NCDOT Team

Enclosures

Copies Furnished (without enclosures)

Mr. John Dorney  
Water Quality Section  
Division of Environmental Management  
North Carolina Department of Environment  
and Natural Resources  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650

Mr. Travis Wilson  
Eastern Region Highway Project Coordinator  
Habitat Conservation Program  
1142 I-85 Service Road  
Creedmoor, North Carolina 27522

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

Mr. Ron Sechler  
National Marine Fisheries Service  
101 Pivers Island  
Beaufort, North Carolina 28516

Mr. Chris Militscher  
U.S. Environmental Protection Agency  
Raleigh Office  
310 New Bern Avenue, Room 206  
Raleigh, North Carolina 27601

Ms. Cathy Brittingham  
Division of Coastal Management  
1638 Mail Service Center  
Raleigh, North Carolina 27699-1638

Ms. Lynn Mathis  
Division of Coastal Management  
1367 U.S. Highway 17 South  
Elizabeth City, North Carolina 27909





REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890**

**Permit Number: 200411262/NW23/NW33/Hyde County**

**Permittee: NCDOT/B-3348**

**Issuance: 30 April 2004**

**Project Manager: William Biddlecome**

**\* Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

**Washington Regulatory Field Office  
US Army Corps of Engineers  
Post Office Box 1000  
Washington, NC 27889-1000**

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

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

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**Signature of Permittee**

**NATIONWIDE PERMIT 23**  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS  
FEDERAL REGISTER  
AUTHORIZED MARCH 18, 2002

**Approved Categorical Exclusions:** Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Before to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit. (Sections 10 and 404)

### NATIONWIDE PERMIT GENERAL CONDITIONS

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

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. Aquatic Life Movements. No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a 'study river' for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality.

a. In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

b. For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

#### 11. Endangered Species.

a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

b. Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical

habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/r9endspp/endspp.html> and <http://www.nfms.noaa.gov/protres/overview/es.html> respectively.

12. Historic Properties. No activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

X 13. Notification.

a. Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

1. Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

2. If notified in writing by the District or Division Engineer that an Individual Permit is required; or

3. Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification: The notification must be in writing and include the following information:

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

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

4. For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

5. For NWP 7 (Cutfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

6. For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

7. For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

8. For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

9. For NWP 29 (Single-Family Housing), the PCN must also include:

i. Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

ii. A statement that the single-family housing activity is for a personal residence of the permittee;

iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring  $\frac{1}{4}$ -acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than

\1/4\ acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

10. For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five-year (or less) maintenance plan. In addition, the PCN must include all of the following:

i. Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

ii. A delineation of any affected special aquatic sites, including wetlands; and,

iii. Location of the dredged material disposal site;

11. For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

12. For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

13. For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

14. For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent nontidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

15. For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

16. For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

17. For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

18. For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

d. District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the



PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either:

1. That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit;
2. that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or
3. that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

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

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies'

concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

f. Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than (1/4\)-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

X14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- b. A statement that any required mitigation was completed in accordance with the permit conditions; and
- c. The signature of the permittee certifying the completion of the work and mitigation.

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

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash,

debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

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

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

c. Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example,  $\frac{1}{4}$ -acre of wetlands cannot be created to change a  $\frac{3}{4}$ -acre loss of wetlands to a  $\frac{1}{2}$ -acre loss associated with NWP 39 verification. However,  $\frac{1}{2}$ -acre of created wetlands can be used to reduce the impacts of a  $\frac{1}{2}$ -acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

f. Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and

open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment or, a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

g. Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

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

structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

a. Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

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

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

a. Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

b. Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

c. The permittee must comply with any applicable FEMA-approved state or local

floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

### **FURTHER INFORMATION**

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

### **DEFINITIONS**

***Best Management Practices (BMPs):*** BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or nonstructural. A BMP policy may affect the limits on a development.

***Compensatory Mitigation:*** For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts, which remain, after all appropriate and practicable avoidance and minimization has been achieved.

***Creation:*** The establishment of a wetland or other aquatic resource where one did not formerly

exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

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

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

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

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

*Loss of waters of the US:* Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWPs.

*Non-tidal Wetland:* An area that, during a year with normal patterns of precipitation has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term “open water” includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

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

*Permanent Above-grade Fill:* A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

*Preservation:* The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

*Restoration:* Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

*Riffle and Pool Complex:* Riffle and pool complexes are special aquatic sites under the



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

Single and Complete Project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the “single and complete project” (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations; each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

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

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

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

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

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters, which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat

for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to openwaters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement or preservation of aquatic habitats to ensure that activities authorized by NWP result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

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

*Waterbody:* A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

### **FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT**

#### 1. Waters Excluded from NWP or Subject to Additional Notification Requirements:

##### a. The Corps identified waters that will be excluded from use of this NWP. These waters are:

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

2. Discharges into Waters of the United States designated as sturgeon spawning areas are prohibited during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).

##### b. The Corps identified waters that will be subject to additional notification requirements for activities authorized by this NWP. These waters are:

1. Prior to the use of any NWP in any of the following North Carolina *designated waters*, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant must furnish a written statement of compliance with all of the conditions of the applicable Nationwide Permit. The North Carolina *designated waters* that require additional notification requirements are "Outstanding Resource Waters" (ORW) and "High Quality

Waters” (HQW) (as defined by the North Carolina Division of Water Quality), or “Inland Primary Nursery Areas” (IPNA) (as defined by the North Carolina Wildlife Resources Commission), or contiguous wetlands (as defined by the North Carolina Division of Water Quality), or “Primary Nursery Areas” (PNA) (as defined by the North Carolina Division of Marine Fisheries).

2. Applicants for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) coastal counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889) for authorization to begin work.

3. Prior to the use of any NWP on a Barrier Island of North Carolina, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable Nationwide Permit.

4. Prior to the use of any NWP in a “Mountain or Piedmont Bog” of North Carolina, applicants shall comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP.

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, “Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs

Swamp Forest-Bog Complex  
 Swamp Forest-Bog Complex (Spruce Subtype)  
 Southern Appalachian Bog (Northern Subtype)  
 Southern Appalachian Bog (Southern Subtype)  
 Southern Appalachian Fen

Piedmont Bogs

Upland Depression Swamp Forest

5. Prior to the use of any NWP in Mountain Trout Waters within twenty-five (25) designated counties of North Carolina, applicants shall comply with Nationwide General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Notification will include a letter of comments and recommendations from the North Carolina Wildlife Resources Commission (NCWRC), the

location of work, a delineation of wetlands, a discussion of alternatives to working in the Mountain Trout Waters, why other alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the Mountain Trout Waters. To facilitate coordination with the NCWRC, the proponent may provide a copy of the notification to the NCWRC concurrent with the notification to the District Engineer. The NCWRC will respond both to the proponent and directly to the Corps of Engineers.

The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery	Yancey
Buncombe	Burke	Caldwell	Wilkes
Cherokee	Clay	Graham	Swain
Haywood	Henderson	Jackson	Surry
Macon	Madison	McDowell	Stokes
Mitchell	Polk	Rutherford	
Transylvania	Watauga		

6. Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

## 2. List of Final Corps Regional Modifications and Conditions for All Nationwide Permits

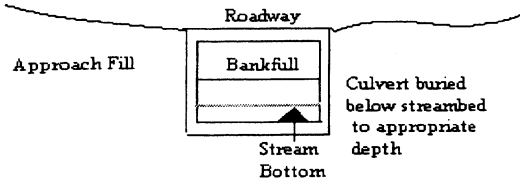
a. Individual or multiple NWP's may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

b. Prior to the use of any NWP (except 13, 27, and 39) for any activity that has more than a total of 150 total linear feet of perennial streambed impacts or intermittent streambed impacts (if the intermittent stream has important aquatic function), the applicant must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Compensatory mitigation is typically required for any impact that requires such notification. [Note: The Corps uses the Intermittent Channel Evaluation Form, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of the intermittent channel stream status. Also, NWP's 13, 27 and 39 have specific reporting requirements.]

c. For all Nationwide Permits which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

d. For all Nationwide Permits that allow for the use of riprap material for bank stabilization, filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

e. For all NWP's that involve the construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms. All culverts in the 20 CAMA coastal counties must be buried to a depth of one foot below the



bed of the stream or wetland. 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. Bottomless arch culverts will satisfy this condition. A waiver from the depth specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in more adverse impacts to the aquatic environment.

**NORTH CAROLINA DIVISION OF WATER QUALITY**  
**GENERAL CERTIFICATION CONDITIONS**  
**GC3361**

1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a).

Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;

2. 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" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall 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;

3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the traveling public;
4. Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II;
5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;
8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;
9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

10. Concurrence from DWQ that this Certification applies to an individual project 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 Nationwide and Regional General Permits, whichever is sooner;

11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

**NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT**  
**STATE CONSISTENCY**

Consistent.

Citations:

2002 Nationwide Permits - Federal Register Notice 15 Jan 2002  
2002 Nationwide Permits Corrections - Federal Register Notice 13 Feb 2002  
2002 Regional Conditions – Authorized 17 May 2002

North Carolina Department of Transportation  
**Best Management Practices  
For Bridge Demolition and Removal**

The following Best Management Practices for Bridge Demolition and Removal (BMP-BDR) was developed in coordination with the Army Corps of Engineers (COE), the Wildlife Resource Commission, the National Marine Fisheries Service, and others with the goal of establishing a consistent, environmentally sound approach to the demolition and removal of bridges on North Carolina's public road systems. These Practices shall be an addendum to (not a replacement for) NCDOT's Best Management Practices for the Protection of Surface Waters.

The primary objective of these guidelines shall be to protect the water quality and aquatic life of the affected environment in the vicinity of a project. The Department shall use these BMP-BDR consistently on all projects involving bridge removal over a water body.

All projects shall fall into one of the following three categories.

**Case 1** - "In water" work is restricted to an absolute minimum, due to the presence of Outstanding Resource Waters (ORW) or Threatened and/or Endangered Species (T&E Species). All work potentially effecting the resource will be carefully coordinated with the agency having jurisdiction.

**Case 2** - allows no work at all in the water during moratorium periods associated with fish migration, spawning, and larval recruitment into nursery areas.

**Case 3** - there are no special restrictions beyond those outlined in Best Management Practices for Protection of Surface Waters and the supplements added by this document on Bridge Demolition. All three Cases are subject to BMP-BDR's.

It is not the intention of these guidelines to prevent the creativity of the contractor in the removal of the bridge. If the contractor or Resident Engineer devises a means of removal that retains the spirit of these guidelines but does not adhere to the letter, such a means will be considered by the NCDOT Resident Engineer, the NCDOT Natural Systems Specialist, and the federal and/or state agency representative(s). With that caveat in mind, the following guidelines will be applied as appropriate during the construction and demolition stages of a project:

- The **contractor** shall be required to submit a plan for bridge demolition and debris removal to the Resident Engineer, and must receive written approval from the **Resident Engineer** prior to any demolition work beginning.
- If there is a special resource, Case 1 (for example a Threatened or Endangered Species), pointed out in the document, special provisions will apply to both the construction of the new structure and demolition and removal of the old structure. Such special provisions may supersede the guidelines herein.



**Bridge Shall Be Removed Without Dropping Components Into The Water**

- **If a bridge is to be removed in a fashion such that there is a practical alternative to dropping bridge components into the water, that alternative shall be followed.** In the case of a concrete deck, the bridge deck shall be removed by sawing completely through the concrete thickness. Removal may be in sections out between the beams or a cut full length of span between the beams. No part of the structure will be allowed to fall into the water. The concrete shall be removed from the site intact and placed/retained in an upland disposal area.
- If it is determined that components of the bridge must be dropped into the water, all efforts will be made to minimize the overall impact to the surface waters. If the bridge is composed of several spans, the demolition shall occur one span at a time. Components from a given span which have been dropped into the water must be removed from the water before demolition can proceed to the next span.
- If it is determined that components of the bridge must be dropped into the water, any and all asphalt wearing surface shall be removed and not dropped into the water.
- If a CAMA permit is required, dropping any component of a bridge into the water will not be acceptable unless it is proven that there is no feasible alternative. Such an activity would require coordination with and approval of CAMA.
- Every bridge to be removed which is constructed completely of timber shall be removed without dropping components of the bridge into the water. If an unusual circumstance arises where the contractor believes that a bridge component must be dropped into the water, the contractor must alert the Resident Engineer. The Resident Engineer shall coordinate with the Army Corps of Engineers and the Natural Systems Specialist who obtained the permit to discuss the necessary course of action. This is anticipated to be a rare occurrence.
- If the substructure of a bridge includes timber or steel piles, they shall be removed by cutting them off level with surface of the streambed. In no circumstance are the piles to remain above the surface of the streambed. This shall be accomplished in a fashion which minimizes the increase of sediment into the surface waters. As an exception, piles that are in conflict with the proposed piers may be completely removed by pulling. Timber or steel piles will be removed in a fashion that does not allow the pile to fall into the water. In tidal areas it may be necessary to remove the piers completely or to some depth below the substrate because of sand/current movement over time. Such a need will be established in the Greensheet(s) Project Commitments.

**Non Shattering Methods**

- Every bridge demolition shall be accomplished by non-shattering methods. Shattering means any method which would scatter debris. A wrecking ball is no longer an acceptable tool for bridge removal. Explosives, a "hoe-ram", or other comparable tools may be used in such a fashion that fractures but does not shatter and

scatter bridge components into the water. A possible exception to this rule might be a concrete arch bridge in which case a method shall be found which minimizes impact to the extent practical and feasible. In the case of an exception, the method of demolition will be developed in consultation with the appropriate federal and state agencies.

