

**PROJECT SPECIAL PROVISION**

(10-18-95)

Z-1

**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.

<b><u>PERMIT</u></b>	<b><u>AUTHORITY GRANTING THE PERMIT</u></b>
Dredge and Fill and/or Work in Navigable Waters (404)	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
Buffer Certification	Division of Environmental Management, DENR State of North Carolina
Special Use Permit	U.S. Dept. of the Interior, National Park Service

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.**

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**NPS DRAFT PERMIT**

U.S. DEPARTMENT OF THE INTERIOR  
National Park Service  
Special Use Permit

Name Govt and Utilities  
of Use:

Permit Review Date:

Permit Expires:

March 31, 2008

Long Term

Permit No.:

DRAFT CAHA 5700 302

Short Term

Name of Area:

Cape Hatteras National Seashore

Anthony Roper & North Carolina Department of  
Transportation

of Edenton, NC

(252) 482-7977

Name of Permittee

Address

Phone

is hereby authorized during the period of 7:00:00 AM on 01 1, 2008 and expiring at March 31, 2008, to use the following described land or facilities in the above named area:

DRAFT on and adjacent to Hwy 12 situated on Ocracoke Island, Cape Hatteras National Seashore in accordance with the maps and documentation filed with the National Park Service with the Application for this Permit DRAFT

For the purpose(s) of: DRAFT repairing and replacing the seven (7) bridges situated on said Island. DRAFT

Authorizing legislation or other authority (RE-DO-53): 36 CFR: Chapter 1, Part 2.50.

NEPA Compliance:  Categorically Excluded  EA/FONSI  EIS  Other Approved Plans

Performance Bond:  Required  Not Required Amount \$0.00

Liability Insurance:  Required  Not Required Amount \$3,000,000.00

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Department of the Interior, National Park Service, of the sum of \$0.00.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Signature

Date

Authorizing Official

Signature

Mark R. Hardgrove  
Deputy Superintendent

Date

Additional Authorizing Official  
(If Required)

Signature

Title

Date

DRAFT

DRAFT – Subject to  
Further Revision by NPS

04/13/2007

ADDENDUM

Special Use Permit #GOV07-CAHA-5700-302

Cape Hatteras National Seashore

1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.
2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.
3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.
4. ~~Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.~~
5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a) (4)].
7. Permittee will comply with applicable public health and sanitation standards and codes.
8. The permittee and all participants authorized herein must comply with all conditions of this permit including all exhibits, amendments and/or written directions of the Park Superintendent.
9. The permittee and all participants authorized herein must comply with all conditions of this permit including all exhibits, amendments and/or written directions of the Park Superintendent.
10. This permit is applicable only for the use of the area(s) indicated under the terms detailed on Special Use Permit (Form 10-114) and the additional provisions listed below.
11. Special Park Uses Coordinator Steve Thompson is the Service's representative regarding permit preparation and can be reached at (252) 473-2111, ext. 121. Ocracoke Island District Ranger Kenny Ballance at (252) 928-5111 or his designee will serve as the Service's representative during the Project. The permittee must immediately notify Ranger Ballance in the event of any accidents or emergencies.
12. This permit authorizes the rebuilding/replacement of seven bridge structures on a specified section of NC Highway #12 and the establishment of three staging areas and temporary vehicular beach access for four wheel motor vehicles during the time period January 2 through March 15, 2008 all in accordance with the documents and maps filed with the National Park Service in support of the Application for this Permit, also referred to as the "Plans for the Project".
13. This permit does not authorize exclusive use of any public lands. The permittee shall insure to the fullest practicable extent that the rights of the general public visiting Cape Hatteras National Seashore will not be infringed upon by this activity.
14. An on-site survey of archeological and/or cultural resources by a mutually agreed

upon professional archeologist must be conducted prior to commencement of the Project. The authorized activities shall be suspended immediately should any unidentified archeological or other cultural resources be encountered within the permitted area. The Service's Resource Chief Thayer Broili, 473-2111, ext. 137 or Historian/Cultural Resources Manager Doug Stover, 473-2111, ext. 153 must be notified immediately.

15. The permittee will exercise particular care to avoid disturbing or destroying wildlife and vegetation.
16. Permittee vehicles and equipment must not interfere with or impede routine visitor traffic or use of park resources in any manner other than permitted hereunder. Equipment utilized during the Project shall be strategically placed and operated as to avoid damage to ocean side dunes and/or marsh habitat. Equipment will not be permitted to operate from or on the ocean beach. The permittee is responsible for any and all damage resulting from the operation of all equipment and vehicles used during this Project regardless of equipment ownership or operator.
17. All construction activity including vehicle operation, excavation, material storage, etc., will occur within the construction limits shown on the Plans for the Project. Thirty days before the commence of the project, the Permittee will cause the site to be "staked" with 3 foot high markers bearing red ribbon which will be visible to all work crews at the site designating the authorized work areas and staging areas in within which the permittee may work.
18. No staging of materials is permitted on Park property outside the staging areas designated on the Plans for this Project.
19. Within the construction limits shown on the Plans for the Project, appropriate measures will be taken to minimize damage or disturbance of vegetation and soil. The disturbed areas will not be re-seeded unless required by the Superintendent with the exception being the road shoulder. A meeting between the NCDOT and Service representatives must occur on-site to review and approve materials and acceptable plant species prior to planting cover on the road shoulder.
20. During the relocation of any waterline, flushing of chlorine sterilizing solution is permitted on Service land provided dechlorinators are utilized. Groundwater pumped during the permitted activity must be discharged in compliance with all applicable laws. Any discharge allowed beyond the construction limits shown on the Plans for the Project must be accomplished by hand. Specifically, discharge pipes will be laid and removed by hand, motorized equipment may not be used outside of this zone. The specific location of any water discharge pipe shall be negotiated and approved in advance during an on-site between the contractor and Service representative.
21. The permittee must properly dispose of all refuse generated by the permitted activity. Clean up to the satisfaction of the Service is the responsibility of the permittee. The permittee shall be liable for any damages to any government property resulting from these activities.
22. Upon expiration or termination of this permit, the permittee shall restore the site as nearly as possible to its natural state, under the direction of the Superintendent or his designee. Restoration to any damaged areas will include but not be limited to vehicular tracks being raked smooth, holes filled, and native vegetation restored.

Damage to property shall be repaired to a condition that is as good as or better than original.

23. The Superintendent shall be notified in writing no less than fifteen (15) days prior to the start of initial construction on Park lands. An on-site meeting will be conducted immediately prior to start of construction between representatives of the Service and the Permittee's construction/maintenance supervisor and contractor representatives to determine and clarify the scope of the project and any requirements of the Service. The Permittee construction/maintenance supervisor will contact the District Ranger on the morning of the first and last day of work, advising the location and extent of work crews and equipment in the Park.
24. The Permittee and its contractors/subcontractors will coordinate with NPS staff to reduce disruption of normal park activities. At least 48-hours prior to arrival, contractors will notify the District Ranger when heavy construction equipment will be delivered to the site to minimize traffic delays that may occur as trailers carrying equipment turn off Highway 12 or access other areas of the park.
25. No permanent buildings will be constructed at the staging areas and no workers or visitors will be housed or allowed to camp at the site; however, temporary trailers will be permitted if necessary for personnel and equipment and to accommodate night-watchmen for the contractor.
26. During construction, sediment traps and/or silt fencing will be placed along edges of the proposed construction area before any construction activity occurs and then removed upon completion of the project under guidelines provided by the Superintendent or his designee.
27. The Permittee and any of its Contractors or Sub-contractors shall comply with all State of North Carolina, Department of Environmental Quality and National Park Service rules and regulations during construction including, but not limited to, the handling and storage of fuel, oil and other liquids.
28. All construction vehicles will be pressure cleaned with water prior to arriving at and departing from the construction site to minimize the potential for introducing exotic plant species. North Carolina Highway 12 will be kept clean and free from debris.
29. Contractors/subcontractors will be informed about the special sensitivity of park values, regulations, and appropriate grounds maintenance during construction periods.
30. Safety fences and signs will exclude park visitors from construction and access areas, and will explain the reasons for the project. The Permittee will maintain fences and signs in good repair during project activities and promptly remove them following completion of construction.
31. To the extent that work undertaken under this permit is performed by other than the Permittee's employees, it shall require such person or corporation to:
  - Procure public and employee liability insurance from a responsible company or companies with a minimum limitation of One Million Dollars (\$1,000,000) per person for any one claim, and an aggregated limitation of Three Million Dollars (\$3,000,000) for any number of claims arising from any one incident. The policies shall name the United States as an additional insured, shall specify that the insured shall have no right of subrogation against the United States for

payments of any premiums or deductibles due thereunder, and shall specify that the insurance shall be assumed by, be for the account of, and be at the insured's sole risk. Prior to beginning the project authorized herein, COE shall provide the NPS written confirmation of such insurance coverage.

- Pay the United States the full value for all damages to the lands or other property of the United States caused by the said person or organization, its representatives, or employees.
- Indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any omission or activity of the said person or organization, its representatives, or employees.

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32. Mining the removal of natural substances such as sand and gravel is prohibited. Digging, excavation work and fill work during the construction process will only be permitted with the express written consent of the Superintendent.
  33. The permittee shall abide by and insure that all personnel at the site abide by the rules and regulations of the National Park Service now existing or subsequently promulgated and pertaining to the Cape Hatteras National Seashore.
  34. The Permittee agrees to do everything reasonably within its power, both independently and on request of the Superintendent, to prevent and suppress fires resulting from the Permittee's activities on and adjacent to the site.
  35. This permit is issued subject to the permittee obtaining all required permits from local, state, and federal agencies. Copies of permit must be available at the request of the Superintendent.
  36. The State of North Carolina will indemnify, save, and hold harmless and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of or from any omission or activity of the Permittee, or its employees to the extent allowable under North Carolina law.

**This permit may be revoked at any time at the discretion of the Superintendent without compensation to the permittee or liability to the United States.**

**COE  
NO PERMIT REQUIRED**

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID: 2007-1206-148

County: Hyde

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 49 north of the village of Ocracoke adjacent to and crossing an unnamed tributary (Try Yard Creek) to the Pamlico Sound.

Description of Activity: Replace an existing 48 foot long by 20 foot wide bridge with a new bridge 120 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.

Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Bill Biddlecome at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature William J Biddlecome

Date: 04/19/2007

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID: 2007-1213-148

County: Hyde

NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 46 north of the village of Ocracoke adjacent to and crossing Parkers Creek, a tributary to the Pamlico Sound.

Description of Activity: Replace an existing 78 foot long by 20 foot wide bridge with a new bridge 120 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.

Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Bill Biddlecome at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature William J. Biddlecome

Date: 04/19/2007

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID. 2007-1214-148

County: Hyde

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 42 north of the village of Ocracoke adjacent to and crossing Quorks Point Creek, a tributary to the Pamlico Sound.

Description of Activity: Replace an existing 107 foot long by 20 foot wide bridge with a new bridge 120 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.

Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Bill Biddlecome at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature William J. Biddlecome

Date: 04/19/2007

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

Action ID: 2007-1215-148

County: Hyde

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 39 north of the village of Ocracoke adjacent to and crossing Molasses Creek, a tributary to the Pamlico Sound.

Description of Activity: Replace an existing 152 foot long by 20 foot wide bridge with a new bridge 250 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.

Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact **Bill Biddlecome** at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature William J. Biddlecome

Date: 04/19/2007

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

Action ID: 2007-1216-148

County: Hyde

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 31 north of the village of Ocracoke adjacent to and crossing Old Hammock Creek, a tributary to the Pamlico Sound.

Description of Activity: Replace an existing 63 foot long by 20 foot wide bridge with a new bridge 120 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.

Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Bill Biddlecome at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature \_\_\_\_\_

*William J. Biddlecome*

Date: 04/19/2007

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID: 2007-1217-148

County: Hyde

**NO DEPARTMENT OF THE ARMY AUTHORIZATION REQUIRED**

Property Owner / Agent: NCDOT, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone Number: (252) 482-7977

Size and Location of Property (waterbody, road name/number, town, etc.): The project is located on NC Highway 12 at bridge # 10 north of the village of Ocracoke adjacent to and crossing Island Creek, a tributary to the Pamlico Sound.

Description of Activity: Replace an existing 93 foot long by 20 foot wide bridge with a new bridge 150 foot long by 35 feet wide impacting no jurisdictional wetlands or waters of the U.S.

Your work as proposed does not require Department of the Army authorization for the following reason(s):

- There are no jurisdictional waters or wetlands within the boundaries of the property.
- The proposed project does not impact jurisdictional waters or wetlands.
- The proposed project is exempt from Department of the Army regulation.  
Specify: The project doesn't require fill to be placed in jurisdictional waters in association with the bridge replacement, therefore no Department of Army permit is required for the proposed project. Note - The project is located over navigable waters (Section 10 waters) that are subject to the ebb and flow of the tide and authorization may be required from the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act.

This Department of the Army determination does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

For any activity within the twenty coastal counties, before beginning work, you must contact the N.C. Division of Coastal Management in Washington, North Carolina to discuss any required State authorization.

