

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.

| <u>PERMIT</u> | <u>AUTHORITY GRANTING THE PERMIT</u> |
|--|---|
| 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 |
| Buffer Certification | Division of Environmental Management, DENR State of North Carolina |
| CCPCUA | Division of Water Resources, DENR State of North Carolina |

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

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

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

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

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



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DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P. O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

January 17, 2006

Regulatory Division

Action ID. 199301143; Tip Project No. R-2510A

Gregory J. Thorpe, Ph. D.
Environmental Manager Director
Project Development and Environmental Analysis Branch
NC Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Thorpe:

In accordance with the written request of May 3, 2005, and the ensuing administrative record, enclosed is a permit to relocate and widen approximately 15 miles of US Highway 17 (Washington Bypass), starting from 0.5 mile south of Possum Track Road (NCSR 1127) south of Chocowinity, Beaufort County and ending 0.2 mile north of Roberson Road (NCSR 1418) north of Washington, Beaufort County, North Carolina.

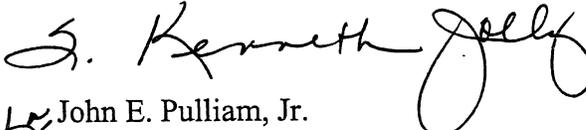
If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

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

- a. You must complete construction before December 31, 2008.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

If you have questions, please contact Mr. William Wescott at the Washington Regulatory Field Office, telephone 252-975-1616, extension 31.

Sincerely,


John E. Pulliam, Jr.
Colonel, U.S. Army
District Engineer

Enclosures

Copy Furnished with enclosures:

Chief, Source Data Unit
NOAA/National Ocean Service
ATTN: Sharon Tear N/CS261
1315 East-West Hwy., Rm 7316
Silver Spring, MD 20910-3282

Copies Furnished with special conditions and plans:

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

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

Mr. David Rackley
National Marine Fisheries
Service, NOAA
219 Fort Johnson Road
Charleston, South Carolina 29412-9110

Mr. Ronald Mikulak, Chief
Wetlands Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303

Mr. Doug Huggett
NC Division of Coastal Management
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557-3421

NC Department of Transportation
ATTN: Beth Harmon
1652 Mail Service Center
Raleigh, NC 27699-1652

DEPARTMENT OF THE ARMY PERMIT

Permittee **North Carolina Department of Transportation, Gregory J. Thorpe, Ph.D.**

Permit No. **199301143**

Issuing Office **CESAW-RG-W**

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

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

Project Description: Widen and relocate approximately 15 miles of US Highway 17. The proposed roadway will be a four-lane, divided highway, with grass shoulders and ditches, and a 46-foot wide grassed median. The median will be reduced to a 10-foot median divided by a barrier on the four-lane freeway bridge that will span the Tar River and the frequently inundated forested wetlands adjacent to the Tar River.

Project Location: The proposed highway widening and relocation will extend approximately 15 miles, starting from 0.5 mile south of Possum Track Road (NCSR 1127) south of Chocowinity, in Beaufort County and ending 0.2 mile north of Roberson Road (NCSR 1418) north of Washington, in Beaufort County, North Carolina.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2008**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

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

SPECIAL CONDITIONS (Action ID. 199301143; NCDOT/TIP R-2510)

COMPLIANCE WITH PLANS

- a) This authorization is only for Section R-2510-A. Construction on sections R-2510-B and R-2510-C shall not commence until final design has been completed and plans have been approved by the District Engineer.
- b) All work must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to the permit plans must be approved by the USACE prior to implementation.

ACTIVITIES NOT AUTHORIZED

- c) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, nor shall any activities take place that cause the degradation of waters or wetlands. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

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

CONSTRUCTION PLANS

- d) The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Washington Regulatory Field Office prior to any active construction in waters or wetlands.
- e) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

POLLUTION SPILLS

f) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

NOTIFICATION

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

CLEAN FILL MATERIAL

h) Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

IN-WATER MORATORIUM

* i) A construction moratorium for anadromous fish from February 15 through June 15 will be adhered to for in-water work.

SECTION 7 ESA CONSULTATION

j) Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed project, the permittee shall conduct another survey for the federally threatened sensitive joint-vetch (*Aeschynomene virginica*) during its flowering season (mid July –October). Results of that survey shall be forwarded to USFWS for review. The USFWS shall submit their findings in writing to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager.

CONTRACTOR COMPLIANCE

k) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and

any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

SEDIMENTATION AND EROSION CONTROL MEASURES

l) The permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standards. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

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

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

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

REPORTING OF VIOLATIONS

m) The permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act in writing to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager, within 24 hours of the permittee's discovery of the violation.

COMPLIANCE WITH SPECIAL CONDITIONS

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

WET CONCRETE

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

CULVERTS

p) All authorized culverts will be installed to allow the passage of low stream flows and the continued movement of fish and other aquatic life as well as to prevent headcutting of the streambed. For all box culverts and for pipes greater than 48 inches in diameter, the bottom of the pipe will be buried at least one foot below the bed of the stream unless burial would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, the bottom of the pipe 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. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to, upstream or downstream of the structures. In order to allow for the continued movement of bed load and aquatic organisms, existing stream channel widths and depths will be maintained at the inlet and outlet ends of culverts. Riprap armoring of streams at culvert inlets and outlets shall be minimized above the ordinary high water elevation in favor of bioengineering techniques such as bank sloping, erosion control matting and revegetation with deep-rooted, woody plants.

PRECONSTRUCTION MEETING

q) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the Corps of Engineers and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ

Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

BORROW AND WASTE

r) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the Corps of Engineers with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland boundaries on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with Special Condition b) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the Special Condition b). All information will be available to the Corps of Engineers upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

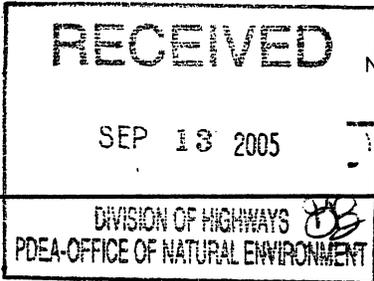
EEP MITIGATION

✕s) Compensatory mitigation for the unavoidable impacts to 8.53 acres of riverine wetlands, 3.88 acres of non-riverine wetlands, and 4,244 linear feet of perennial stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 4, 2005 from William D. Gilmore, EEP Director. The EEP will provide the compensatory mitigation as follows:

Lower Tar-Pamlico River, CU 03020104 (17.06 acre riverine; 7.76 acres non-riverine; and 8,488 feet of stream):

In order to compensate for impacts to 4,244 linear feet of warm-water stream, 8.53 acres of Riverine wetlands (Cypres-Gum swamp), and 3.88 acres of Non-Riverine wetlands, the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC EEP) in the amount determined by the NC EEP, sufficient to perform the restoration of 8,488 linear feet of warm water stream, 17.06 acres of Riparian (Riverine) Wetlands, and 7.76 acres of non-Riparian (non-Riverine) wetlands in the Tar-Pamlico River Basin, Cataloging Unit 03020104).

Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to the NC EEP and provided a copy of the payment documentation to the Corps, and the NC EEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated November 4, 1998.

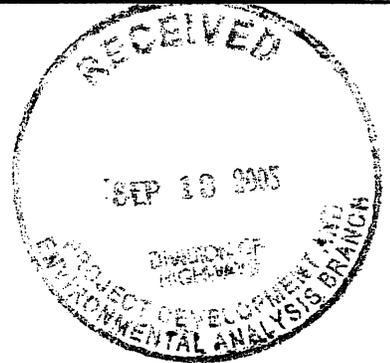


Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
Alan W. Klimek, P.E. Director
Division of Water Quality

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Underwood

September 6, 2005



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

Dear Dr. Thorpe:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Tar-Pamlico River Buffer Authorization for Proposed Improvements to US 17 (Washington Bypass) from south of SR 1127 (Possum Track Road) to north of SR 1418 (Roberson Road) in Beaufort County, TIP No. R-2510 A, B and C, State Project No. 8.T150601, Federal Aid Project No. MAF-75-3(26). DWQ Project No. 050785

Attached hereto is a copy of Certification No. 3527 issued to The North Carolina Department of Transportation dated September 6, 2005.

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

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

- cc: Wilmington District Corps of Engineers
- Mr. Bill Biddlecome, Corps of Engineers Washington Field Office
- Mr. Christopher Militscher, US EPA, Region IV
- Mr. C.E. Lassiter, Jr., PE, Division 2 Engineer, PO Box 1587, Greenville, NC 27835
- Mr. Jay Johnson, Division 2 Environmental Officer, PO Box 1587, Greenville, NC 27835
- Mr. Chris Underwood, NEU, 2728-168 Capital Blvd., Parker Lincoln Bldg., Raleigh, NC 27604
- Mr. William Gilmore, Ecosystem Enhancement Program
- Mr. Steven Sollod, NCDENR - DCM, 2728-168 Capital Blvd., Parker Lincoln Bldg., Raleigh, NC 27604
- Mr. Garcy Ward, NCDWQ Washington Regional Office
- Central Files
- File Copy

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

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. The project shall be constructed pursuant to the application dated received August 5, 2005, to construct US 17 (Washington Bypass) from South of SR 1127 (Possum Track Road) to North of SR 1418 (Roberson Road) in Beaufort County. The approved design is that submitted in your application dated received August 5, 2005. This certification authorizes the NCDOT to impact 12.41 acres of jurisdictional wetlands, permanently impact 4,244.4 linear feet of stream, 1.49 acres of surface water and impact 383,268.8 square feet of protected Tar-Pamlico Riparian Buffers (234,117.8 square feet in Zone 1 and 149,151 square feet in Zone 2) in Beaufort County. The authorized impacts are as described below:

Section A Wetland Impacts in Tar-Pamlico River Basin

| Site | Fill (ac) | Fill (temporary) (ac) | Excavation (ac) | Mechanized Clearing Method III (ac) |
|--------------|---------------|-----------------------|-----------------|-------------------------------------|
| 1 | 0.0784 | | 0.0441 | 0.0542 |
| 2 | | | 0.0214 | 0.2438 |
| 3 | 0.0108 | | 0.0072 | 0.0058 |
| 4 | 0.3014 | | 0.3302 | 0.1425 |
| 5 | 0.0404 | | 0.0877 | 0.0676 |
| 6 | 1.0470 | | | 0.1639 |
| 7 | 0.1491 | | | 0.0051 |
| 8 | 0.2530 | | 0.0128 | 0.0646 |
| 9 | 0.1186 | | 0.0873 | 0.0276 |
| 10 | 0.4161 | | 0.1659 | 0.2455 |
| 11 | | | 0.0359 | 0.0079 |
| 12 | 0.0171 | | | |
| 15 | 0.1766 | | 0.0154 | 0.0789 |
| 16 | 0.2049 | | | 0.0475 |
| 17 | 0.0047 | | 0.0093 | 0.0055 |
| Total | 2.8080 | 0 | 0.8171 | 1.1604 |

Section B Wetland Impacts in the Tar -Pamlico River Basin

| Site | Fill (ac) | Fill (temporary) (ac) | Excavation (ac) | Mechanized Clearing (ac) |
|--------------|--------------|-----------------------|-----------------|--------------------------|
| 1 | 0.092 | | | 0.007 |
| 2 | | | 0.017 | 0.013 |
| 3 | 0.431 | | | 0.040 |
| 4 | 3.032 | | | 0.149 |
| 5 | 0.122 | | | 0.011 |
| 6 | 0.216 | 0.050 | | |
| 7 | 1.554 | | | |
| 8 | 0.042 | | | |
| 9 | 0.126 | | | 0.017 |
| 10 | 0.223 | | | |
| Total | 5.839 | 0.050 | 0.017 | 0.237 |

Section C Wetland Impacts in the Tar-Pamlico River Basin

| Site | Fill (ac) | Fill (temporary) (ac) | Excavation (ac) | Mechanized Clearing (ac) |
|--------------|-------------|-----------------------|-----------------|--------------------------|
| 1A | 0.022 | | | 0.027 |
| 1B | | | 0.074 | 0.021 |
| 1C | | | 0.056 | 0.019 |
| 3 | 0.093 | | | 0.031 |
| 4 | 1.035 | | | 0.108 |
| Total | 1.15 | 0 | 0.13 | 0.206 |

Section A Surface Water and Stream Impacts in the Tar-Pamlico River Basin

| Site | Permanent Fill in Surface Water (ac) | Temporary Fill in Surface Water (ac) | Permanent Stream Impacts (ft) |
|--------------|--------------------------------------|--------------------------------------|-------------------------------|
| 3 | 0.0105 | 0.0061 | 113 |
| 12 | 0.0140 | 0.0019 | 88 |
| 13 | 0.0087 | 0.0036 | 52 |
| 14 | 0.0119 | 0.0080 | 122 |
| 15 | 0.0219 | 0.0310 | 103 |
| Total | 0.0670 | 0.0506 | 478 |

Section B Surface Water and Stream Impacts in the Tar-Pamlico River Basin

| Site | Permanent Fill in Surface Water (ac) | Temporary Fill in Surface Water (ac) | Permanent Stream Impacts (ft) |
|--------------|--------------------------------------|--------------------------------------|-------------------------------|
| 1 | 0.011 | | 121.6 |
| 2 | 0.003 | | 72.7 |
| 3 | 0.759 | | |
| 4 | | | 826.1 |
| 6 | 0.069 | 0.033 | |
| 7 | 0.128 | | 1118 |
| 8 | 0.074 | | |
| 9 | 0.051 | | 278.9 |
| Total | 1.095 | 0.033 | 2,417.3 |

Section C Surface Water and Stream Impacts in the Tar-Pamlico River Basin

| Site | Permanent Fill in Surface Water (ac) | Temporary Fill in Surface Water (ac) | Permanent Stream Impacts (ft) |
|--------------|--------------------------------------|--------------------------------------|-------------------------------|
| 2 | 0.003 | | 113.8 |
| 3 | 0.018 | | 159.3 |
| 4 | 0.287 | | 841.6 |
| 5A | 0.007 | | 107.5 |
| 5B | 0.008 | | 72.5 |
| 5C | 0.006 | | 54.4 |
| Total | 0.329 | 0 | 1,349.1 |

Section A Tar-Pamlico Riparian Buffer Impacts

| Site | Zone 1 (sq. ft.) | Zone 2 (sq. ft.) | Wetlands in Zone 1 (sq. ft.) | Wetlands in Zone 2 (sq. ft.) | Mitigation Required Zone 1 (sq. ft.) | Mitigation Required Zone 2 (sq. ft.) |
|--------------|------------------|------------------|------------------------------|------------------------------|--------------------------------------|--------------------------------------|
| 1 | 12,548.7 | 7,215 | 1,034.9 | | 11,513.8 | 7,215 |
| 2 | 7,000.1 | 4,327.3 | 886.4 | | 6,113.7 | 4,327.3 |
| 3 | 10,019.3 | 5,931.8 | | | 10,019.3 | 5,931.8 |
| 4 | 13,129.4 | 6,815.4 | | | 13,129.4 | 6,815.4 |
| 5 | 15,405 | 7,489 | 4,051 | 2,737.4 | 11,354 | 4,751.6 |
| 6 | 2,165.1 | 1,383.8 | 853 | | 1,312.1 | 1,383.8 |
| Total | 60,330.6 | 33,162.3 | 6,825.3 | 2,737.4 | 53,505.3 | 30,424.9 |

Section B Tar-Pamlico Riparian Buffer Impacts

| Site | Zone 1 (sq. ft.) | Zone 2 (sq. ft.) | Wetlands in Zone 1 (sq. ft.) | Wetlands in Zone 2 (sq. ft.) | Mitigation Required Zone 1 (sq. ft.) | Mitigation Required Zone 2 (sq. ft.) |
|--------------|------------------|------------------|------------------------------|------------------------------|--------------------------------------|--------------------------------------|
| 1 | 6,676.6 | 4,450 | 4,312.9 | | | |
| 2 | 2,842.1 | 1,992.6 | 1,179.5 | 98.8 | | |
| 4 | 49,735.4 | 32,361 | 48,299 | 24,287.9 | 1,436.4 | 8,073.1 |
| 6A | 9,424.7 | 6,215.2 | 35.5 | 3 | | |
| 6B | 10,188.4 | 6,628.1 | 7.5 | 3 | | |
| 6C | 29,045.5 | 19,778.2 | 35.5 | 41.5 | 29,010 | 19,736.7 |
| 7 | 60,721.8 | 38,160.8 | 3,079.2 | 5,244.5 | 57,642.6 | 32,916.3 |
| 9 | 16,736.8 | 11,154.9 | 2,253.9 | 1,944.5 | 14,482.9 | 9,210.4 |
| Total | 185,371.3 | 116,290.7 | 59,202.9 | 31,623.2 | 102,571.9 | 69,936.5 |

Section C Tar-Pamlico Riparian Buffer Impacts

| Site | Zone 1 (sq. ft.) | Zone 2 (sq. ft.) | Wetlands in Zone 1 (sq. ft.) | Wetlands in Zone 2 (sq. ft.) | Mitigation Required Zone 1 (sq. ft.) | Mitigation Required Zone 2 (sq. ft.) |
|--------------|------------------|------------------|------------------------------|------------------------------|--------------------------------------|--------------------------------------|
| 1A | 14,759.6 | 9,684.9 | 1,477.4 | 453.3 | 13,282.2 | 9,231.6 |
| 3 | 10,208.7 | 6,621.8 | 521.8 | 934.7 | 9,686.9 | 5,687.1 |
| 4 | 55,506.1 | 33,873.3 | 434.6 | 2.4 | 55,071.5 | 33,870.9 |
| 5A | 8,114.1 | 5,294.4 | | | | |
| 5B | 6,986.8 | 4,080.4 | | | | |
| 5C | 3,976.1 | 2,628.6 | | | | |
| Total | 99,551.5 | 62,183.2 | 2,433.9 | 1,390.3 | 78,040.6 | 48,789.6 |

Mitigation Requirements for Tar-Pamlico Riparian Buffers Project Wide

| | Impact (sq. ft.) | Replacement Ratio | Total Impact (sq. ft.) | Fee schedule | Payment amount for Mitigation |
|--|------------------|-------------------|------------------------|----------------|-------------------------------|
| Zone 1 | 234,117.8 | 3:1 | 702,353.4 | \$0.96/sq. ft. | \$674,259.26 |
| Zone 2 | 149,151 | 1.5:1 | 223,726.5 | \$0.96/sq. ft. | \$214,777.44 |
| Total Mitigation Payment Required | | | | | \$889,036.7 |

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

This approval is only valid for the purpose and design that you submitted in your application dated received August 5, 2005, as described in the Public Notice. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. 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
2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification;
4. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.

6. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. 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.
- * 7. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
8. The NCDOT will need to adhere to all appropriate in-water work moratoriums (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission, the US Fish and Wildlife Service, and National Marine Fisheries Service. No in-water work is permitted between February 15 and June 15 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, NCDOT shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
9. When final design plans are completed for R-2510 Section B and C, a modification to the 401 Water Quality Certification and the Tar-Pamlico River Riparian Buffer Certification shall be submitted with seven copies and fees to the NC Division of Water Quality. Final designs shall reflect all appropriate avoidance, minimization, and mitigation for impacts to wetlands, streams, and other surface waters, and buffers. No construction activities that impact any wetlands, streams, surface waters, or protected riparian buffers located in R-2510 Section B and C shall begin until after NCDOT applies for, and receives a written modification 401 Water Quality Certification and Tar-Pamlico River Riparian Buffer Authorization from the NC Division of Water Quality.
- * 10. Compensatory mitigation for impacts 383,268.8 square feet of Tar-Pamlico Riparian Buffers shall be provided for as described below.

| Zone of Impact | Impacts (Square Feet) | Replacement Ratio | Total Square Feet of Mitigation Required |
|----------------|-----------------------|-------------------|--|
| Zone 1 | 234,117.8 | 3:1 | 702,354.4 |
| Zone 2 | 149,151 | 1.5:1 | 223,726.5 |
| Total | 383,268.8 | | 926,080.9 |

We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through an in lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP), and that the EEP has agreed to implement the mitigation for the project. Mitigation for unavoidable impacts to Tar-Pamlico Riparian Buffers shall be provided through an in-lieu payment to the North Carolina Ecosystem Enhancement Program (NCEEP) at a rate of \$0.96 per square foot. Therefore, a total payment of \$889,036.7 shall be submitted to the NCEEP to offset the impacts. No construction activities in Tar-Pamlico River Riparian buffers shall begin until payment for buffer mitigation is made and the Ecosystem Enhancement Program receives and clears your check (made payable to DENR Ecosystem Enhancement Program). The payment to NCEEP shall be sent within two months of issuance of the 404 permit. If you have any questions concerning the Ecosystem Enhancement Program please contact them at 919-733-5208.

- * 11. Compensatory mitigation for impacts to 12.41 acres of jurisdictional wetlands shall be done. Total mitigation shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to 8.53 acres of riparian wetlands and 3.88 acres of non-riparian wetlands in the Hydrologic Cataloging Unit 03020104, associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 4, 2005, and in accordance with the Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003.

- * 12. Compensatory mitigation for impacts to 4,244.4 linear feet of streams shall be done at a replacement ratio of 2:1, except sites A3, and B7, which will be done at a ratio of 1:1. Applying a replacement ratio of 2:1 or 1:1, total mitigation for 7,255.8 linear feet of streams shall be provided as described below:

Offsite Compensatory Mitigation

Compensatory mitigation for the unavoidable impacts to 4,244.4 linear feet of streams in the Hydrologic Cataloging Unit 03020104 associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 4, 2005, and in accordance with the Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003.

13. 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.
14. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
15. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
16. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
17. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
18. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
19. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- * 20. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided to the NC Division of Water Quality that the final construction drawings comply with the attached permit drawings contained in your application dated August 5, 2005.
21. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
22. NCDOT, 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 law 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 to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d).

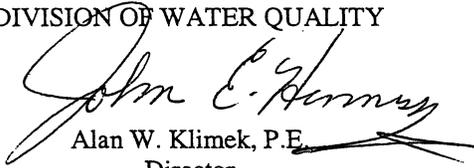
23. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
- * 24. DOT shall schedule a preconstruction meeting for this project prior to incurring any impacts in jurisdictional waters including wetlands. The Division of Water Quality shall be notified a minimum of 30 days prior to the preconstruction conference.
25. Placement of culverts and other structures in waters, streams, and wetlands must 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 shall be maintained if requested in writing by DWQ.
26. If the above condition (#25) is unable to be met, due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
27. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
28. Any violations, during the construction of the approved project, of this 401 Water Quality Certification or the North Carolina State Water Quality Standards as defined in 15A NCAC 2B .0200 Rules, shall be reported immediately to the North Carolina Division of Water Quality.
29. 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.