### Use of Explosives

- In the event that there is not a practical alternative to non-shattering, alternate methods of bridge demolition shall be discussed with and approved by the Army Corps of Engineers and other federal and state resource agencies having jurisdiction over the resource.
- *All parties involved recognize that explosives are sometimes required to remove components of a bridge. However, at the present, the proper means of applying those explosives is not agreed upon. The various agencies involved agree that over time, we will come to agreement on the use of explosives in a form that will be included in these BMP's for Bridge Demolition and will not require special consultation. For the present, if it is determined that explosives are required to remove any component of a bridge, that activity shall be coordinated with the Army Corps of Engineers in addition to the state or federal agency with jurisdiction over that particular water. This issue shall be revisited at the earliest time possible to determine appropriate measures to include in these BMP's which shall minimize or eliminate the consultations required in the future.*

### General

- Where there are sedimentation concerns the Greensheet Project Commitments may identify the need for turbidity curtains (or similar devices) in the demolition and construction phases of a project in the area of concern to limit the impacts.
- If damage is done to the bank as a result of debris removal, the COE shall be consulted and the bank shall be re-stabilized to natural contours using indigenous vegetation prior to completion of activities in that period of construction.
- If the new bridge does not go back on the original alignment, the banks shall be restored to original contours revegetated with indigenous species as appropriate.
- Any machine operating in an area which could leak engine fluids into the water shall be inspected visually on a daily basis for leakage. If leakage is found, the fluid(s) shall be contained and removed immediately in accordance with applicable state regulations and guidelines, as well as the equipment repaired prior to further use.
- When pumping to de-water a drilled shaft pier, the discharge shall be into an acceptable sediment containment bin to minimize siltation in the water.

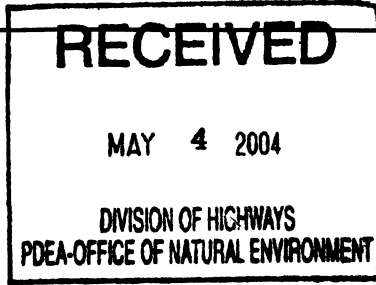


Underwood

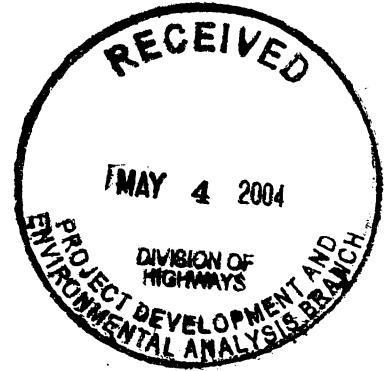
Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

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Alan W. Klimek, P.E. Director  
Division of Water Quality  
Coleen Sullins  
Division of Water Quality



April 23, 2004  
Hyde County  
DWQ Project No. 040314  
T.I.P. Number B-3348



**APPROVAL OF 401 Water Quality Certification**

Dr. Gregory J. Thorpe, PhD., Manager  
Planning and Environmental Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

You have our approval, as described in your application dated February 23, 2004 and in accordance with the attached conditions and those listed below, to place fill material in 0.48 acres of surface waters, fill 0.2 acres in wetlands and creation of 0.64 acres of wetlands for the purpose of replacing bridge #52 over an unnamed canal and bridge #54 over Kitty Creek on US 264 in Hyde County. The project shall be constructed in accordance with your application dated February 23, 2004 (received March 2, 2004). After reviewing your application, we have decided that General Water Quality Certification Number 3400 covers this fill. This certification corresponds to the Regional Permit Number 198000291 issued by the Corps of Engineers. This approval is also valid for the Tar-Pamlico River Buffer Rules (15A NCAC 2B .0259). In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit unless otherwise specified in the Water Quality Certification.

The authorized impacts are as described below:

Station	Wetlands (acres)	Surface Waters (acres)	Created Wetland
11+50-31+00		0.46	
11+00-Y-LT		0.02	
18+80-21+85	0.2		
11+50-31+00			0.64

Station	Zone 1 Impacts (ft <sup>2</sup> )	Zone 2 Impacts (ft <sup>2</sup> )
21+50-24+20-L	625	1000
29+00-31+00-L	.1050	





This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

1. All constructed stormwater conveyance outlets shall be directed as diffuse flow at non-erosive velocities through the protected stream buffers such that it will not re-concentrate before discharging into a stream as identified within 15A NCAC 2B .0259 (5).
2. Upon completion of work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC 27699-1650.
3. 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.
4. 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.
5. Strict adherence the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
6. 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.
7. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
8. 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.
9. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
10. Pursuant to NCAC15A 2B.0233(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 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.
11. 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.



12. The outside buffer, wetland or water boundary as well as along the construction corridor within these boundaries approved under this authorization shall be clearly marked by orange fabric fencing for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing activities to ensure compliance with 15A NCAC 2B .0250.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact John Hennessy at 919-733-5694 or Mike Thomas at 252-946-6481.

Sincerely,

A handwritten signature in cursive script that reads "Alan W. Klimek".

Alan W. Klimek, P.E.

Attachments:

cc: Wilmington District Corps of Engineers  
Corps of Engineers Washington Field Office  
DWQ Washington Regional Office  
Cathy Brittingham, DCM  
File Copy

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DWQ Project No.: \_\_\_\_\_ County: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

**\* Certificate of Completion**

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1621 Mail Service Center, Raleigh, NC, 27699-1621. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

**Applicant's Certification**

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Agent's Certification**

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Engineer's Certification**

\_\_\_\_\_ Partial \_\_\_\_\_ Final

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

Signature \_\_\_\_\_ Registration No. \_\_\_\_\_

Date \_\_\_\_\_

## CAMA PERMIT CERTIFICATION

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS GENERAL PERMIT NUMBER 198000291 (ISSUED TO THE NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES))**

This General Certification is issued in conformity with requirement of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15 NCAC 2H, Section .0500 and 15 NCAC 2B .0200 for the discharge of fill material as described in General Permit 198000291 and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 3025 issued on September 6, 1995, Water Quality Certification Number 3112 issued on February 11, 1997, Water Quality Certification Number 3274 issued June 1, 2000 and Water Quality Certification Number 3371 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Regional General Permit 0291 or when deemed appropriate by the Director of DWQ.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with conditions hereinafter set forth.

## Conditions of Certification:

1. Activities authorized by CAMA major permits require written concurrence from the Division of Water Quality as well as compliance with all conditions of this General Certification;
2. Activities authorized by Coastal Area Management Act (CAMA) Minor or General Permits do not require written authorization from the Division of Water Quality as long as they comply with all other conditions of this General Certification;
3. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees. The fee shall be collected and distributed between the two agencies in accordance with agreements reached between the Division of Water Quality and the Division of Coastal Management;
4. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public;
5. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;
6. Impacts to any stream length in the Neuse and Tar-Pamlico River Basins (or any other major river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. New development activities

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WQC #3400

located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse and Tar-Pamlico River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification;

7. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored after the Division of Land Resources has released the project;
8. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse;
9. That 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" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall 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;
10. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
11. Additional site-specific conditions may be added to projects which have applied for CAMA major permits which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
12. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed;
13. Concurrence from DWQ that this Certification applies to an individual project 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 General Permit 198000291, whichever is sooner.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity that requires written concurrence under this certification, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: March 2003

DIVISION OF WATER QUALITY  
By

Alan W. Klimek  
Director



## WQC #3403

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

This General 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 Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (23) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 2670 issued on January 21, 1992, Certification Number 2734 issued on May 1 1993, Certification Number 3107 issued on February 11, 1997 and Water Quality Certification Number 3361 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 23 or when deemed appropriate by the Director of the DWQ.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

**Conditions of Certification:**

1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;
2. 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" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall 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;
3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on

## WQC #3403

site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;
5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;
8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;
9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
10. Concurrence from DWQ that this Certification applies to an individual project 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 Nationwide and Regional General Permits, whichever is sooner;
11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may result in criminal and/or civil penalties.

## WQC #3403

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity that requires written concurrence under this certification, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland, stream or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: March 2003

DIVISION OF WATER QUALITY

By

Alan W. Klimek, P.E.

Director

WQC # 3403



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Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P. E. Director  
Division of Water Quality  
Coleen H. Sullins, Deputy Director  
Division of Water Quality

## DIVISION OF WATER QUALITY

June 30, 2004

NC Dept of Transportation  
Attn: Mr. R.C. Henegar  
1590 Mail Service Center  
Raleigh, NC 27699

Subject: Stormwater Permit No. SW7040508  
Bridge Replacement (B-3348)  
Wallace Canal, No. 52 and  
Kitty Creek, No. 54  
General Stormwater Permit  
Hyde County

Dear Mr. Henegar:

The Washington Regional Office received the completed Stormwater Application and supporting information on June 30, 2004. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000. We are forwarding Permit No. SW7040508 dated June 30, 2004 to the NC Department of Transportation.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein. Any future development at this site will require an additional Stormwater review and a permit for any Stormwater control measures deemed appropriate.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing upon written request within thirty (30) days following receipt of this permit. 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. Drawer 27447, Raleigh, NC 27611-7447. Unless such demands are made this permit shall be final and binding.



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NC Department of Transportation  
June 30, 2004  
Page Two

If you have any questions, or need additional information concerning this matter, please contact Bill Moore at (252) 946-6481, extension, 264.

Sincerely,

*William Moore*  
*for* Jim Mulligan  
Water Quality Regional Supervisor  
Washington Regional Office

cc: Doug Huggett - DCM, Raleigh, NC  
Washington Regional Office  
Central Files

**I 200**

State Stormwater Management Systems  
Permit No. SW7040508

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WATER QUALITY**

**STATE STORMWATER MANAGEMENT PERMIT**

**GENERAL PERMIT**

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

PERMISSION IS HEREBY GRANTED TO

NC Department of Transportation  
Hyde County

FOR THE

construction, operation and maintenance of stormwater management systems in compliance with the provisions of 15A NCAC 2H.1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit for BMP measures that divert drainage to vegetated slopes from Bridge No. 52 and 54 located off US 264 near Englehard, NC.

The Permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations.

**I. DESIGN STANDARDS**

1. This project involves the replacement of Bridge No. 52 and 54 located near Englehard, NC. BMP measures will divert roadway drainage to grassed slopes on either side of the receiving streams. Direct stormwater discharges and wetland impacts have been minimized.
2. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
3. No stormwater piping in addition to the existing piping shall be allowed except:

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- a. That minimum amount necessary to direct runoff beneath an impervious surface such as a road.
- b. That minimum amount needed under driveways to provide access to lots.

**II. SCHEDULE OF COMPLIANCE**

1. Grasslined swales, vegetated buffers and other Best Management Practices used for stormwater runoff control shall be adequately maintained throughout the life of the project.
2. The permittee shall at all times provide adequate erosion control measures in conformance with the approved Erosion Control Plan.
3. The permittee shall submit all information requested by the Director or his representative within the time frame specified in the written information request.

**III. GENERAL CONDITIONS**

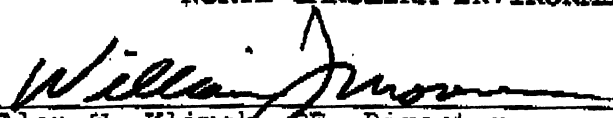
1. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to an enforcement action by the Division of Water Quality, in accordance with North Carolina General Statutes 143-215.6A to 143.215.6C.
2. The permit may be modified, revoked or terminated for cause. The filing of a request for a permit modification, or termination does not void any permit condition.
3. The issuance of this permit does not prohibit the Director from reopening and modifying laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et.al.
4. The following items will require a modification to the permit:
  - a. Any revision to the approved plans, regardless of size
  - b. Project name change
  - c. Change of ownership
  - d. Redesign or addition to the approved amount of built-upon area.
  - e. Further subdivision of the project area

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- f. In addition, the Director may determine that other revisions to the project should require a modification to the permit.
5. For any additions or modifications of the previously permitted built-upon area, the permittee shall submit to the Director revised plans and specifications and shall receive approval prior to construction.
  6. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
  7. The permit is not transferable to any person except after notice to and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name and incorporate such other requirements as may be necessary. A formal permit request must be submitted to the Division of Water Quality accompanied by the appropriate fee, documentation from both parties involved, and other supporting materials as may be appropriate. The approval of this request will be considered on its merits, and may or may not be approved.
  8. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by other government agencies (local, state and federal) which have jurisdiction.

Permit issued this the 30 th day of June, 2004.

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**

*for*   
Alan W. Klimek PE, Director  
Division of Water Quality  
By Authority of the Environmental Management Commission

Permit Number SW7040508



2004



RECEIVED

MAY 17 2004

IV. OF COASTAL MANAGEMENT  
RALEIGH

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

April 29, 2004

Division of Coastal Management  
1367 U.S. 17 South  
Elizabeth City, NC 27909

ATTENTION: Ms. Lynn Mathis  
NCDOT Coordinator

Dear Madam:

Subject: **CAMA Major Permit Application** for the Replacement of Bridge No. 52 over Wallace Canal and Bridge No. 54 over Kitty Creek on US 264, Hyde County. Federal Aid Project No. BRSTP-264(9), State Project No. 8.1080601, TIP Project No. B-3348. Debit work Order 8.1080601, WBS Element 33006.1.1 for \$400.00.

This resubmittal of the Coastal Area Management Act (CAMA) major permit application is in response to the deficiency letter dated March 9, 2004 and to the subsequent email from Lynn Mathis dated March 24, 2004. Please find enclosed the CAMA major permit application, permit drawings, half-size plans, and the green cards for the above-mentioned project. The Categorical Exclusion for this project was attached to the previously sent application dated February 23, 2004. Work Order 8.1080601 will be debited for \$400.00 for the application of the subject project. Bridge No. 52 over Wallace Canal and Bridge No. 54 over Kitty Creek (DEM Index # 29-70-3, Class SC HQW) on US 264 in Hyde County will be replaced with new bridges approximately 17 feet southeast of the existing bridges. The proposed structures for Bridge Nos. 52 and 54 will provide a 22-foot travel-way with seven-foot shoulders for a total clear structure width of 36 feet. The bridge approach will have a 22-foot travel-way with six-foot shoulders of which four feet would be paved for bicyclists. The design speed will be 55 mph. The preferred alternative involves staged, simultaneous construction. This will allow one-lane, two-way traffic during construction.

The slight shift to the southeast will allow the proper approach width and construction area necessary to utilize staged construction and maintain traffic without a temporary on-site detour. As a result of the shift, there will be 0.26 acres of permanent impacts to brackish marsh and 0.48 acres of fill in surface water.