Any changes in the above described work must be coordinated with the Corps of Engineers prior to commencement. If you have any questions regarding the Corps of Engineers regulatory program, please contact Bill Biddlecome at telephone number (252) 975-1616 ext. 26.

Regulatory Project Manager Signature William J. Biddlecome

Date: 04/19/2007

**COE PERMIT REQUIRED  
DWQ 401 CERTIFICATION REQUIRED  
FOR BRIDGE # 24**

May

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RECEIVED

APR 23 2007

DIVISION 1 OFFICE

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

ORM ID: SAW-2007-1218-148

County: Hyde

USGS Quad: Howard Reef

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: North Carolina Department of Transportation, Anthony Roper, Division Engineer

Address: 113 Airport Drive, Suite 100  
Edenton, North Carolina 27932

Telephone No.: (252) 482-7977

Size and location of property (water body, road name/number, town, etc.): The project is located on NC Hwy 12 at bridge # 24 north of the village of Ocracoke adjacent to and crossing a relict channel of Shad Hole Creek.

Description of projects area and activity: Replace an existing structurally deficient bridge with 2 48" X 45' aluminum corrugated pipes with headwalls and rip-rap wing walls impacting 0.029 acres of non-riverine jurisdictional wetlands .

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

Authorization: Regional General Permit Number: 198200031  
Nationwide Permit Number:

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all new and/or modified terms and conditions. The District Engineer may, at any time, exercise his discretionary authority to modify, suspend, or revoke a case specific activity's authorization under any NWP.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management .

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Bill Biddlecome at (252) 975-1616 ex 26.

Corps Regulatory Official William J. Biddlecome

Date: 04/19/2007

Expiration Date of Verification: 08/31/2008

**Determination of Jurisdiction:**

- A.  Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B.  There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C.  There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D.  The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 10/25/2005. ORM ID SAW-\_\_\_\_\_ or ACTION ID 200610035

**Basis of Jurisdictional Determination:** This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and is part of a broad continuum of wetlands connected to Shad Hole Creek, a tributary of the Pamlico Sound.

**Appeals Information:** (This information does not apply to preliminary determinations as indicated by paragraph A. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division, Division Office at the Following address:

Mr. Michael F. Bell, Administrative Appeal Review Officer  
CESAD-ET-CO-R  
U.S. Army Corps of Engineers, South Atlantic Division  
60 Forsyth Street, Room 9M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A.

**\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: William J. Beilke

Date 04/19/2007

Copy Furnished:

ORM ID: SAW-2007-1218-148

County: Hyde

Permittee: North Carolina Department of Transportation, Anthony Roper., Division Engineer

Date Permit Issued: 04/19/2007

Project Manager: 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:

US ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT  
WASHINGTON REGULATORY FIELD OFFICE  
POST OFFICE BOX 1000  
WASHINGTON, NORTH CAROLINA 27889

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

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

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

\_\_\_\_\_  
Date

DEPARTMENT OF THE ARMY  
Wilmington District, Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

**Regional General Permit No. 198200031**  
**Name of Permittee: General Public**  
**Effective Date: September 1, 2003**  
**Expiration Date: August 31, 2008**

**DEPARTMENT OF THE ARMY  
REGIONAL GENERAL PERMIT**

A regional general permit (RGP) to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and re-issued by authority of the Secretary of the Army by the

District Engineer  
U.S. Army Engineer District, Wilmington  
Corps of Engineers  
Post Office Box 1890  
Wilmington, North Carolina 28402-1890

**TO AUTHORIZE THE DISCHARGE OF DREDGED OR FILL MATERIAL IN WATERS OF THE UNITED STATES, INCLUDING WETLANDS, ASSOCIATED WITH THE CONSTRUCTION, MAINTENANCE AND REPAIR OF BRIDGES, INCLUDING COFFERDAMS, ABUTMENTS, FOUNDATION SEALS, PIERS, APPROACH FILLS, DETOUR FILLS, BOX CULVERT INSTALLATION AND TEMPORARY CONSTRUCTION AND ACCESS FILLS, IN WATERS OF THE UNITED STATES AS PART OF WORK CONDUCTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) OR OTHER STATE, FEDERAL OR LOCAL GOVERNMENTAL ENTITY, IN THE STATE OF NORTH CAROLINA.**

1. Special Conditions.

a. Written confirmation that the proposed work complies with this RGP must be received from the Wilmington District Engineer prior to the commencement of any work. To enable this determination to be made, the permittee must furnish the Wilmington District Engineer a pre-construction notification with the following information:

- (1) A map indicating the location of the work.
- (2) Plans of the proposed work showing all pertinent structures, elevations, dimensions and quantities of materials and locations of all structures and/or fill in wetlands or waterward of the normal/high water elevation contours.
- (3) A brief discussion of the affected aquatic resources, including streams and wetlands. The discussion shall include the identification and types of vegetation present.
- (4) Approximate commencement and completion dates.
- (5) A description of methods to be employed to avoid and/or minimize permanent and temporary impacts to aquatic resources caused by the proposed work.
- (6) Plans, including timetables and techniques, for construction, stabilization and removal of all unavoidable temporary fills.
- (7) Names and addresses of adjoining property owners.

b. In the case of fills of one acre or less, including permanent approach fills, detour fills and fills associated with culvert installation, the Corps of Engineers' Project Manager will determine, after appropriate onsite visits and review of plans, if the impacts on aquatic resources, including streams and wetlands, are likely to be such as to require review by Federal and State agencies. If it is determined that impacts are minimal or can be made minimal by changes agreed to by the applicant, a letter of authorization to proceed will be provided. If it is determined that review by Federal and State agencies is necessary to fully evaluate impacts, copies of all plans and materials will be forwarded to the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the U.S. Environmental Protection Agency (EPA) and the North Carolina Department of Environment and Natural Resources (NCDENR). These agencies will furnish comments to the Wilmington District Engineer within thirty (30) days.

c. In cases of fills greater than one acre, copies of all plans and materials will be forwarded to the USFWS, the NMFS, the EPA and the NCDENR. These agencies will furnish comments to the Wilmington District Engineer in thirty (30) days. In cases of land disturbing activities comprising more than one acre, a Sedimentation/Erosion Control Plan will be filed with the North Carolina Division of Land Resources, Land Quality Section, thirty (30) days prior to commencing work.

d. Where work is proposed within the twenty (20) coastal counties, as defined by the North Carolina Division of Coastal Management, the applicant shall forward a copy of the pre-construction notification to:

National Marine Fisheries Service  
 101 Pivers Island Road  
 Beaufort, North Carolina 28516

The counties in which this condition applies are:

Beaufort	Hertford	Bertie	Hyde	Brunswick
New Hanover	Camden	Onslow	Carteret	Pamlico
Chowan	Pasquotank	Craven	Pender	Currituck
Perquimans	Dare	Tyrrell	Gates	Washington

e. In the event that any Federal agency maintains an objection or any required State authorization is outstanding, no notice to proceed will be given until objections are resolved and State authorizations are issued.

f. No work will proceed until after the applicant has received written notice to proceed from the Wilmington District Engineer. This notice may include additional conditions and/or restrictions. Copies of the notice to proceed will be furnished to the USFWS, the NMFS, the EPA and the NCDENR with a brief description of the work, including the area of wetlands affected and the quantity of fill material.

g. Upon completion of any work authorized by this RGP, all temporary fills will be completely removed and the area reestablished as a wetland by restoring natural hydrology and native vegetation. Stream contours and riparian vegetation will be reestablished upon the removal of temporary culverts. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition i. below.

h. Appropriate soil and erosion control measures must be established and maintained during construction. All fills, temporary and permanent, must be adequately stabilized at the earliest practicable date to prevent erosion of fill material into adjacent waters or wetlands.

i. In cases where new alignment approaches are to be constructed and the existing wetland approach fill is to be abandoned and no longer to be maintained as a roadway, the abandoned fill shall be removed and the area reestablished as a wetland. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition i. below.

j. Discharges of dredged or fill material into waters of the United States, including wetlands, must be minimized or avoided to the maximum extent practicable. In reviewing an activity, the Wilmington District Engineer will first determine whether the activity will result in more than minimal adverse environmental affects. For activities that are determined to have more than minimal impacts, compensatory mitigation will be required. To expedite the process, the applicant will provide a mitigation plan with the request for authorization. Site specific mitigation proposals will include, but are not necessarily limited to, a description of work, a

schedule of work and a monitoring plan, and they will be in accordance with currently approved Wilmington District and/or Corps-wide mitigation guidelines. The applicant may propose other forms of mitigation, such as mitigation bank credits or in-lieu fee mitigation with the notification, which in some situations and at the discretion of the Wilmington District, may be considered acceptable mitigation.

k. Activities in any North Carolina designated "Mountain Trout Waters" must comply with all pH, temperature and turbidity criteria established for such waters by the North Carolina Wildlife Resources Commission (NCWRC) and/or the North Carolina Division of Water Quality (NCDWQ). Work that may result in the sedimentation of trout waters will generally be prohibited from October 15 to April 15, of any year, to avoid impacts on trout spawning.

l. Before discharging dredged or fill material into waters of the United States, including wetlands, in the twenty-five (25) mountain counties of North Carolina that contain trout waters, the applicant will obtain and provide a letter of comments and recommendations from the North NCWRC on the proposed activities. A discussion of alternatives to working in the mountain trout waters and why alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the mountain trout waters shall also be submitted with the letter from NCWRC. 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 applicant should contact:

**North Carolina Wildlife Resources Commission  
Habitat Conservation Program Manager  
1721 Mail Service Center  
Raleigh, North Carolina 27699-1721  
Telephone (919) 733-7638**

The counties in which this condition applies are:

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

m. This permit does not authorize the use of culverts in areas designated as anadromous fish spawning areas by the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC).

n. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the 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. Discharges into waters of the United States designated by NCDMF as primary nursery areas and discharges into waters of the United States designated by NCWRC as inland nursery areas shall be coordinated with NCDMF and NCWRC prior to being authorized by this RGP. Coordination with NCDMF and NCWRC may result in a required construction moratorium during periods of significant biological productivity or critical life stages.

The Applicant should contact:

**NC Division of Marine Fisheries**  
3441 Arendell Street  
Morehead City, NC 28557  
Telephone 252-726-7021  
or 800-682-2632

**North Carolina Wildlife Resources Commission**  
Habitat Conservation Program Manager  
1721 Mail Service Center  
Raleigh, NC 27699-1721  
Telephone (919) 733-7638

o. No activity may result in substantial permanent disruption of the movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.

p. This permit generally allows the permanent installation of culverts to 100 feet in length. For culverts longer than 100 feet, the proposed application will be closely evaluated to determine if unacceptable impacts on movement of aquatic organisms would result. In such cases, approval may not be provided.

q. If the project is located within the twenty (20) counties of North Carolina designated as coastal counties by the Coastal Area Management Act (CAMA), then all pipe and culvert inverts will be buried at least one foot below normal bed elevation when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by CAMA, and/or all streams appearing as blue lines on United States Geological Survey (USGS) quad sheets. If the project is not located within the twenty (20) counties of North Carolina designated as coastal counties by CAMA, then 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 condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this condition would result in more adverse impacts to the aquatic environment.

r. All activities authorized by this RGP shall, to the extent practicable, be conducted "in the dry", with barriers installed between work areas and aquatic habitat to protect that habitat from cement or other pollutants. Where concrete is utilized, 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. Water in the work area will be pumped to holding and settling ponds as practicable, and water will not be allowed to re-enter the water column until decanted.

s. If the project authorized by this RGP is proposed by a Federal or State agency, and is located within the twenty (20) counties of North Carolina designated as coastal counties by the CAMA, then prior to project initiation the proponent must obtain a determination of consistency with the state's coastal management program from the N.C. Division of Coastal Management (DCM). A copy of the state's consistency determination must be provided to the appropriate Wilmington District Regulatory Office at the following address:

Wilmington Regulatory Field Office  
P.O. Box 1890  
Wilmington, NC 28402

Washington Regulatory Field Office  
P.O. Box 1000  
Washington, NC 27889

The state's consistency determination will be conveyed in the form of a CAMA permit if the project is located within a designated CAMA Area of Environmental Concern (AEC), and will be conveyed in the form of a Consistency Determination letter from DCM if the project is not located within a designated CAMA AEC.

t. No work shall be authorized by the RGP within the twenty coastal counties, as defined by the North Carolina Division of Coastal Management, without prior consultation with NOAA Fisheries. For each activity reviewed by the Corps of Engineers where it is determined that the activity may affect Essential Fish Habitat (EFH) for Federally managed species, an EFH Assessment shall be prepared by the applicant and forwarded to the Corps of Engineers and NOAA Fisheries for review and comment prior to authorization of work.

u. All work will comply with Water Quality Certification No. 3404, issued by the NCDWQ on 28 March 2003.

v. 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 and the structure or discharge of dredged or fill material must withstand expected high flows

## 2. General Conditions.

a. All activities authorized by this RGP that involve the discharge of dredged or fill material in waters of the United States will be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pre-treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344) and applicable State and local law. If the proposed activity involves the discharge of dredged or fill material in waters of the United States, prior to the commencement of any work, the applicant will satisfy the NCDWQ regarding the need for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

- b. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of activities authorized by this RGP.
- c. A permittee, upon receipt of written notice from the Wilmington District Engineer of failure to comply with the terms or conditions of this RGP, will, within 60 days, without expense to the U.S. Government, and in such manner as the Wilmington District Engineer may direct, affect compliance with the terms and conditions or return the worksite to a pre-work condition.
- d. The permittee must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.
- e. The permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the water body is 50 NTU's or less in all rivers not designated as trout waters by the North Carolina Division of Environmental Management (NCDEM), 25 NTU's or less in all saltwater classes and in all lakes and reservoirs, and 10 NTU's or less in trout waters, are not considered significant.
- f. The permittee will permit the Wilmington District Engineer or his representative to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.
- g. This RGP **does not** convey any rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein. These may include, but are not necessarily limited to, a Dredge and/or Fill Permit (N.C.G.S. 113-229), a CAMA Permit (N.C.G.S. 113A-118), an Easement to Fill (N.C.G.S. 146-12) and a Water Quality Certification pursuant to Section 401 of the Clean Water Act.
- h. Authorization provided by this RGP may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this RGP shall be five years. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the U.S. Government.
- i. This RGP does not authorize the interference with any existing or proposed Federal project and the permittee will not be entitled to compensation for damages or injury to the structures or work authorized herein which may be caused by or results from existing or future operations undertaken by the United States in the public interest.

j. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

k. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines, after any necessary investigations, that the proposed activity would adversely affect areas that possess historic, cultural, scenic, conservation or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by State and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 as amended, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or critical habitat of such species as determined by the Secretaries of Interior or Commerce and concerned in accordance with the Endangered Species Act (16 U.S.C. 1531).