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

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

This the 6th day of September 2005

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.

Director

WQC No. 3527



217

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

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

October 31, 2005

Gregory J. Thorpe, Ph.D.
Environmental Manager Director
Project Development and Environmental Analysis Branch
NC Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

SUBJECT: CD05-052 - Consistency Concurrence for Improvements to US 17 from South of SR 1127 to North of SR 1418 (Washington Bypass, TIP No. R-2510) in Beaufort County, NC (DCM #20050063)

Dear Dr. Thorpe:

The Division of Coastal Management (DCM) received on September 19, 2005 complete documentation supporting that the above referenced project would be consistent with the enforceable policies of North Carolina's coastal management program.

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

To solicit public comments, DCM published a public notice in the "*Washington Daily News*" on September 21, 2005 and circulated a description of the proposed project to State agencies that would have a regulatory interest in the proposed development. No comments were received asserting that the proposed project would be inconsistent with North Carolina's coastal management program.

In accordance with the supporting documentation accompanying NCDOT's Consistency Certification for this project, no CAMA Areas of Environmental Concern (AEC's) are to be impacted by the construction of the A section, R-2510A. However, the proposed R-2510B section impacts the Public Trust Area and Public Trust Shoreline CAMA AEC's where it crosses the Tar River. The proposed R-2510C section impacts the Public Trust Area and Public Trust Shoreline CAMA AEC's where it crosses Cherry Run and Old Ford Swamp. Prior to initiating any construction on the remaining segments of this project (R-

400 Commerce Avenue, Morehead City, North Carolina 28557-3421
Phone: 252-808-2808 \ FAX: 252-247-3330 \ Internet: www.nccoastalmanagement.net

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2510B and/or R-2510C), NCDOT must submit an application for and receive a CAMA Major Development Permit.

DCM has reviewed the consistency submission pursuant to the enforceable policies of North Carolina's coastal management program, including the management objectives of Section 15A NCAC 07M of North Carolina's Administrative Code. DCM concurs, as conditioned below, that the proposed project is consistent with the enforceable policies of North Carolina's coastal management program.

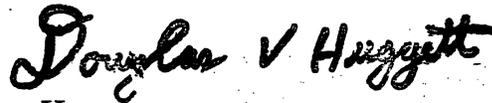
- In order to be found consistent with North Carolina's coastal management program, all work is to be performed in accordance with the 401 Water Quality Certification No. 3527, issued to the NC Department of Transportation (NCDOT) on September 6, 2005 (DWQ Project No. 050785) and Stormwater Permit No. SW7050509, which was issued on June 26, 2005.
- In order to be found consistent with North Carolina's coastal management program, compensatory mitigation for unavoidable impacts to 8.53 acres of riparian wetlands, 3.88 acres of non-riparian wetlands, and 4,244.4 linear feet of streams are to be provided by the NC Ecosystem Enhancement Program (EEP) in Hydrological Cataloging Unit 03020104, as outlined in the letter from the EEP dated August 4, 2005. Compensatory mitigation for impacts to 383,268.8 square feet of Tar-Pamlico Riparian Buffers shall be provided through an in-lieu fee payment to the EEP, in accordance to EEP's acceptance letter dated July 26, 2005.
- In order to be found consistent with North Carolina's coastal management program, there will be no in-water work between February 15 and June 15 of any year without prior approval of the NC Division of Water Quality and the NC Wildlife Resources Commission, in accordance with project commitments and the 401 Water Quality Certification, issued on September 6, 2005.
- In order to be found consistent with North Carolina's coastal management program, a CAMA Major Permit Application shall be submitted to DCM upon completion of final design plans for R-2510 Section B and/or Section C. No construction may begin in R-2510 Section B and/or Section C until a CAMA permit is issued or modified in accordance with the rules of the NC Coastal Resources Commission.

As a result of circulating the Consistency Certification to the agencies with regulatory interest in the proposed development, DCM received the following recommendation from the NC Division of Marine Fisheries (NCDMF):

- The Tar River is used as spawning and nursery area for Herring (Blueback and Alewife), Shad (American and Hickory), and Stripped Bass. The NCDMF requests that NCDOT take a risk avoidance approach to this project and impose an in-water moratorium from February through September to protect adult, egg, and larval stages of these migratory species. DCM encourages NCDOT to incorporate this recommendation into the proposed project.

Should the project be modified, a revised consistency certification could be necessary. This might take the form of either a supplemental consistency certification pursuant to 15 CFR 930.66, or a new consistency certification pursuant to 15 CFR 930.57. Likewise, if further project assessments reveal environmental impacts not previously considered by the proposed development, a supplemental consistency certification might be required. If you have any questions, please contact Steve Sollod at (919) 733-2293 x230 or via e-mail at steve.sollod@ncmail.net. Thank you for your consideration of the North Carolina coastal management program.

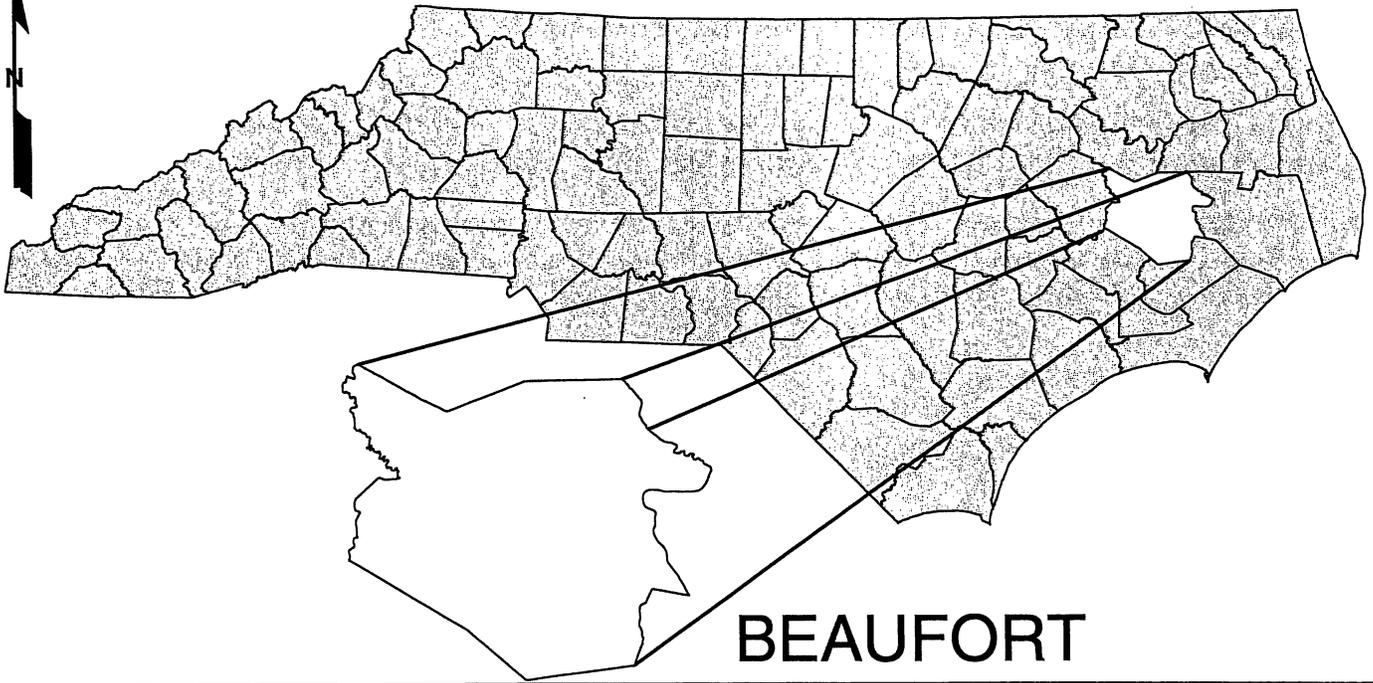
Sincerely,



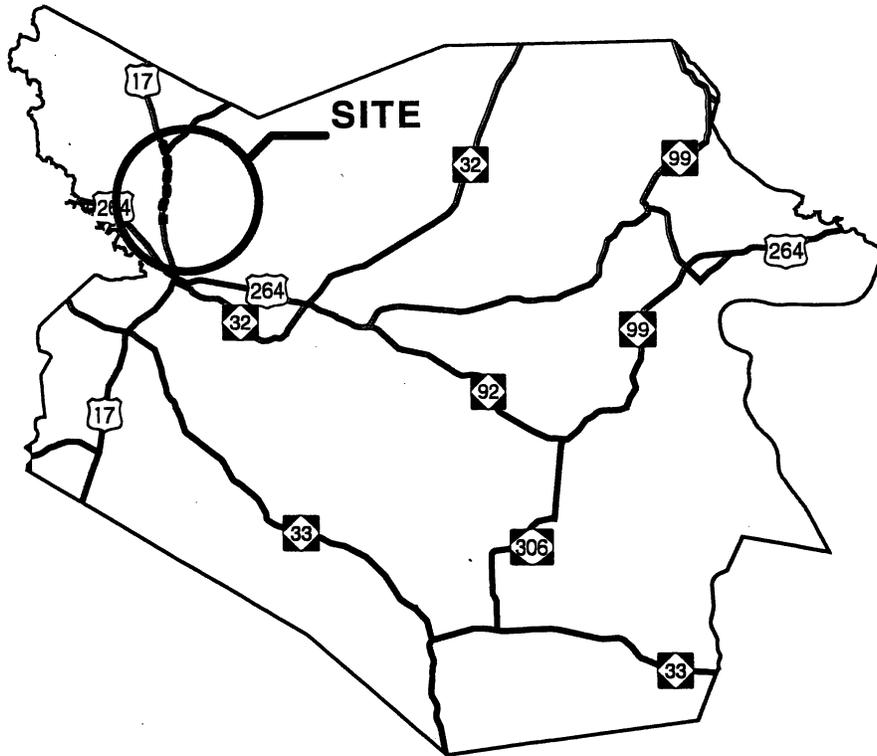
Doug Huggett
Manager, Major Permits and Consistency Unit

cc: Bill Arrington, DCM
Christina Breen, DWQ
Bill Gilmore, EEP
Terry Moore, DCM
Stephen Rynas, DCM
Steve Sollod, DCM
Chris Underwood, NCDOT
William Wescott, USACE

NORTH CAROLINA 220



BEAUFORT

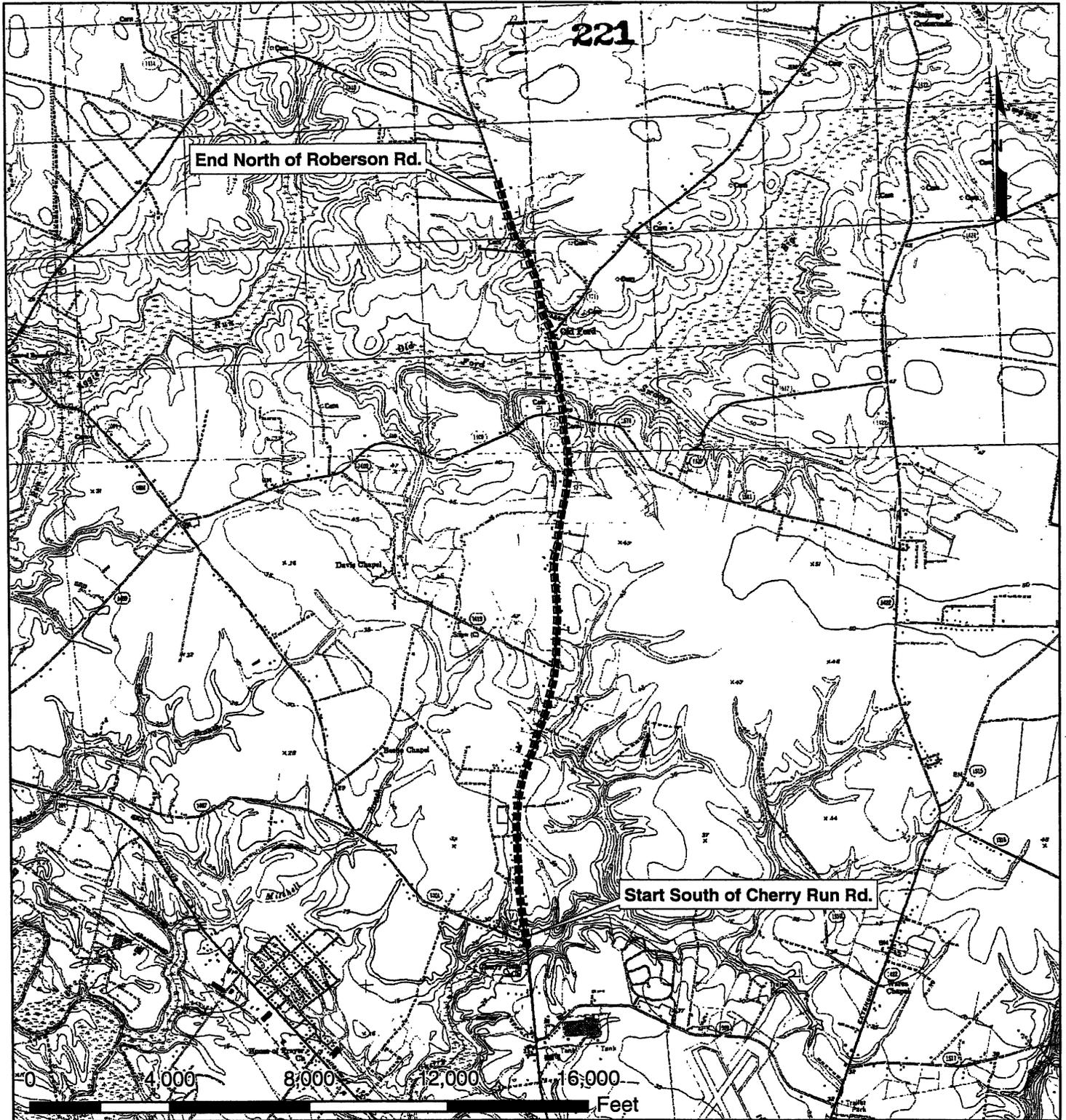


VICINITY MAPS

NCDOT

**DIVISION OF HIGHWAYS
BEAUFORT COUNTY
PROJECT: 34440.1.1 (R-2510C)
US 17 BYPASS**

3/11/05



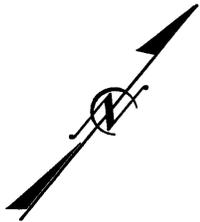
1 inch equals 4,000 feet

LOCATION

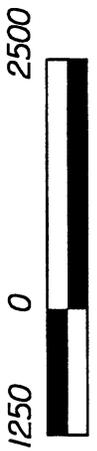
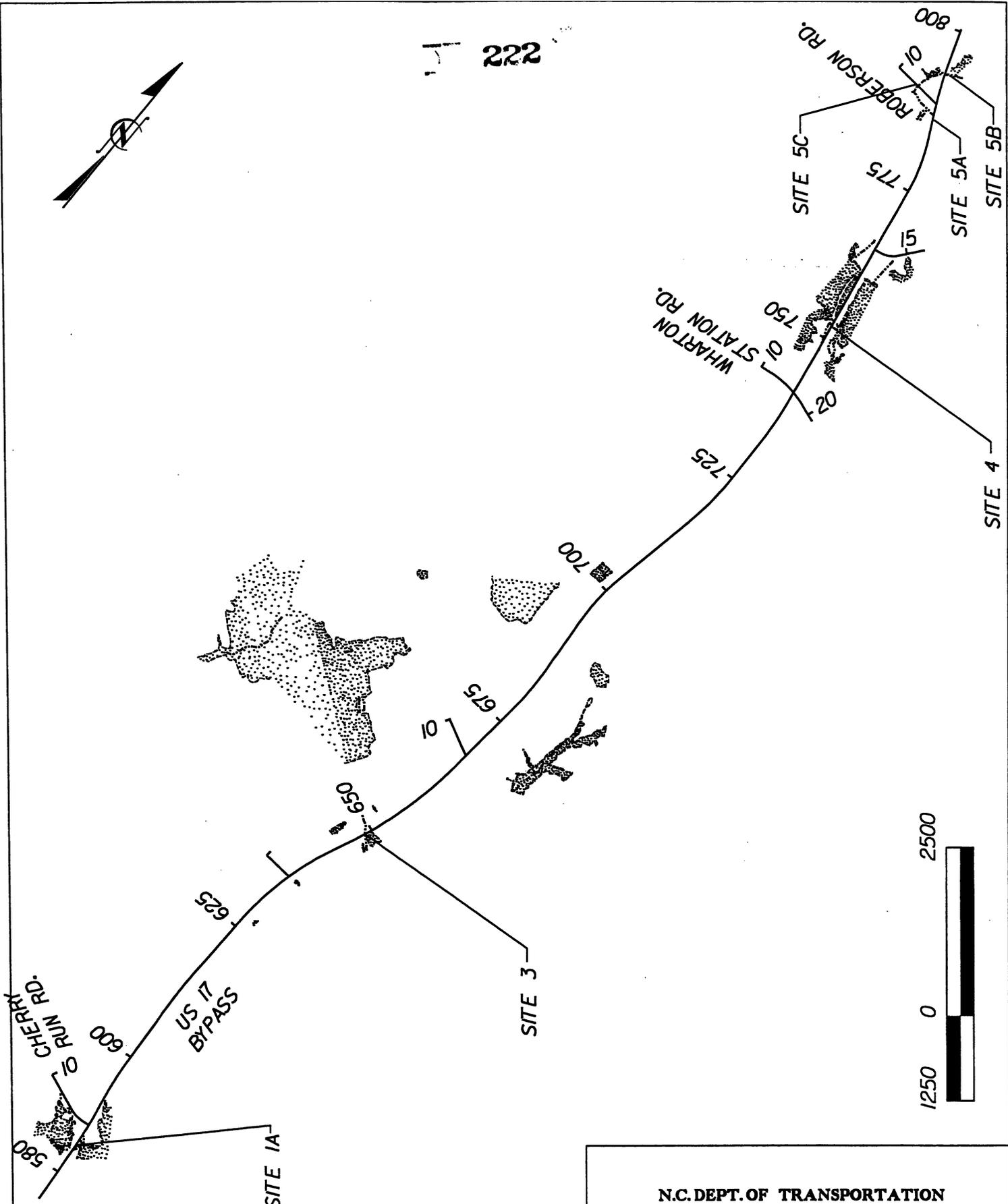
NCDOT

**DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 US 17 BYPASS**

3/11/05



222



SITE MAP

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BEAUFORT COUNTY

PROJECT 34440.11 (R-2510C)

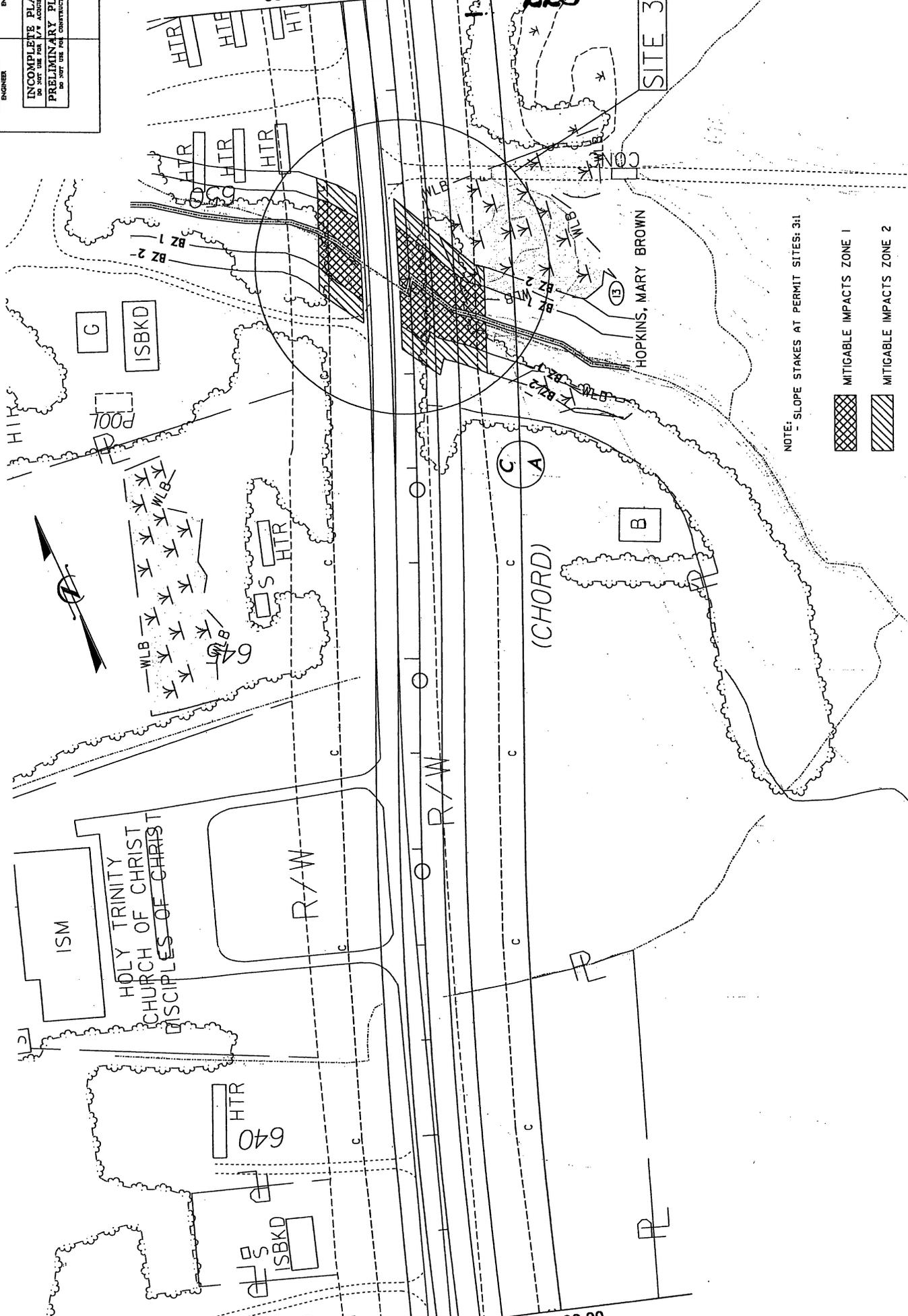
US 17 BYPASS

03 / 11 / 05

| PROP. NO. | PROPERTY OWNER NAME | PROP. OWNER MAILING ADDRESS |
|--|--|---|
| <p>10 11 13 14 15 16 17 19</p> | <p>ARNOLD, BILLY JOE & JOSEPH D. A& NANCY M. CHERRY, JACK JR HOPKINS, MARY BROWN BRANTLEY, MINNIE LEE BAKER, MELBER PRYOR PARISH, PEGGY M & H JOHN HODGES, MILTON EUGENE & JOANNE CARRAWAY, ARAH BELL</p> | <p>2125 US 17 HWY N, WASHINGTON, NC 27889 707 OAKWOOD AVE SOUTH, BRANDON, FL 33511 952 WHARTON STATION RD, WASHINGTON, NC 27889 5595 HWY 17 N, WASHINGTON, NC 27889 1160 CARRROW ROAD, CHOCOWINITY, NC 27817-9790 5666 US HWY 17 N, WASHINGTON, NC 27889 5548 US HWY 17 N, WASHINGTON, NC 27889 6361 US HWY 17 N, WASHINGTON, NC 27889</p> |
| | | <p>N.C. DEPT. OF TRANSPORTATION DIVISION OF HIGHWAYS BEAUFORT COUNTY PROJECT: 34440.1.1 (R-2510C) 3/8/2005</p> |