A portion of a canal on the east side of the project will be filled in order to provide area for the shifted roadway. To mitigate for this, NCDOT agreed to place three 24-inch pipes under an adjacent road that leads to a North Carolina Wildlife Resources Commission boat ramp. These

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS  
1548 MAIL SERVICE CENTER  
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141  
FAX: 919-733-9794

WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

LOCATION:  
TRANSPORTATION BUILDING  
1 SOUTH WILMINGTON STREET  
RALEIGH NC

pipes will be buried one foot and re-establish a hydrological connection to either side of the road. The permit drawings and plans currently show two 15-inch pipes. This will be corrected during the construction phase of the project.

Kitty Creek is located in the Tar-Pamlico River Basin. The Division of Water Quality (DWQ) has assigned Kitty Creek a Stream Index Number of 29-70-3. DWQ has assigned a best usage classification SC HQW. There is also Wallace Canal that crosses Bridge No. 52. The unnamed tributary has the same best usage classification as Kitty Creek.

Class SC waters are defined as saltwaters protected for aquatic life propagation and survival, wildlife, and secondary recreation. The HQW (High Quality Waters) are waters which are rated as excellent based on biological and chemical/physical characteristics.

### **Bridge Demolition**

Bridge Demolition: Bridges Nos. 52 and 54 are two lane structures with reinforced concrete caps on timber piles supporting a reinforced concrete deck on timber joists. Bridge No. 52 is 34 feet long with a 26.1-foot clear roadway width. Bridge No. 54 is 53 feet long with a 26.1-foot clear roadway width. Due to the structural components of the bridges, there is the possibility of 41.6 cubic yards for Bridge No. 52 and 56.8 cubic yards being dropped into the "Waters of the United States". All measures will be taken to avoid any temporary fill from entering Waters of the U.S. Best Management Practices for Bridge Demolition and Removal will be implemented.

As noted in the project's CE document, NCDOT will observe an in-stream construction moratorium from March 1 to September 30.

### **Avoidance and Minimization**

Due to the location of this project and the juxtaposition of adjacent wetlands and surface waters, total avoidance of the surrounding marsh and surface water is not possible. NCDOT has taken steps to minimize the impacts to this resource.

Bridges No. 52 and 54 are on a primary U. S. Route. Therefore, traffic flow must be maintained throughout construction. Road closure during construction is unfeasible due to the lack of a suitable off-site detour. A temporary on-site detour that would have affected a brackish marsh complex was rejected in favor of staged construction. Staged construction will allow one lane to remain open to traffic during construction while minimizing necessary encroachment into the surrounding wetlands and surface waters.

Bridge No. 54 has been lengthened from 85 feet to 180 feet, allowing approximately 95 feet of former causeway to be restored to wetland elevation. Additionally, the abandoned causeway (from the 17-foot shift) will be restored to wetland elevation and replanted with native brackish marsh plants.

Minimum width for the approaches and structure has been utilized.

### Summary of Impacts

Wetlands: The total amount of wetland impacted is 0.26 acres from roadway fill and undercut.

Surface Waters: The amount of fill in surface waters is 0.46 acres and fill in a pond is 0.02 acres.

Buffer Impacts: The amount of impacts to Zone 1 is 1675 sq. ft. and the amount of impacts to Zone 2 is 1000 sq. ft.

Mitigation: Due to the amount of wetland created by the 17-foot shift, NCDOT is not requesting the EEP to provide mitigation. The shift in alignment to the southeast will allow 0.64 acres of previously filled, coastal wetlands to be restored. The net gain in coastal wetlands for this project is 0.38 acres.

### Protected Species

Some populations of fauna and flora have been in, or are in, the process of decline either due to natural forces or their inability to co-exist with human activities. Federal law (under the provisions of the Endangered Species Act (ESA) of 1973, as amended) requires that any action likely to adversely affect a species classified as federally protected be subject to review by the United States Fish and Wildlife Service (USFWS). Other species may receive additional protection under separate state laws. Plants and animals with federal classifications of Endangered (E), Threatened (T), Proposed Endangered (PE) and Proposed Threatened (PT) are protected under provisions of ESA §§7 and 9, as amended.

As of January 29, 2003, the US Fish and Wildlife Service (USFWS) lists 13 federally protected species for Hyde County. Table 1 depicts these species. The biological conclusion of No Effect remains valid.

Table 1. Federally Protected Species in Hyde County.

Common Name	Scientific Name	Status	Bio. Conclusion
Leatherback sea turtle	<i>Dermochelys coriacea</i>	E	No Effect
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>	E	No Effect
Kemp's Ridley sea turtle	<i>Lepidochelys kempii</i>	E	No Effect
Red-cockaded woodpecker	<i>Picoides borealis</i>	E	No Effect
Manatee	<i>Trichechus manatus</i>	E	No Effect
Sensitive joint-vetch	<i>Aeschynomene virginica</i>	T	No Effect
Seabeach amaranth	<i>Amaranthus pumilus</i>	T	No Effect
Loggerhead sea turtle	<i>Caretta caretta</i>	T	No Effect
Piping plover	<i>Charadrius melodus</i>	T	No Effect
Green sea turtle	<i>Chelonia mydas</i>	T	No Effect
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	No Effect
American alligator	<i>Alligator mississippiensis</i>	T	No Effect
Red wolf	<i>Canis rufus</i>	EXP	N/A

### Regulatory Approval

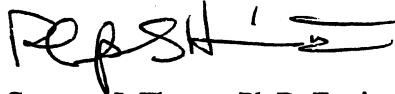
NCDOT requests that the proposed work be authorized under a Coastal Area Management Act Major Development Permit. Copies of the green cards are attached. NCDOT has also applied

for the issuance of a United States Army Corps of Engineers NWP 23, a 401 Water Quality Certification, and a Riparian Buffer Authorization under separate cover.

A copy of this permit application will be posted on the DOT website at: <http://www.ncdot.org/planning/pe/naturalunit/Permit.html>.

If you have any questions or need additional information, please contact Chris Underwood at (919) 715-1451.

Sincerely,



G

Gregory J. Thorpe, Ph.D. Environmental Management Director  
Project Development and Environmental Analysis

w/ attachment:

Mr. John Hennessy, DWQ Raleigh  
Ms. Cathy Brittingham, DCM  
Mr. Travis Wilson, NCWRC  
Mr. Gary Jordan, USFWS  
Mr. Jay Bennett, P.E., Roadway Design  
Mr. Omar Sultan, Programming and TIP  
Mr. Art McMillan, P.E., Highway Design  
Mr. David Chang, P.E., Hydraulics  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. John Sullivan, FHWA  
Mr. D.R. Conner, P.E., Division Engineer  
Mr. Clay Willis, DEO  
Mr. David Franklin, USACE, Wilmington  
Ms. Stacy Baldwin, P.E., Project Planning Engineer

# APPLICATION

(To be completed by all applicants)

## 1. APPLICANT

a. Landowner:

Name N. C. Department of Transportation

Address 1548 Mail Service Center

City Raleigh State NC

Zip 27699-1548 Day Phone 919-733-3141

Fax 919-733-9794

b. Authorized Agent:

Name Phil Harris, PE

Address Same as above

City \_\_\_\_\_ State \_\_\_\_\_

Zip \_\_\_\_\_ Day Phone \_\_\_\_\_

Fax \_\_\_\_\_

c. Project name (if any) B-3348 Bridge # 52 & Bridge # 54 over Kitty Creek on US 264

NOTE: Permit will be issued in name of landowner(s), and/or project name.

## 2. LOCATION OF PROPOSED PROJECT

a. County: Hyde

b. City, town, community or landmark  
Englehard

c. Street address or secondary road number  
US 264

d. Is proposed work within city limits or planning jurisdiction?  Yes  No

e. Name of body of water nearest project (e.g. river, creek, sound, bay) Pamlico Sound

## 3. DESCRIPTION AND PLANNED USE OF PROPOSED PROJECT

a. List all development activities you propose (e.g. building a home, motel, marina, bulkhead, pier, and excavation and/or filling activities).

Replace existing bridges with new ones with a slight alignment change to the southeast

b. Is the proposed activity maintenance of an existing project, new work, or both? New Work

c. Will the project be for public, private or commercial use? Public

Give a brief description of purpose, use, methods of construction and daily operations of proposed project. If more space is needed, please attach additional pages. To replace old structures.

#### 4. LAND AND WATER CHARACTERISTICS

- a. Size of entire tract N/A
- b. Size of individual lot(s) N/A
- c. Approximate elevation of tract above MHW or NWL 1.8' (existing bridge)
- d. Soil type(s) and texture(s) of tract  
sand, clayey sand
- e. Vegetation on tract brackish marsh, scattered pines, small trees, and roadside grasses
- f. Man-made features now on tract  
existing bridges, roadway, and utilities.
- g. What is the CAMA Land Use Plan land classification of the site? (*Consult the local land use plan.*)
- |  |                                       |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> Conservation | <input type="checkbox"/> Transitional |
| <input type="checkbox"/> Developed               | <input type="checkbox"/> Community    |
| <input checked="" type="checkbox"/> Rural        | <input type="checkbox"/> Other        |
- h. How is the tract zoned by local government?  
N/A
- i. Is the proposed project consistent with the applicable zoning?  Yes  No  
(*Attach zoning compliance certificate, if applicable.*)
- j. Has a professional archaeological assessment been done for the tract?  Yes  No  
If yes, by whom? NCDOT
- k. Is the project located in a National Registered Historic District or does it involve a National Register listed or eligible property?  
 Yes  No
- l. Are there wetlands on the site?  Yes  No  
Coastal (marsh)  Other   
If yes, has a delineation been conducted? yes  
(*Attach documentation, if available.*)
- m. Describe existing wastewater treatment facilities.  
N/A

- n. Describe location and type of discharges to waters of the state. (For example, surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges.) surface runoff \_\_\_\_\_
- o. Describe existing drinking water supply source.  
N/A

#### 5. ADDITIONAL INFORMATION

In addition to the completed application form, the following items must be submitted:

- A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties. If the applicant is not claiming to be the owner of said property, then forward a copy of the deed or other instrument under which the owner claims title, plus written permission from the owner to carry out the project.
  - An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale in black ink on an 8 1/2" by 11" white paper. (Refer to Coastal Resources Commission Rule 7J.0203 for a detailed description.)
- Please note that original drawings are preferred and only high quality copies will be accepted. Blue-line prints or other larger plats are acceptable only if an adequate number of quality copies are provided by applicant. (Contact the U.S. Army Corps of Engineers regarding that agency's use of larger drawings.) A site or location map is a part of plat requirements and it must be sufficiently detailed to guide agency personnel unfamiliar with the area to the site. Include highway or secondary road (SR) numbers, landmarks, and the like.
- A Stormwater Certification, if one is necessary.

- A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management. Upon signing this form, the applicant further certifies that such notice has been provided.

Name See attached list  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_

- A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.

- A check for \$400 made payable to the Department of Environment, Health, and Natural Resources (DEHNR) to cover the costs of processing the application.

- A signed AEC hazard notice for projects in oceanfront and inlet areas.

- A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A - 1 to 10) If the project involves the expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to conditions and restrictions contained in the permit.

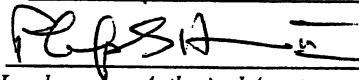
I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

I certify that I am authorized to grant, and do in fact, grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

This is the 26 day of April, 2004.

Print Name Philip S. Harris III

Signature   
 Landowner or Authorized Agent

Please indicate attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information
- DCM MP-5 Bridges and Culverts
- DCM MP-6 Marina Development

*NOTE: Please sign and date each attachment in the space provided at the bottom of each form.*

**6. CERTIFICATION AND PERMISSION TO ENTER ON LAND**

# EXCAVATION AND FILL

(Except bridges and culverts)

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

Describe below the purpose of proposed excavation or fill activities. All values to be given in feet.

	Length	Width	Average Existing Depth	Final Project Depth
Access channel (MLW) or (NWL)				
Canal				
Boat basin				
Boat ramp				
Rock groin				
Rock breakwater				
Other <sup>fill in</sup> Wetlands (Excluding shoreline stabilization)	719 ft.	16 ft.		
Fill in <sup>Bad Waters</sup>	876 ft.	16 ft.		