(5) NOAA designated marine sanctuaries, National Estuarine Research Reserves, and coral reefs.

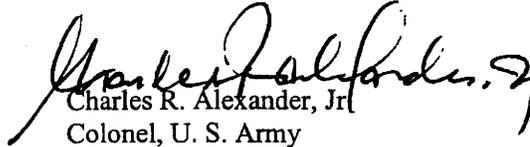
l. Permittees are advised that activities in or near a floodway may be subject to the National Flood Insurance Program, which prohibits any activities, including fill within a floodway that results in any increase in base flood elevations.

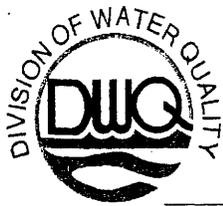
m. At his discretion, the Wilmington District Engineer may determine that this RGP will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

n. The permittee or the permittee's successors will maintain the authorized work in good condition and in conformance with the terms and conditions of the RGP.

o. The discharge of dredged or fill material shall consist of suitable material free from toxic pollutants in toxic amounts.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
Charles R. Alexander, Jr.  
Colonel, U. S. Army  
District Engineer



**RECEIVED**  
 APR 23 2007  
 DIVISION 1  
 OFFICE

80

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

April 19, 2007  
 Hyde County  
 DWQ Project No. 20070595

**APPROVAL of 401 WATER QUALITY CERTIFICATION and TAR-PAMLICO BUFFER AUTHORIZATION with ADDITIONAL CONDITIONS**

Mr. Anthony Roper, P.E.  
 NCDOT, Division 1  
 113 Airport Drive Suite 100  
 Edenton, NC 27932

Dear Mr. Roper:

You have our approval, in accordance with the attached conditions and those listed below, for the following impacts:

Site Number	Wetland fill (acres)
Bridge 24	0.029

The project shall be constructed in accordance with your application dated March 22, 2007 for the purpose of replacing Bridge # 24 with a culvert on a relic channel on NC 12 on Ocracoke Island in Hyde County. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3627. This certification corresponds to the General Permit 31, issued by the Corps of Engineers. This approval is also valid for the Tar-Pamlico 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 issued by the US Army Corps of Engineers (this supercedes Condition 19 of General Certification 3627 issued on March 19, 2007).

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 total impacts to streams or buffers (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.) Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.
- 2.) The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification
- 3.) If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.

- 4.) Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored upon completion of the project.
- 5.) Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 6.) 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.
- 7.) Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
- 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.) The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
- 10.) Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- 11.) All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
- 12.) Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
- 13.) There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
- 14.) Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.

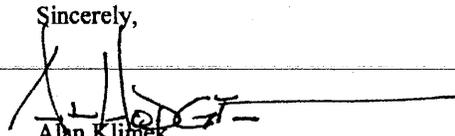
15.) A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

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 Garcy Ward at (252) 948-3922.

Sincerely,

for



Alan Klimmek

Director, Division of Water Quality

Attachment

- cc: Wilmington District Corps of Engineers
- Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office
- Mr. Clay Willis, Division 1 Environmental Officer, NCDOT
- Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699
- Sonia Gregory, NC DWQ, 401/Wetlands Unit
- Central Files
- File copy

WQC #3627

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS  
NATIONWIDE PERMIT NUMBER 14 (ROAD CROSSINGS) AND REGIONAL GENERAL  
PERMIT 198200031 (WORK ASSOCIATED WITH BRIDGE CONSTRUCTION, MAINTENANCE  
OR REPAIR CONDUCTED BY NCDOT OR OTHER GOVERNMENT AGENCIES)  
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 (DWQ) Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and adjacent wetland areas or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated wetlands) as described in 33 CFR 330 Appendix A (B) (14) of the Corps of Engineers regulations (Nationwide Permit No. 14 and Regional General Permit 198200031) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. The category of activities shall include any fill activity for road crossings and is limited to fill less than one-third acre in tidal waters and less than one-half acre in non-tidal waters. This Certification replaces Water Quality Certification Number 2177 issued on November 5, 1987, Water Quality Certification Number 2666 issued on January 21, 1992, Water Quality Certification Number 2732 issued on May 1, 1992, Water Quality Certification Number 3103 issued on February 11, 1997, Water Quality Certification Number 3289 issued on June 1, 2000 and Water Quality Certification Number 3375 issued March 18, 2002 and WQC 3404 issued March 28, 2003. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 14 or Regional General Permit 198200031 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 the conditions hereinafter set forth.

Conditions of Certification:

1. Enumerating and Reporting of Impacts:

- Streams - Impacts to streams as determined by the Division of Water Quality shall be measured as length of the centerline of the normal flow channel. Permanent and/or temporary stream impacts shall be enumerated on the entire project for all impacts regardless of which 404 Nationwide Permits are used. Stream relocations and stream bed and/or bank hardening are considered to be permanent stream impacts. Any activity that results in a loss of use of stream functions including but not limited to filling, relocating, flooding, dredging and complete shading shall be considered stream impacts. Enumeration of impacts to streams shall include streams enclosed by bottomless culverts, bottomless arches or other spanning structures when a 404 Permit is used anywhere in a project unless the entire structure (including construction impacts) spans the entire bed and both banks of the stream, is only used for a road, driveway or path crossing, and is not mitered to follow the stream pattern. Impacts for dam footprints and flooding will count toward the threshold for stream impacts, but flooding upstream of the dam will not (as long as no filling, excavation, relocation or other modification of the existing stream dimension, pattern or profile occurs) count towards mitigation requirements.
- Wetlands - Impacts to wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary wetland impacts shall be enumerated on the entire project for all impacts regardless of which 404 Nationwide Permits are used. Any activity that results in a loss of use of wetland functions including but not limited to filling, draining, and flooding shall be considered wetland impacts. Enumeration of impacts to wetlands shall include activities that change the hydrology of a wetland when a 404 Permit is used anywhere in a project.

## WQC #3627

- Lakes and Ponds – Lake and Pond Impacts Enumeration- Impacts to waters other than streams and wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary water impacts shall be enumerated on the entire project for all impacts proposed regardless of which 404 Nationwide Permits are used. Any activity that results in a loss of use of aquatic functions including but not limited to filling and dredging shall be considered waters impacts;
- \* 2. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires application to and prior written concurrence from the Division of Water Quality;
- 3. Application to and payment of a fee to DWQ is not required for construction of a driveway to a single family lot as long as the driveway impacts less than 25 feet of stream channel including any in-stream stabilization needed for the crossing;
- \* 4. Impacts to any stream length in the Neuse, Tar-Pamlico or Randleman 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 for this Certification 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 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;
- 5. Irrespective of other application thresholds in this General Certification, all impacts to perennial waters and their associated buffers require written approval from DWQ since such impacts are allowable as provided in 15A NCAC 2B. 0212 (WS-I), 2B .0213 (WS-II), 2B .0214 (WS-III) and 2B .0215 (WS-IV). Only water dependent activities, public projects and structures with diminimus increases in impervious surfaces will be allowed as outlined in those rules. All other activities require a variance from the delegated local government and/or the NC Environmental Management Commission before the 401 Water Quality Certification can be processed. In addition, a 30 foot wide vegetative buffer for low density development or a 100 foot wide vegetative buffer for high density development must be maintained adjacent to all perennial waters except for allowances as provided under the Water Supply Watershed Protection Rules. For the purposes of this condition, perennial waters are defined as those shown as perennial waters on the most recent USGS 1:24,000 topographic map or as otherwise determined by local government studies;
- 6. Additional site-specific stormwater management requirements may be added to this Certification at DWQ's discretion on a case by case basis for projects that have or are anticipated to have impervious cover of greater than 30 percent. Site-specific stormwater management shall be designed to remove 85% TSS according to the latest version of DWQ's Stormwater Best Management Practices manual at a minimum.

Additionally, in watersheds within one mile and draining to 303(d) listed waters, as well as watersheds that are classified as nutrient sensitive waters (NSW), water supply waters (WS), trout waters (Tr), high quality waters (HQW), and outstanding resource waters (ORW), the Division shall require that extended detention wetlands, bio-retention areas, and ponds followed by forested filter strips (designed according to latest version of the NC DENR Stormwater Best Management Practices Manual) be constructed as part of the stormwater management plan when a site-specific stormwater management plan is required.

## WQC #3627

Alternative designs may be requested by the applicant and will be reviewed on a case-by-case basis by the Division of Water Quality.

Approval of stormwater management plans by the Division of Water Quality's other existing state stormwater programs including appropriate local programs are sufficient to satisfy this Condition as long as the stormwater management plans meet or exceed the design requirements specified in this condition. This condition applies unless more stringent requirements are in effect from other state water quality programs.

- Unless specified otherwise in the approval letter, the final, written stormwater management plan shall be approved in writing by the Division of Water Quality's Wetlands Unit before the impacts specified in this Certification occur.
  - The facilities must be designed to treat the runoff from the entire project, unless otherwise explicitly approved by the Division of Water Quality.
  - Also, before any permanent building or other structure is occupied at the subject site, the facilities (as approved by the Wetlands Unit) shall be constructed and operational, and the stormwater management plan (as approved by the Wetlands Unit) shall be implemented.
  - The structural stormwater practices as approved by the Wetlands Unit as well as drainage patterns must be maintained in perpetuity.
  - No changes to the structural stormwater practices shall be made without written authorization from the Division of Water Quality.
7. 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;
- \* 8. In accordance with North Carolina General Statute Section 143-215.3D(e), any application 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 through the Division of Coastal Management and will be the higher of the two fees;
9. 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. For linear public transportation projects, impacts equal to or exceeding 150 feet per stream may require mitigation. 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, unless otherwise specified in the approval letter. 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. Projects may also be implemented once payment is made to a private mitigation bank or other in-lieu fee program, as specified in the written concurrence of 401 Certification for a project. Please note that if a stream relocation is conducted as a stream restoration as defined in *The Internal Technical Guide for Stream Work in North Carolina*, April 2001, the restored length can be used as compensatory mitigation for the impacts resulting from the relocation;

- \* 10. For any project involving re-alignment of streams, a stream relocation plan must be included with the 401 application for written DWQ approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel, to the maximum extent practical. The new channel should be constructed in the dry and water shall not be turned into the new channel until the banks are stabilized. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. If suitable stream mitigation is not practical on-site, then stream impact will need to be mitigated elsewhere;
- 11. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts including open bottom or bottomless arch culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in aggradation, degradation or significant changes in hydrology of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested to do so in writing by DWQ. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in aggradation, degradation or significant changes in hydrology of streams or wetlands;
- 12. 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;
- 13. All sediment and erosion control measures placed in wetlands and waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;
- 14. That additional site-specific conditions may be added to projects proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
- 15. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
- \* 16. 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;
- 17. If this Certification is used to access building sites, all lots owned by the applicant must be buildable without additional fill beyond that explicitly allowed under other General

WQC #3627

Certifications. For road construction purposes, this Certification shall only be utilized from natural high ground to natural high ground;

- \* 18. 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;
- 19. 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 Permit 14 or Regional General Permit 198200031, whichever is sooner.

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

The Director of the North Carolina Division of Water Quality may require submission of a formal application for Individual Certification for any project in this category of activity 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: 19 March 2007

DIVISION OF WATER QUALITY

By



Alan W. Klimek, P.E.