English

MATCH LINE -L- STA. 652+00.00



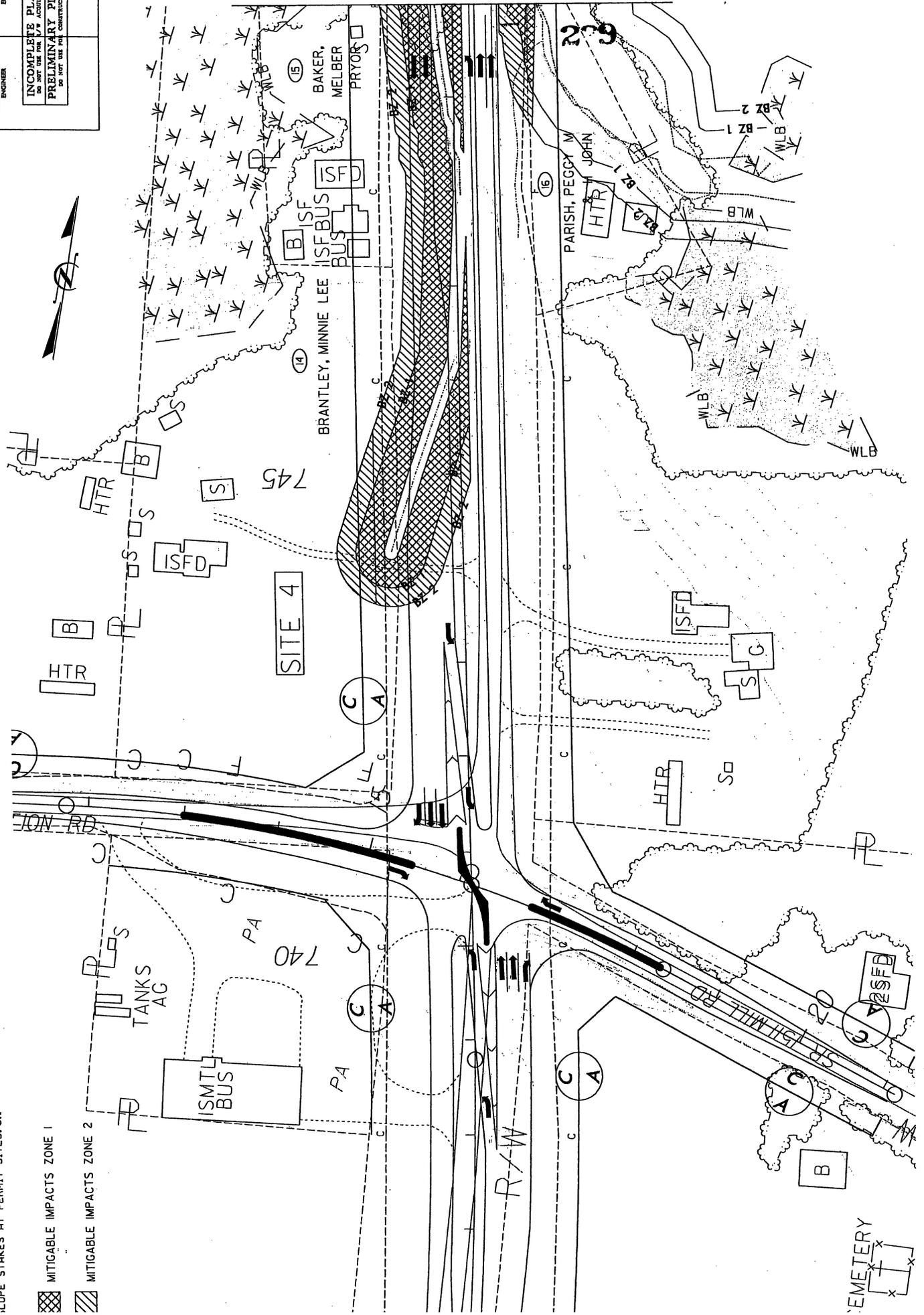
NOTE: - SLOPE STAKES AT PERMIT SITES: 3:1

 MITIGABLE IMPACTS ZONE 1
 MITIGABLE IMPACTS ZONE 2

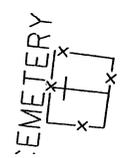
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English

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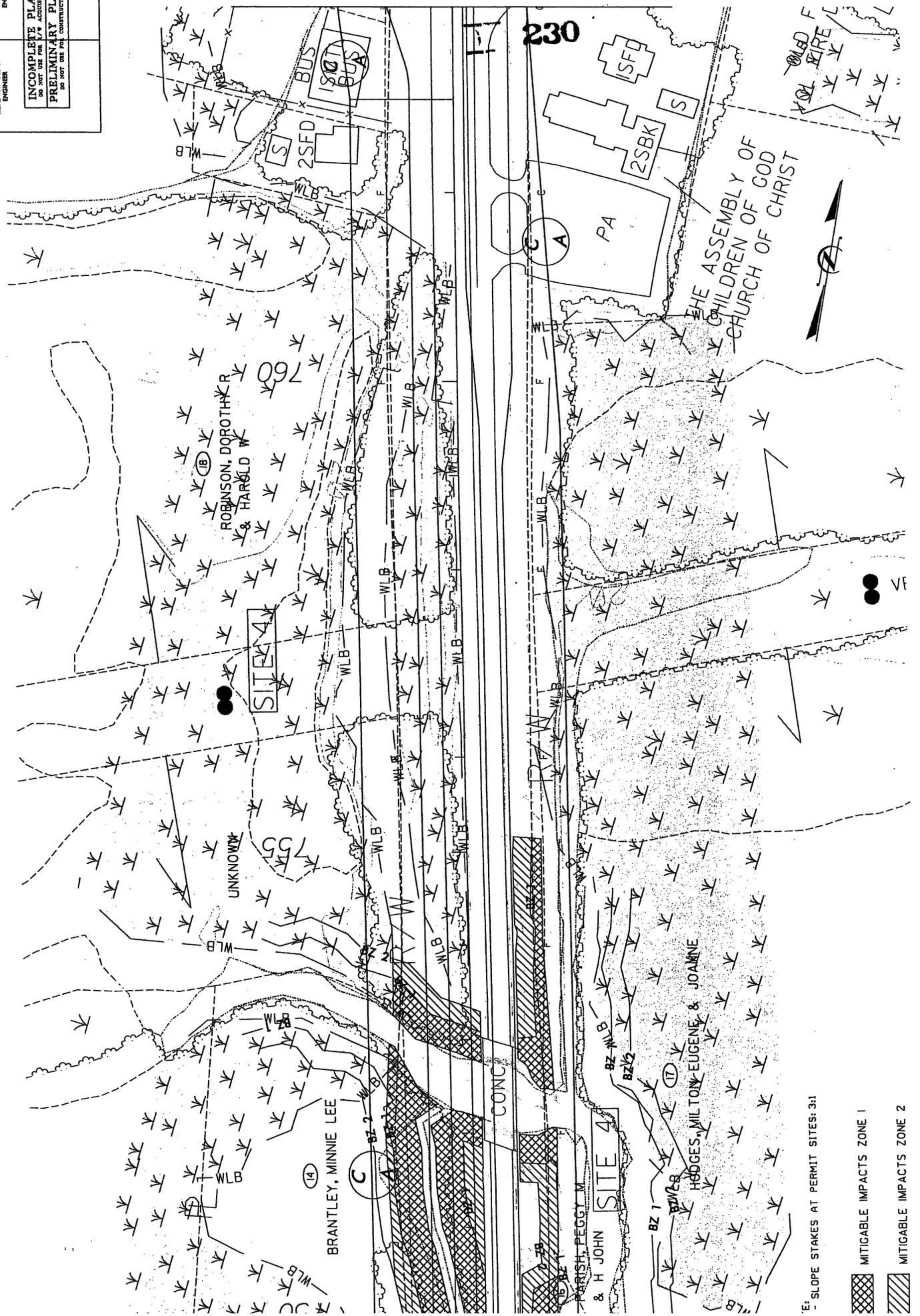


- ▶ SLOPE STAKES AT PERMIT SITES: 3:1
- ▶ MITIGABLE IMPACTS ZONE 1
- ▶ MITIGABLE IMPACTS ZONE 2



English

MATCH LINE L- STA. 764+00.00



E: SLOPE STAKES AT PERMIT SITES: 3:1

MITIGABLE IMPACTS ZONE 1

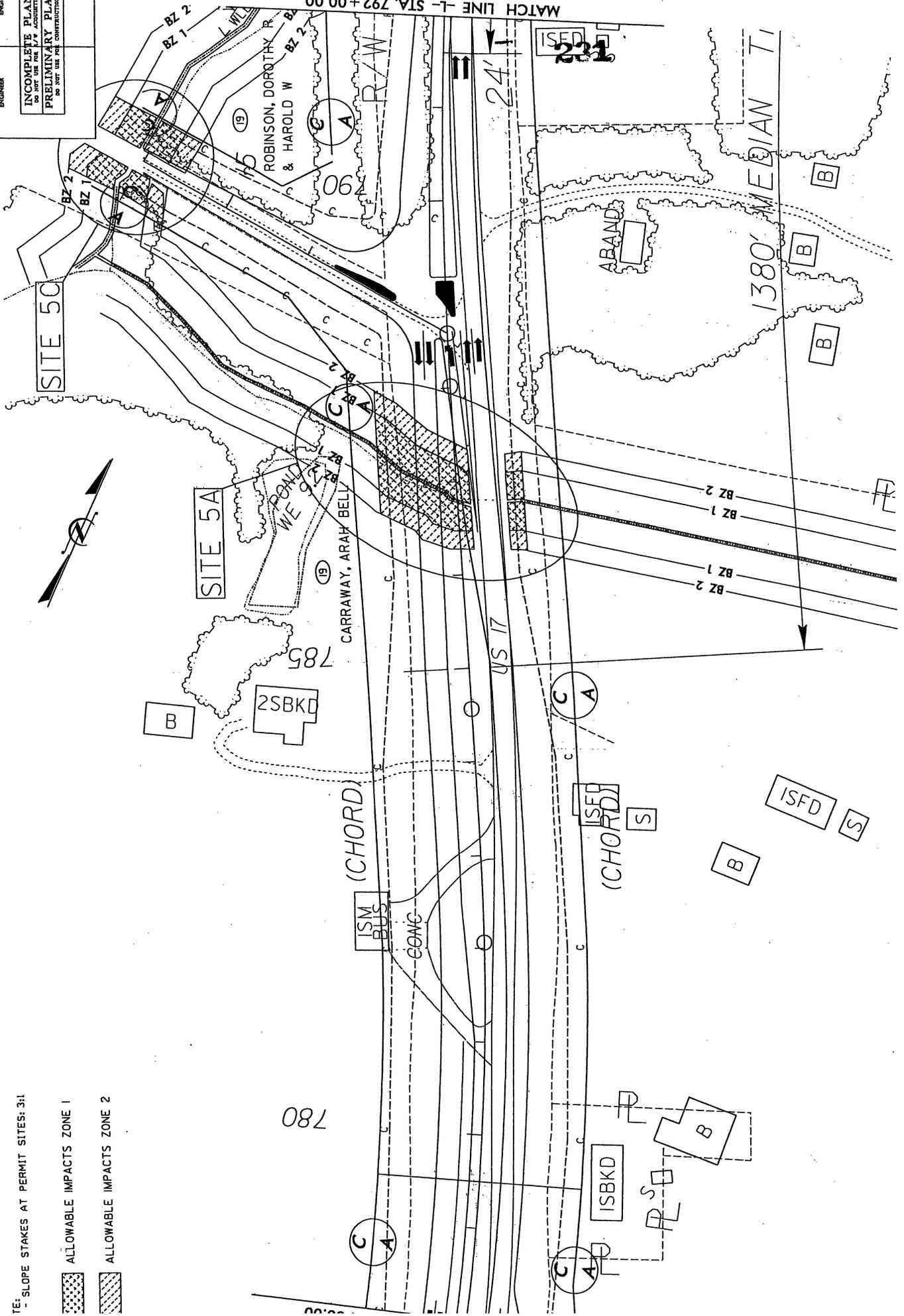
MITIGABLE IMPACTS ZONE 2



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English

MATCH LINE L- STA. 792+00.00



TE: - SLOPE STAKES AT PERMIT SITES: 3:1
 ALLOWABLE IMPACTS ZONE 1
 ALLOWABLE IMPACTS ZONE 2

R25/00 22

HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR ACQUISITION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

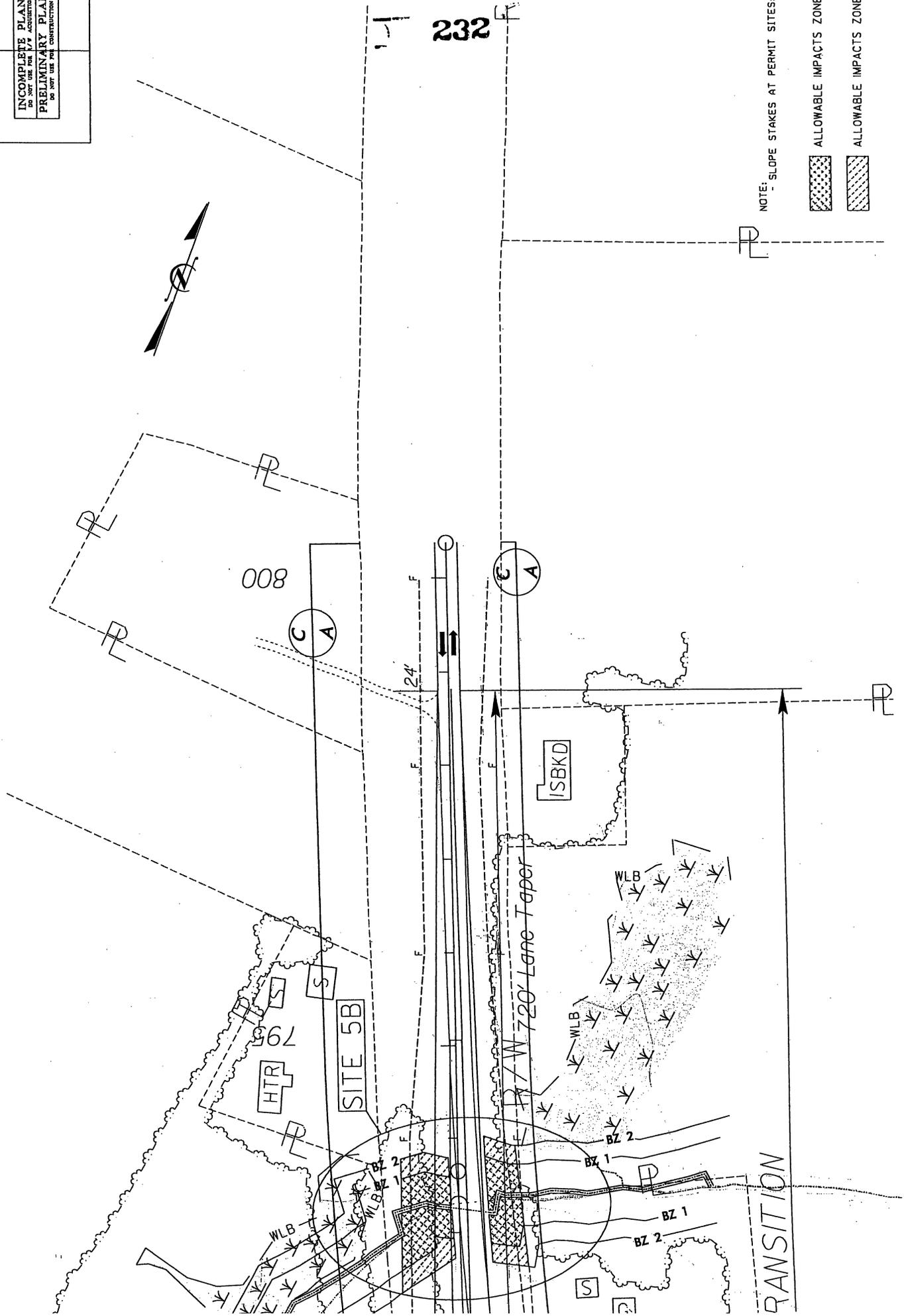


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NOTE: SLOPE STAKES AT PERMIT SITES: 3:1

ALLOWABLE IMPACTS ZONE 1

ALLOWABLE IMPACTS ZONE 2

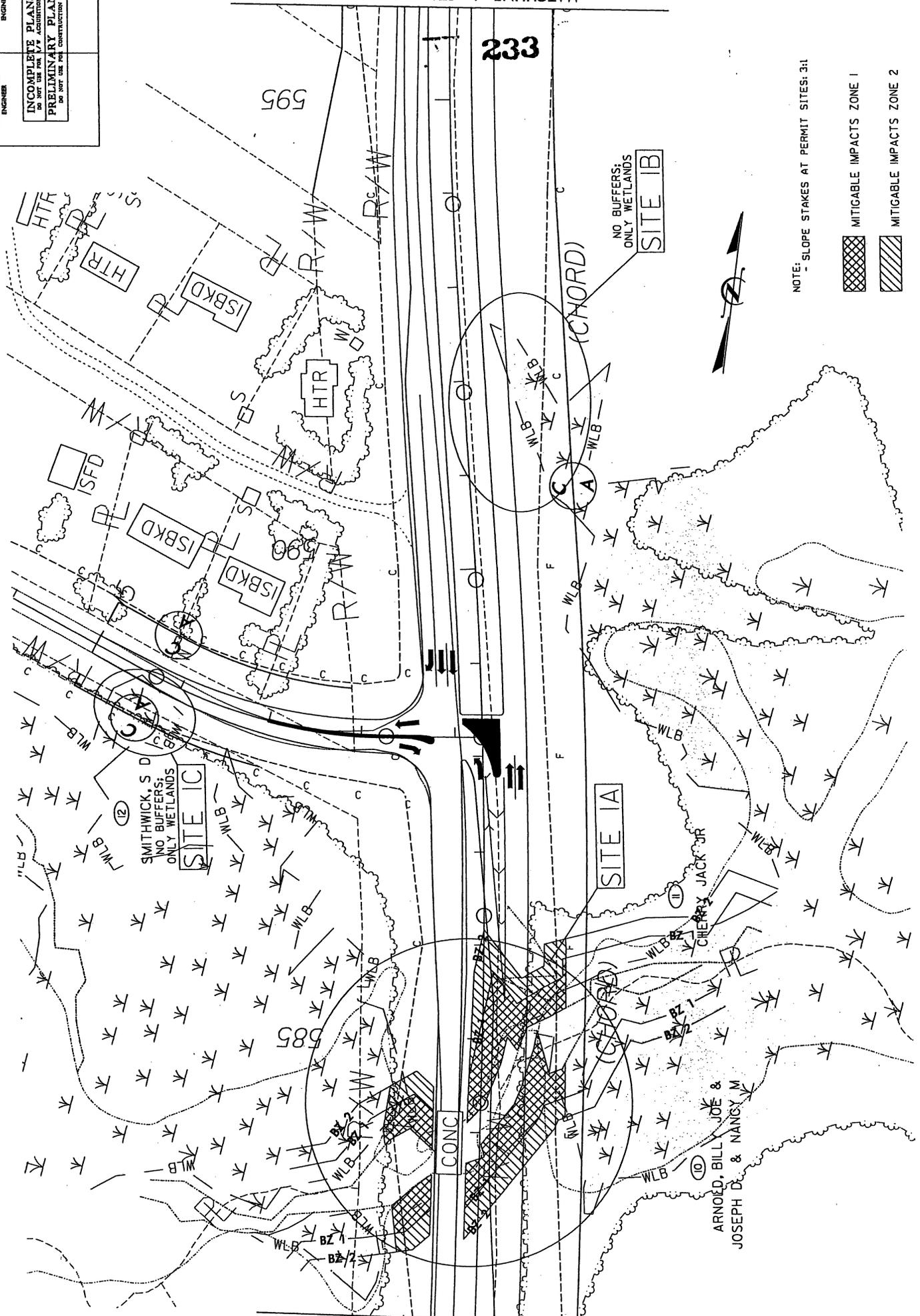


English

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595



NOTE: - SLOPE STAKES AT PERMIT SITES: 3:1



NO BUFFERS;
 ONLY WETLANDS
 SITE IB

SMITHWICK, S D
 NO BUFFERS;
 ONLY WETLANDS
 SITE IC

SITE IA

CONC

ARNOED, BILLY JOE &
 JOSEPH D. & NANCY M

CHERRY JACK JR

(12)

(11)

(10)