## 1. EXCAVATION

- Amount of material to be excavated from below MHW or NWL in cubic yards 97
- Type of material to be excavated existing road (pavement, dirt) \_\_\_\_\_
- Does the area to be excavated include coastal wetlands (marsh), submerged aquatic vegetation (SAVs) or other wetlands? X Yes \_\_\_ No
- High ground excavation in cubic yards 1381 700 @ bridge & 681 to restore wetlands \_\_\_\_\_

## 2. DISPOSAL OF EXCAVATED MATERIAL

- Location of disposal area to be determined by contractor
- Dimensions of disposal area N/A
- Do you claim title to disposal area? \_\_\_ Yes X No  
If no, attach a letter granting permission from the owner.
- Will a disposal area be available for future maintenance? \_\_\_ Yes \_\_\_ No N/A



e. Does the disposal area include any coastal wetlands (marsh), SAVs or other wetlands?  
 Yes  No

f. Does the disposal include any area in the water?  
 Yes  No

**3. SHORELINE STABILIZATION** N/A

a. Type of shoreline stabilization  
 Bulkhead  Riprap

b. Length \_\_\_\_\_

c. Average distance waterward of MHW or NWL  
\_\_\_\_\_

d. Maximum distance waterward of MHW or NWL  
\_\_\_\_\_

e. Shoreline erosion during preceding 12 months  
\_\_\_\_\_  
(Source of information) \_\_\_\_\_

f. Type of bulkhead or riprap material \_\_\_\_\_

g. Amount of fill in cubic yards to be placed below water level  
(1) Riprap \_\_\_\_\_  
(2) Bulkhead backfill \_\_\_\_\_

h. Type of fill material \_\_\_\_\_

i. Source of fill material \_\_\_\_\_

**4. OTHER FILL ACTIVITIES**

(Excluding Shoreline Stabilization)

a. Will fill material be brought to site?  
 Yes  No

If yes,

- (1) Amount of material to be placed in the water \_\_\_\_\_
- (2) Dimensions of fill area \_\_\_\_\_  
see permit application
- (3) Purpose of fill Proposed roadway, bridges

b. Will fill material be placed in coastal wetlands (marsh), SAVs or other wetlands?  
 Yes  No

If yes,

- (1) Dimensions of fill area See MPS 3.a.1.
- (2) Purpose of fill \_\_\_\_\_

**5. GENERAL**

a. How will excavated or fill material be kept on site and erosion controlled?  
NCDOT High Quality Erosion Control Methods  
Will be used

b. What type of construction equipment will be used (for example, dragline, backhoe, or hydraulic dredge)?  
Standard heavy highway construction equipment

c. Will wetlands be crossed in transporting equipment to project site?  Yes  No  
If yes, explain steps that will be taken to lessen environmental impacts. \_\_\_\_\_

Philip S. Harris III

Applicant or Project Name

[Signature]

Signature

4/26/04

Date

# BRIDGES AND CULVERTS

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

## 1. BRIDGES

- a. Public  Private
- b. Type of bridge (construction material)  
Concrete prestressed girder
- c. Water body to be crossed by bridge  
Kitty Creek Bridge # 54
- d. Water depth at the proposed crossing at MLW or +/- 6.0 feet \_\_\_\_\_
- e. Will proposed bridge replace an existing bridge?  
 Yes  No  
If yes,
  - (1) Length of existing bridge 53 ft.
  - (2) Width of existing bridge 28.2 ft.
  - (3) Navigation clearance underneath existing bridge +/- 2.0 ft.
  - (4) Will all, or a part of, the existing bridge be removed? (Explain) All the existing bridges will be removed and replaced with new bridges
- f. Will proposed bridge replace an existing culvert(s)?  
 Yes  No  
If yes,
  - (1) Length of existing culvert \_\_\_\_\_
  - (2) Width of existing culvert \_\_\_\_\_
  - (3) Height of the top of the existing culvert above the MHW or NWL \_\_\_\_\_
  - (4) Will all, or a part of, the existing culvert be removed? (Explain) \_\_\_\_\_

- g. Length of proposed bridge 200 ft.
- h. Width of proposed bridge 36 ft.
- i. Height of proposed bridge above wetlands 2-3 ft.
- j. Will the proposed bridge affect existing water flow?  
 Yes  No  
If yes, explain \_\_\_\_\_
- k. Navigation clearance underneath proposed bridge +/- 3 ft.
- l. Will the proposed bridge affect navigation by reducing or increasing the existing navigable opening?  Yes  No  
If yes, explain Navigable opening will be increased.
- m. Will the proposed bridge cross wetlands containing no navigable waters?  Yes  No  
If yes, explain \_\_\_\_\_
- n. Have you contacted the U.S. Coast Guard concerning their approval?  
 Yes  No N/A  
If yes, please provide record of their action.

2. CULVERTS

- a. Water body in which culvert is to be placed \_\_\_\_\_
- b. Number of culverts proposed \_\_\_\_\_
- c. Type of culvert (construction material, style) \_\_\_\_\_
- d. Will proposed culvert replace an existing bridge?  
 Yes  No  
 If yes,  
 (1) Length of existing bridge \_\_\_\_\_  
 (2) Width of existing bridge \_\_\_\_\_  
 (3) Navigation clearance underneath existing bridge \_\_\_\_\_  
 (4) Will all, or a part of, the existing bridge be removed? (Explain) \_\_\_\_\_
- e. Will proposed culvert replace an existing culvert?  
 Yes  No  
 If yes,  
 (1) Length of existing culvert \_\_\_\_\_  
 (2) Width of existing culvert \_\_\_\_\_  
 (3) Height of the top of the existing culvert above the MHW or NWL \_\_\_\_\_  
 (4) Will all, or a part of, the existing culvert be removed? (Explain) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- f. Length of proposed culvert \_\_\_\_\_
- g. Width of proposed culvert \_\_\_\_\_
- h. Height of the top of the proposed culvert above the MHW or NWL \_\_\_\_\_
- i. Will the proposed culvert affect existing water flow?  
 Yes  No  
 If yes, explain \_\_\_\_\_
- j. Will the proposed culvert affect existing navigation potential?  
 Yes  No  
 If yes, explain \_\_\_\_\_

3. EXCAVATION AND FILL

- a. Will the placement of the proposed bridge or culvert require any excavation below the MHW or NWL?  
 Yes  No  
 If yes,  
 (1) Length of area to be excavated 550'  
 (2) Width of area to be excavated 33'  
 (3) Depth of area to be excavated 7'  
 (4) Amount of material to be excavated in cubic yards 4706
- b. Will the placement of the proposed bridge or culvert require any excavation within:  
 Coastal Wetlands  SAVs  Other Wetlands  
 If yes,  
 (1) Length of area to be excavated 550'  
 (2) Width of area to be excavated 25'  
 (3) Amount of material to be excavated in cubic yards 3056
- c. Will the placement of the proposed bridge or culvert require any highground excavation?  
 Yes  No  
 If yes,  
 (1) Length of area to be excavated 157 ft.  
 (2) Width of area to be excavated 40 ft.  
 (3) Amount of material to be excavated in cubic yards 700
- d. If the placement of the bridge or culvert involves any excavation, please complete the following:  
 (1) Location of the spoil disposal area  
To be determined by contractor  
 \_\_\_\_\_  
 (2) Dimensions of spoil disposal area  
N/A  
 (3) Do you claim title to the disposal area?  
 Yes  No  
 If no, attach a letter granting permission from the owner.  
 (4) Will the disposal area be available for future maintenance?  Yes  No  
 (5) Does the disposal area include any coastal wetlands (marsh), SAVs, or other wetlands?  
 Yes  No  
 If yes, give dimensions if different from (2). above. \_\_\_\_\_

(6) Does the disposal area include any area below the MHW or NWL? \_\_\_ Yes x No  
If yes, give dimension if different from No. 2 above. \_\_\_\_\_

e. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed below MHW or NWL? x Yes \_\_\_ No

If yes,

- (1) Length of area to be filled 1385 ft.
- (2) Width of area to be filled 20 ft.
- (3) Purpose of fill To restore coastal wetlands

f. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed within:

x Coastal Wetlands \_\_\_ SAVs \_\_\_ Other

Wetlands If yes,

- (1) Length of area to be filled 719 ft.
- (2) Width of area to be filled 16 ft.
- (3) Purpose of fill Roadway fill

g. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed on highground? x Yes \_\_\_ No

If yes,

- (1) Length of area to be filled 2130 ft.
- (2) Width of area to be filled 56 ft.
- (3) Purpose of fill Roadway fill

d. Will the proposed project require any work channels? \_\_\_ Yes x No  
If yes, complete Form DCM-MP-2

e. How will excavated or fill material be kept on site and erosion controlled? NCDOT High Quality Waters Erosion Control Methods will be used

f. What type of construction equipment will be used (for example, dragline, backhoe or hydraulic dredge)? Heavy highway construction equipment

g. Will wetlands be crossed in transporting equipment to project site? \_\_\_ Yes x No  
If yes, explain steps that will be taken to lessen environmental impacts. \_\_\_\_\_

h. Will the placement of the proposed bridge or culvert require any shoreline stabilization? \_\_\_ Yes x No  
If yes, explain in detail \_\_\_\_\_

Philip S. Harris III  
Applicant or Project Name

[Signature]  
Signature

4/26/04  
Date

**4. GENERAL**

a. Will the proposed project involve any mitigation? \_\_\_ Yes \_\_\_ No  
If yes, explain in detail \_\_\_\_\_

b. Will the proposed project require the relocation of any existing utility lines? \_\_\_ Yes \_\_\_ No  
If yes, explain in detail \_\_\_\_\_

c. Will the proposed project require the construction of any temporary detour structures? \_\_\_ Yes x No  
If yes, explain in detail \_\_\_\_\_

# BRIDGES AND CULVERTS

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

## 1. BRIDGES

- g. Length of proposed bridge 50 ft.
- h. Width of proposed bridge 36 ft.
- i. Height of proposed bridge above wetlands 2-3 ft.
- j. Will the proposed bridge affect existing water flow?  
 Yes  No  
 If yes, explain \_\_\_\_\_
- k. Navigation clearance underneath proposed bridge +/- 3 ft.
- l. Will the proposed bridge affect navigation by reducing or increasing the existing navigable opening?  Yes  No  
 If yes, explain Navigable opening will be increased.
- m. Will the proposed bridge cross wetlands containing no navigable waters?  Yes  No  
 If yes, explain \_\_\_\_\_
- n. Have you contacted the U.S. Coast Guard concerning their approval?  
 Yes  No N/A  
 If yes, please provide record of their action.

- a. Public  Private
- b. Type of bridge (construction material)  
Concrete prestressed girder
- c. Water body to be crossed by bridge  
Wallace Canal Bridge # 52
- d. Water depth at the proposed crossing at MLW or +/- 6.0 feet \_\_\_\_\_
- e. Will proposed bridge replace an existing bridge?  
 Yes  No  
 If yes,
  - (1) Length of existing bridge 34 ft.
  - (2) Width of existing bridge 29.4 ft.
  - (3) Navigation clearance underneath existing bridge +/- 2.0 ft.
  - (4) Will all, or a part of, the existing bridge be removed? (Explain) \_\_\_\_\_  
All the existing bridges will be removed and replaced with new bridges

- f. Will proposed bridge replace an existing culvert(s)?  
 Yes  No  
 If yes,
  - (1) Length of existing culvert \_\_\_\_\_
  - (2) Width of existing culvert \_\_\_\_\_
  - (3) Height of the top of the existing culvert above the MHW or NWL \_\_\_\_\_
  - (4) Will all, or a part of, the existing culvert be removed? (Explain) \_\_\_\_\_

2. CULVERTS

- a. Water body in which culvert is to be placed \_\_\_\_\_
- b. Number of culverts proposed \_\_\_\_\_
- c. Type of culvert (construction material, style) \_\_\_\_\_
- d. Will proposed culvert replace an existing bridge?  
 Yes  No  
 If yes,  
 (1) Length of existing bridge \_\_\_\_\_  
 (2) Width of existing bridge \_\_\_\_\_  
 (3) Navigation clearance underneath existing bridge \_\_\_\_\_  
 (4) Will all, or a part of, the existing bridge be removed? (Explain) \_\_\_\_\_
- e. Will proposed culvert replace an existing culvert?  
 Yes  No  
 If yes,  
 (1) Length of existing culvert \_\_\_\_\_  
 (2) Width of existing culvert \_\_\_\_\_  
 (3) Height of the top of the existing culvert above the MHW or NWL \_\_\_\_\_  
 (4) Will all, or a part of, the existing culvert be removed? (Explain) \_\_\_\_\_
- f. Length of proposed culvert \_\_\_\_\_
- g. Width of proposed culvert \_\_\_\_\_
- h. Height of the top of the proposed culvert above the MHW or NWL \_\_\_\_\_
- i. Will the proposed culvert affect existing water flow?  
 Yes  No  
 If yes, explain \_\_\_\_\_
- j. Will the proposed culvert affect existing navigation potential?  
 Yes  No  
 If yes, explain \_\_\_\_\_

3. EXCAVATION AND FILL

- a. Will the placement of the proposed bridge or culvert require any excavation below the MHW or NWL?  
 Yes  No  
 If yes,  
 (1) Length of area to be excavated 700'  
 (2) Width of area to be excavated 33'  
 (3) Depth of area to be excavated 7'  
 (4) Amount of material to be excavated in cubic yards 5988
- b. Will the placement of the proposed bridge or culvert require any excavation within:  
 Coastal Wetlands  SAVs  Other Wetlands  
 If yes,  
 (1) Length of area to be excavated 400'  
 (2) Width of area to be excavated 25'  
 (3) Amount of material to be excavated in cubic yards 2223
- c. Will the placement of the proposed bridge or culvert require any highground excavation?  
 Yes  No  
 If yes,  
 (1) Length of area to be excavated 157 ft.  
 (2) Width of area to be excavated 40 ft.  
 (3) Amount of material to be excavated in cubic yards 700
- d. If the placement of the bridge or culvert involves any excavation, please complete the following:  
 (1) Location of the spoil disposal area  
To be determined by contractor  
 (2) Dimensions of spoil disposal area  
N/A  
 (3) Do you claim title to the disposal area?  
 Yes  No  
 If no, attach a letter granting permission from the owner.  
 (4) Will the disposal area be available for future maintenance?  Yes  No  
 (5) Does the disposal area include any coastal wetlands (marsh), SAVs, or other wetlands?  
 Yes  No  
 If yes, give dimensions if different from (2).  
 above. \_\_\_\_\_

(6) Does the disposal area include any area below the MHW or NWL? \_\_\_ Yes x No  
If yes, give dimension if different from No. 2 above. \_\_\_\_\_

e. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed below MHW or NWL? x Yes \_\_\_ No

If yes,

- (1) Length of area to be filled 1385 ft.
- (2) Width of area to be filled 20 ft.
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f. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed within:

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Wetlands If yes,

- (1) Length of area to be filled 719 ft.
- (2) Width of area to be filled 16 ft.
- (3) Purpose of fill Roadway fill - see sheet 5 of 7

g. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed on highground? x Yes \_\_\_ No

If yes,

- (1) Length of area to be filled 2130 ft.
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d. Will the proposed project require any work channels? \_\_\_ Yes x No  
If yes, complete Form DCM-MP-2

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f. What type of construction equipment will be used (for example, dragline, backhoe or hydraulic dredge)? Heavy highway construction equipment

g. Will wetlands be crossed in transporting equipment to project site? \_\_\_ Yes x No  
If yes, explain steps that will be taken to lessen environmental impacts. \_\_\_\_\_

h. Will the placement of the proposed bridge or culvert require any shoreline stabilization? \_\_\_ Yes x No  
If yes, explain in detail \_\_\_\_\_

Philip S. Harris III  
Applicant or Project Name

[Signature]  
Signature

4/26/04  
Date

**4. GENERAL**

a. Will the proposed project involve any mitigation? x Yes \_\_\_ No

If yes, explain in detail \_\_\_\_\_  
.26 acres of on-site wetland restoration.