Director



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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

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 \_\_\_\_\_

**DWQ BUFFER CERTIFICATION**  
**(applies to all bridges)**



April 18, 2007  
DWQ No. 20070584  
Hyde County

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 49 over Try Yard Creek on NC 12, Ocracoke  
State Project No. 41481; Try Yard Creek [29-83; SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 120 square feet of temporary impacts to protected riparian buffers in Zone 1, 180 square feet of temporary impacts to protected riparian buffers in Zone 2, and 14 square feet of stream impact due to pile structures for the purpose of replacing Bridge Number 49 over Try Yard Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- \*1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
15. 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,



for Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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 \_\_\_\_\_



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

April 18, 2007  
DWQ No. 20070596  
Hyde County

RECEIVED

APR 25 2007

DWQ-WARD

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 46 over Parkers Creek on NC 12, Ocracoke  
State Project No. 41479; Parkers Creek [SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 120 square feet of temporary impacts to protected riparian buffers in Zone 1, 55 square feet of temporary impacts to protected riparian buffers in Zone 2, and 7 square feet of stream impact due to pile structures for the purpose of replacing Bridge Number 46 over Parkers Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- \*1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
15. 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,



for

Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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

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 \_\_\_\_\_



April 18, 2007  
DWQ No. 20070592  
Hyde County

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 42 over Quorks Point Creek on NC 12, Ocracoke  
State Project No. 39396; Quorks Point Creek [SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL  
CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 140 square feet of temporary impacts to protected riparian buffers in Zone 1, and 17 square feet of temporary impacts to protected riparian buffers in Zone 2, for the purpose of replacing Bridge Number 42 over Quorks Point Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- \*1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
15. 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,

  
for Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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

101

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 \_\_\_\_\_



April 18, 2007  
DWQ No. 20070606  
Hyde County

**RECEIVED**

APR 23 2007

U.S. ARMY CORPS ENG  
Washington Regulatory Fld Ofc

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 39 over Molasses Creek on NC 12, Ocracoke  
State Project No. 39395; Molasses Creek [SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 28 square feet of stream impact due to pile structures for the purpose of replacing Bridge Number 39 over Molasses Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- ✕ 1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
15. 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

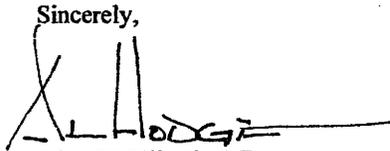
17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,

for



Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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 \_\_\_\_\_



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

April 18, 2007  
DWQ No. 20070597  
Hyde County

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 31 over Old Hammock Creek on NC 12, Ocracoke  
State Project No. 39394; Old Hammock Creek [29-85, SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 279 square feet of temporary impacts to protected riparian buffers in Zone 1, and 21 square feet of stream impact due to pile structures for the purpose of replacing Bridge Number 31 over Old Hammock Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- X 1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

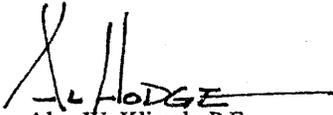
6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
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16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,

  
for Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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 \_\_\_\_\_



110

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

April 18, 2007  
DWQ No. 20070607  
Hyde County

RECEIVED

APR 23 2007

DIV. OF COASTAL MANAGEMENT  
RALEIGH

Mr. Anthony Roper, P.E.  
NCDOT, Division 1  
113 Airport Drive Suite 100  
Edenton, NC 27932

Re: Hyde County, Replacement of Bridge No. 10 over Island Creek on NC 12, Ocracoke  
State Project No. 39393; Island Creek [29-86, SA, HQW]

**APPROVAL of TAR-PAMLICO RIVER BUFFER RULES AUTHORIZATION CERTIFICATE with ADDITIONAL CONDITIONS**

Dear Mr. Roper,

You have our approval, in accordance with the attached conditions, for 231 square feet of temporary impacts to protected riparian buffers in Zone 1, and 28 square feet of stream impact due to pile structures for the purpose of replacing Bridge Number 10 over Island Creek on NC 12 in Hyde County. The project shall be constructed according to your application dated March 22, 2007, and any conditions listed below. This approval shall act as your Authorization Certificate as required within the Tar-Pamlico River Riparian Buffer Rules (15A NCAC 2B .0259). In addition, you should get any other required federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations.

This approval is only valid for the purpose and design that you described in your application dated March 22, 2007. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this authorization and approval letter and is thereby responsible for complying with all conditions. For this approval to be valid, you must follow the conditions listed below.

- \*1. Upon completion of the project, the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the Authorization has been completed.
2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
4. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
5. 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.

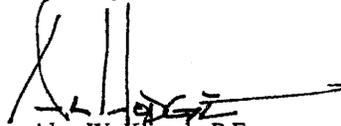
6. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
  - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
  - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
  - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
7. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following construction.
10. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular DOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated, with native woody species before the next growing season following completion of construction.
11. Pursuant to NCAC15A 2B .0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
12. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
13. 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.
14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
15. 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.
16. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the Buffer Authorization.

17. Bridge deck drains should not discharge directly into the stream. Stormwater should be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
18. A copy of this Authorization shall be maintained on site at the construction site at all times. In addition, the Authorization and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

If you do not accept any of the conditions of this authorization, 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, which 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 authorization 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 the "No Practical Alternatives" determination required in 15A NCAC 2B .0259(8). If you have any questions, please contact Garcy Ward at 252-948-3922.

Sincerely,



for

Alan W. Klimek, P.E.  
Director

cc: Mr. Bill Biddlecome, US Army Corps of Engineers, Washington Field Office  
Mr. Clay Willis, Division 1 Environmental Officer, NCDOT  
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699  
Sonia Gregory, NC DWQ, 401/Wetlands Unit  
Central Files  
File copy



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



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

**115**

N<sup>o</sup> 48620

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
 Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H.2300

Applicant Name Mc DOT C/O Clay Willis  
 Address 113 Airport Drive Suite 100  
 City Edenton State NC ZIP 27932  
 Phone # 252-482-7977 Fax # ( )  
 Authorized Agent Clay Willis

Project Location: County Hyde Co  
 Street Address/ State Road/ Lot #(s) off Hwy 12  
Bridge # 49 Try Hard Creek  
 Subdivision N/A  
 City Occokee ZIP 27960  
 Phone # ( ) River Basin Terrace  
 Adj. Wtr. Body Try Hard Creek (maj) (man) (unkn)  
 Closest Maj. Wtr. Body Permalco Seawall

Affected  CW  EW  PTA  ES  PTS  
 AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS  FC

ORW: yes /  no PNA yes /  no Crit.Hab. yes / no

Type of Project/ Activity Propose to replace existing bridge with  
35' wide x 120' long bridge. (Scale: ASME)

Pier (dock) length \_\_\_\_\_  
 Platform(s) \_\_\_\_\_  
 Finger pier(s) \_\_\_\_\_  
 Groin length \_\_\_\_\_  
 number \_\_\_\_\_  
 Bulkhead/ Riprap length \_\_\_\_\_  
 avg distance offshore \_\_\_\_\_  
 max distance offshore \_\_\_\_\_  
 Basin, channel \_\_\_\_\_  
 cubic yards \_\_\_\_\_  
 Boat ramp \_\_\_\_\_  
 Boathouse/ Boatlift \_\_\_\_\_  
 Beach Bulldozing \_\_\_\_\_  
 Other Replace Bridge  
35' x 120'  
 Shoreline Length \_\_\_\_\_  
 SAV: not sure yes  no   
 Sandbags: not sure yes  no   
 Moratorium: n/a  yes  no   
 Photos: yes  no   
 Waiver Attached: yes  no

A building permit may be required by: Hyde Co  See note on back regarding River Basin rules.

Notes/ Special Conditions See attached permit conditions 7H.2300  
more sheet titled "Additional conditions"

*See attached drawings dated 3/13/07*

Agent or Applicant Printed Name Clay Willis  
 Signature [Signature]  
 \*\* Please read compliance statement on back of permit \*\*  
4400 WBS# 41481

Permit Officer's Signature [Signature]  
 Issuing Date 30 April 2007 Expiration Date 30 April 2008  
Hyde Co/Permit

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

- (a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.
- (b) The applicant shall provide:
- (1) information on site location, detailed project description, and his/her name, address and telephone number;
  - (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
  - (3) confirmation that:
    - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
    - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
      - (i) the comments are relevant to the potential impacts of the proposed project; and
      - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.
- (c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.
- (d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**I 119**

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.

**15A NCAC 07H .2304 GENERAL CONDITIONS**

- (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.
- (b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.
- (c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This general permit is applicable to bridge replacement projects spanning no more than 250 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing clearance, whichever is greater.
- (e) All demolition debris shall be disposed of in highground locations.
- (f) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (g) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures shall be coordinated through the North Carolina Division of Land Resources.
- (h) Limits of excavation and fill: Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:
- (1) Replacing bridges with culverts shall not be allowed in primary nursery areas.
  - (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the wetland component shall not exceed 500 square feet.
  - (3) ~~Culverts shall not be used to replace bridges with open water spans greater than 50 feet.~~
  - (4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.
  - (5) No excavated or fill material shall be placed at any time in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).
  - (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands behind adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
  - (7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to install culvert(s).
  - (8) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.
  - (9) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.
  - (10) Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*



C/M/A /  DREDGE & FILL  
**GENERAL PERMIT**

122

No 4862

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
 Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H.2300

Applicant Name NC DOT c/o Clay Willis  
 Address 113 Airport Drive Suite 100  
 City Edenton State NC ZIP 27932  
 Phone # (252) 482-7977 Fax # ( )  
 Authorized Agent Clay Willis

Project Location: County Hyde Co  
 Street Address/ State Road/ Lot #(s) HWY 12  
Bridge #46 Parkers Creek  
 Subdivision N/A  
 City Oceanoke ZIP 27960  
 Phone # ( ) River Basin Tar/Pam  
 Adj. Wtr. Body Parkers Creek (nat) man /unl  
 Closest Maj. Wtr. Body Parkers Sound

Affected  CW  EW  PTA  ES  PTS  
 AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS:  FC:

ORW: yes /  PNA yes /  Crit.Hab. yes / no

Type of Project/ Activity propose to replace existing bridge 35' wide  
x 120' long (Scale: None)

Pier (dock) length \_\_\_\_\_  
 Platform(s) \_\_\_\_\_  
 Finger pier(s) \_\_\_\_\_  
 Groin length \_\_\_\_\_  
 number \_\_\_\_\_  
 Bulkhead/ Riprap length \_\_\_\_\_  
 avg distance offshore \_\_\_\_\_  
 max distance offshore \_\_\_\_\_  
 Basin, channel \_\_\_\_\_  
 cubic yards \_\_\_\_\_  
 Boat ramp \_\_\_\_\_  
 Boathouse/ Boatlift \_\_\_\_\_  
 Beach Bulldozing \_\_\_\_\_  
 Other Replace Bridge  
35' wide x 120' long

Shoreline Length \_\_\_\_\_  
 SAV: not sure yes no  
 Sandbags: not sure yes no  
 Moratorium: n/a yes no  
 Photos: yes no  
 Waiver Attached: yes no

A building permit may be required by: Hyde Co  See note on back regarding River Basin rules.

Notes/ Special Conditions See attached permit conditions 7H.2300  
and sheet titled "Additional Conditions"

*See attached drawings dated 3/13/07*

Agent or Applicant Printed Name Clay Willis

Permit Officer's Signature [Signature]

Signature [Signature] \*\* Please read compliance statement on back of permit \*\*  
400<sup>00</sup> WBS# 41479

Issuing Date 30 April 2007 Expiration Date 30 April 2008  
Hyde Co/Oceanoke

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

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*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
- (3) confirmation that:
  - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
  - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
    - (i) the comments are relevant to the potential impacts of the proposed project; and
    - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.

**15A NCAC 07H .2304 GENERAL CONDITIONS**

- (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.
- (b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.
- (c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This general permit is applicable to bridge replacement projects spanning no more than 250 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing clearance, whichever is greater.
- (e) All demolition debris shall be disposed of in highground locations.
- (f) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (g) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures shall be coordinated through the North Carolina Division of Land Resources.
- (h) Limits of excavation and fill: Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:
- (1) Replacing bridges with culverts shall not be allowed in primary nursery areas.
  - (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the wetland component shall not exceed 500 square feet.
  - (3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.
  - (4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.
  - (5) No excavated or fill material shall be placed at any time in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).
  - (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands behind adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
  - (7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to install culvert(s).
  - (8) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.
  - (9) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.
  - (10) Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

**129**

No 47788

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H. 2300

Applicant Name NC DOT LEO Clay Willis  
Address 113 Airport Drive Suite 100  
City Edenton State NC ZIP 27932  
Phone # (252) 482-7977 Fax # ( )  
Authorized Agent Clay Willis

Project Location: County Hyde Co  
Street Address/ State Road/ Lot #(s) High R Bridge #42 over Quorks Point Creek  
Subdivision N/A  
City Demerake ZIP 27960  
Phone # ( ) River Basin Fo/Pam  
Adj. Wtr. Body Quorks Point Creek (nat/man/unkn)  
Closest Maj. Wtr. Body Pemblico Sound

Affected  CW  EW  PTA  RES  PTS  
AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS:  IFC:

ORW: yes /  no PNA yes /  no Crit.Hab. yes / no

Type of Project/ Activity Propose to replace existing bridge with a 35' wide x 120' long bridge (Scale: None)

Pier (dock) length \_\_\_\_\_  
Platform(s) \_\_\_\_\_  
Finger pier(s) \_\_\_\_\_  
Grain length number \_\_\_\_\_  
Bulkhead/ Riprap length \_\_\_\_\_  
avg distance offshore \_\_\_\_\_  
max distance offshore \_\_\_\_\_  
Basin, channel \_\_\_\_\_  
cubic yards \_\_\_\_\_  
Boat ramp \_\_\_\_\_  
Boathouse/ Boatlift \_\_\_\_\_

*See attached plat dated 3/13/07*

Beach Bulldozing \_\_\_\_\_  
Other Bridge Replacement 35' x 120' long

Shoreline Length \_\_\_\_\_  
SAV: not sure: yes  no   
Sandbags: not sure: yes  no   
Moratorium: n/a  yes  no   
Photos: yes  no   
Waiver Attached: yes  no

A building permit may be required by: Hyde Co  See note on back regarding River Basin rules.