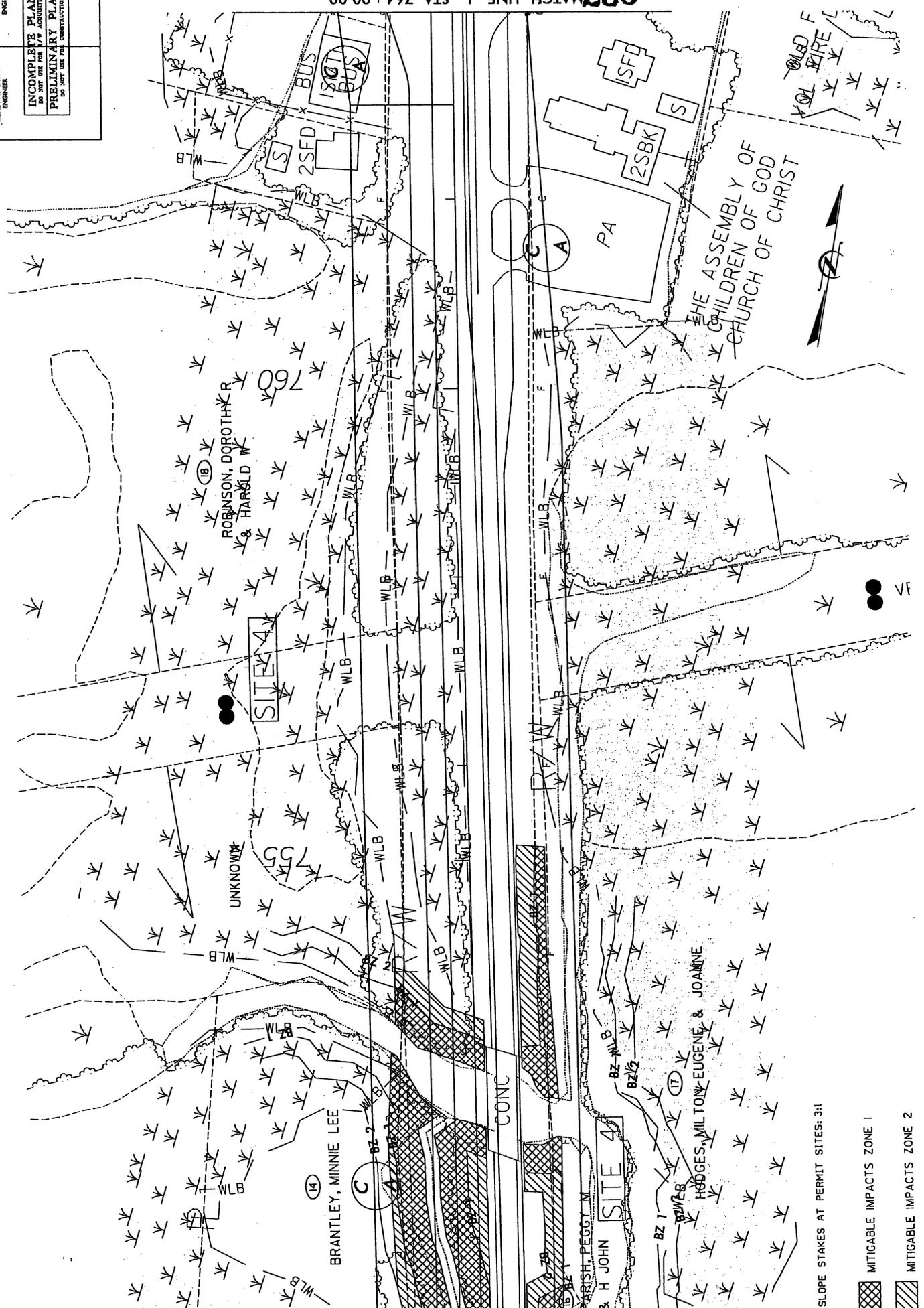
585

BZ 1
 BZ 2

PROJECT REFERENCE NO. R2510C
 SHEET NO. 19
 HYDRAULICS ENGINEER
 ROADWAY DESIGN ENGINEER
 INCOMPLETE PLANS FOR PERMIT ACQUISITION
 PRELIMINARY PLANS FOR PERMIT CONSTRUCTION

English

93236 MATCH LINE L- STA. 764+00.00



E: - SLOPE STAKES AT PERMIT SITES: 3:1

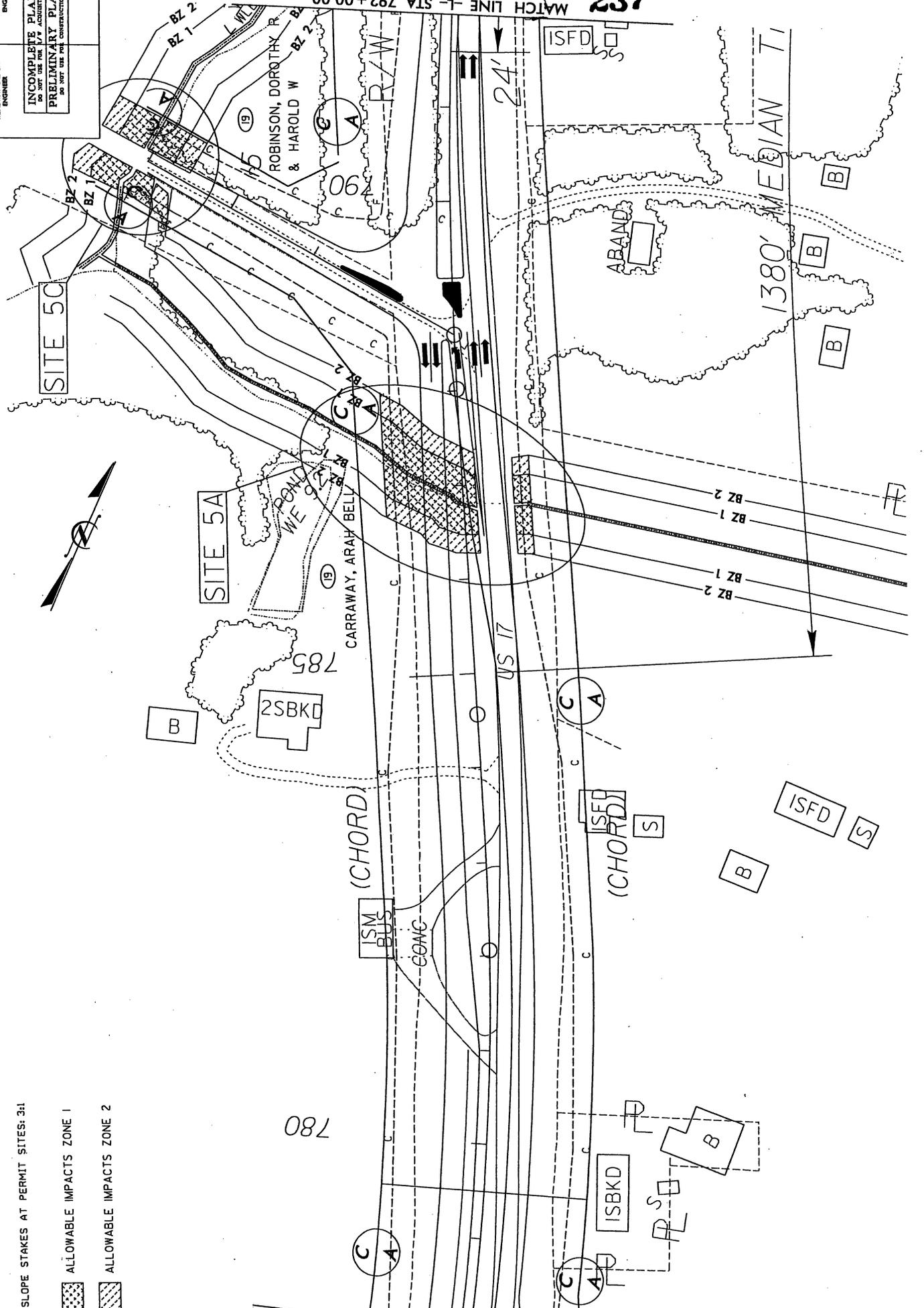
MITIGABLE IMPACTS ZONE 1

MITIGABLE IMPACTS ZONE 2



English

MATCH LINE -L- STA. 792+00.00 **237**



- E: - SLOPE STAKES AT PERMIT SITES: 3:1
- ALLOWABLE IMPACTS ZONE 1
 - ALLOWABLE IMPACTS ZONE 2

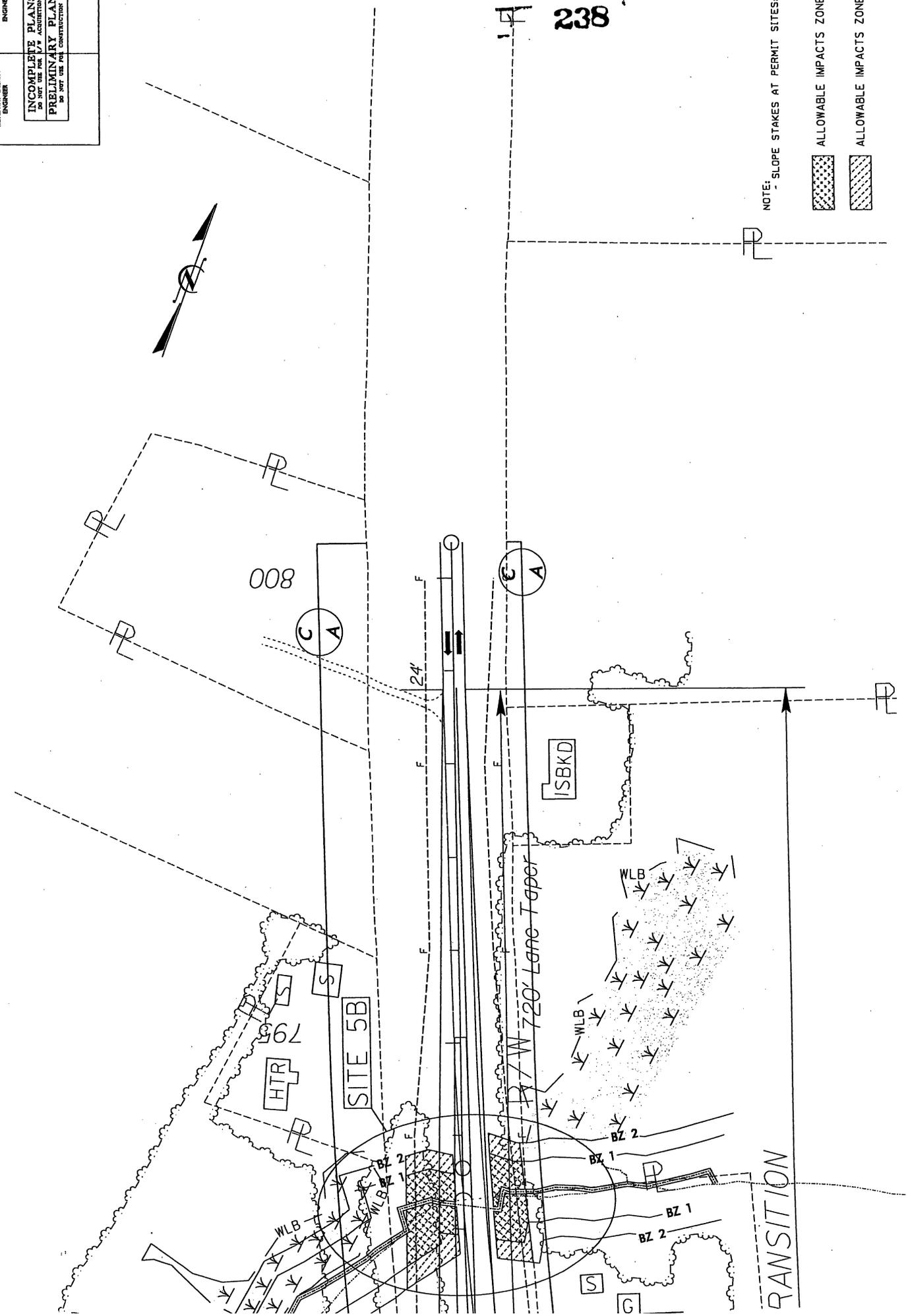
PROJECT REFERENCE NO. **R2510C** SHEET NO. **22**

HYDRAULICS ENGINEER

ROADWAY DESIGN ENGINEER

**INCOMPLETE PLANS
FOR THE PERMIT APPLICATION
PRELIMINARY PLANS
FOR USE BY THE CONTRACTOR**

English



238

NOTE: SLOPE STAKES AT PERMIT SITES: 3:1

ALLOWABLE IMPACTS ZONE 1

ALLOWABLE IMPACTS ZONE 2

PROJECT: R2510C
 SHEET NO. 7
 HYDRAULIC ENGINEER
 ROADWAY DESIGN ENGINEER

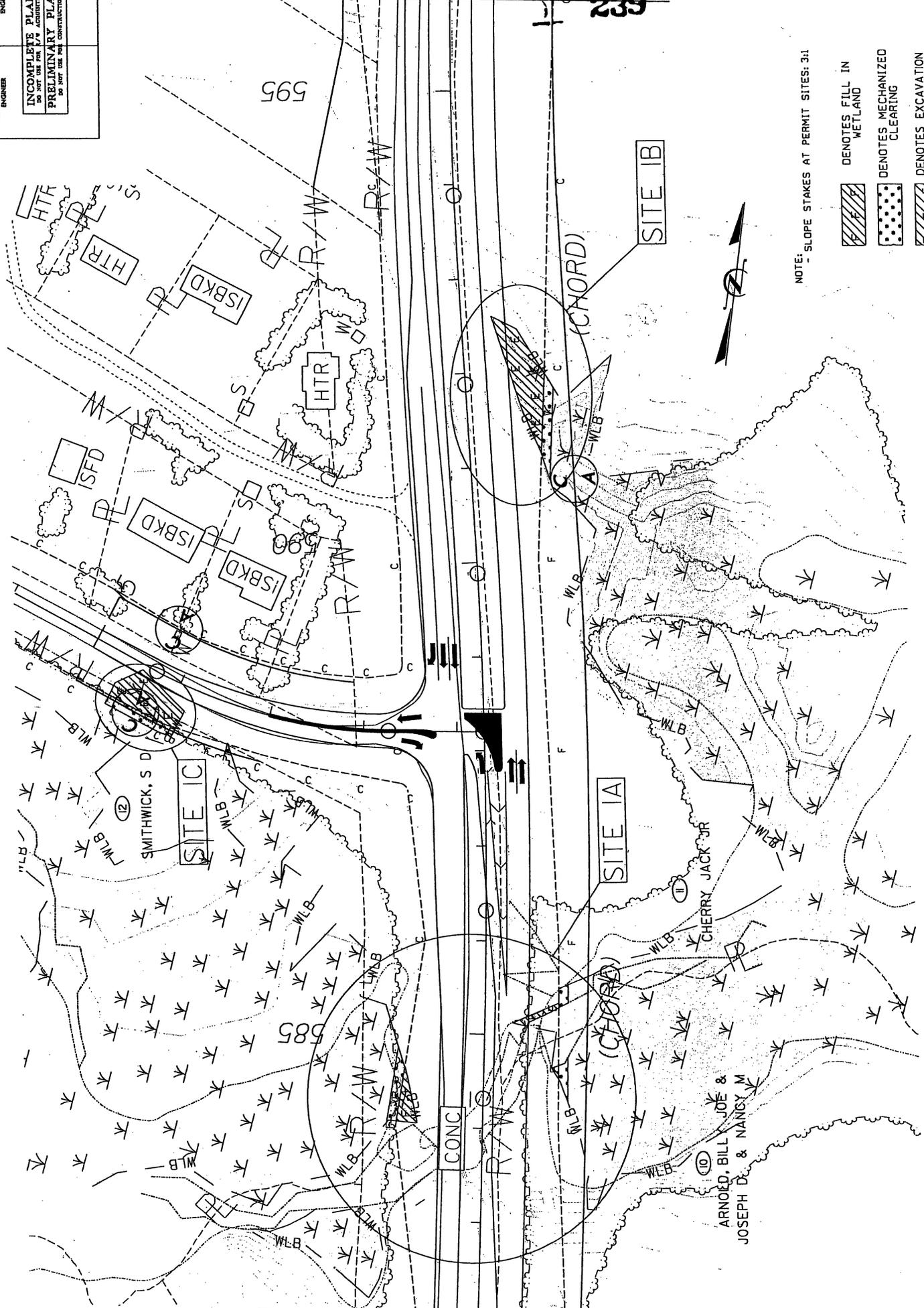
INCOMPLETE PLANS
 DO NOT USE FOR ACQUISITION

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

English

MATCHLINE -L- STA. 596+00.00

632



ARNOLD, BILLY JOE & JOSEPH D. & NANCY M.

CHERRY JACK JR.

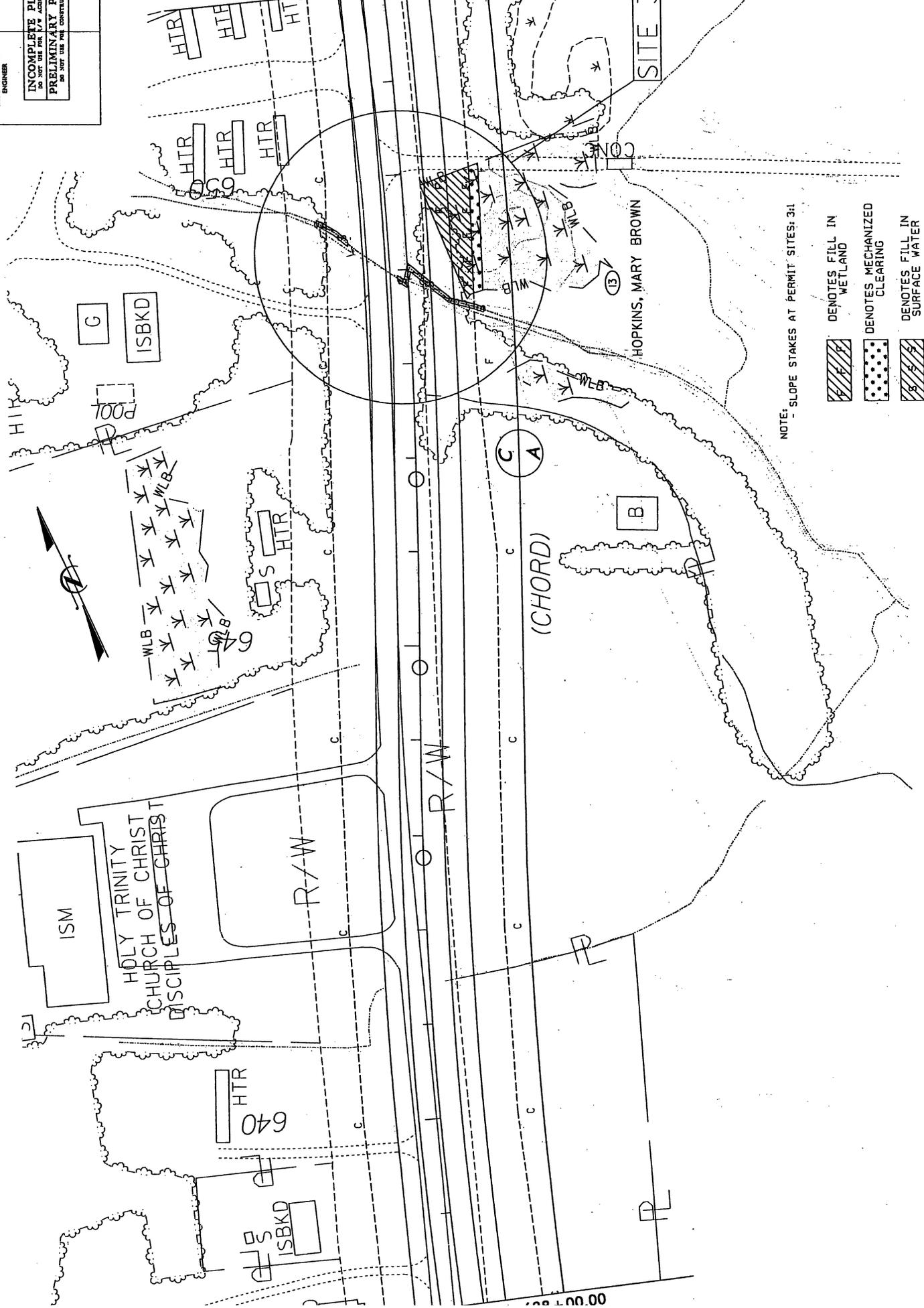
SMITHWICK, S D.