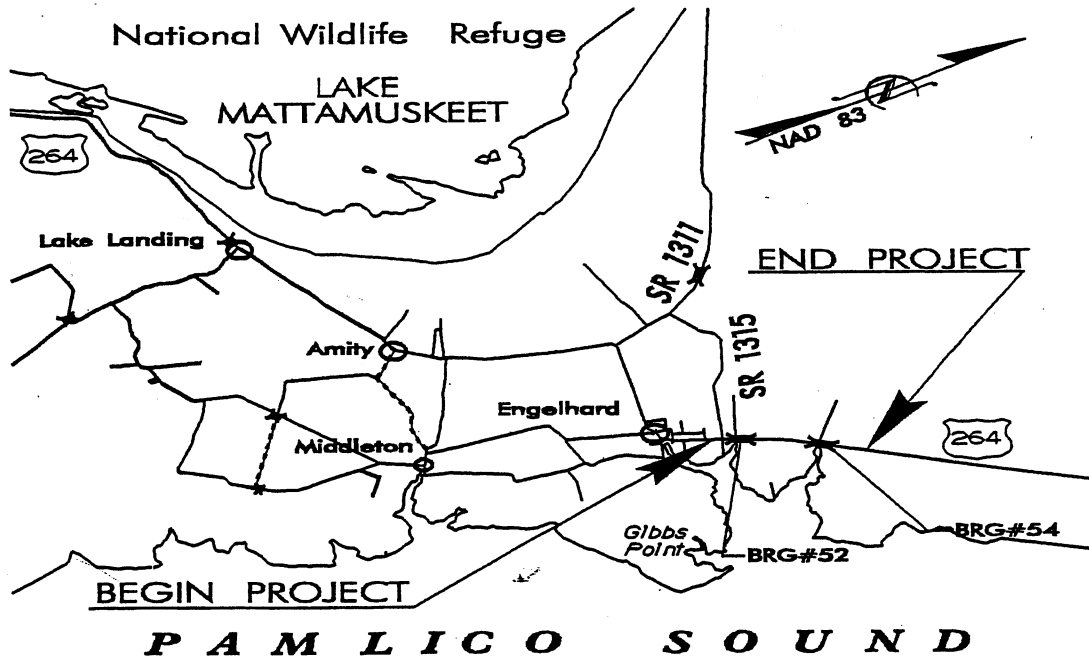
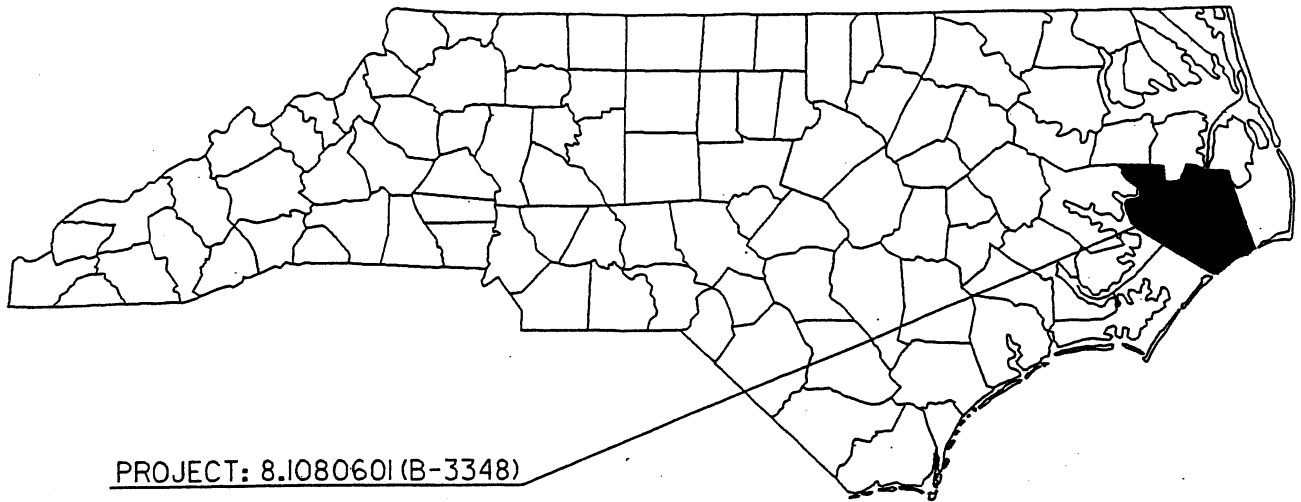
b. Will the proposed project require the relocation of any existing utility lines? \_\_\_ Yes \_\_\_ No

If yes, explain in detail \_\_\_\_\_

c. Will the proposed project require the construction of any temporary detour structures?

\_\_\_ Yes x No  
If yes, explain in detail \_\_\_\_\_

218  
NORTH CAROLINA



VICINITY  
MAPS

NCDOT

DIVISION OF HIGHWAYS

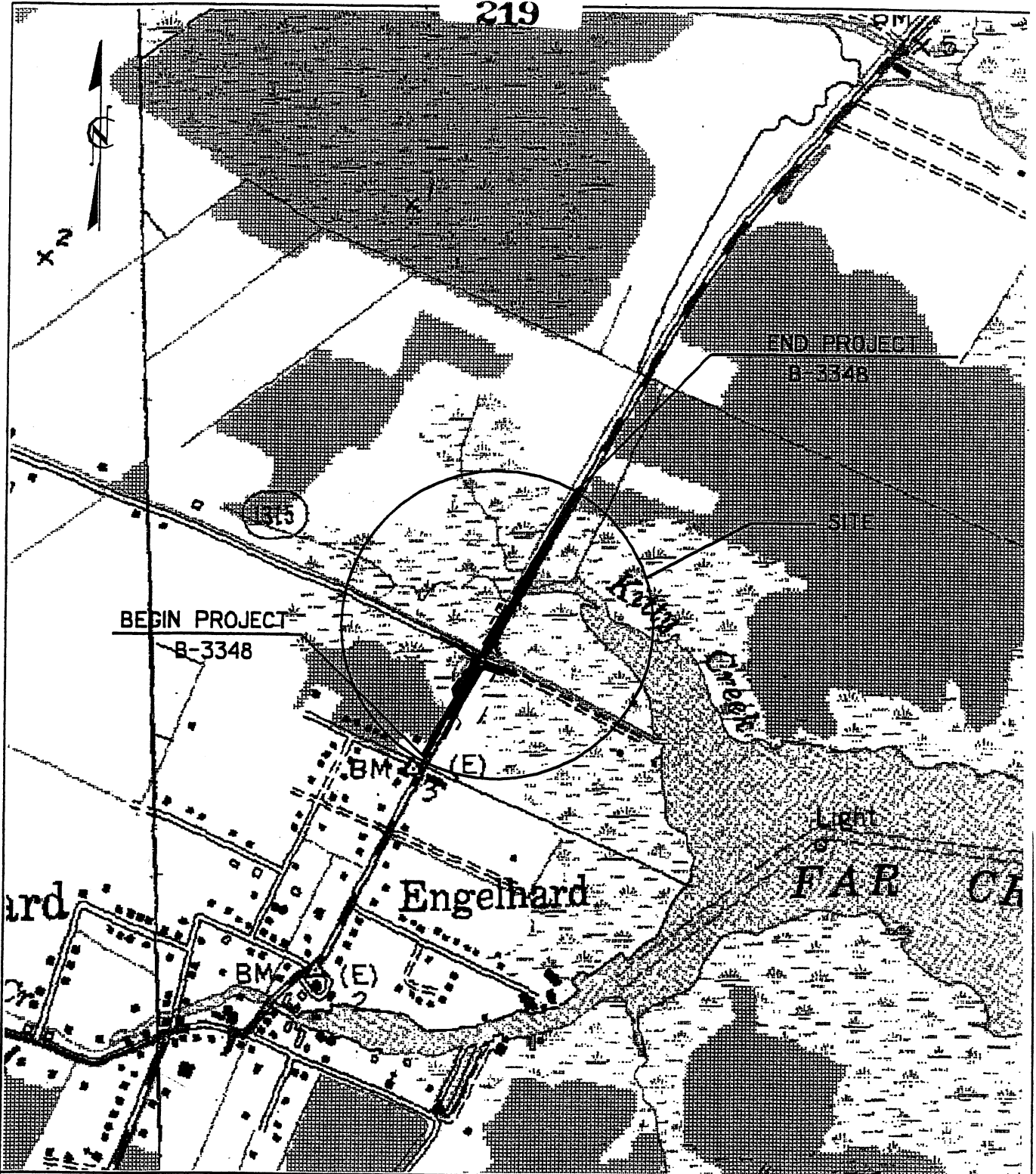
HYDE COUNTY

PROJECT: 8.1080601 (B-3348)

REPLACE BRG#52, BRG#54 OVER  
WALLACE CANAL AND KITTY CREEK  
ON US 264

SHEET 1 OF 7 REV. 03/15/04





# LOCATION MAP





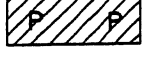
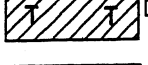
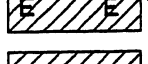
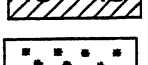
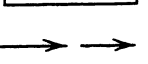

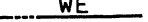


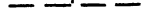




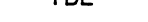



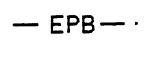
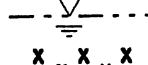

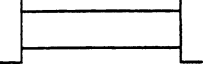
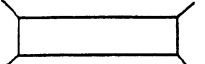

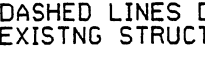

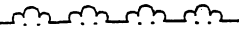
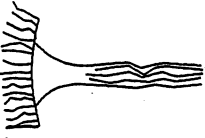
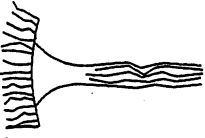



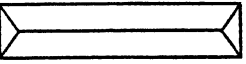
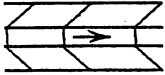
## NCDOT

DIVISION OF HIGHWAYS  
HYDE COUNTY

PROJECT: 8.1080601 (B-3348)

REPLACE BRG<sup>#</sup>52, BRG<sup>#</sup>54 OVER  
WALLACE CANAL AND KITTY CREEK  
ON US 264

# WETLAND<sup>220</sup> LEGEND

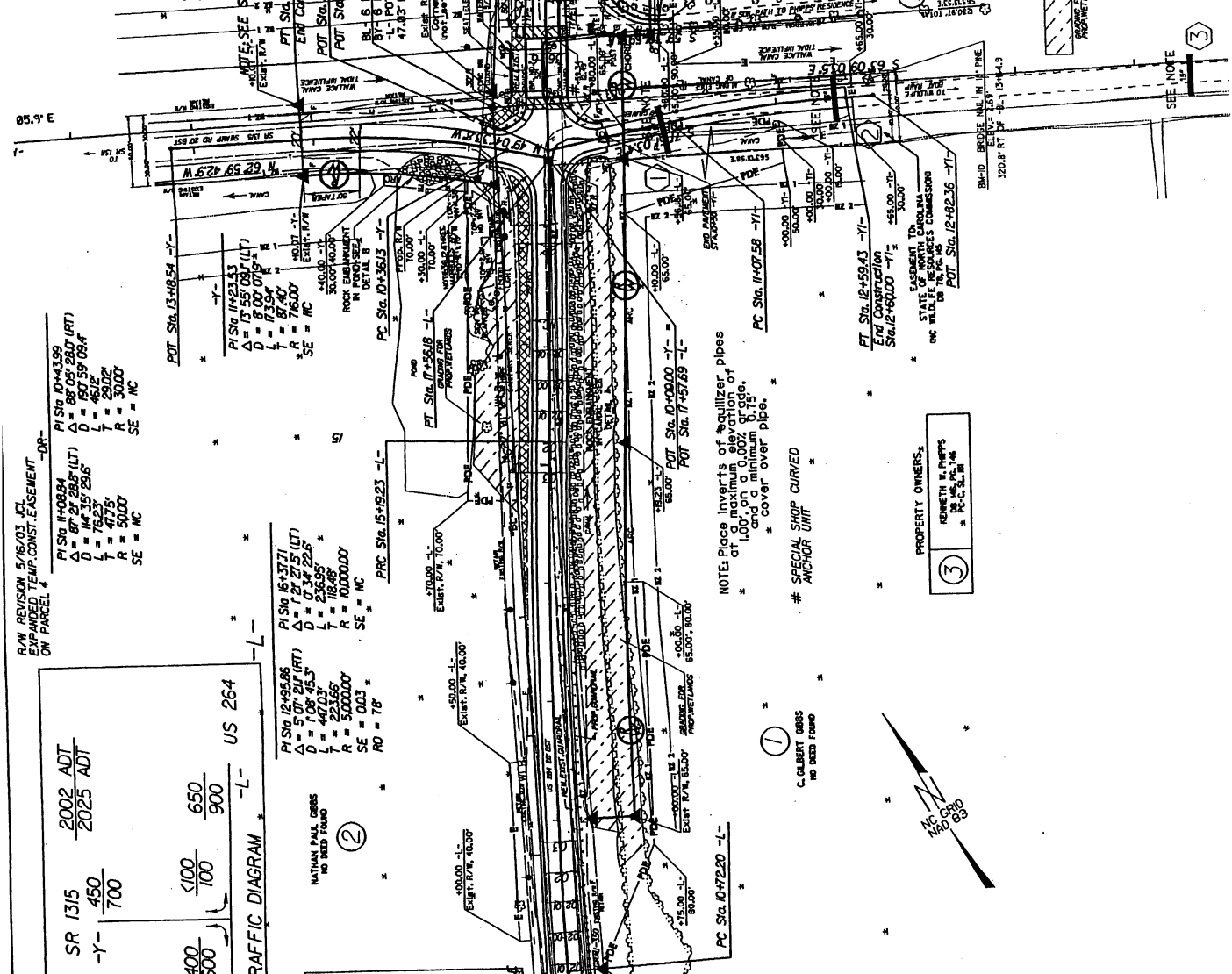
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-  WLB  
WLB  
WETLAND
-  DENOTES FILL IN WETLAND
-  DENOTES FILL IN SURFACE WATER
-  DENOTES FILL IN SURFACE WATER (POND)
-  DENOTES TEMPORARY FILL IN WETLAND
-  DENOTES EXCAVATION IN WETLAND
-  DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES MECHANIZED 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 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**  
**HYDE COUNTY**  
**PROJECT: 8.1080601 (B-3348)**  
**REPLACE BRG<sup>#</sup>52, BRG<sup>#</sup>54 OVER**  
**WALLACE CANAL AND KITTY CREEK**  
**ON US 264**