Notes/ Special Conditions See attached permit conditions 7H. 2300 and sheet titled "Additional Conditions"

Agent or Applicant Printed Name Clay Willis

Permit Officer's Signature [Signature]  
Issuing Date 30 April 2007 Expiration Date 30 April 2008

Signature [Signature] \*\* Please read compliance statement on back of permit \*\*  
Application Fee(s) \$ 400.00 WBS # 39396

Local Planning Jurisdiction Demerake/Hyde Co River File Name \_\_\_\_\_

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
- (3) confirmation that:
  - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
  - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
    - (i) the comments are relevant to the potential impacts of the proposed project; and
    - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.*

**15A NCAC 07H .2304 GENERAL CONDITIONS**

- (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.
- (b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.
- (c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This general permit is applicable to bridge replacement projects spanning no more than 250 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing clearance, whichever is greater.
- (e) All demolition debris shall be disposed of in highground locations.
- (f) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (g) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures shall be coordinated through the North Carolina Division of Land Resources.
- (h) Limits of excavation and fill: Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:
- (1) Replacing bridges with culverts shall not be allowed in primary nursery areas.
  - (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the wetland component shall not exceed 500 square feet.
  - (3) ~~Culverts shall not be used to replace bridges with open water spans greater than 50 feet.~~
  - (4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.
  - (5) No excavated or fill material shall be placed at any time in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).
  - (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands behind adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
  - (7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to install culvert(s).
  - (8) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.
  - (9) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.
  - (10) Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*



**CAMA DREDGE & FILL  
GENERAL PERMIT**

**136**

**Nº 47773**

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H 2300  
Rules attached.

Applicant Name Mc DOT C/O Clay Willis  
Address 113 Airport Drive Suite 100  
City Edenton State NC ZIP 27932  
Phone # (862) 482-7977 Fax # ( )

Project Location: County \_\_\_\_\_  
Street Address/ State Road/ Loc #(s) Highway 12 Bridget 31  
over Molasses Creek  
Subdivision N/A  
City Crook ZIP 27960  
Phone # ( ) \_\_\_\_\_ River Basin Tar-Pamlico  
Adj. Wtr. Body Molasses Creek (nat/man/unkn)  
Closest Maj. Wtr. Body Pamlico Sound

Authorized Agent \_\_\_\_\_  
Affected  CW  EW  PTA  ES  PTS  
AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS  FC  
ORW: yes /  no PNA yes /  no Crit.Hab. yes / no

Type of Project/ Activity Propose to replace existing bridge with a 35' wide x 250' long bridge. (Scale: )

- Pier (dock) length \_\_\_\_\_
- Platform(s) \_\_\_\_\_
- Finger pier(s) \_\_\_\_\_
- Groin length \_\_\_\_\_  
number \_\_\_\_\_
- Bulkhead/ Riprap length \_\_\_\_\_  
avg distance offshore \_\_\_\_\_  
max distance offshore \_\_\_\_\_
- Basin, channel \_\_\_\_\_  
cubic yards \_\_\_\_\_
- Boat ramp \_\_\_\_\_
- Boathouse/ Boatlift \_\_\_\_\_
- Beach Bulldozing \_\_\_\_\_
- Other Bridge replacement  
35' x 250'
- Shoreline Length \_\_\_\_\_
- SAV: not sure yes  no
- Sandbags: not sure yes  no
- Moratorium: n/a  yes  no
- Photos: yes  no
- Waiver Attached: yes  no

*See attached plat dated 3/13/07*

A building permit may be required by: Hydr. Co.  See note on back regarding River Basin rules

Notes/ Special Conditions See attached permit conditions 7H 2300  
and sheet titled "Additional Conditions"

Clay Willis  
Agent of Applicant Printed Name

[Signature]  
Permit Officer's Signature

Signature [Signature] \*\* Please read compliance statement on back of permit \*\*  
\$ 400.00 WBS# 39395

30 April 2007 30 April 2008  
Issuing Date Expiration Date  
Crook/Hydr Co.  
Local Planning Jurisdiction

Application Fee(s) \_\_\_\_\_ River File Name \_\_\_\_\_  
10:22 488 8122 9/2/07 MAY-03-2007 11:53 FROM: NC DTD CUSHLE PLANNI 25294978

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
- (3) confirmation that:
  - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
  - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
    - (i) the comments are relevant to the potential impacts of the proposed project; and
    - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.

**15A NCAC 07H .2304 GENERAL CONDITIONS**

(a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.

(b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.

(c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.

(d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.

(e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.

(f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.

(g) This permit shall not apply to projects that require work channels.

~~(h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.~~

(i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.

(j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.

(k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*





NCAMA /  DREDGE & FILL  
**GENERAL PERMIT**

**143**

No 47769

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC 7H. 2300

Applicant Name NC DOT G0 Clay Wilkes  
Address 113 Airport Blvd Suite 100  
City Edenton State NC ZIP 27932  
Phone # (252) 482-7977 Fax # ( )  
Authorized Agent Clay Wilkes

Project Location: County Hertford  
Street Address/ State Road/ Lot #(s) Highway 31  
Subdivision N/A  
City Currituck ZIP 27929  
Phone # ( ) N/A River Basin Terrapin  
Adj. Wtr. Body Old Harbour Creek (nat./man./unkn.)  
Closest Maj. Wtr. Body Northwest Sound

Affected AEC(s):  CW  NEW  RPTA  YES  RPTS  
 OEA  HHF  IH  UBA  N/A  
 PWS:  UFC:  
ORW: yes /  no PNA: yes /  no Crit.Hab. yes / no

Type of Project/ Activity propose to replace existing turbine bridge with 2 x 65' long with a proposed two lane bridge 35' x 120' (Scale: )

Pier (dock) length \_\_\_\_\_  
Platform(s) \_\_\_\_\_  
Finger pier(s) \_\_\_\_\_  
Groin length \_\_\_\_\_  
number \_\_\_\_\_  
Bulkhead/ Riprap length \_\_\_\_\_  
avg distance offshore \_\_\_\_\_  
max distance offshore \_\_\_\_\_  
Basin, channel \_\_\_\_\_  
cubic yards \_\_\_\_\_  
Boat ramp \_\_\_\_\_  
Boathouse/ Boatlift \_\_\_\_\_  
Beach Bulldozing \_\_\_\_\_  
Other Bridge Replacement 35' wide x 120' long

Shoreline Length \_\_\_\_\_  
SAV: not sure yes  no   
Sandbags not sure yes  no   
Moratorium: n/a  yes   
Photos: yes  no   
Waiver Attached: yes  no

A building permit may be required by: Hertford Co  See note on back regarding River Basin rules.

Notes/ Special Conditions See attached permit conditions 7H.2300 and attached sheet titled "Permitted Conditions"

*See attached plans dated 3/11/07*

Agent or Applicant Printed Name NC DOT G0 Clay Wilkes

Permit Officer's Signature [Signature]  
Issuing Date 30 April 2007 Expiration Date 30 April 2008  
Hertford County

Signature [Signature] \*\* Please read compliance statement on back of permit \*\*  
\$400 WBS# 39394

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
- (3) confirmation that:
  - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
  - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
    - (i) the comments are relevant to the potential impacts of the proposed project; and
    - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.*

**15A NCAC 07H .2304 GENERAL CONDITIONS**

- (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.
- (b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.
- (c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.

**15A NCAC 07H .2305 SPECIFIC CONDITIONS**

- (a) This general permit is applicable to bridge replacement projects spanning no more than 250 feet of estuarine water, public trust area, and coastal wetland AECs.
- (b) Existing roadway deck width shall not be expanded to create additional lanes.
- (c) Replacement of existing bridges with new bridges shall not reduce vertical or horizontal navigational clearances.
- (d) Bridge replacement projects shall not increase the vertical clearance to more than five feet above normal water level (NWL) or normal high water (NHW), or by vertical clearance to more than 25 percent over the existing clearance, whichever is greater.
- (e) All demolition debris shall be disposed of in highground locations.
- (f) Bridges and culverts shall be designed to allow passage of anticipated high water flows.
- (g) Measures sufficient to restrain sedimentation and erosion shall be implemented at each site. These measures shall be coordinated through the North Carolina Division of Land Resources.
- (h) Limits of excavation and fill: Bridge or culvert replacement activities involving excavation or fill in wetlands, public trust areas, and estuarine waters shall meet the following conditions:
- (1) Replacing bridges with culverts shall not be allowed in primary nursery areas.
  - (2) The total area of public trust area, estuarine waters, and wetlands to be excavated or filled shall not exceed 2,500 square feet except that the wetland component shall not exceed 500 square feet.
  - ~~(3) Culverts shall not be used to replace bridges with open water spans greater than 50 feet.~~
  - (4) There shall be no temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands.
  - (5) No excavated or fill material shall be placed at any time in any wetlands or surrounding waters outside of the alignment of the fill area indicated on the work plat(s).
  - (6) All excavated materials shall be confined above NWL or NHW and landward of any wetlands behind adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
  - (7) Placement of fill shall be restricted to the widening of the approaches, or that which is necessary to install culvert(s).
  - (8) No bridges with a clearance of four feet or greater above the NWL or NHW shall be allowed to be replaced with culvert(s) unless the culvert design maintains the existing water depth, vertical clearance and horizontal clearance.
  - (9) If a bridge is being replaced by a culvert(s) then the width of the waterbody shall not be decreased by more than 40 percent.
  - (10) Culvert inverts shall be set at least one foot below normal bed elevation to allow for fish passage.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.



NCAMA /  DREDGE & FILL  
**GENERAL PERMIT**

150

No 47772

New  Modification  Complete Reissue  Partial Reissue

Previous permit # N/A  
Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H. 2300

Applicant Name NC DOT C/O Clay Willis  
Address 113 Airport Drive Suite 100  
City Edenton State NC ZIP 27932  
Phone # (252) 482-7977 Fax # ( )  
Authorized Agent Clay Willis

Project Location: County Hyde Co  Rules attached.  
Street Address/ State Road/ Lot #(s)  Hwy 14 Bridge # 10 over Island Creek  
Subdivision N/A  
City Ocracoke ZIP 27960  
Phone # ( ) River Basin Fv Perm  
Adj. Wtr. Body Island Creek (nat/man/unkn)  
Closest Maj. Wtr. Body Pamlico Sound

Affected  CW  LEW  PTA  RES  PPTS  
AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS:  FC:  
ORW: yes /  no PNA yes /  no Crit.Hab. yes / no

Type of Project/ Activity Propose to replace existing bridge with a 35' wide x 150' long bridge (Scale: Natural)

- Pier (dock) length ---
- Platform(s) ---
- Finger pier(s) ---
- Grout length number ---
- Bulkhead/ Riprap length ---
- avg distance offshore ---
- max distance offshore ---
- Basin, channel ---
- cubic yards ---
- Boat ramp ---
- Boathouse/ Boatlift ---

*See attached plot dated 3/13/07*

Beach Bulldozing ---  
Other Bridge Replacement 35' x 150'

Shoreline Length ---  
SAV: not sure yes  no  
Sandbags: not sure yes  no  
Moratorium: n/a yes  no  
Photos: yes  no  
Waiver Attached: yes  no

A building permit may be required by: Hyde Co  See note on back regarding River Basin rules.

Notes/ Special Conditions See attached permit conditions 7H. 2300 and attached sheet titled "Additional Conditions"

Agent or Applicant Printed Name Clay Willis

Permit Officer's Signature Steve Gessell

Signature 400 WBS 35353  
\*\* Please read compliance statement on back of permit \*\*

Issuing Date 30 April 2007 Expiration Date 30 April 2008  
River File Name Hyde Co/Ocracoke

Additional Conditions for CAMA General Permit No. 47772-B

All work authorized by this permit must be completed in accordance to the attached plats dated 3/13/07.

No work is to be undertaken until such time that NCDOT obtains the necessary special use permit from the National Park Service. All work authorized by this permit is to comply with the conditions of the special use permit.

Per NC DOT commitments all in water work associated with this project is to be completed during the January 2 to March 15 2008 timeframe.