NOTE: -SLOPE STAKES AT PERMIT SITES: 3:1

-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES EXCAVATION IN WETLAND

MATCH LINE -L- STA. 652+00.00 **241**



NOTE: - SLOPE STAKES AT PERMIT SITES: 3:1

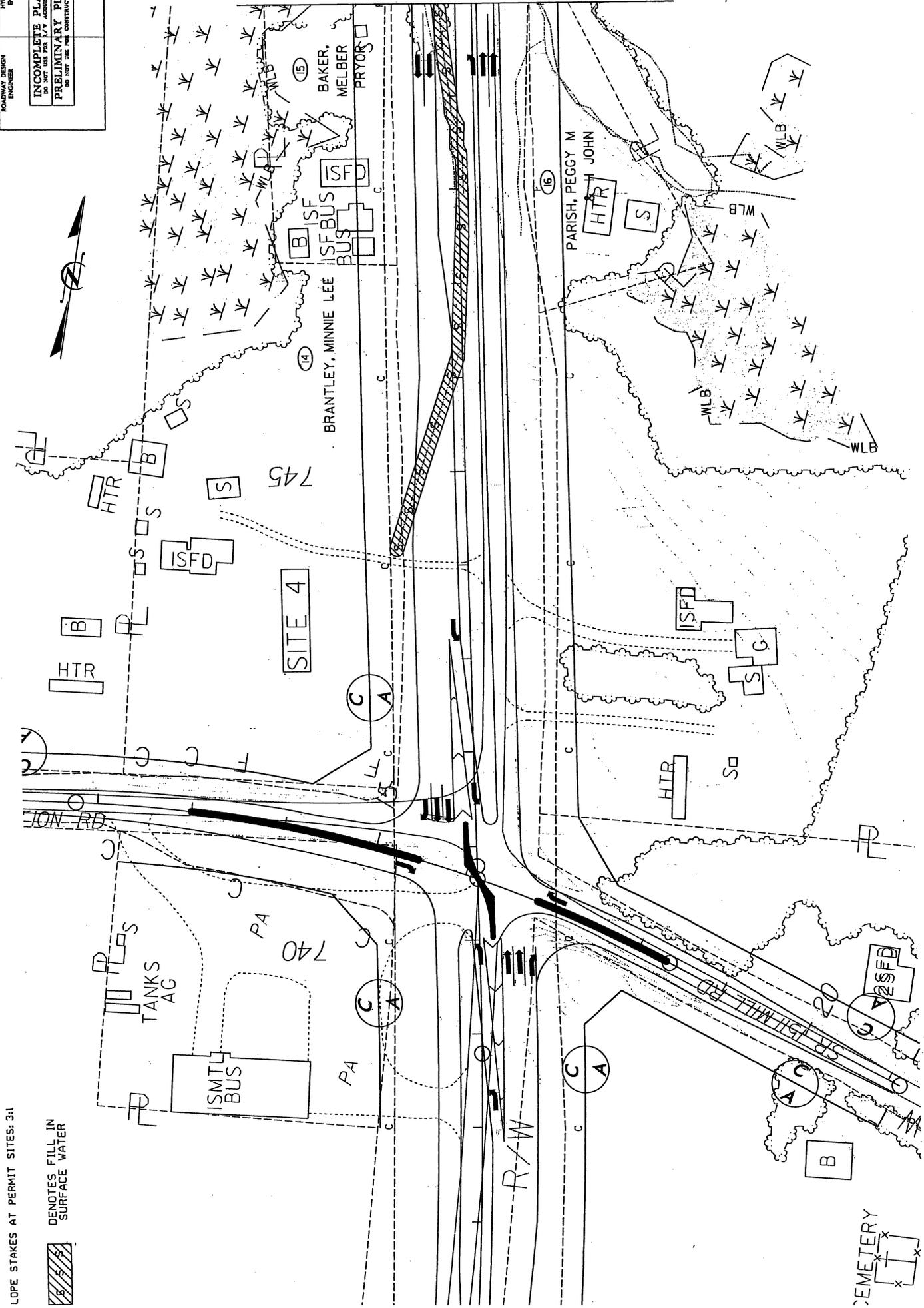
| | |
|---|-------------------------------|
|  | DENOTES FILL IN WETLAND |
|  | DENOTES MECHANIZED CLEARING |
|  | DENOTES FILL IN SURFACE WATER |

00+00.00

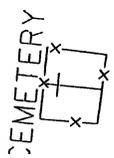
PROJECT REFERENCE NO. **R2500**
 SHEET NO. **18**
 HYDRAULICS ENGINEER
 ROADWAY DESIGN ENGINEER
 INCOMPLETE PLANS FOR PERMITTING PURPOSES
 PRELIMINARY PLANS FOR CONSTRUCTION

English

MATCH LINE -L- STA. 750+00.00 **242**



LOPE STAKES AT PERMIT SITES: 3:1
 DENOTES FILL IN SURFACE WATER

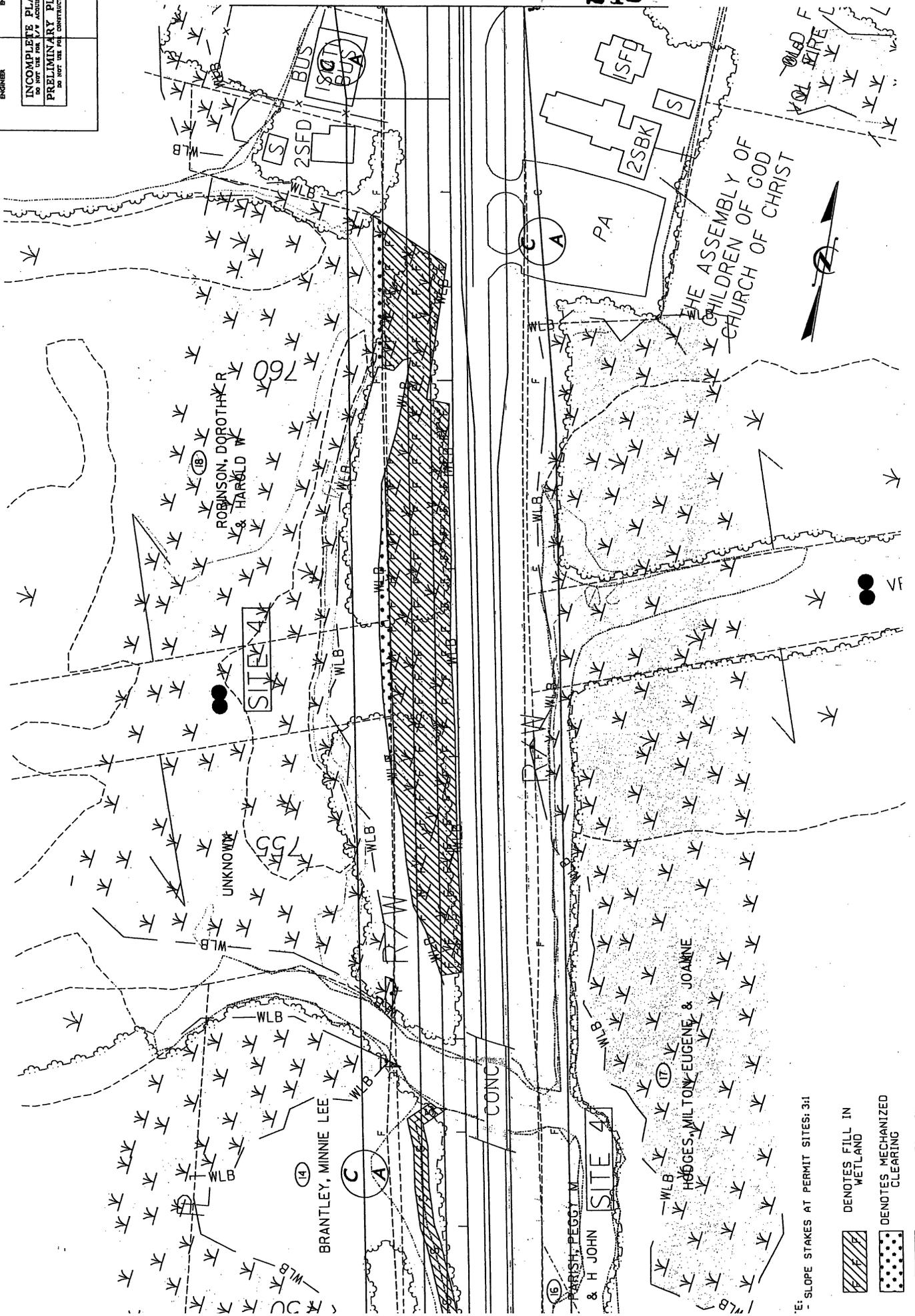


PROJECT REFERENCE NO. **R250C** SHEET NO. **19**
 HWY SHEET NO. **19**
 ROADWAY DESIGN ENGINEER
 RESULTS ENGINEER

INCOMPLETE PLANS
 DO NOT USE FOR P/L ACQUISITION
PRELIMINARY PLANS
 DO NOT USE FOR PERMITS OR CONSTRUCTION

English

243 MATCH LINE -L- STA. 764+00.00

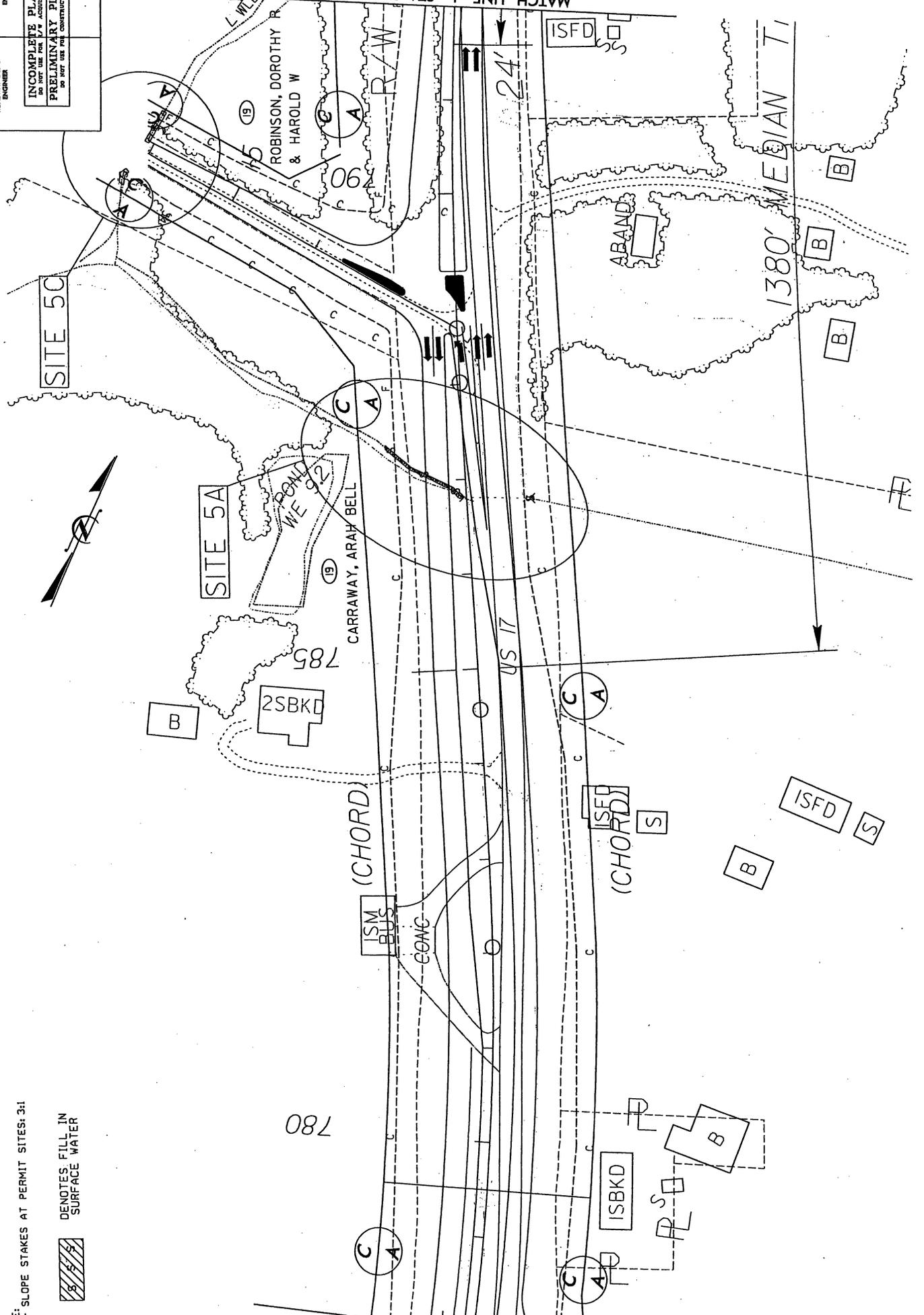


-  DENOTES FILL IN WETLAND
 -  DENOTES MECHANIZED CLEARING
 -  DENOTES FILL IN SURFACE WATER
- E: SLOPE STAKES AT PERMIT SITES: 3:1

English

244

MATCH LINE -L- STA. 792+00.00



E: SLOPE STAKES AT PERMIT SITES: 3:1
 DENOTES FILL IN SURFACE WATER



PROJECT REFERENCE NO. **R2500** SHEET NO. **22**

ROADWAY DESIGN ENGINEER

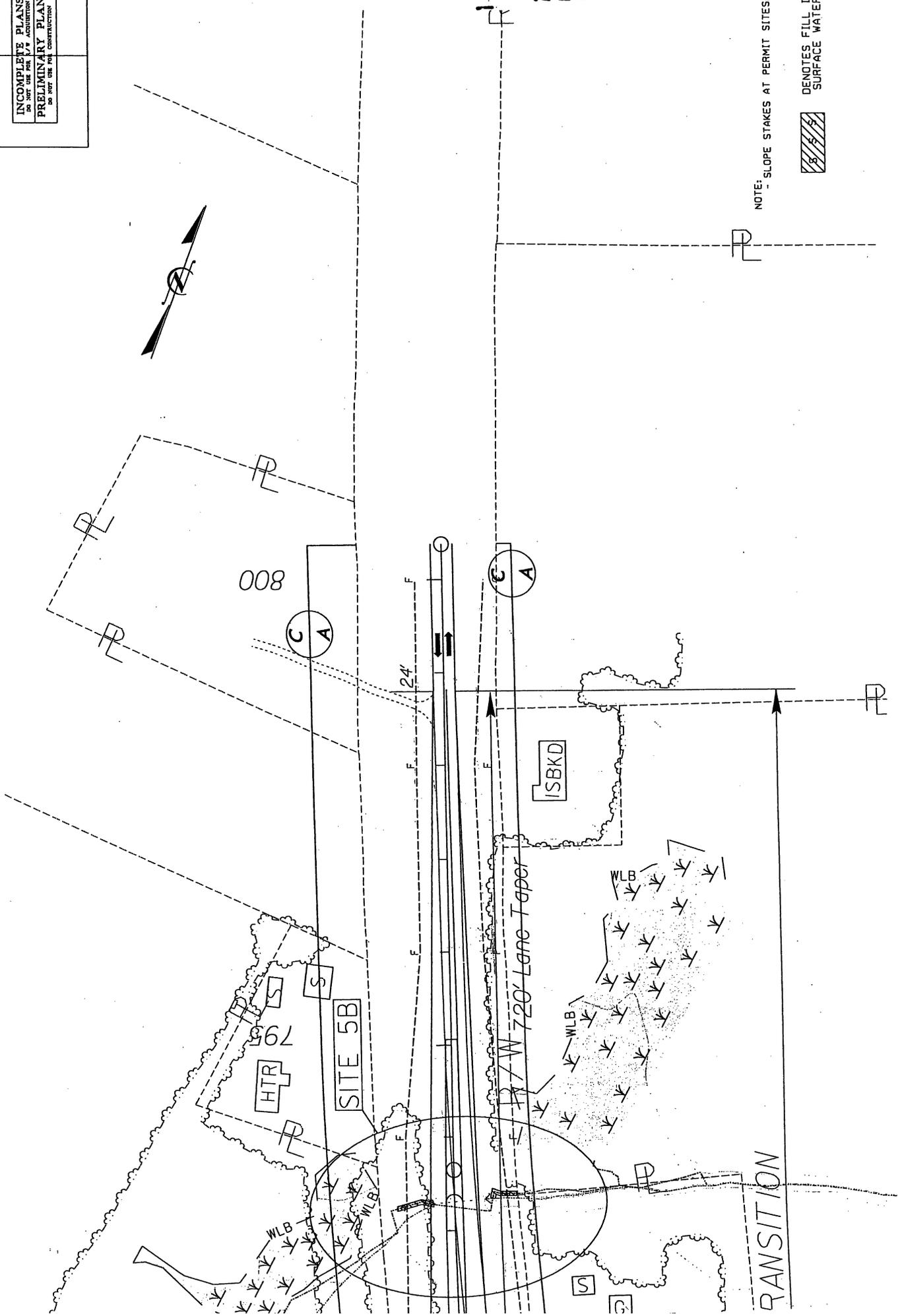
HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR ACQUISITION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

English

245

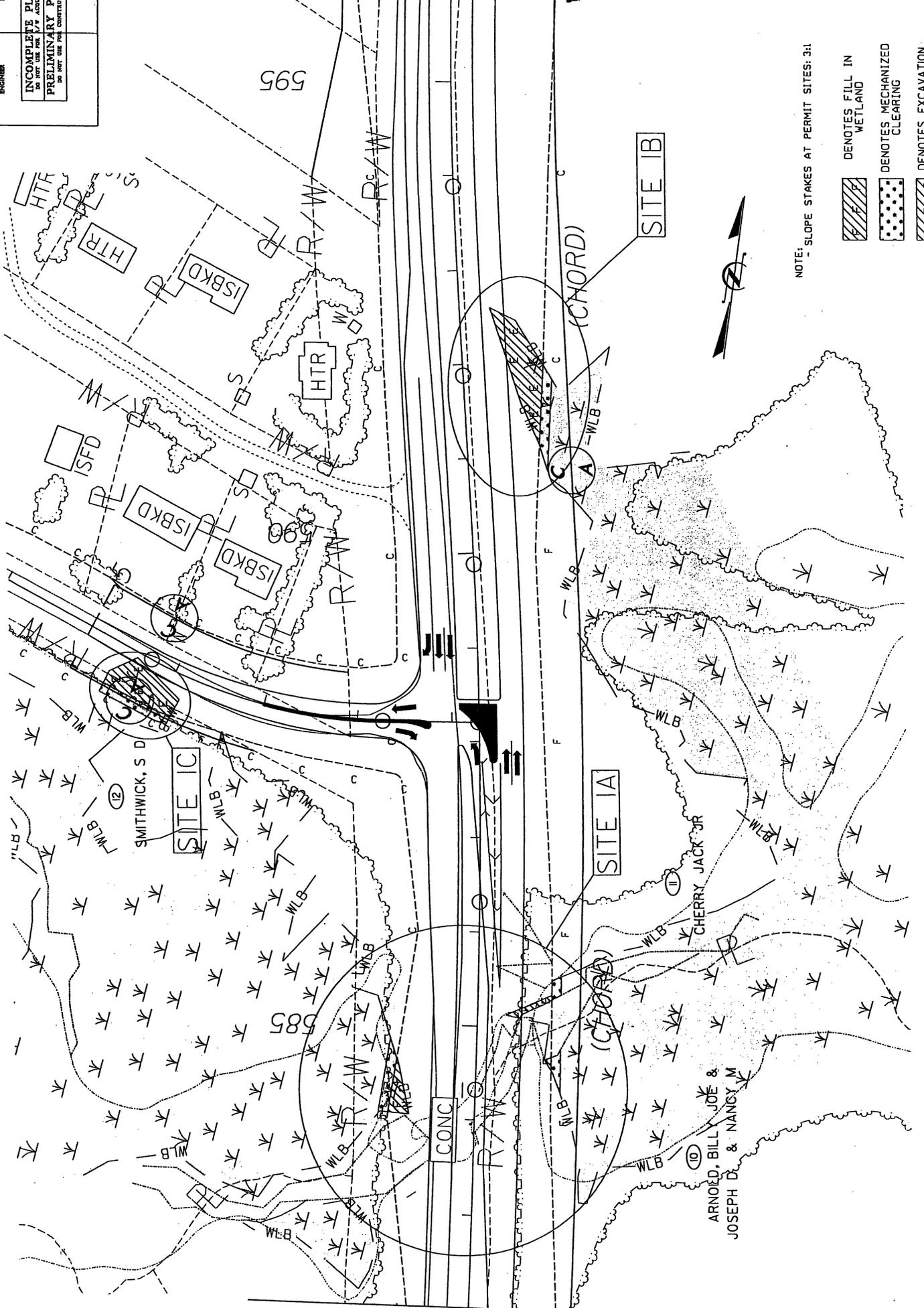


NOTE: - SLOPE STAKES AT PERMIT SITES: 3:1

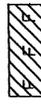
 DENOTES FILL IN SURFACE WATER

PROJECT: **English**
 DRAWING NO.: **R2510C**
 SHEET NO.: **7**
 ENGINEER: **HYDRAULICS ENGINEER**
 ROADWAY DESIGN ENGINEER
INCOMPLETE PLANS
 DO NOT USE FOR PERMITS
PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