SHEET 3 OF 7 REV. 03/15/04

B-3348	RAW SHEET NO.
HYDRAULICS ENGINEER	ROADWAY DESIGN ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

NOTE: SEE SHEET #66 FOR 'L' PROFILE  
 NOTE: SEE SHEET #67 FOR 'Y' PROFILE  
 NOTE: SEE SHEET #67 FOR 'Y' PROFILE  
 NOTE: SEE SHEET #67 FOR 'Y' PROFILE  
 NOTE: SEE SHEET #67 FOR 'Y' PROFILE  
 NOTE: SEE SHEET #67 FOR 'Y' PROFILE

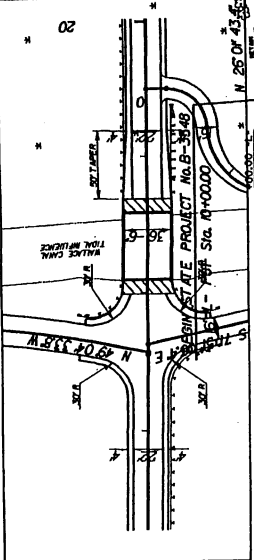


RAW REVISION 5/16/03 JCL  
 EXPANDED TEMP. CONST. EASEMENT  
 ON PARCEL 4

SR 1315	2002 ADT	2025 ADT
-Y-	450	700
	100	100
	400	650
	600	900
	1050	1400
US 264	-L-	US 264

TRAFFIC DIAGRAM

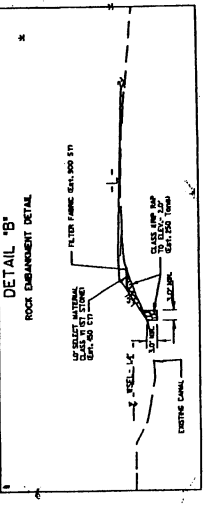
SKETCH OF PAVEMENT IN RELATION TO BRIDGE WIDTH



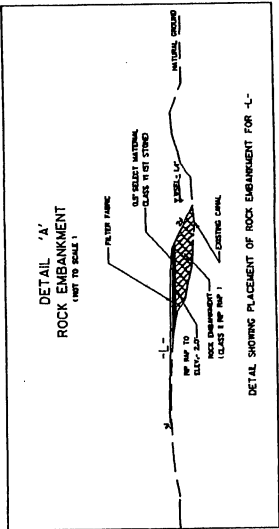
NOTE: Place inverts of equalizer pipes  
 at maximum elevations of  
 1.0' above minimum of 0.75'  
 and a minimum of 0.75'  
 \* cover over pipe.

\* SPECIAL SHOP CURVED  
 ANCHOR UNIT

PROPERTY OWNERS:  
 KENNETH H. PETERS  
 1000 S. 10th St.  
 Raleigh, NC 27601



FROM STA. 10+70 TO 11+30 -Y- LT.



FROM STA. 13+25 TO 17+50 -L- RT.





Site No.	Station (From/To) (-L-)	Structure Size / Type	Roadway Undercut (ac)	Berm Restoration (ac)	Excavation in Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Total) (ac)	Fill In SW (Pond) (ac)	Fill In Wetland (ac)	Created Wetland (ac)
1	11+50 - 31+00		0.06		0	0	0.46			
	11+80- 17+70			0.25						
	11+00 -Y- LT.							0.02		
	18+80- 21+85								0.2	
	11+50- 31+00									0.64
<b>TOTALS:</b>			0.06	0.25	0	0	0.46	0.02	0.2	0.64

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

HYDE COUNTY

PROJECT: 8.1080601 ( B-3348 )

SHEET 7 OF 7 ( 02/09/04 )

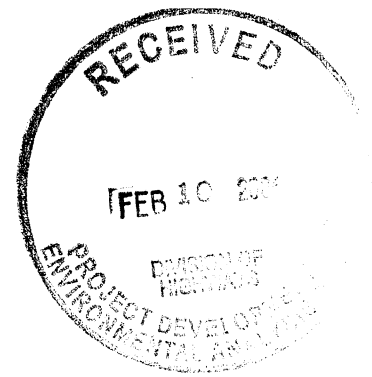


IN REPLY REFER TO

225

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

Washington Regulatory Field Office  
P.O. Box 1000  
Washington, North Carolina 27889-1000



February 3, 2006

Regulatory Division

Action ID. 200411262

PROJECT SERVICES  
CO

MAR 08 2006

AD

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

Dear Dr. Thorpe:

Reference the Department of the Army (DA) permit issued to you on April 30, 2004, associated with the replacement of Bridge No. 52 over an unnamed canal and Bridge No. 54 over Kitty Creek on U.S. Highway 264, Federal Aid Project No. BRSTP-264 (9), State Project No. 8.1080601, T.I.P. No. B-3348, Hyde County, North Carolina. Also reference your subsequent written request dated December 2, 2005, to renew the above permit past its current expiration date of April 30, 2006.

This action is necessary because the let date of the project is scheduled only twelve days before the permit is to expire.

This modification request was coordinated with the appropriate State and Federal agencies and the coordination revealed no objections to this modification request. Therefore, the permit is hereby modified with a new expiration date of March 18, 2007. It is understood that all conditions of the original permit remain applicable and you should contact the NC Division of Water Quality to obtain re-certification of your water quality certification. This action does not relieve you of your responsibility to obtain any required State or local approval.

Any further questions you may have regarding this project should be addressed to me at the Washington Regulatory Field Office, at (252) 975-1616 extension 26.

Sincerely,

William J. Biddlecome  
Regulatory Project Manager

Copy furnished:

Mr. John Hennessy  
Water Quality Section  
Division of Environmental Management  
North Carolina Department of Environment  
and Natural Resources  
1650 Mail Service Center  
Raleigh, North Carolina 27699-1650

Mr. Travis Wilson  
Eastern Region Highway Project Coordinator  
Habitat Conservation Program  
1142 I-85 Service Road  
Creedmoor, North Carolina 27522

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

Mr. Ron Sechler  
National Marine Fisheries Service  
101 Pivers Island  
Beaufort, North Carolina 28516

Ms. Wanda Gooden  
Division of Coastal Management  
1367 U.S. Hwy 17 South  
Elizabeth City, North Carolina 27909



**STANDARD SPECIAL PROVISION**

**AVAILABILITY OF FUNDS - TERMINATION OF CONTRACTS**

In accordance with G.S. 143.18.1 (6), Subsection (5) of G.S. 143-28.1 is hereby incorporated verbatim in this contract. G.S. 143-28.1(5) is as follows:

“(5). Amounts Obligated - Payments subject to the Availability of Funds - Termination of Contracts. Highway maintenance and construction appropriations may be obligated in the amount of allotments made to the Department of Transportation by the Office of State Budget and Management for the estimated payments for maintenance and construction contract work to be performed in the appropriation fiscal year. The allotments shall be multi-year allotments and shall be based on estimated revenues and shall be subject to the maximum contract authority contained in subdivision (2) above. Payment for highway maintenance and construction work performed pursuant to contract in any fiscal year other than the current fiscal year will be subject to appropriations by the General Assembly. Highway maintenance and construction contracts shall contain a schedule of estimated completion progress and any acceleration of this progress shall be subject to the approval of the Department of Transportation provided funds are available. The State reserves the right to terminate or suspend any highway maintenance or construction contract and any highway maintenance or construction contract shall be so terminated or suspended if funds will not be available for payment of the work to be performed during that fiscal year pursuant to the contract. In the event of termination of any contract, the contractor shall be given a written notice of termination at least 60 days before completion of schedule work for which funds are available. In the event of termination, the contractor shall be paid for the work already performed in accordance with the contract specifications”.

Payment will be made on any contract terminated pursuant to the special provision in accordance with Article 108-13, Item 5, of the North Carolina Department of Transportation Standard Specifications for Roads and Structures, dated January 1, 2002.

**NCDOT GENERAL SEED SPECIFICATIONS FOR SEED QUALITY**

**05-17-05**

Seed shall be sampled and tested by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory. When said samples are collected, the vendor shall supply an independent laboratory report for each lot to be tested. Results from seed so sampled shall be final. Seed not meeting the specifications shall be rejected by the Department of Transportation and shall not be delivered to North Carolina Department of Transportation warehouses. If seed has been delivered it shall be available for pickup and replacement at the supplier's expense.

Any re-labeling required by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory, that would cause the label to reflect as otherwise specified herein shall be rejected by the North Carolina Department of Transportation.

Seed shall be free from seeds of the noxious weeds Johnsongrass, Balloonvine, Jimsonweed, Witchweed, Itchgrass, Serrated Tussock, Showy Crotalaria, Smooth Crotalaria, Sicklepod, Sandbur, Wild Onion, and Wild Garlic. Seed shall not be labeled with the above weed species on the seed analysis label. Tolerances as applied by the Association of Official Seed Analysts will NOT be allowed for the above noxious weeds except for Wild Onion and Wild Garlic.

Tolerances established by the Association of Official Seed Analysts will generally be recognized. However, for the purpose of figuring pure live seed, the found pure seed and found germination percentages as reported by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory will be used. Allowances, as established by the NCDOT, will be recognized for minimum pure live seed as listed on the following pages.

The specifications for restricted noxious weed seed refers to the number per pound as follows:

<u>Restricted Noxious Weed</u>	<u>Limitations per Lb. Of Seed</u>	<u>Restricted Noxious Weed</u>	<u>Limitations per Lb. of Seed</u>
Blessed Thistle	4 seeds	Bermudagrass	27 seeds
Cocklebur	4 seeds	Cornflower (Ragged Robin)	27 seeds
Spurred Anoda	4 seeds	Texas Panicum	27 seeds
Velvetleaf	4 seeds	Bracted Plantain	54 seeds
Morning-glory	8 seeds	Buckhorn Plantain	54 seeds
Corn Cockle	10 seeds	Broadleaf Dock	54 seeds
Wild Radish	12 seeds	Curly Dock	54 seeds
Purple Nutsedge	27 seeds	Dodder	54 seeds
Yellow Nutsedge	27 seeds	Giant Foxtail	54 seeds
Canada Thistle	27 seeds	Horsenettle	54 seeds
Field Bindweed	27 seeds	Quackgrass	54 seeds
Hedge Bindweed	27 seeds	Wild Mustard	54 seeds

Seed of Pensacola Bahiagrass shall not contain more than 7% inert matter, Kentucky Bluegrass and Fine or Hard Fescue shall not contain more than 5% inert matter whereas a maximum of 2% inert matter will be allowed on all other kinds of seed. In addition, all seed shall not contain more than 2% other crop seed or more than 1% total weed seed. The germination rate as tested by the North Carolina Department of Agriculture shall not fall below 70%, which includes both

dormant and hard seed. Seed shall be labeled with not more than 7%, 5% or 2% inert matter (according to above specifications), 2% other crop seed and 1% total weed seed.

Exceptions may be made for minimum pure live seed allowances when cases of seed variety shortages are verified. Pure live seed percentages will be applied in a verified shortage situation. Those purchase orders of deficient seed lots will be credited with the percentage that the seed is deficient.

FURTHER SPECIFICATIONS FOR EACH SEED GROUP ARE GIVE BELOW:

Minimum 85% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 83% pure live seed will not be approved.

Sericea Lespedeza  
Oats (seeds)

Minimum 80% pure live seed; maximum 1% total weed seed; maximum 2% total other crop; maximum 144 restricted noxious weed seed per pound. Seed less than 78% pure live seed will not be approved.

Tall Fescue (all approved varieties)	Bermudagrass
Kobe Lespedeza	Browntop Millet
Korean Lespedeza	German Millet - Strain R
Weeping Lovegrass	Centipedegrass
Carpetgrass	Clover - Red/White/Crimson

Minimum 78% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 76% pure live seed will not be approved.

Common or Sweet Sundangrass

Minimum 76% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 74% pure live seed will not be approved.

Rye (grain; all varieties)  
Kentucky Bluegrass (all approved varieties)  
Hard Fescue (all approved varieties)  
Shrub (bicolor) Lespedeza

Minimum 70% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 70% pure live seed will not be approved.

Crownvetch	Pensacola Bahiagrass
Japanese Millet	Switchgrass
Reed Canary Grass	

Minimum 65% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 60% pure live seed will not be approved.

Little Bluestem  
Switchgrass

Minimum 75% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 70% pure live seed will not be approved.

Big Bluestem

Minimum 78% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 73% pure live seed will not be approved.

Indiangrass

SSP2

C201438 (B-3348)

**STANDARD SPECIAL PROVISIONS**  
**ERRATA**

04-19-05

Correct the *2002 Standard Specifications* as follows:

**Page 1-61, Subarticle 108-10(A)**

In the first paragraph, first sentence, change the Article reference from 101-24 to 101-25. In the second paragraph, first sentence, add Article reference 101-46 and 101-49.

**Page 1-62, Subarticle 108-10(B) 3.**

In the third paragraph, first sentence, change the Article reference from 101-24 to 101-25; change Article reference 101-47 to 101-48; and change Article reference 101 - 48 to Article 101-49.

**Page 2-21, Subarticle 235-4(B)**

In the third sub-bullet under the eighth bullet in this subarticle, delete the word "subgrade" and insert the words "finished grade".

**Page 3-4, Article 300-10**

Change all references to 300-8 to 300-9.

**Page 5-9, Subarticle 520-3(A)**

Delete the words "at your option".

**Page 5-10, Subarticle 520-6(A)**

In the first sentence, add a period after "(B)" and delete the words "and (C)."

Delete the last sentence of the subarticle.

**Page 8-47, Subarticle 862-6**

Change the subarticle number from 862-6 to 862-7.