Per NC DOT's commitment documented in an email dated 4/26/07 from Division One Maintenance Engineer, Mr. Sterling Baker, all waste material generated from the removal of filled causeways will become property of the National Park Service for disposal/use on highground on National Seashore property.

**SECTION .2300 - GENERAL PERMIT FOR REPLACEMENT OF EXISTING BRIDGES AND CULVERTS IN ESTUARINE WATERS, ESTUARINE AND PUBLIC TRUST SHORELINES, PUBLIC TRUST AREAS, AND COASTAL WETLANDS**

**15A NCAC 07H .2301 PURPOSE**

A general permit for replacement of existing bridges and culverts in estuarine waters, estuarine and public trust shorelines, public trust areas, and coastal wetlands shall be obtained pursuant to the rules in 15A NCAC 7J .1100 and this Section to replace existing bridges and culverts in estuarine water, estuarine and public trust shorelines, public trust areas and coastal wetland AECs.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. August 1, 2000.*

**15A NCAC 07H .2302 APPROVAL PROCEDURES**

(a) The applicant shall contact the Division of Coastal Management and complete an application form requesting approval for development.

(b) The applicant shall provide:

- (1) information on site location, detailed project description, and his/her name, address and telephone number;
- (2) a dated scaled plat(s) showing existing and proposed development that follows the criteria outlined in 15A NCAC 7J .0203, a completed Form DCM-MP-5; and
- (3) confirmation that:
  - (A) a written statement has been obtained and signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
  - (B) the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response shall be interpreted as no objection. DCM staff shall review all comments. If DCM determines that:
    - (i) the comments are relevant to the potential impacts of the proposed project; and
    - (ii) the permitting issues raised by the comments are worthy of more detailed review, the applicant shall be notified that he/she shall submit an application for a major development permit.

(c) Approval of individual projects shall be acknowledged in writing by the Division of Coastal Management and the applicant shall be provided a copy of this Section. Construction authorized by this permit shall be completed within one year of permit issuance or the general authorization shall expire and a new permit shall be required to begin or continue construction.

(d) No work shall begin until an onsite meeting is held with the applicant and a Division of Coastal Management representative. Written authorization to proceed with the proposed development may be issued during this visit if other approval procedure criteria have been met.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.*

**15A NCAC 07H .2303 PERMIT FEE**

The applicant shall pay a permit fee of four hundred dollars (\$400.00). This fee shall be paid by check or money order made payable to the Department.

*History Note: Authority G.S. 113A-107; 113A-118.1; 113A-119; 113A-119.1; 113A-124;  
Eff. June 1, 1996;  
Amended Eff. September 1, 2006; August 1, 2000.*

**15A NCAC 07H .2304 GENERAL CONDITIONS**

- (a) Projects authorized by this permit shall be demolition, removal, and replacement of existing bridges and culverts along the existing alignment and conforming to the standards in this Rule. This permit shall be applicable only to single bridge and culvert projects and shall not authorize temporary fill causeways or temporary bridges that may be associated with bridge replacement projects.
- (b) The permittee shall allow authorized representatives of the Department of Environment, Health, and Natural Resources (DEHNR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed in this Rule.
- (c) This general permit shall not be applicable to proposed construction where DEHNR believes that authorization may be warranted, but that the proposed activity might significantly affect the quality of human environment or unnecessarily endanger adjoining properties.
- (d) This general permit shall not be applicable to proposed construction where DEHNR determines, after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, fisheries, water quality or recreational values.
- (e) This permit shall not eliminate the need to obtain any other required state, local, or federal authorization.
- (f) Development carried out under this permit shall be consistent with all local requirements, AEC guidelines, and local land use plans current at the time of authorization.
- (g) This permit shall not apply to projects that require work channels.
- (h) Review of individual project requests shall be coordinated with appropriate Division of Marine Fisheries or Wildlife Resources Commission personnel. This may result in a construction moratorium during periods of significant biological productivity or critical life stages.
- (i) Development under this permit shall be carried out within existing Department of Transportation (DOT) right-of-ways or on lands under the ownership of the applicant in the case of a non-DOT project.
- (j) Bridge and culvert replacements shall be designed to minimize any adverse impacts to potential navigation or use of the waters by the public.
- (k) This permit shall apply only to projects involving repair or replacement of bridges and culverts currently serving their intended function.

*History Note:* Authority G.S. 113A-107; 113A-118.1; 113A-124;  
Eff. June 1, 1996.



**N.C. Marine Fisheries  
Comment Letter**



NR 23

North Carolina Department of Environment and Natural Resources

Division of Marine Fisheries

Dr. Louis B. Daniel III, Director

Michael F. Easley, Governor  
William G. Ross Jr., Secretary

MEMORANDUM:

RECEIVED  
APR 9 2007

TO: Sterling Baker, NCDOT – Division Maintenance Engineer  
FROM: Sara E. Winslow, Northern District Manager  
SUBJECT: NCDOT – Hyde County Bridge Replacement Projects – Seven Bridges – Ocracoke Island  
DATE: March 30, 2007

Morehead City DCM

The North Carolina Division of Marine Fisheries submits the following comments concerning replacement of all seven bridges on NC 12, Ocracoke Island. Since no specifics are included relative to the replacements this agency can only submit general comments at this time.

The Division would be concerned with any loss and or impacts to adjacent wetlands from the bridge replacements. Depending on the time period of the 75 day replacement period, this agency may not request an in-water construction moratorium. If the work is completed between November 1 and February 15, a moratorium will not be requested.

MARCH 1, 2008

This agency would be concerned with the demolition of the existing bridges, piles, etc. Care must be taken so that demolition does not fall in the water or adjacent wetlands.

The Division appreciates the opportunity to provide comments early in the process.

cc: Mike Street

\* NOTE - Clay Willis - DEO - DIVISION ONE HAD A CONVERSATION WITH SARA WINSLOW ON 5/2/07 IN WHICH SHE EXTENDED THE MORATORIUM DATE TO MARCH 1, 2008.

3441 Arendell Street, P.O. Box 769, Morehead City, North Carolina 28557  
Phone: 252 726-7021 \ FAX: 252 727-5127 \ Internet: www.ncdmf.net

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One North Carolina Naturally

# PLAN VIEW DETAILED DRAWING

159



**SYMBOLS**

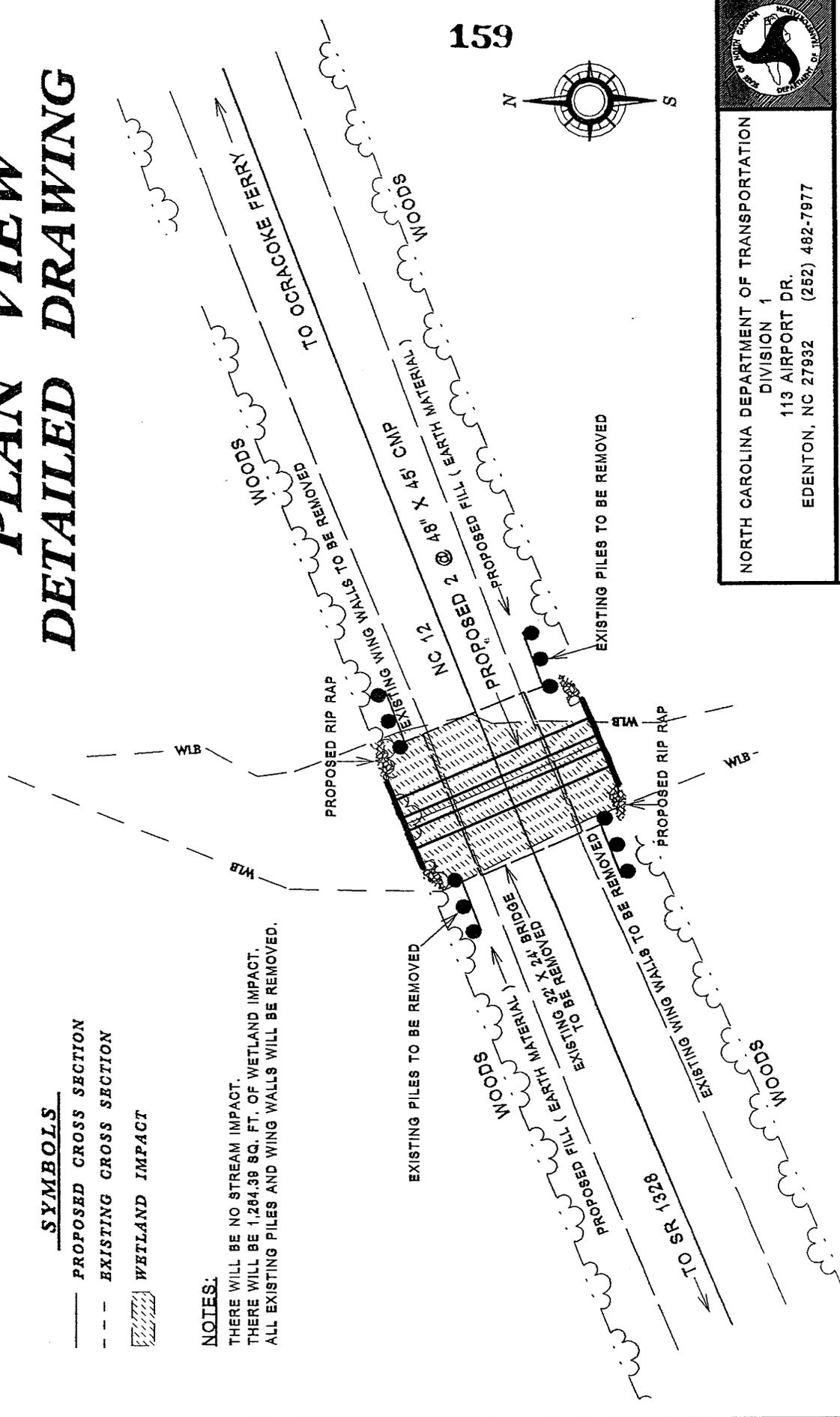
— PROPOSED CROSS SECTION

- - - EXISTING CROSS SECTION

▨ WETLAND IMPACT

**NOTES:**

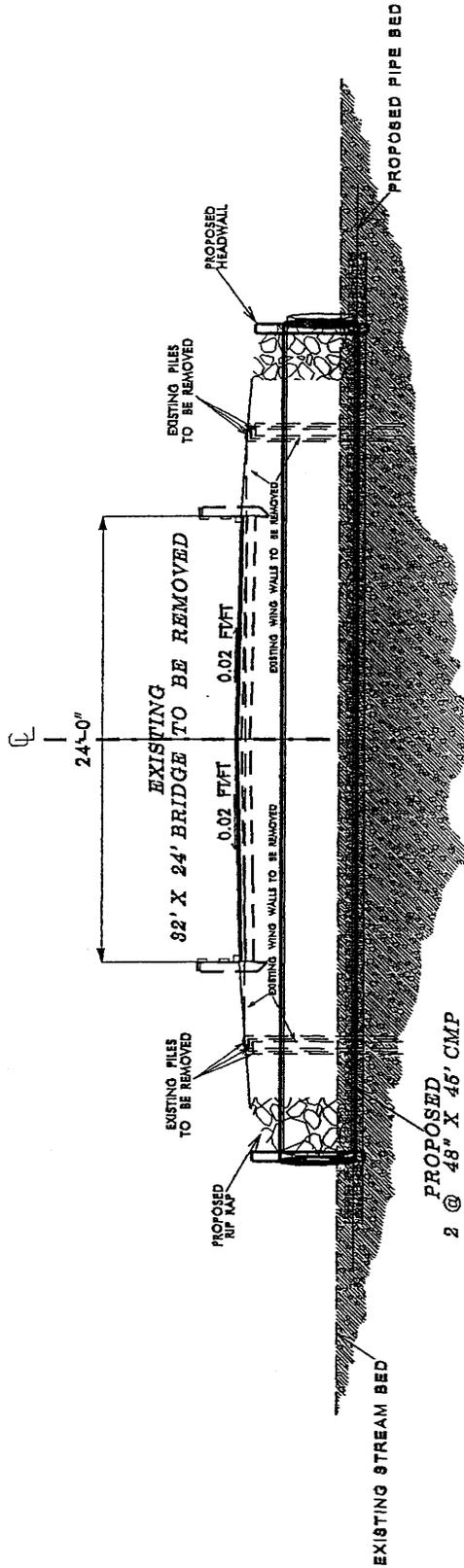
THERE WILL BE NO STREAM IMPACT.  
THERE WILL BE 1,264.38 SQ. FT. OF WETLAND IMPACT.  
ALL EXISTING PILES AND WING WALLS WILL BE REMOVED.