MATCHLINE -L- STA. 596+00.00 **246**

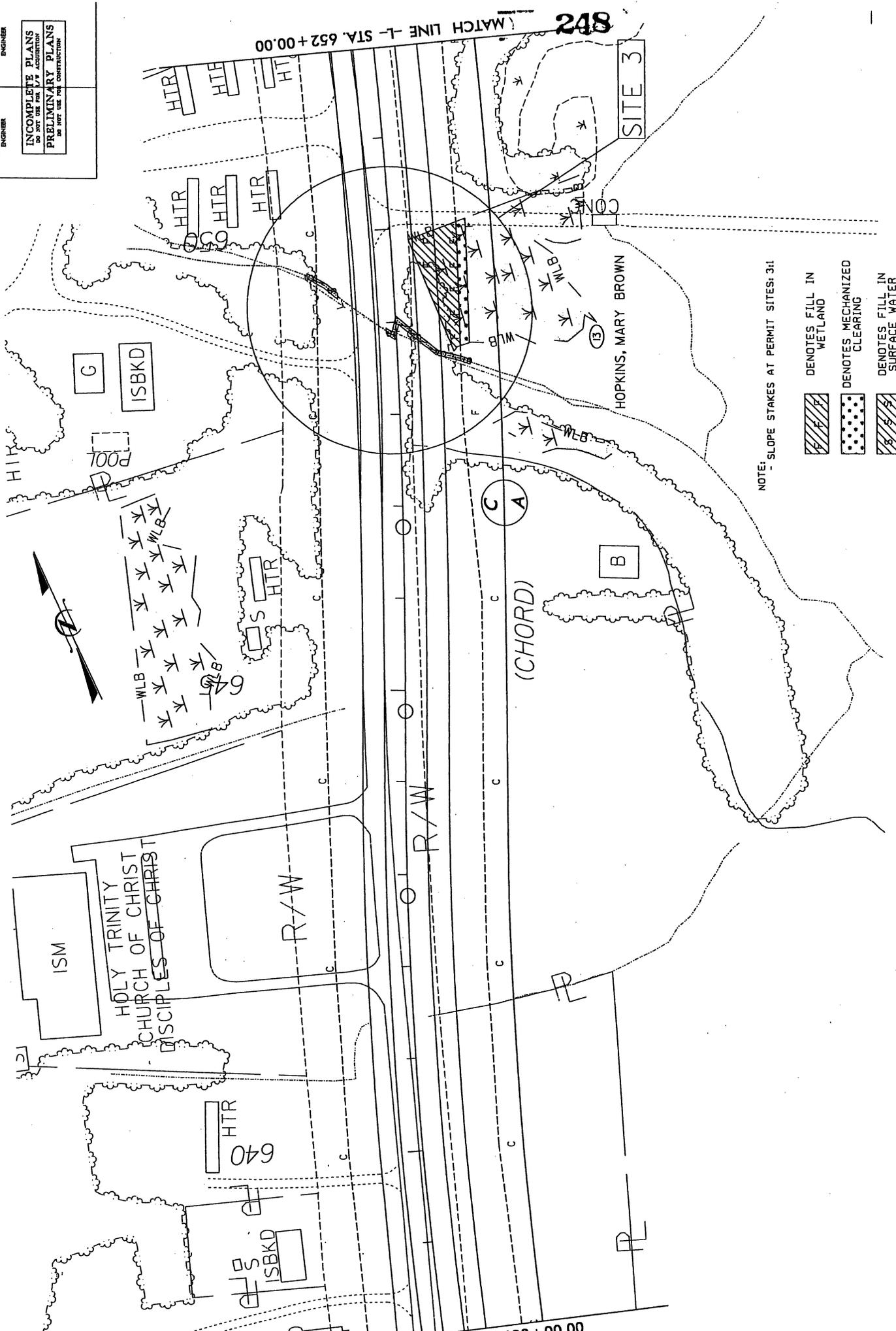


NOTE: - SLOPE STAKES AT PERMIT SITES: 3:1

-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES EXCAVATION IN WETLAND

MATCHLINE -R- STA. 597+00.00

MATCH LINE -L- STA. 652+00.00 **828**



NOTE: SLOPE STAKES AT PERMIT SITES: 3:1

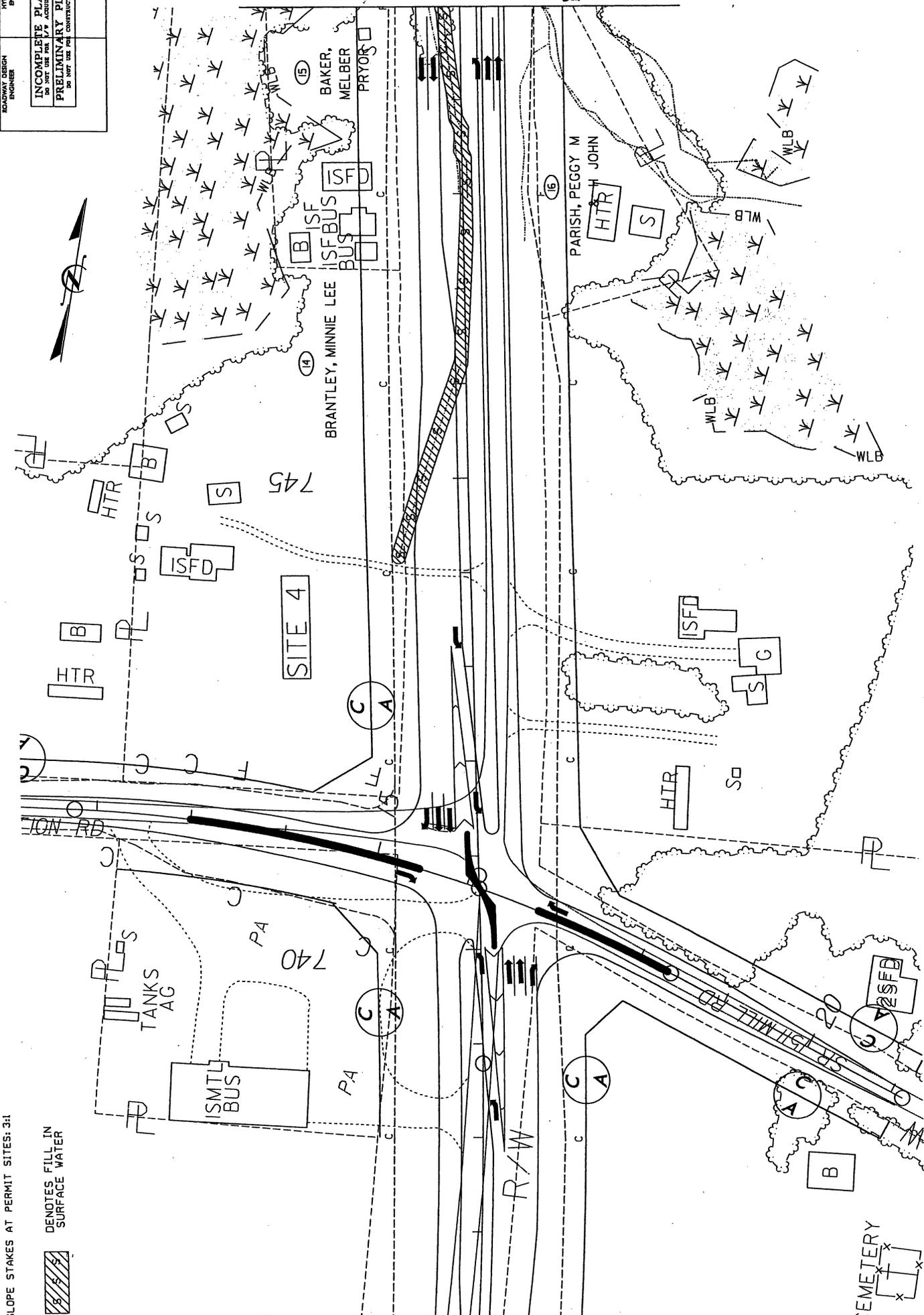
-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN SURFACE WATER



PROJECT REFERENCE NO. R2570C
 SHEET NO. 18
 HYDRAULIC ENGINEER
 ROADWAY DESIGN ENGINEER

English

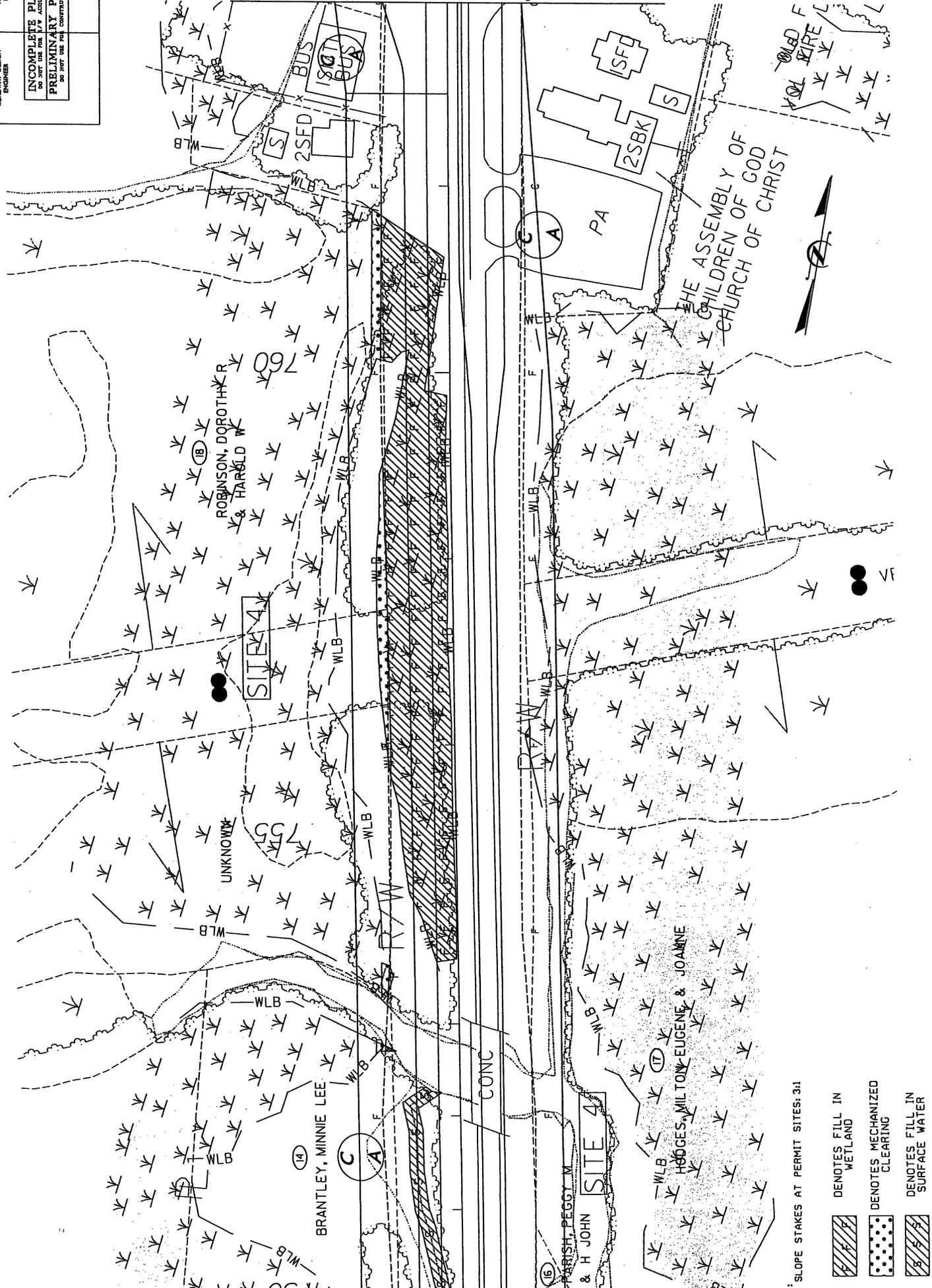
INCOMPLETE PLANS
 DO NOT USE FOR A/CORRIGATION
 PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION



SLOPE STAKES AT PERMIT SITES: 3:1

DENOTES FILL IN SURFACE WATER

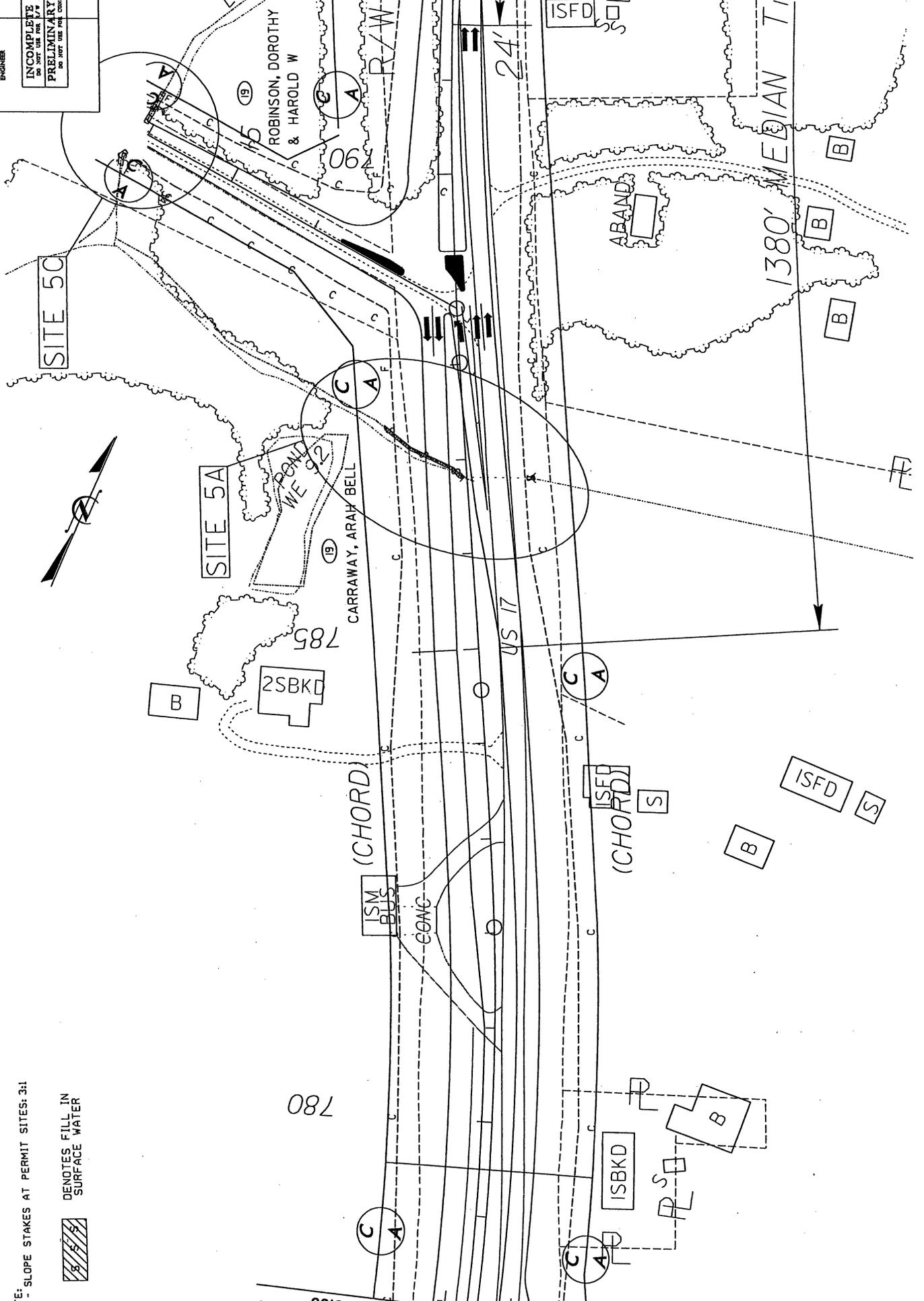
052 MATCH LINE L- STA. 764+00.00



- E: - SLOPE STAKES AT PERMIT SITES: 3:1
-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN SURFACE WATER

TE: - SLOPE STAKES AT PERMIT SITES: 3:1
 DENOTES FILL IN SURFACE WATER

MATCH LINE - STA. 792+00.00 **251**

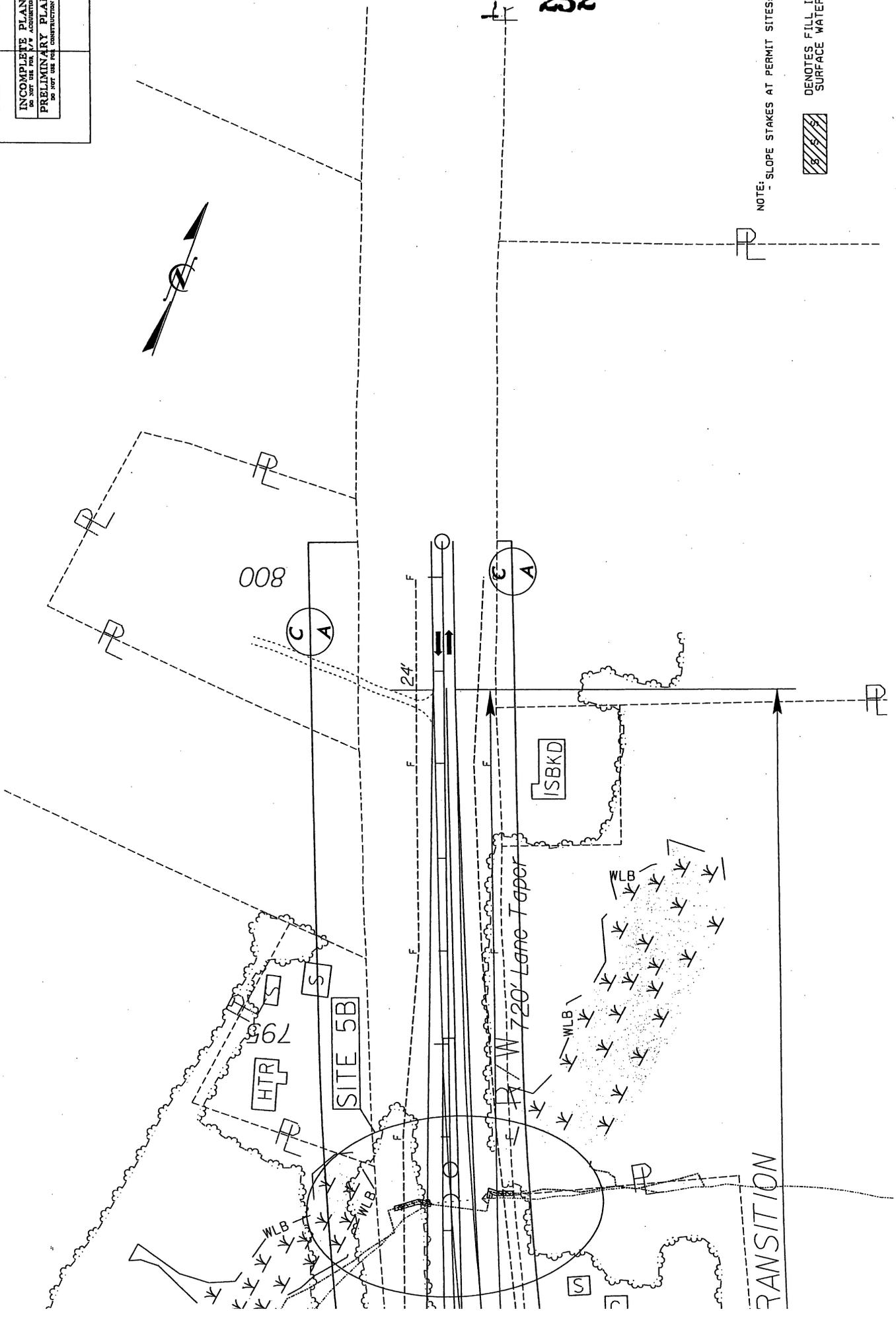
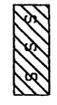




252

NOTE: SLOPE STAKES AT PERMIT SITES: 3:1

DEMOTES FILL IN SURFACE WATER





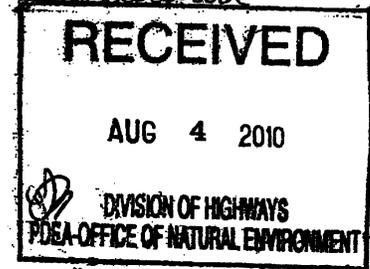
IN REPLY REFER TO

253

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

Washington Regulatory Field Office
Post Office Box 1000
Washington, North Carolina 27889-1000

July 29, 2010



Regulatory Division

Action ID No. 199301143

Mr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Thorpe:

Reference the Department of the Army (DA) permit issued to you on January 17, 2006, and permit modification issued to you on January 17, 2007, both associated with the relocation and widening of approximately 15 miles of US Highway 17 (Washington Bypass, TIP R-2510, Sections A and B). This office received a permit modification request dated April 14, 2010, addressing the proposed relocation and widening of Section C; from US 17 north of SR 1509 (Springs Road) to US 17 north of SR 1418 (Roberson Road). The entire project is located within Beaufort County, North Carolina and the Tar-Pamlico River Basin (HUC 03020104).

The proposed modification will result in 1.70 acres of permanent wetland impacts (0.56 acres riparian & 1.14 non-riparian). These impacts represent a 0.96 acre reduction of riparian and 0.81 increase of non-riparian impacts from the original permit. These impacts are comprised of 1.20 acres of fill, 0.30 acres of excavation in wetlands, 0.20 acres of mechanized land clearing and 0.14 acres of hand clearing in wetlands and are associated with construction of the bridge approach fill slopes and proposed road alignment.

The proposed modification will also result in 1,230 linear feet of permanent stream impacts (a 201 foot reduction from the original permit) and 858 linear feet of temporary stream impacts associated with roadway fill and bridge construction. There will be no jurisdictional impacts as a result of relocation of cable, telephone or power lines. Water lines will be relocated along the length of project using directional bore under jurisdictional wetland areas.

This modification request was discussed and coordinated with the appropriate State and Federal agencies at previous Merger 01 concurrence meetings and the coordination revealed no objections to this modification request. Therefore, the permit is hereby modified in accordance with the specific work activities described above and in the enclosed plans.

In addition, a permit modification request was received in this office on July 22, 2010, requesting a two year extension to the December 31, 2010 expiration date associated with the January 17, 2007 permit modification request. The permit expiration date is hereby modified from December 31, 2010 to December 31, 2012. It is understood that all conditions of the original permit and applicable modifications remain valid. In addition, the permittee will comply with the following special permit conditions:

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

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

✕ c.) Compensatory mitigation for the unavoidable impacts to 1,230 linear feet of warm water streams, 0.56 acres of riparian wetlands, and 1.14 acres of non-riparian wetlands associated with the construction of the Washington Bypass (TIP Number R-2501, Section C) shall be provided by the North Carolina Ecosystem Enhancement Program (NCEEP), as outlined in the letter dated October 20, 2009, from William D. Gilmore, NCEEP Director. Pursuant to the Tri-Party Memorandum of Agreement (MOA) between the NC Department of Environment and Natural Resources (NCDENR), the NC Department of Transportation (NCDOT) and the US Army Corps of Engineers (USACE) executed on March 8, 2007; and in accordance with Section X of Amendment No. 2 to the MOA, the permittee shall make payment to NCEEP in the amount determined by NCEEP, sufficient to perform the restoration of 2,460 linear feet of warm water stream, 1.12 acres of Riparian wetlands, and 2.28 acres of non-Riparian wetlands (2:1 ratio) in the Tar River Basin, Cataloging Unit (03020103).

Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to NCEEP and provided a copy of the payment documentation to the Corps, and NCEEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU program.

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

Questions regarding this correspondence may be directed to Mr. Tom Steffens, NCDOT Coordinator/Regulatory Project Manager at the Washington Regulatory Field Office, telephone (910) 251-4615. The Wilmington District is committed to providing the highest level of support to the public. To help ensure we continue to do so, please complete the Customer Satisfaction Survey located at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

Sincerely,



David M. Lekson, P.W.S.
Chief, Washington Regulatory Field Office

Copies furnished w/o attachments:

Mr. Stephen Lane
NC Department of Environment and Natural Resources
Division of Coastal Management
400 Commerce Avenue
Morehead City, North Carolina 28557

Mr. Garcy Ward
Water Quality Section
North Carolina Department of Environment
and Natural Resources
943 Washington Square Mall
Washington, North Carolina 27889

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

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

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



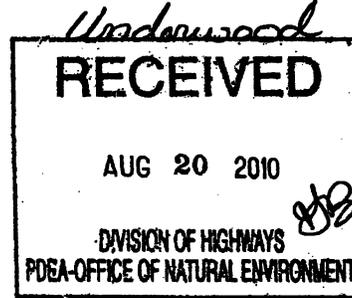
North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

August 5, 2010



Dr. Greg Thorpe, Ph.D., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Tar-Pamlico Buffer Authorization, with **ADDITIONAL CONDITIONS** for Proposed improvements to US 17 (Washington By-pass) from North of SR 1509 (Springs Rd) to North of SR 1418 (Roberson Rd) in Beaufort County, Federal Aid Project No. MAF-75-3(26), TIP No. R-2510 C. NCDWQ Project No. 20050785 v. 14

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3527 issued to The North Carolina Department of Transportation (NCDOT) dated September 6, 2005. This modification is applicable only to the additional activities in R-2510 section C. All the authorized activities and conditions associated with the original Water Quality Certification dated September 6, 2005 and subsequent modifications still apply except where superceded by this certification.