Change references in section from 862-5 to 862-6

**Page 8-49, Subarticle 864-4**

In the first paragraph, change the Article reference from 862-3 to 864-3.

**Page 8-55, Subarticle 866-5(G)**

In the third pay item, insert the words "with Posts" after the word "Fence".

**Page 10-1, Subarticle 1000-3(A)**

In the second paragraph, change 550 psi to 600 psi (4.1 MPa).

**Page 10-2, Subarticle 1000-3(A)**

In the last sentence of the second paragraph on this page, change 550 psi to 600 psi (4.1 MPa).

**Page 10-5, Table 1000-1**

Under the column "Consistency Max. Slump" change the sub-heading 'Non-Vibrated' to 'Vibrated' and change the sub-heading 'Vibrated' to 'Non-Vibrated'. Under the column "Min. Cement Content" change the sub-heading 'Non-Vibrated' to 'Vibrated' and change the sub-heading 'Vibrated' to 'Non-Vibrated'.

**Page 10-17, Table 1005-2**

For Std. Size # 2S make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 30 to **5 - 30**.
- #100 (0.150) Sieve change the limits from 0.5 - 10 to **0 - 10**.

For Std. Size # 2MS make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 35 to **5 - 35**.
- #100 (0.150) Sieve change the limits from 0.5 - 20 to **0 - 20**.

**Page 15-3, Article 1505-3**

In the last paragraph of this article, change Article 300-6 to Article 300-7.

**Page 15-10, Article 1510-5**

In the fourth paragraph, insert a comma after the word "water".

**Page 15-18, Article 1530-2**

In the third paragraph on the page, change "Section 812" to "Section 340".

**Page 16-15, Article 1635-3(A)**

Substitute the second paragraph with the following:

Construct the rock pipe inlet sediment trap type-A with a minimum height of 18 inches (457.2 mm) and a minimum of 12 inches (304.8 mm) below the roadway shoulder or diversion point.

C201438 (B-3348)

June 28, 1977

**STANDARD SPECIAL PROVISION**

**AWARD OF CONTRACT**

“The North Carolina Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Transportation (49 C.F.R., Part 21), issued pursuant to such act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the ground of race, color, or national origin”.

MINORITY AND FEMALE EMPLOYMENT REQUIREMENTS

NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE NUMBER 11246)

1. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, see as shown on the attached sheet entitled "Employment Goals for Minority and Female participation".

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its effort to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project or the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

2. As used in this Notice and in the contract resulting from this solicitation, the "covered area" is the county or counties shown on the cover sheet of the proposal form and contract.



EMPLOYMENT GOALS FOR MINORITY  
AND FEMALE PARTICIPATION

Economic Areas

Area 023 29.7%

- Bertie County
- Camden County
- Chowan County
- Gates County
- Hertford County
- Pasquotank County
- Perquimans County

Area 024 31.7%

- Beaufort County
- Carteret County
- Craven County
- Dare County
- Edgecombe County
- Green County
- Halifax County
- Hyde County
- Jones County
- Lenoir County
- Martin County
- Nash County
- Northampton County
- Pamlico County
- Pitt County
- Tyrrell County
- Washington County
- Wayne County
- Wilson County

Area 025 23.5%

- Columbus County
- Duplin County
- Onslow County
- Pender County

Area 026 33.5%

- Bladen County
- Hoke County
- Richmond County
- Robeson County
- Sampson County
- Scotland County

Area 027 24.7%

- Chatham County
- Franklin County
- Granville County
- Harnett County
- Johnston County
- Lee County
- Person County
- Vance County
- Warren County

Area 028 15.5%

- Alleghany County
- Ashe County
- Caswell County
- Davie County
- Montgomery County
- Moore County
- Rockingham County
- Surry County
- Watauga County
- Wilkes County

Area 029 15.7%

- Alexander County
- Anson County
- Burke County
- Cabarrus County
- Caldwell County
- Catawba County
- Cleveland County
- Iredell County
- Lincoln County
- Polk County
- Rowan County
- Rutherford County
- Stanly County

Area 0480 8.5%

- Buncombe County
- Madison County

Area 030 6.3%

- Avery County
- Cherokee County
- Clay County
- Graham County
- Haywood County
- Henderson County
- Jackson County
- McDowell County
- Macon County
- Mitchell County
- Swain County
- Transylvania County
- Yancey County



SMSA Areas

Area 5720 26.6%

Currituck County

Area 9200 20.7%

Brunswick County  
New Hanover County

Area 2560 24.2%

Cumberland County

Area 6640 22.8%

Durham County  
Orange County  
Wake County

Area 1300 16.2%

Alamance County

Area 3120 16.4%

Davidson County  
Forsyth County  
Guiford County  
Randolph County  
Stokes County  
Yadkin County

Area 1520 18.3%

Gaston County  
Mecklenburg County  
Union County

---

Goals For Female

Participation in Each Trade

(Statewide) 6.9%

## REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Payment of Predetermined Minimum Wage
- V. Statements and Payrolls
- VI. Record of Materials, Supplies, and Labor
- VII. Subletting or Assigning the Contract
- VIII. Safety: Accident Prevention
- IX. False Statements Concerning Highway Projects
- X. Implementation of Clean Air Act and Federal Water Pollution Control Act
- XI. Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- XII. Certification Regarding Use of Contract Funds for Lobbying

### I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

- Section I, paragraph 2;
- Section IV, paragraphs 1, 2, 3, 4, and 7;
- Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general dispute clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. **Selection of Labor:** During the performance of this contract, the contractor shall not:

a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or

b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

### II. NONDISCRIMINATION

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.

b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of EEO and who must be assigned adequate authority and responsibility to do so.

**3. Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

**4. Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions. (The DOL has held that where implementations of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.

**5. Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

#### **6. Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. **Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the SHA and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the SHA.

8. **Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

a. The contractor shall notify all potential subcontractors and suppliers of his/her EEO obligations under this contract.

b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the contractor enters into pursuant to this contract. The contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.

c. The contractor will use his best efforts to ensure subcontractor compliance with their EEO obligations.

9. **Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and

(4) The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. The contractors will submit an annual report to the SHA each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the job training is being required by special provision, the contractor will be required to collect and report training data.

### III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or

disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

c. The contractor agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

#### IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

##### 1. General:

a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or its subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.

b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

##### 2. Classification:

a. The SHA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.

b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:

(1) the work to be performed by the additional classification requested is not performed by a classification in the wage determination;

(2) the additional classification is utilized in the area by the construction industry;

(3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) with respect to helpers, when such a classification prevails in the area in which the work is performed.

c. If the contractor or subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

d. In the event the contractor or subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

### 3. Payment of Fringe Benefits:

a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor or subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly case equivalent thereof.

b. If the contractor or subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

### 4. Apprentices and Trainees (Programs of the U.S. DOL and Helpers):

#### a. Apprentices:

(1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor or subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

(3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour

Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

(4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor or subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

#### b. Trainees:

(1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.

(2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which case such trainees shall receive the same fringe benefits as apprentices.

(4) In the event the Employment and Training Administration withdraws approval of a training program, the contractor or subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

#### c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV.2. Any worker listed on a payroll at a helper wage rate, who is not a helper under an approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

**5. Apprentices and Trainees (Programs of the U.S. DOT):**

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

**6. Withholding:**

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the contractor or subcontractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

**7. Overtime Requirements:**

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

**8. Violation:**

**Liability for Unpaid Wages; Liquidated Damages:** In the event of any violation of the clause set forth in paragraph 7 above, the contractor and any subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

**9. Withholding for Unpaid Wages and Liquidated Damages:**

The SHA shall upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

**V. STATEMENTS AND PAYROLLS**

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

**1. Compliance with Copeland Regulations (29 CFR 3):**

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

**2. Payrolls and Payroll Records:**

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.



c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

## VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

## VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

#### VIII. SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

#### IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each

Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

#### NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

*"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or*

*Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or*

*Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;*

*Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."*

#### X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*, as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*, as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

#### **XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION**

##### **1. Instructions for Certification - Primary Covered Transactions:**

(Applicable to all Federal-aid contracts - 49 CFR 29)

a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.

f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from

participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

\* \* \* \* \*

#### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Primary Covered Transactions**

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and

d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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#### **2. Instructions for Certification - Lower Tier Covered Transactions:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions of \$25,000 or more - 49 CFR 29)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

\*\*\*\*\*

#### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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#### **XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING**

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**C201438 (B-3348)****Training Special Provisions**

This project special provision will not be applicable to those Contractors who have elected to participate in the Department's *Alternative On-The-Job Training Program*. In the event the Contractor is participating in the Department's *Alternative On-The-Job Training Program*, the On-The-Job Training program of the Construction Unit, Contractual Services Section will certify that participation to the appropriate Highway Division and Resident Engineers.

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled "*Specific Equal Employment Opportunity Responsibilities*," (Attachment 1), and is in implementation of 23 USC 140(a). As a part of the Contractor's equal opportunity affirmative action program, training shall be provided as follows:

The Contractor shall provide on-the-job training aimed at developing full journey workers in the type of trade or classification involved. Preference shall be given to providing training in the following skilled work classifications:

Equipment Operators	Office Engineers
Truck Drivers	Estimators
Carpenters	Iron / Reinforcing Steel Workers
Concrete Finishers	Mechanics
Pipe Layers	Welders

The number of trainees to be trained under this contract will be as specified in the project special provisions included else where in the proposal form.

In the event that a Contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, the Contractor shall maintain the primary responsibility for meeting the training requirements imposed by this special provision and the subcontractor has an approved on-the-job training program. The Contractor shall also insure that this training special provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training.

The number of trainees shall be distributed among the skilled work classifications on the basis of the Contractor's needs and the availability of journey workers in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the Contractor shall submit to the Department for approval the number of trainees to be trained in each selected classification and the training program to be used. Furthermore, the Contractor shall specify the starting time for training in each of the classifications on the form provided by the Department. That form shall be submitted by the Contractor to the Department on or before the date of the pre-construction conference. The Contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and who receives training for at least 50 percent of the specific program requirement.

Training and upgrading of minorities and women toward journey worker status is a primary objective of this Training Special Provision. Accordingly, the Contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private resources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The Contractor will be responsible for demonstrating the steps he has taken in the pursuance thereof, prior to a determination as to whether the Contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journey worker status or in which he has been employed as a journey worker. The Contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor's records should document the finding in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the Contractor and approved by the Department. The Department shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the Contractor and to qualify the average trainee for journey worker status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the US Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the US Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-Aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the Department prior to commencing work on the classification covered by the program. It is the intention of these provisions that training be provided in the construction crafts rather than clerk-typist or secretarial-type positions. Training is permissible in lower level management positions such as office engineers, estimators, timekeepers, etc., where the training is provided and approved by the Department and the Federal Highway Administration. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

It is normally expected that a trainee will begin his training on the project as soon as feasible after the start of work utilizing the skill involved and remain on the project as long as training opportunities exist in the work classification or until he has completed his training program. It is not required that all trainees be on board for the entire length of the contract. A Contractor will have fulfilled his responsibilities under this



training special provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the Contractor for a significant period.

Trainees will be paid at least 60 percent of the appropriate minimum journey worker's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision.

The Contractor shall furnish the trainee a copy of the program he will be following providing the training. The Contractor shall provide each trainee with a with a certificate showing the type and length of training satisfactorily completed.

The Contractor will provide for maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

Date: June 13, 2003

General Decision Number: **NC20030010**

Superseded General Decision No. NC020010

State: North Carolina

Construction Type:

**HIGHWAY****County(ies) :**

ALLEGHANY	GRANVILLE	PASQUOTANK
ANSON	GREENE	PENDER
ASHE	HALIFAX	PERQUIMANS
AVERY	HARNETT	PERSON
BEAUFORT	HAYWOOD	PITT
BERTIE	HENDERSON	POLK
BLADEN	HERTFORD	RICHMOND
BRUNSWICK	HOKE	ROBESON
CALDWELL	HYDE	ROCKINGHAM
CAMDEN	IREDELL	RUTHERFORD
CARTERET	JACKSON	SAMPSON
CASWELL	JOHNSTON	SCOTLAND
CHATHAM	JONES	STANLY
CHEROKEE	LEE	SURRY
CHOWAN	LENOIR	SWAIN
CLAY	MACON	TRANSYLVANIA
CLEVELAND	MADISON	TYRRELL
COLUMBUS	MARTIN	VANCE
CRAVEN	MCDOWELL	WARREN
CURRITUCK	MITCHELL	WASHINGTON
DARE	MONTGOMERY	WATAUGA
DUPLIN	MOORE	WAYNE
EDGECOMBE	NASH	WILKES
GATES	NORTHAMPTON	WILSON
GRAHAM	PAMLICO	YANCEY

HIGHWAY CONSTRUCTION PROJECTS (does not include Tunnels, Building Structures in rest area projects, Railroad Construction, and Bascule/Suspension/Spandrel Arch Bridges, Bridges designed for Commercial Navigation, and Bridges involving marine construction, and other major bridges).