	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION 1 113 AIRPORT DR. EDENTON, NC 27932 (252) 482-7977	
COUNTY: HYDE QUAD: HOWARD REEF BASIN: TAR-PAMLICO	WBS#: N/A DATE: MARCH 16, 2007 SHEET#: 1 OF 2
SUBJECT: BRIDGE REPLACEMENT ON NC 12 (OCRACOKE)	
LAT. = 35.1279164 N	LONG. = 75.9212250 W
DRAWN BY: A.L. MULDER	SCALE: 1" = 30'

Revised 7-5-07

# DETAIL SECTION - CROSS SECTION



160

NOTE: PROPOSED 2 @ 48" X 45' CMP TO BE BURIED 1.0' MIN., BELOW EXISTING STREAM BED

- SYMBOLS**
- PROPOSED CROSS SECTION
  - - - EXISTING CROSS SECTION



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
 DIVISION 1  
 113 AIRPORT DR.  
 EDENTON, NC 27832 (252) 482-7977

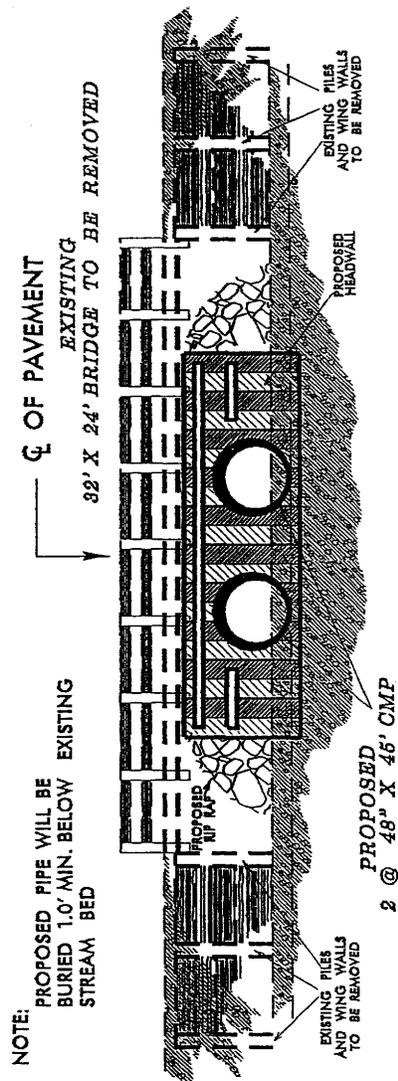
COUNTY: HYDE  
 QUAD: HOWARD REEF  
 BASIN: TAR-PAMLICO

WBS#: N/A  
 DATE: MARCH 16, 2007  
 SHEET#: 2 OF 2

SUBJECT: BRIDGE #24 TO BE REPLACED WITH PIPE

LAT. = 35.1279164 N      LONG. = 76.9212260 W

DRAWN BY: A.L. MULDER      SCALE: 1" = 10'

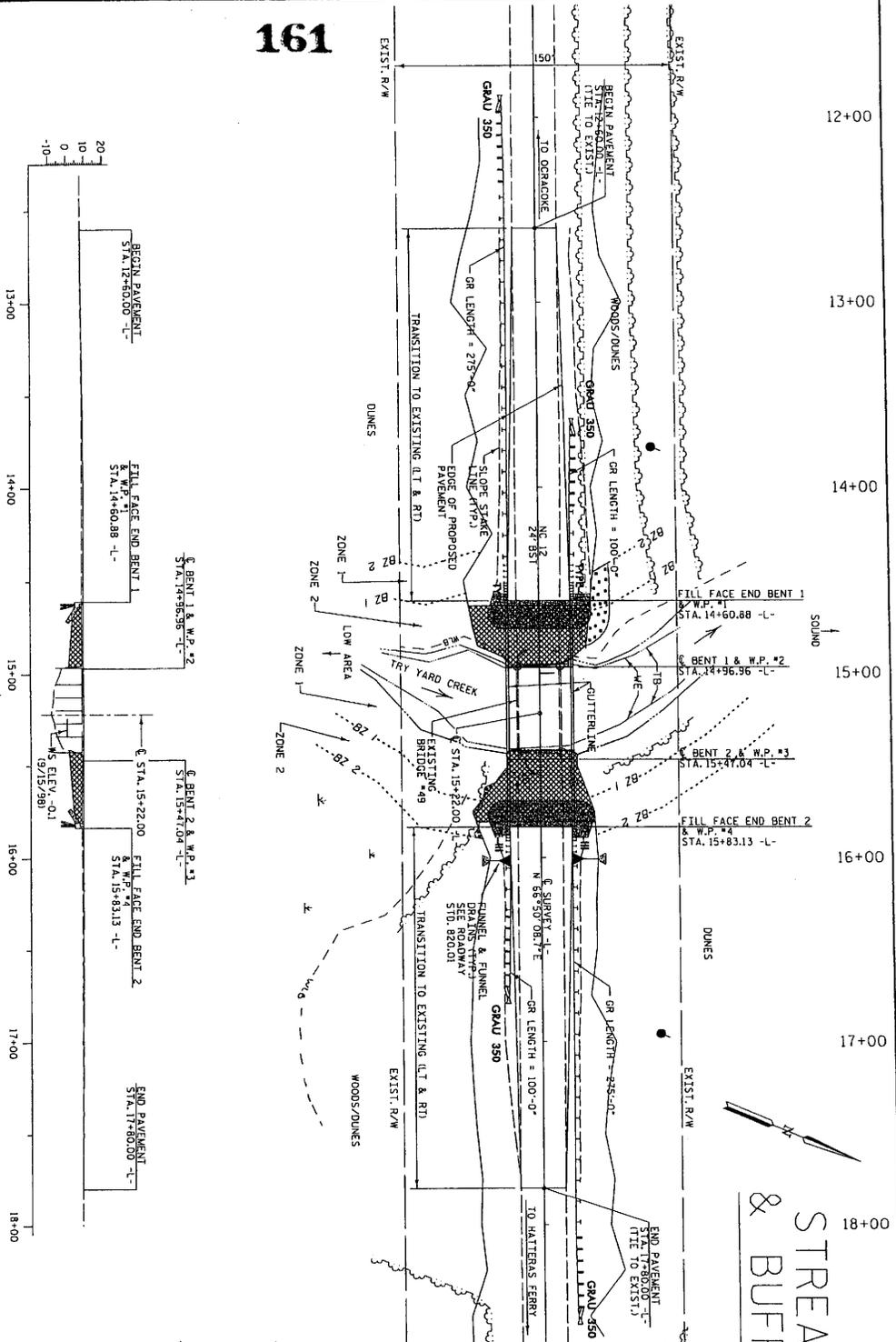


NOTE: PROPOSED PIPE WILL BE BURIED 1.0' MIN. BELOW EXISTING STREAM BED

PROPOSED 2 @ 48" X 45' CMP

# DETAIL SECTION - END VIEW

Revised 7-5-07



PLAN & PROFILE VIEW

SCALE: 1" = 60' (HORIZONTAL)  
1" = 60' (VERTICAL)

EXISTING BRIDGE INFORMATION

LENGTH	= 48'
NO. OF BENTS	= 5

PROPOSED BRIDGE INFORMATION

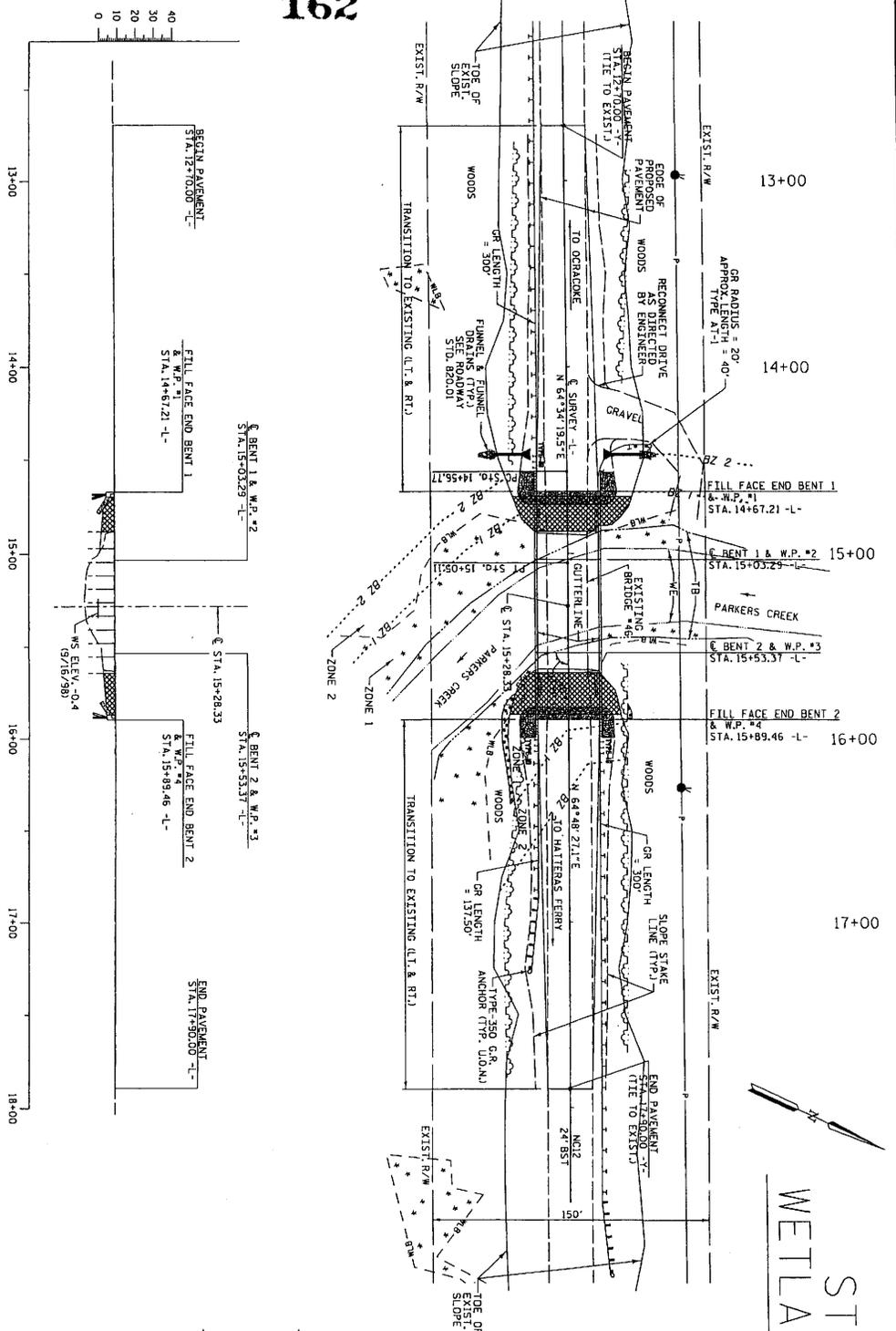
LENGTH	= 120'
NO. OF BENTS	= 2
NO. OF PILES AT EACH BENT	= 8
TOTAL SQ. FT. OF PILES AT EACH BENT	= 14

NCDOT  
DIVISION OF HIGHWAYS  
HYDE COUNTY  
PROJECT: SB 622  
REPLACE BRIDGE #49  
ON NC 12 OVER  
TRY YARD CREEK

SHEET 1 OF 3/13/07

Added 7-5-07

162



PLAN & PROFILE VIEW

SCALE: 1" = 60' (HORIZONTAL)  
1" = 60' (VERTICAL)

STREAM &  
WETLAND IMPACTS

USE METHOD 3  
FOR CLEARING

DEBRIS MECHANIZED  
(DOES NOT INCLUDE  
GRABBING)  
FILL REMOVAL

EXISTING BRIDGE INFORMATION  
LENGTH = 78'  
NO. OF BENTS = 9

PROPOSED BRIDGE INFORMATION  
LENGTH = 128'  
NO. OF BENTS = 2  
NO. OF PILES AT EACH BENT = 8  
TOTAL SQ. FT. OF PILES AT EACH BENT = 14