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

Sincerely,

Coleen H. Sullins
Director

Attachments

- cc: Tom Steffens, US Army Corps of Engineers, Washington Field Office
- Neil Lassiter, PE, Division 2 Engineer
- Travis Wilson, NC Wildlife Resources Commission
- Steve Sollod, Division of Coastal Management, Raleigh
- Stephen Lane, Division of Coastal Management, Morehead City
- Garcy Ward, NCDWQ, Washington Regional Office
- File Copy

**Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act
and Tar-Pamlico Buffer Authorization with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B .0259. This certification authorizes the NCDOT to impact 1.84 acres of jurisdictional wetlands, 0.47 acres of surface waters, 2,088 linear feet of jurisdictional streams and 155,924 square feet of protected riparian buffers in Beaufort County. The project shall be constructed pursuant to the modification request dated received April 16, 2010 and additional information dated received July 13, 2010 and July 26, 2010. The authorized impacts are as described below:

Wetland Impacts in the Tar-Pamlico River Basin Approved in Original Certification

| Section C, Site: | Fill (Permanent) (ac) | Fill (Temporary) (ac) | Excavation (ac) | Mechanized Clearing (ac) | Hand Clearing (ac) | Total Wetland Impact (ac) |
|-----------------------|-----------------------------|--------------------------|--------------------|--------------------------------|--------------------------|------------------------------|
| 1A | 0.022 | | | 0.027 | | 0.049 |
| 1B | | | 0.074 | 0.021 | | 0.095 |
| 1C | | | 0.056 | 0.019 | | 0.075 |
| 2 | | | | | | |
| 3 | 0.093 | | | 0.031 | | 0.124 |
| 4 | 1.035 | | | 0.108 | | 1.143 |
| 5A | | | | | | |
| 5B | | | | | | |
| 5C | | | | | | |
| INITIAL TOTAL: | 1.15 | | 0.13 | 0.206 | | 1.486 |

Wetland Impacts in the Tar-Pamlico River Basin Approved By This Certification

| Section C, Site: | Fill (Permanent) (ac) | Fill (Temporary) (ac) | Excavation (ac) | Mechanized Clearing (ac) | Hand Clearing (ac) | Total Wetland Impact (ac) |
|------------------------|-----------------------------|--------------------------|--------------------|--------------------------------|--------------------------|------------------------------|
| 1A | 0.01 | | | 0.04 | 0.07 | 0.05 |
| 1B | 0.03 | | 0.03 | 0.01 | | 0.07 |
| 1C | | | 0.02 | 0.02 | | 0.04 |
| 2 | | | | | | |
| 3 | 0.06 | | 0.18 | 0.05 | | 0.29 |
| 4A | | | | | 0.01 | |
| 4B | | | | 0.01 | 0.06 | 0.01 |
| 4C | | | | | | |
| 4D | 1.10 | | | 0.04 | | 1.14 |
| 5A | | | | | | |
| 5B | <0.01 | | 0.07 | 0.03 | | 0.10 |
| 5C | | | | | | |
| Modified TOTAL: | 1.2 | | 0.30 | 0.20 | 0.14 | 1.70* |
| Difference | +0.05 | | +0.17 | -0.006 | +0.14 | +0.21 |

Total Wetland Impact for project: 1.7 acres

* Total includes 0.56 acres of riparian wetlands and 1.14 acres of non-riparian wetlands. Excludes impacts from Hand Clearing.

Stream Impacts in the Tar-Pamlico River Basin approved in Original Certification

| Section C, Site: | Fill Perennial Stream (linear ft) | Temporary Fill Perennial Stream (linear ft) | Permanent Surface Water Impacts (ac) | Temporary Surface Water Impacts (ac) | Total Stream Impact (linear ft) | Stream Impacts Requiring Mitigation (linear ft) |
|-----------------------|-----------------------------------|---|--------------------------------------|--------------------------------------|---------------------------------|---|
| 1A | - | - | - | - | | |
| 1B | - | - | - | - | | |
| 1C | - | - | - | - | | |
| 2 | 113.8 | - | 0.003 | - | 113.8 | |
| 3 | 159.3 | - | 0.018 | - | 159.3 | 159.3 |
| 4 | 841.6 | - | 0.287 | - | 841.6 | 841.6 |
| 5A | 107.5 | - | 0.007 | - | 107.5 | |
| 5B | 72.5 | - | 0.008 | - | 72.5 | |
| 5C | 54.4 | - | 0.006 | - | 54.4 | |
| INITIAL TOTAL: | 1,349.1 | | 0.329 | | 1,349.1 | 1,001 |

Stream Impacts in the Tar-Pamlico River Basin approved with this Modification

| Section C, Site: | Permanent Fill Perennial Stream (linear ft) | Temporary Fill Perennial Stream (linear ft) | Permanent Surface Water Impacts (ac) | Temporary Surface Water Impacts (ac) | Total Stream Impact (linear ft) | Stream Impacts Requiring Mitigation (linear ft) |
|------------------------|---|---|--------------------------------------|--------------------------------------|---------------------------------|---|
| 1A | 34 | 262 | <0.01 | 0.17 | 296 | - |
| 1B | - | - | - | - | | |
| 1C | - | - | - | - | | |
| 2* | n/a | n/a | n/a | n/a | | |
| 3 | 122 | 116 | 0.01 | 0.01 | 238 | - |
| 4A | 779 | 27 | 0.07 | 0.01 | 806 | 779 |
| 4B | 0 | 270 | 0 | 0.12 | 270 | - |
| 4C | 0 | 116 | 0 | <0.01 | 116 | - |
| 5A | 120 | 20 | 0.01 | 0 | 140 | - |
| 5B | 154 | 20 | 0.02 | <0.01 | 174 | 154 |
| 5C | 21 | 27 | <0.01 | <0.01 | 48 | 21 |
| MODIFIED TOTAL: | 1,230 | 858 | 0.13 | 0.34 | 2,088 | 954 |
| Difference | -119 | +858 | -0.199 | +0.34 | + 739 | - 47 |

Total Stream Impact for Project: 2,088 linear feet

2* subsequent site visits by DWQ and Corps of Engineers personnel found no stream feature present

Tar-Pamlico Riparian Buffer Impacts Approved with the Original Certification

| Section C | Zone 1 Impact (sq ft) | minus Wetlands in Zone 1 (sq ft) | = Zone 1 Buffers (not wetlands) (sq ft) | Zone 1 Buffer Mitigation Required (using 3:1 ratio) | Zone 2 Impact (sq ft) | minus Wetlands in Zone 2 (sq ft) | = Zone 2 Buffers (not wetlands) (sq ft) | Zone 2 Buffer Mitigation Required (using 1.5:1 ratio) |
|---------------|-----------------------|----------------------------------|---|---|-----------------------|----------------------------------|---|---|
| Site: | | | | | | | | |
| 1A | 14,759.6 | 1,477.4 | 13,282.2 | 39,846.6 | 12,196 | 453.3 | 11,742.7 | 17,614.1 |
| 3 | 10,208.7 | 521.8 | 9,686.9 | 29,060.7 | 6,621.8 | 934.7 | 5,687.1 | 8,530.7 |
| 4 | 55,506.1 | 434.6 | 55,071.5 | 165,214.5 | 33,873.3 | 2.4 | 33,870.9 | 50,806.4 |
| 5A | 8,114.1 | 0 | 8,114.1 | *n/a | 5,294.4 | 0 | 5,294.4 | *n/a |
| 5B | 6,986.8 | 0 | 6,986.8 | *n/a | 4,080.4 | 0 | 4,080.4 | *n/a |
| 5C | 3,976.1 | 0 | 3,976.1 | *n/a | 2,628.6 | 0 | 2,628.6 | *n/a |
| Totals | 99,551.4 | 2,433.8 | 97,117.6 | 234,121.8 | 64,694.5 | 1,390.4 | 63,304.1 | 76,951.2 |

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required
Total Buffer Impact for Project: 164,245.9 square feet.

Tar-Pamlico Riparian Buffer Impacts Approved with this Modification

| Section C | Zone 1 Impact (sq ft) | minus Wetlands in Zone 1 (sq ft) | = Zone 1 Buffers (not wetlands) (sq ft) | Zone 1 Buffer Mitigation Required (using 3:1 ratio) | Zone 2 Impact (sq ft) | minus Wetlands in Zone 2 (sq ft) | = Zone 2 Buffers (not wetlands) (sq ft) | Zone 2 Buffer Mitigation Required (using 1.5:1 ratio) |
|-------------------|-----------------------|----------------------------------|---|---|-----------------------|----------------------------------|---|---|
| Site: | | | | | | | | |
| 1A | 3,913 | 20 | 3,893 | 11,679 | 4,506 | 151 | 4,355 | 6,533 |
| 1A Bridge | 12,918 | 3,018 | 9,900 | **n/a | 3,553 | 799 | 2,754 | **n/a |
| 3 | 13,360 | 469 | 12,891 | 38,673 | 8,411 | 2,028 | 6,383 | 9,575 |
| 4 | 40,228 | 60 | 40,168 | 120,504 | 23,055 | 510 | 22,545 | 33,818 |
| 4 Bridge | 12,312 | 2,280 | 10,032 | **n/a | 2,298 | 493 | 1,805 | **n/a |
| 5A | 7,518 | 0 | 7,518 | *n/a | 4,528 | 0 | 4,528 | *n/a |
| 5B | 9,730 | 1,118 | 8,612 | 25,836 | 6,095 | 1,214 | 4,881 | 7,322 |
| 5C | 2,588 | 0 | 2,588 | 7,764 | 911 | 0 | 911 | 1,367 |
| Totals | 102,567 | 6,965 | 95,602 | 204,456 | 53,357 | 5,195 | 48,162 | 58,615 |
| Difference | + 3,016 | + 4,531 | - 1,516 | - 29,666 | - 11,338 | + 3,805 | - 15,142 | - 18,336 |

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required

**n/a = Impact due to bridge structure, no mitigation required

Total Buffer Impact for Project: 155,924 square feet.

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

This approval is only valid for the purpose and design that you submitted in your modification request dated received April 16, 2010 and additional information dated received July 13, 2010 and July 26, 2010. All the authorized activities and conditions associated with the original Water Quality Certification dated September 6, 2005 and all subsequent modifications still apply except where superceded by this certification. Should your project change, you are required to notify NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B .0260. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed

regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. This modification is applicable only to the additional proposed activities in R-2510 Section C. All of the authorized activities and conditions associated with the original Water Quality Certification dated September 5, 2005 and subsequent modifications still apply except where superseded by this certification.
- * 2. Compensatory mitigation for impacts to 1.7 acres of wetlands in R-2510 Section C shall be provided as described below:

Off-Site Wetland Mitigation

Compensatory mitigation for impacts to 0.56 acres of riparian and 1.14 acres of non-riparian wetlands in the Hydrologic Cataloging Unit 0302103 is required at a ratio of 2:1. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated July 8, 2010 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004

- * 3. Compensatory mitigation for impacts to 954 linear feet of stream in R-2510 Section C shall be provided as described below:

Off-Site Stream Mitigation

Compensatory mitigation for 954 linear feet of impact to streams in Hydrologic Cataloging Unit 0302103 is required at a replacement ratio of 1:1. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated July 8, 2010 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.

- * 4. Compensatory mitigation for impacts to 107,227 square feet of Tar-Pamlico riparian buffer in R-2510 Section C shall be provided as described below:

Off-Site Buffer Mitigation

Compensatory mitigation for impacts to 68,152 square feet of protected riparian buffers in Zone 1 and 39,075 square feet of protected riparian buffers in Zone 2 shall be required. We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through use of the North Carolina Ecosystem Enhancement Program (EEP). Mitigation for unavoidable impacts to Tar-Pamlico Riparian Buffers shall be provided in the Tar-Pamlico River Basin and done in accordance with 15A NCAC 2B .0259. EEP has indicated in a letter dated July 8, 2010 that they will assume responsibility for satisfying the compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.

| Riparian Buffer Zone | Area To Be Mitigated (sq. ft) | Mitigation Ratio | Area to Be Mitigated (sq. ft) |
|----------------------|-------------------------------|------------------|-------------------------------|
| Zone 1 | 68,152 | 3:1 | 204,456 |
| Zone 2 | 39,075 | 1.5:1 | 58,615 |
| TOTAL: | | | 263,071 |

5. No in-water work moratorium is in effect for activities in R-2510C as recommended by the NC Wildlife Resources Commission. This replaces condition 8 in the original Water Quality Certification issued on September 6, 2005.

6. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
7. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If NCDWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, NCDWQ may reevaluate and modify this certification.
- * 8. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
9. 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.
10. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
11. Unless otherwise approved in this certification, 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 downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
12. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
13. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.

14. 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.
15. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
16. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
17. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
18. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
19. 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.
20. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
21. Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
22. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
23. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.
24. 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 NCDOT 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.
25. 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 NCDWQ. At this time, 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.
26. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
27. 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.
28. Bridge deck drains should not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.

29. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from NCDWQ first.
30. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly.
31. All pile driving or drilling activities shall be enclosed in turbidity curtains unless otherwise approved by NCDWQ in this certification.
32. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- * 33. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.
34. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.

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

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 5th day of August, 2010

DIVISION OF WATER QUALITY


for Coleen H. Sullins
Director

WQC No. 3527

Permit Class
**MODIFICATION/MAJOR
AMENDED**

265

Permit Number
29-07

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

Permit

for

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

Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1598 Mail Service Center, Raleigh, NC 27699-1598

Authorizing development in Beaufort County at Old Ford Swamp, as part of the US 17

bypass of the City of Washington, as requested in the permittee's application dated 5/27/10

including the attached eighty (80) drawings as referenced in Condition No. 1 of this permit.

This permit, issued on 8/31/10, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

C-Section of the US 17 Washington Bypass (TIP No. R-2510C)

- 1) Unless specifically altered herein, all work authorized by this permit shall be carried out in accordance with the following 1/2-size workplan drawings: four (4) drawings dated 8/25/08; sixteen (16) drawings dated 8/26/08; ten (10) drawings dated 8/27/08; five (5) drawings dated 9/30/08; ten (10) drawings dated 10/6/08; twenty nine (29) drawings dated 8/12/09; one (1) drawing dated 9/8/09; one (1) drawing dated 9/22/09; and four (4) drawings dated revised 7/1/10.
- 2) The in-water work moratorium previously described in Condition No. 1 of the original permit shall not apply to any stream crossing associated with the R-2510C project.
- 3) Unless specifically altered herein, the N.C. Department of Transportation's (NCDOT's) document "Best Management Practices for Bridge Demolition and Removal" shall be followed during both demolition and construction activities.

(See attached sheets for Additional Conditions)

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

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

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

All work must cease when the permit expires on

No Expiration Date, pursuant to GS 136-44.7B

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

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

James H. Gregson
for

James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

E. L. Lusk

Signature of Permittee

ADDITIONAL CONDITIONS

- 4) Turbidity curtains shall be used to isolate all work areas from the waters of Cherry Run and Old Ford Swamp, including pile installation, placement of riprap, and excavation or filling. The turbidity curtains shall be properly maintained and shall only be removed when turbidity within the curtains reaches ambient levels.
- 5) The placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities. It shall be of a size sufficient to prevent its movement from the authorized alignment by current action. The riprap material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl or broken concrete.
- 6) The installation of permanent and temporary bridge piles shall be accomplished by pile driving, vibratory hammer, or similar method. Should the permittee and/or its contractor desire to utilize another type of pile installation, such as drilled shaft construction or jetting, additional authorization from DCM shall be required.
- 7) Pilings from the existing bridges, as well as any remnant pilings from previous bridges, shall be removed in their entirety, except that in the event that a piling breaks during removal and cannot be removed in its entirety, the piling may be cut off below the mud line approximately three to four inches, allowing the piles to be covered with natural material to the mud line, and DCM shall be notified of each occurrence within one working day.
- 8) The temporary work bridges shall be removed in their entirety within 90 days after they are no longer needed and saved for reuse, recycled, or disposed of at an approved high ground site.

Utilities Relocation

- 9) Subaqueous lines shall be placed a minimum of two feet below the bottom contour of Old Ford Swamp.
- 10) Utility line installation shall not result in any permanent or temporary impacts to wetlands or waters of the State, without authorization from DCM.
- 11) Any relocation of utility lines that is not specifically depicted on the attached work plan drawings, or described within the attached permit application, shall require approval from the N.C. Division of Coastal Management, either under the authority of this permit, or by the utility company obtaining separate authorization.

General

- 12) If it is determined that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM shall be required.

ADDITIONAL CONDITIONS

- 13) This modification shall be attached to the original of Permit No. 29-07, which was issued on March 6, 2007 as well as all subsequent modifications and/or refinements, and copies of all documents must be readily available on site when a Division representative inspects the project for compliance.
- 14) All conditions and stipulations of the active permit remain in force under this Major Modification unless specifically altered herein.
- 15) The N.C. Division of Water Quality (DWQ) authorized the proposed project under a modification of Water Quality Certification No. 3527 issued 8/5/10 (DWQ Project No. 20050785 v.14). Any violation of the Certification approved by the DWQ, including any of the mitigation requirements, shall be considered a violation of this CAMA permit.
- 16) The permittee and/or contractor shall contact the N.C. Division of Coastal Management at (252) 808-2808 to schedule a pre-construction conference prior to project initiation.

NOTE: The U.S. Army Corps of Engineers issued a permit modification pertaining to the C-Section of the Washington Bypass, R-2510C, on 7/29/10. USACE Action ID No. 199301143.

NOTE: This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

NOTE: The bridge demolition debris may be suitable for use as artificial reef material. The permittee is encouraged to contact the Artificial Reef Coordinator, and the N.C. Division of Marine Fisheries Morehead City Office at (252) 726-7021 to coordinate review of the suitability of the material and arrangements for such use.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

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

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

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

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

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

2. The project manager and/or the contractor will advise all construction personnel that

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

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

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

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

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

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

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

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

Prepared by (rev. 06/2003):
U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726
919/856-4520

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

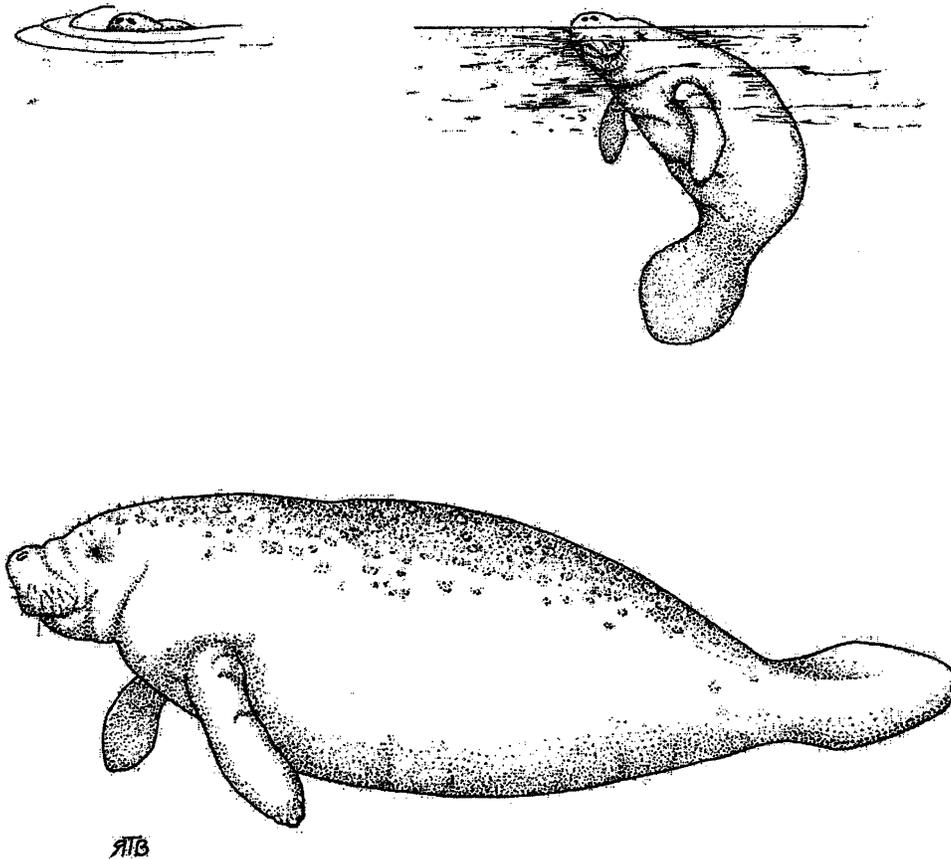
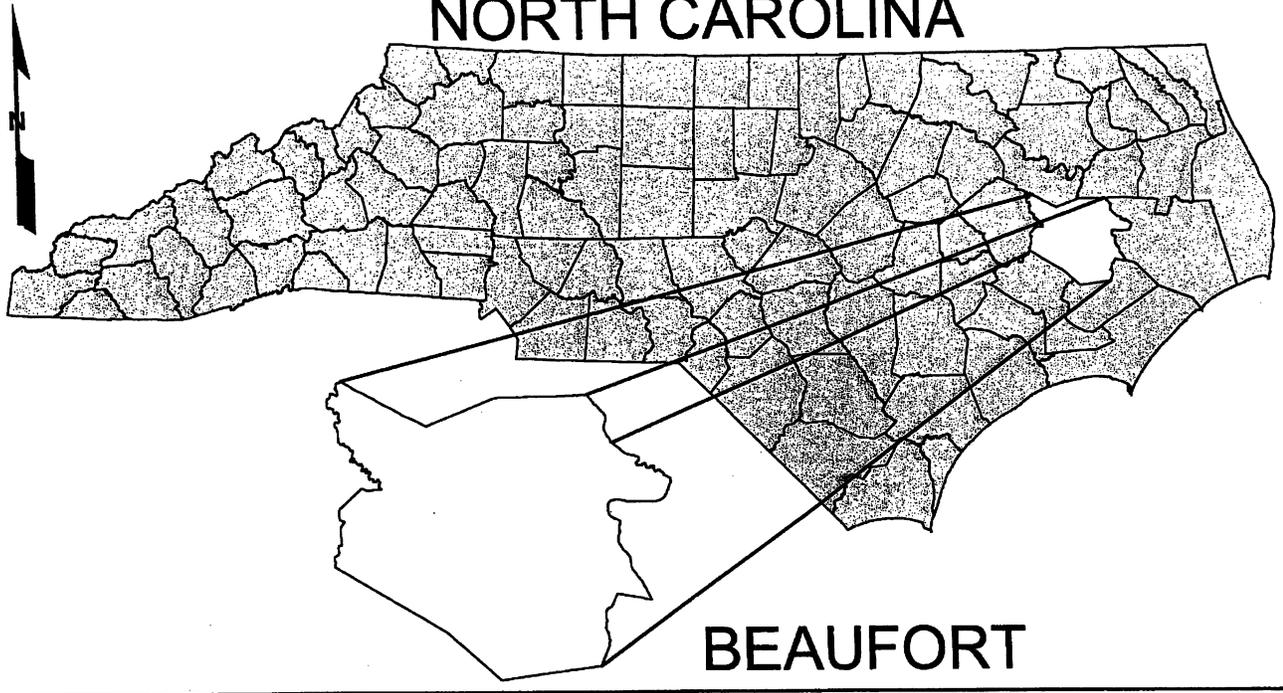
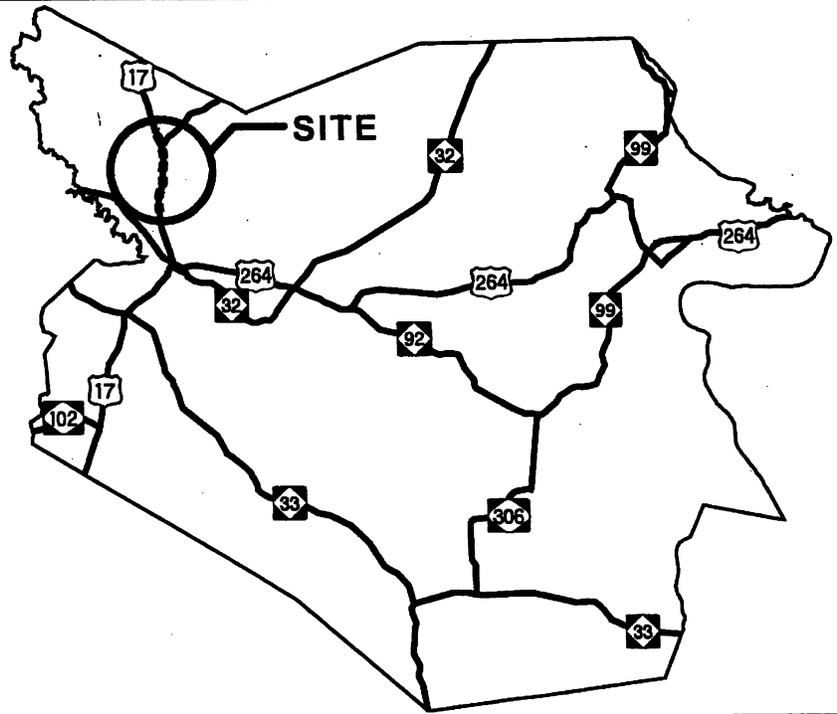