Modification Number

Publication Date

## COUNTY (ies) :

ALLEGHANY	GRANVILLE	PASQUOTANK
ANSON	GREENE	PENDER
ASHE	HALIFAX	PERQUIMANS
AVERY	HARNETT	PERSON
BEAUFORT	HAYWOOD	PITT
BERTIE	HENDERSON	POLK
BLADEN	HERTFORD	RICHMOND
BRUNSWICK	HOKE	ROBESON
CALDWELL	HYDE	ROCKINGHAM
CAMDEN	IREDELL	RUTHERFORD
CARTERET	JACKSON	SAMPSON
CASWELL	JOHNSTON	SCOTLAND
CHATHAM	JONES	STANLY
CHEROKEE	LEE	SURRY
CHOWAN	LENOIR	SWAIN
CLAY	MACON	TRANSYLVANIA
CLEVELAND	MADISON	TYRRELL
COLUMBUS	MARTIN	VANCE
CRAVEN	MCDOWELL	WARREN
CURRITUCK	MITCHELL	WASHINGTON
DARE	MONTGOMERY	WATAUGA
DUPLIN	MOORE	WAYNE
EDGECOMBE	NASH	WILKES
GATES	NORTHAMPTON	WILSON
GRAHAM	PAMLICO	YANCEY

SUNC3001A 02/12/1990

	Rates	Fringes
CARPENTER	7.71	
CONCRETE FINISHER	7.64	
IRONWORKER (Reinforcing)	9.27	
LABORER		
Comman	5.42	
Asphalt Raker	6.32	
Form Setter (Road)	6.90	
Mason (Brick, Block, Stone)	7.76	
Pipe Layer	5.90	
Power Tool Operator	6.53	
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	6.57	
Asphalt Paver	7.00	
Bulldozer	7.21	
Bulldozer (utility)	6.00	
Concrete Finishing Machine	9.48	
Concrete Grinder	8.13	
Crane, Backhoe, Shovel, & Dragline (Over 1 yd.)	8.53	
Crane, Backhoe, Shovel, & Dragline (1 yd. & under)	6.91	
Drill Operator	7.65	
Grade Checker	5.15	
Grease man	6.43	
Hydroseeder	7.00	

Loader	6.85
Mechanic	8.27
Milling Machine	8.00
Motor Grader (Fine Grade)	8.01
Motor Grader (Rough Grade)	7.42
Oiler	5.80
Piledriver	11.00
Roller (Finish)	6.32
Roller (Rough)	5.43
Scraper	6.41
Screed Asphalt	6.33
Stone Spreader	5.88
Stripping Machine Operator	6.00
Subgrade Machine	9.00
Sweeper	5.64
Tractor (utility)	6.15

TRUCK DRIVERS:

Single Rear Axle Trucks	5.15
Multi Rear Axle Trucks	5.48
Heavy Duty trucks	5.50

Welder 9.07

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

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In the listing above, the "SU" designation means that rates listed under that identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted

because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations

Wage and Hour Division

U. S. Department of Labor

200 Constitution Avenue, N. W.

Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator

U.S. Department of Labor

200 Constitution Avenue, N. W.

Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board

U. S. Department of Labor

200 Constitution Avenue, N. W.

Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION

County : Hyde

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
<b>ROADWAY ITEMS</b>						
0001	0000100000-N	800	MOBILIZATION	Lump Sum	L.S.	
0002	0000400000-N	801	CONSTRUCTION SURVEYING	Lump Sum	L.S.	
0003	0001000000-E	200	CLEARING & GRUBBING .. ACRE(S)	Lump Sum	L.S.	
0004	0008000000-E	200	SUPPLEMENTARY CLEARING & GRUB- BING	1 ACR		
0005	0022000000-E	225	UNCLASSIFIED EXCAVATION	2,000 CY		
0006	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (18 + 34.00)	Lump Sum	L.S.	
0007	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ***** (22 + 85.00)	Lump Sum	L.S.	
0008	0036000000-E	225	UNDERCUT EXCAVATION	8,900 CY		
0009	0106000000-E	230	BORROW EXCAVATION	4,300 CY		
001C	0156000000-E	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	2,130 SY		
0011	0195000000-E	265	SELECT GRANULAR MATERIAL	11,360 CY		
0012	0196000000-E	270	FABRIC FOR SOIL STABILIZATION	100 SY		
0013	0199000000-E	SP	TEMPORARY SHORING	11,500 SF		
0014	0314000000-E	SP	SELECT MATERIAL, CLASS ***** (VI)	70 TON		
001E	0318000000-E	300	FOUNDATION CONDITIONING MATE- RIAL, MINOR STRS	13 TON		
0016	0378000000-E	310	24" RC PIPE CULVERTS, CLASS III	116 LF		
0017	1011000000-N	500	FINE GRADING	Lump Sum	L.S.	
0018	1121000000-E	520	AGGREGATE BASE COURSE	215 TON		

County : Hyde

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
001E	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	882 TON		
002C	1525000000-E	SP	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	1,216 TON		
0021	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	117 TON		
0022	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	10 TON		
0023	2556000000-E	846	SHOULDER BERM GUTTER	130 LF		
0024	3030000000-E	862	STEEL BM GUARDRAIL	900 LF		
002E	3045000000-E	862	STEEL BM GUARDRAIL, SHOP CURVED	37.5 LF		
002E	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA		
0027	3180000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE ***** (TYPE III, SHOP CURVED)	2 EA		
002E	3195000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE AT-1	3 EA		
002E	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	6 EA		
003C	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA		
0031	3345000000-E	864	REMOVE & RESET EXISTING GUARDRAIL	262.5 LF		
0032	3360000000-E	863	REMOVE EXISTING GUARDRAIL	1,300 LF		
0033	3577000000-N	SP	GENERIC FENCING ITEM RESET EXISTING METAL GATE & RESET TWO EXT METAL POLES	Lump Sum	L.S.	
0034	3635000000-E	876	PLAIN RIP RAP, CLASS II	1,100 TON		
003E	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	750 SY		

County : Hyde

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
003E	4025000000-E	901	CONTRACTOR FURNISHED, TYPE *** SIGN (E)	67.5	SF	
0037	4025000000-E	901	CONTRACTOR FURNISHED, TYPE *** SIGN (F)	7	SF	
003E	4082000000-E	903	SUPPORTS, WOOD	218	LF	
003E	4102000000-N	904	SIGN ERECTION, TYPE E	8	EA	
004C	4108000000-N	904	SIGN ERECTION, TYPE F	1	EA	
0041	4129000000-N	906	RELOCATE SIGN, TYPE ***** (E)	2	EA	
0042	4141000000-N	907	DISPOSAL OF SUPPORT, WOOD	2	EA	
0043	4155000000-N	907	DISPOSAL OF SIGN SYSTEM, U- CHANNEL	4	EA	
0044	4158000000-N	907	DISPOSAL OF SIGN SYSTEM, WOOD	12	EA	
004E	4412000000-E	SP	WORK ZONE SIGNS (STATIONARY)	124	SF	
004E	4412100000-E	SP	WORK ZONE SIGNS (PORTABLE)	160	SF	
0047	4430000000-N	1130	DRUMS	41	EA	
004E	4435000000-N	1135	CONES	41	EA	
004E	4446100000-E	SP	BARRICADES (TYPE III)	24	LF	
005C	4455000000-N	1150	FLAGGER	10	MD	
0051	4490000000-E	1170	PORTABLE CONCRETE BARRIER (ANCHORED)	89	LF	
0052	4507000000-E	SP	WATER FILLED BARRIER	1,788	LF	
0053	4508000000-E	SP	RESET WATER FILLED BARRIER	877	LF	



County : Hyde

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0054	4615000000-E	1205	REMOVABLE TAPE PAVEMENT MARKING LINES (4")	500 LF		
005E	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	28,137 LF		
005E	4815000000-E	1205	PAINT PAVEMENT MARKING LINES (6")	782 LF		
0057	4835000000-E	1205	PAINT PAVEMENT MARKING LINES (24")	306 LF		
005E	4845000000-N	1205	PAINT PAVEMENT MARKING SYMBOL	18 EA		
005E	4850000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (4")	500 LF		
006C	4855000000-E	1205	REMOVAL OF PAVEMENT MARKING LINES (6")	100 LF		
0061	4875000000-N	1205	REMOVAL OF PAVEMENT MARKING SYMBOLS & CHARACTERS	2 EA		
0062	4900000000-N	1252	PERMANENT RAISED PAVEMENT MARKERS	27 EA		
006E	5300000000-E	1505	FOUNDATION CONDITIONING MATERIAL, UTILITIES CLASS ***** (VI)	85 TON		
0064	5306000000-E	SP	BEDDING MATERIAL, UTILITIES CLASS ***** (IV)	85 TON		
006E	5771000000-E	1520	GENERIC UTILITY ITEM 10" HDPE FORCE MAIN SEWER PIPE ,SDR 9, 200# WP BY DIRECTIONAL BORE	1,615 LF		
006E	5882000000-N	SP	GENERIC UTILITY ITEM 10" x 6" TAPPING SLEEVE, VALVE , AND VALVE BOX, 200# WP	1 EA		
0067	5882000000-N	SP	GENERIC UTILITY ITEM 6" IN-LINE CHECK VALVE AND VAULT	1 EA		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
006E	5882000000-N	SP	GENERIC UTILITY ITEM 6" IN-LINE CLEAN-OUT AND VAULT	1 EA		
006E	5882000000-N	SP	GENERIC UTILITY ITEM 8" GATE VALVE AND VALVE BOX, 200# WP	2 EA		
007C	5882000000-N	SP	GENERIC UTILITY ITEM 8" IN-LINE CHECK VALVE AND VAULT	1 EA		
0071	5882000000-N	SP	GENERIC UTILITY ITEM 8" IN-LINE CLEAN-OUT AND VAULT	1 EA		
0072	5888000000-E	SP	GENERIC UTILITY ITEM 6" DI RESTRAINED JOINT FORCE MAIN SEWER PIPE, PC 350	40 LF		
0073	5888000000-E	SP	GENERIC UTILITY ITEM 8" DI RESTRAINED JOINT FORCE MAIN SEWER PIPE, PC 350	84.54 LF		
0074	5906000000-E	SP	GENERIC UTILITY ITEM DI RESTRAINED JOINT FORCE MAIN PIPE FITTINGS, 250# WP	540 LB		
007E	6000000000-E	1605	TEMPORARY SILT FENCE	6,300 LF		
007E	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	100 TON		
0077	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	420 TON		
007E	6012000000-E	1610	SEDIMENT CONTROL STONE	280 TON		
007E	6015000000-E	1615	TEMPORARY MULCHING	4.5 ACR		
008C	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	150 LB		
0081	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED- ING	0.75 TON		
0082	6029000000-E	SP	SAFETY FENCE	5,000 LF		
0083	6030000000-E	1630	SILT EXCAVATION	400 CY		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0084	6036000000-E	1631	MATTING FOR EROSION CONTROL	2,300	SY	
008E	6042000000-E	1632	1/4" HARDWARE CLOTH	840	LF	
008E	6048000000-E	SP	FLOATING TURBIDITY CURTAIN	350	SY	
0087	6084000000-E	1660	SEEDING & MULCHING	5	ACR	
008E	6087000000-E	1660	MOWING	2.5	ACR	
008E	6090000000-E	1661	SEED FOR REPAIR SEEDING	50	LB	
009C	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25	TON	
0091	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	100	LB	
0092	6102000000-E	1664	SODDING	2,900	SY	
009E	6105000000-E	1664	WATER	49	M/G	
0094	6108000000-E	1665	FERTILIZER TOPDRESSING	3.75	TON	
009E	6114000000-N	SP	SPECIALIZED HAND MOWING	3	HR	
009E	6132000000-N	SP	GENERIC EROSION CONTROL ITEM RESPONSE FOR EROSION CONTROL	8	EA	
0097	6135000000-E	SP	GENERIC EROSION CONTROL ITEM WETLAND GRASS PLANTING	0.9	ACR	
009E	7060000000-E	1705	SIGNAL CABLE	1,950	LF	
009E	7120000000-E	1705	VEHICLE SIGNAL HEAD (12", 3 SECTION)	12	EA	
010C	7264000000-E	1710	MESSENGER CABLE (3/8")	1,540	LF	
0101	7300000000-E	1715	TRENCHING (UNPAVED)	358	LF	
0102	7360000000-N	1720	WOOD POLE	11	EA	
010E	7372000000-N	1721	GUY ASSEMBLY	8	EA	

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0104	7408000000-E	1722	1" RISER WITH WEATHERHEAD	1 EA		
0105	7420000000-E	1722	2" RISER WITH WEATHERHEAD	7 EA		
0106	7444000000-E	1725	INDUCTIVE LOOP SAWCUT	1,322 LF		
0107	7456000000-E	1726	LEAD-IN CABLE	3,120 LF		
0108	7636000000-N	1745	SIGN FOR SIGNALS	3 EA		
0109	7768000000-N	1751	CONTROLLER WITH CABINET (TYPE 2070L, POLE MOUNTED)	1 EA		
0110	7780000000-N	SP	DETECTOR CARD (TYPE 2070L)	3 EA		

**STRUCTURE ITEMS**

0111	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (18 + 34.00-L-)	Lump Sum	L.S.	
0112	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ***** (22 + 85.00-L-)	Lump Sum	L.S.	
0113	8121000000-N	SP	UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (18 + 34.00-L-)	Lump Sum	L.S.	
0114	8121000000-N	SP	UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ***** (22 + 85.00 -L-)	Lump Sum	L.S.	
0115	8175000000-E	420	CLASS AA CONCRETE (BRIDGE)	124.5 CY		
0116	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (18 + 34.00-L-)	Lump Sum	L.S.	
0117	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ***** (22 + 85.00-L-)	Lump Sum	L.S.	

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
011E	8224000000-E	425	EPOXY COATED REINFORCING STEEL (BRIDGE)	20,729 LB		
011E	8333000000-E	450	16" PRESTRESSED CONC PILES	2,900 LF		
012C	8433000000-E	452	*** STEEL SHEET PILES (18")	4,751.2 SF		
0121	8475000000-E	460	TWO BAR METAL RAIL	465.25 LF		
0122	8517000000-E	460	1'-***X ***** CONCRETE PARAPET (1'-2" X 2'-9")	495.75 LF		
012E	8594000000-E	876	PLAIN RIP RAP CLASS B	163 TON		
0124	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	182 SY		
012E	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum	L.S.	
012E	8762000000-E	430	3'-0" X 1'-9" PRESTRESSED CONC CORED SLABS	3,214.25 LF		
0127	8897000000-N	SP	GENERIC STRUCTURE ITEM PDA ASSISTANCE	2 EA		
012E	8897000000-N	SP	GENERIC STRUCTURE ITEM PDA TESTING	2 EA		

0955/Mar10/Q144379.84/D629489700000/E128

Total Amount Of Bid For Entire Project :

C201438 (B-3348)  
COUNTY: Hyde

2/16/99

Contract No: C201438  
County: Hyde

ACCEPTED BY THE  
DEPARTMENT OF TRANSPORTATION

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Contract Officer

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Date

Execution of Contract and Bonds  
Approved as to Form:

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Attorney General