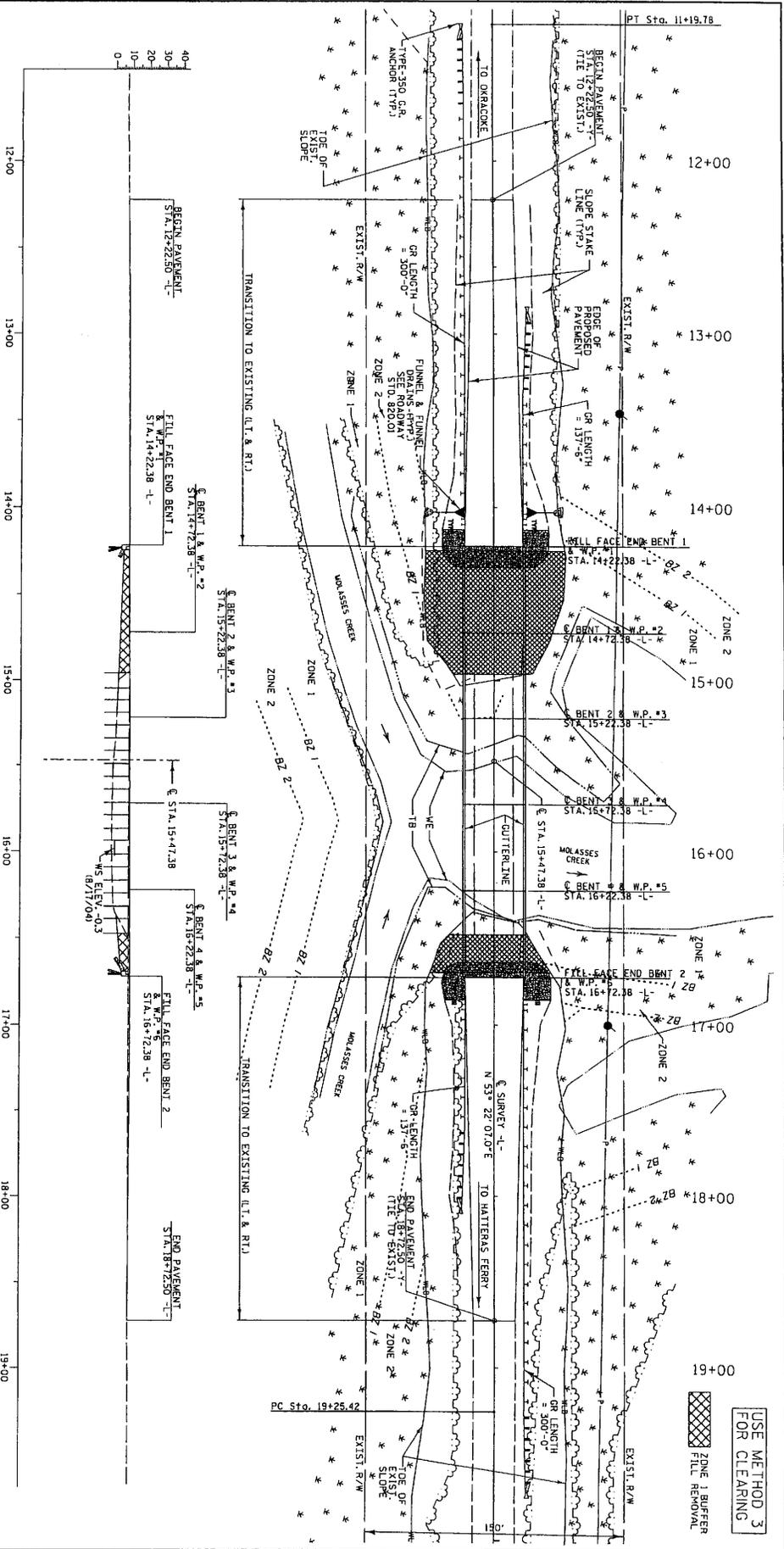
SHEET OF 3/13/07

NCDOT  
DIVISION OF HIGHWAYS  
HYDE COUNTY  
PROJECT: MA-1009B  
REPLACE BRIDGE #46  
ON NC 12 OVER  
PARKERS CREEK



Added 7-5-07

STREAM, WETLAND & BUFFER IMPACTS



PLAN & PROFILE VIEW

SCALE: 1" = 60' (HORIZONTAL)  
1" = 60' (VERTICAL)

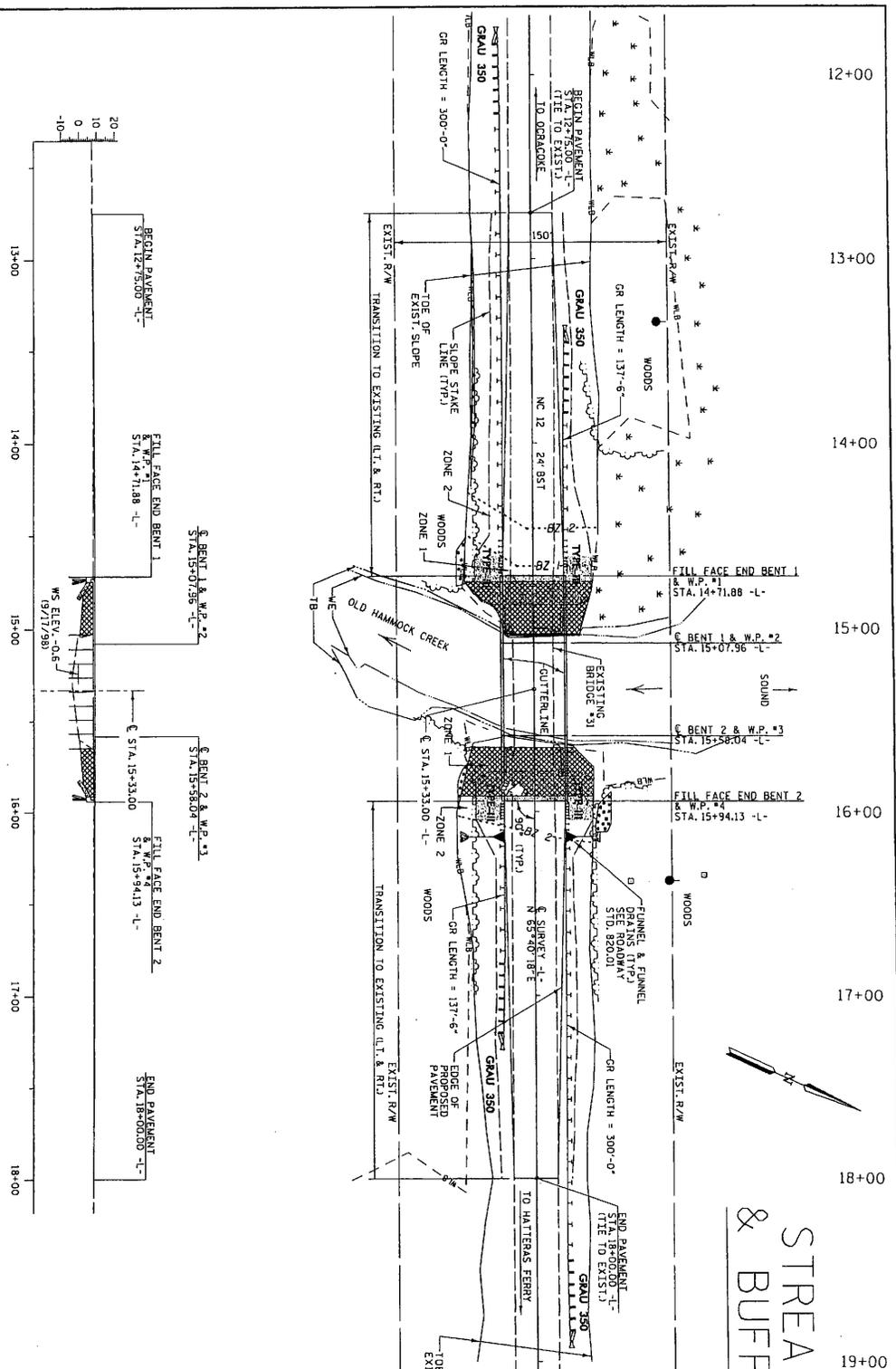
**EXISTING BRIDGE INFORMATION**  
 LENGTH = 152'  
 NO. OF BENTS = 19

**PROPOSED BRIDGE INFORMATION**  
 LENGTH = 250'  
 NO. OF BENTS = 4  
 NO. OF PILES AT EACH BENT = 8  
 TOTAL 50. FT. OF PILES AT EACH BENT = 14

**NC DOT**  
 DIVISION OF HIGHWAYS  
 HYDE COUNTY  
 PROJECT: B-5016  
 REPLACE BRIDGE #39  
 ON NC 12 OVER  
 MOLASSES CREEK

SHEET OF 3/13/07

USE METHOD 3  
 FOR CLEARING  
 ZONE 1 BUFFER  
 FILL REMOVAL



PLAN & PROFILE VIEW

SCALE: 1" = 60' (HORIZONTAL)  
1" = 60' (VERTICAL)

STREAM, WETLAND & BUFFER IMPACTS

USE METHOD 3 FOR CLEARING

..... DENOTES MECHANIZED CLEARING (DOES NOT INCLUDE DRUMBLIND)

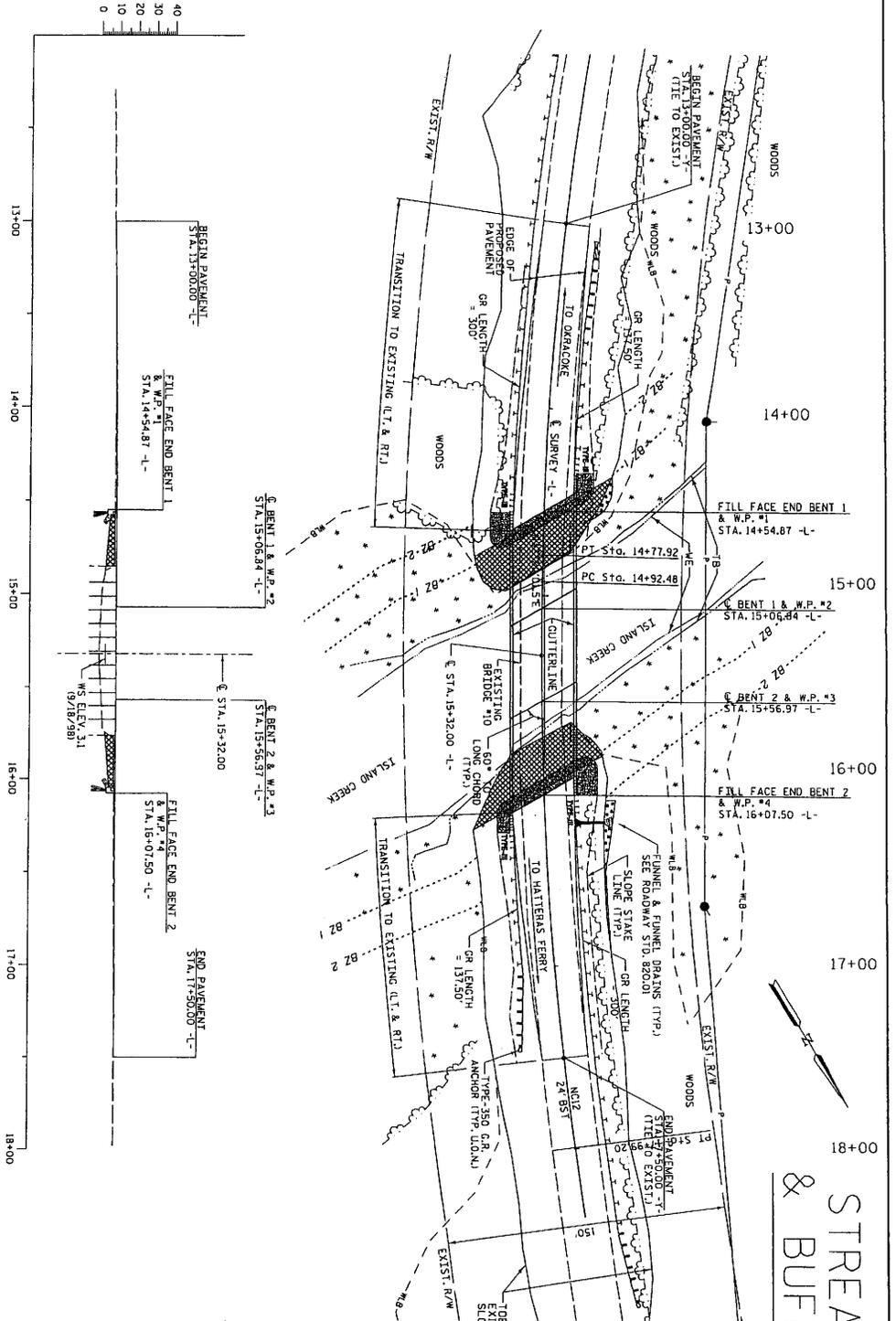
▨ ZONE 1 BUFFER FILL REMOVAL

EXISTING BRIDGE INFORMATION  
LENGTH = 63'  
NO. OF BENTS = 7

PROPOSED BRIDGE INFORMATION  
LENGTH = 126'  
NO. OF BENTS = 2  
NO. OF PILES AT EACH BENT = 8  
TOTAL SQ. FT. OF PILES AT EACH BENT = 14

NC DOT  
DIVISION OF HIGHWAYS  
HYDE COUNTY  
PROJECT: B-5015  
REPLACE BRIDGE #31  
ON NC 12 OVER  
OLD HAMMOCK CREEK

SHEET OR 3/13/07



PLAN & PROFILE VIEW

SCALE: 1" = 60' (HORIZONTAL)  
1" = 60' (VERTICAL)

STREAM, WETLAND & BUFFER IMPACTS

- ZONE 1 BUFFER FILL REMOVAL
- DENOTES MECHANIZED CLEARING NOT INCLUDE GRUBBING
- USE METHOD 3 FOR CLEARING

EXISTING BRIDGE INFORMATION  
LENGTH = 92'-8"  
NO. OF BENTS = 11

PROPOSED BRIDGE INFORMATION  
LENGTH = 150'  
NO. OF BENTS = 2  
NO. OF PILES AT EACH BENT = 8  
TOTAL SQ. FT. OF PILES AT EACH BENT = 14

NCDOT  
DIVISION OF HIGHWAYS  
HYDE COUNTY  
PROJECT: MA-1011B  
REPLACE BRIDGE #10  
ON NG 12 OVER  
ISLAND CREEK

SHEET OF 3/13/07