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I.
A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-
3. North Carolina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

NORTH CAROLINA



BEAUFORT



VICINITY MAPS

NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 US 17 BYPASS

AUGUST 2009



1 inch = 4,000 feet

LOCATION

NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 US 17 BYPASS

AUGUST 2009

Source: USGS 7.5 Minute Quadrangle, Washington and Old Ford, NC

| PROP. NO. | PROPERTY OWNER NAME | PROP. OWNER ADDRESS |
|-----------|---|---|
| 1 | JACK CHERRY, JR. | 707 Oakwood Ave. South, Brandon, FL. 33511 |
| 2 | SMITHWICK PARTNERS, LLC | 1589 West 5th St., Washington, NC 27889 |
| 38 | DONALD W. MANNING, ET UX | 3502 US HWY 17 N, Washington, NC 27889 |
| 40 | EAST CAROLINA FARMS, LLC | 1905 Charlestowne Dr. Greenville, NC 27834 |
| 45 | MARY L. BROWN HOPKINS | 952 Wharton Station Rd., Washington, NC 27889 |
| 46 | REUBEN H. FERRELL | 3805 US HWY 17 N, Washington, NC 27889 |
| 94 | * MINNIE LEE BRANTLEY | 5595 HWY 17 N, Washington, NC 27889 |
| 97 | MILTON E. HODGES, JR. (Land) | 5584 US HWY 17 N, Washington, NC 27889 |
| | DAVID ALLEN KEEL (Buildings on parcel 97) | 5584 US HWY 17 N, Washington, NC 27889 |
| | * HAROLD W. ROBINSON, ET UX | 244 N Roberson Rd., Washington, NC 27889 |
| 100 | ARAH BELL GAUTIER CARRAWAY | 5124 Congressional Dr., College Station, TX 77845 |
| 108 | MCDONALD GAUTIER, 111, ET AL | 6344 US HWY 17 N, Washington, NC 27889 |
| 111 | MAXWELL P. CHESNUTT FAMILY TRUST | PO BOX 607, Blowing Rock, NC 28605 |
| 114 | JOSEPH E PERRY, JR. | 6498 US HWY 17 N, Washington, NC 27889 |
| 115 | DOROTHY ROBERSON ROBINSON, et al | 6555 US HWY 17 N, Washington, NC 27889 |
| 116 | DOROTHY ROBERSON ROBINSON, et al | 244 N Roberson Rd., Washington, NC 27889 |
| 117 | MELVIN R. WILKINS, ET UX | 6555 US HWY 17 N, Washington, NC 27889 |
| 118 | <i>Glady's Styons</i> | <i>5666 US HWY 17 N</i> |
| | <i>James Beatty</i> | <i>5954</i> |

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 8/13/2009

Permit Drawing
 Sheet 3 of 41

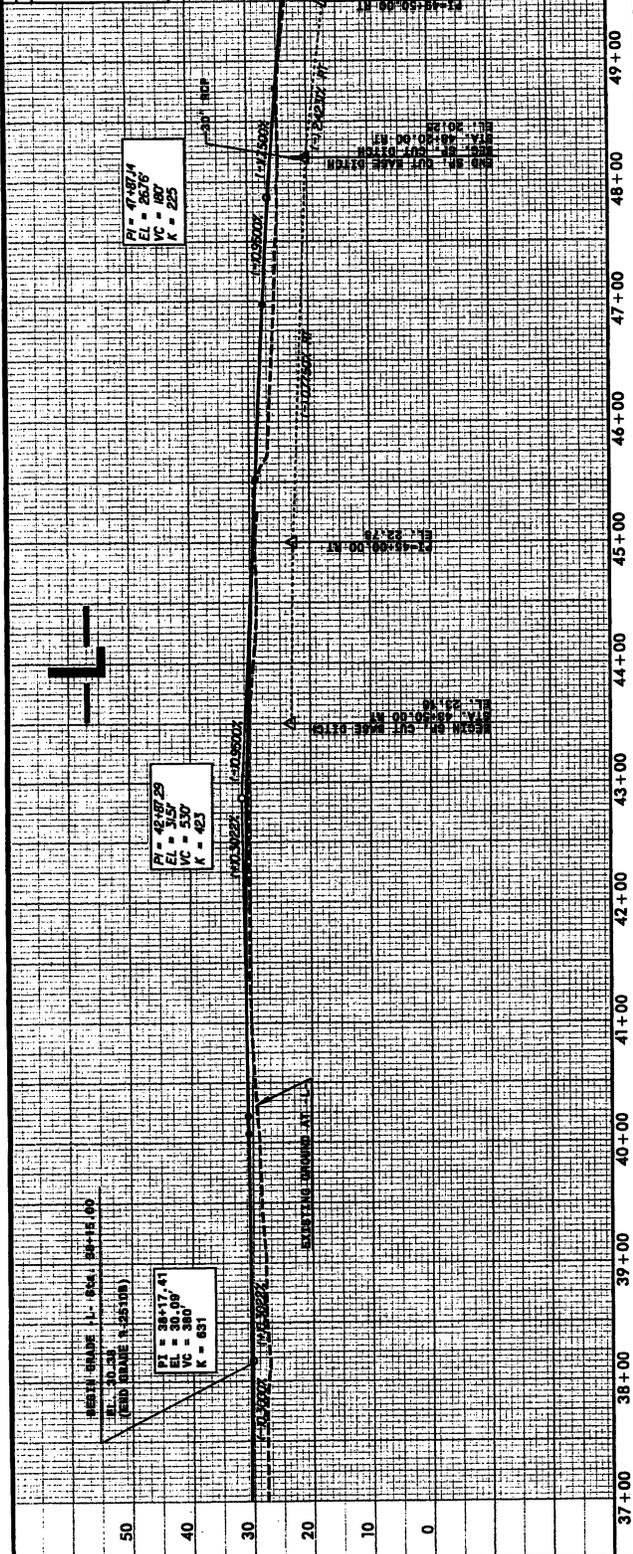
WETLAND PERMIT IMPACT SUMMARY

| Site No. | Station (From/To) | Structure Size / Type | WETLAND IMPACTS | | | | | | SURFACE WATER IMPACTS | | | |
|----------|-------------------|-----------------------|---------------------------------|-----------------------------|-----------------------------|--------------------------------------|--------------------------------|---------------------------|-----------------------|-------------------------------|-------------------------------------|----------------------------|
| | | | Permanent Fill In Wetlands (ac) | Temp. Fill In Wetlands (ac) | Excavation In Wetlands (ac) | Mechanized Clearing in Wetlands (ac) | Hand Clearing in Wetlands (ac) | Permanent SW Impacts (ac) | Temp. SW Impacts (ac) | Existing Channel Impacts (ft) | Existing Channel Impacts Temp. (ft) | Natural Stream Design (ft) |
| 1A | -L- 54+00 +/- | Roadway / Bridge | 0.01 | | | 0.04 | 0.07 | <0.01 | 0.17 | 34 | 262 | |
| 1B | -L- 62+00 +/- | Roadway | 0.03 | | 0.03 | 0.01 | | | | | | |
| 1C | -Y3- 12+00 +/- | Roadway | | | 0.02 | 0.02 | | | | 201 | 10 | |
| 2 | -L- 104+70 +/- | Roadway | | | | | | 0.02 | <0.01 | | | |
| 3 | -L- 119+00 +/- | Roadway | 0.06 | | 0.18 | 0.05 | 0.01 | 0.07 | 0.01 | 122 | 116 | |
| 4A | -L- 220+00 +/- | Roadway | | | | | | | 0.01 | 779 | 27 | |
| 4E | -L- 223+00 +/- | Roadway / Bridge | | | | 0.01 | 0.06 | | 0.12 | | 270 | |
| 4C | -L- 227+00 +/- | Roadway / Bridge | 1.10 | | | | | | <0.01 | | 116 | |
| 4D | -L- 227+00 +/- | Roadway | | | | 0.54 | | | | 120 | 20 | |
| 5A | -L- 256+75 +/- | Roadway | | | | | | 0.01 | 0.00 | 154 | 20 | |
| 5B | -L- 263+25 +/- | Roadway | <0.01 | | 0.07 | 0.03 | | 0.02 | <0.01 | 21 | 27 | |
| 5C | -Y9- 10+80 +/- | Roadway | | | | | | <0.01 | <0.01 | | | |
| TOTALS: | | | 1.20 | | 0.30 | 0.20 | 0.14 | 0.13 | 0.31 | 1431 | 868 | |

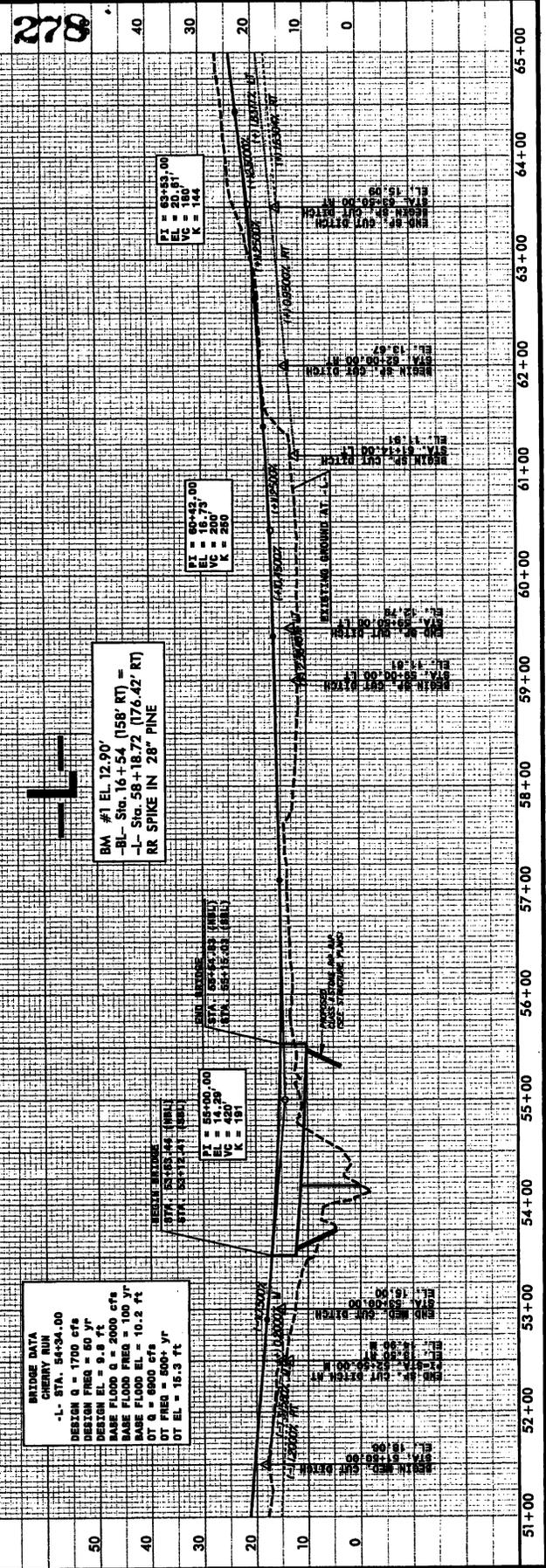
NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 8/13/2009

Permit Drawing 4 of 41
 Sheet

Site 1A Permanent Surface Impacts due to piers = <0.01 acre
 Site 4B Permanent Surface Impacts due to piers = <0.01 acre



BRIDGE DATA
 CHERRY RUN
 -L- STA. 54+34.00
 DESIGN Q = 1700 cfs
 DESIGN FREQ = 50 yr
 BASE FLOOD Q = 2000 cfs
 BASE FLOOD FREQ = 100 yr
 BASE FLOOD EL = 10.2 ft
 OT Q = 6800 cfs
 OT FREQ = 500+ yr
 OT EL = 15.3 ft

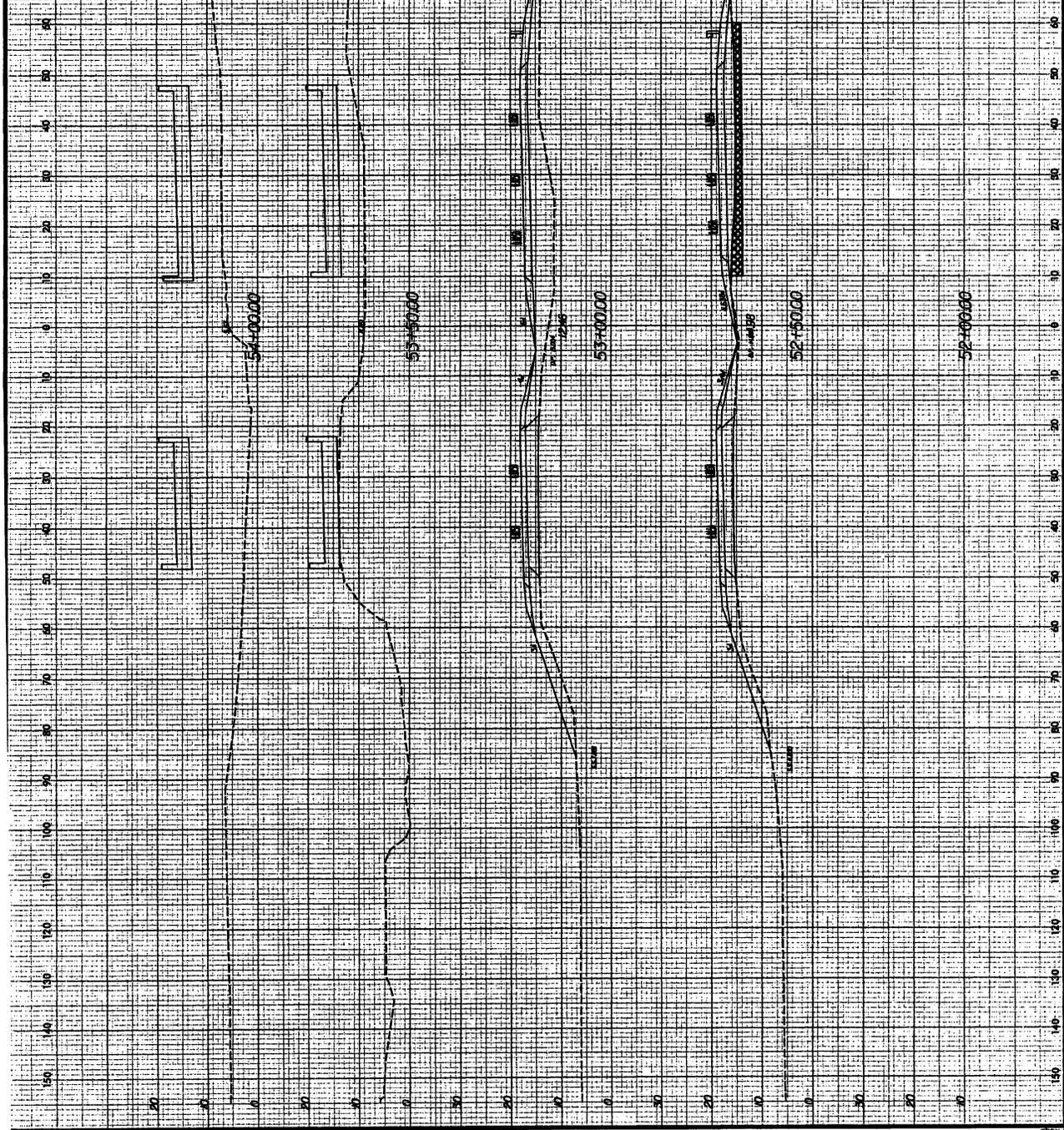


BRIDGE DATA
 CHERRY RUN
 -L- STA. 54+34.00
 DESIGN Q = 1700 cfs
 DESIGN FREQ = 50 yr
 BASE FLOOD Q = 2000 cfs
 BASE FLOOD FREQ = 100 yr
 BASE FLOOD EL = 10.2 ft
 OT Q = 6800 cfs
 OT FREQ = 500+ yr
 OT EL = 15.3 ft

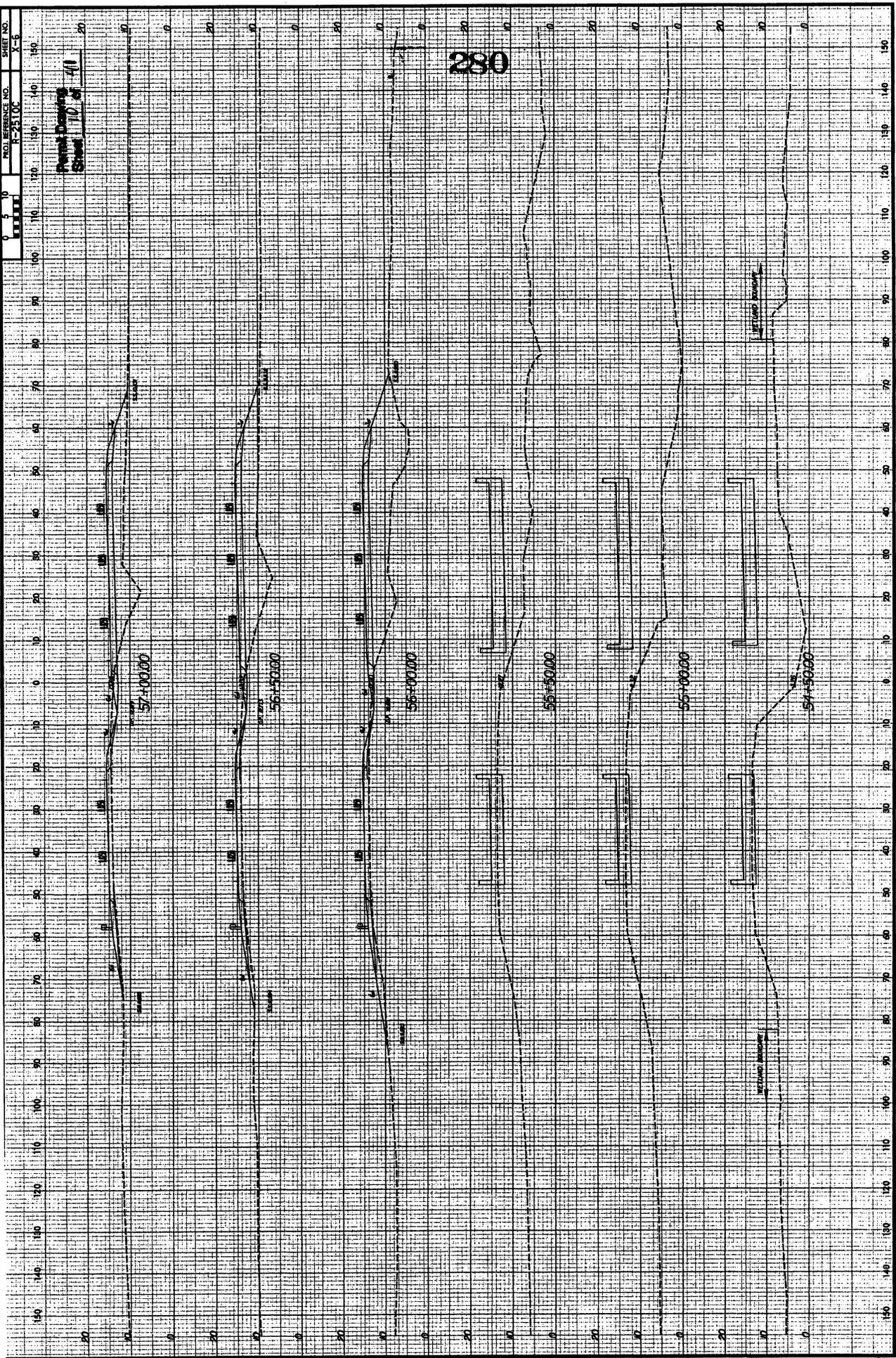
PROJ REFERENCE NO. 8-231100

SHEET NO. X-3

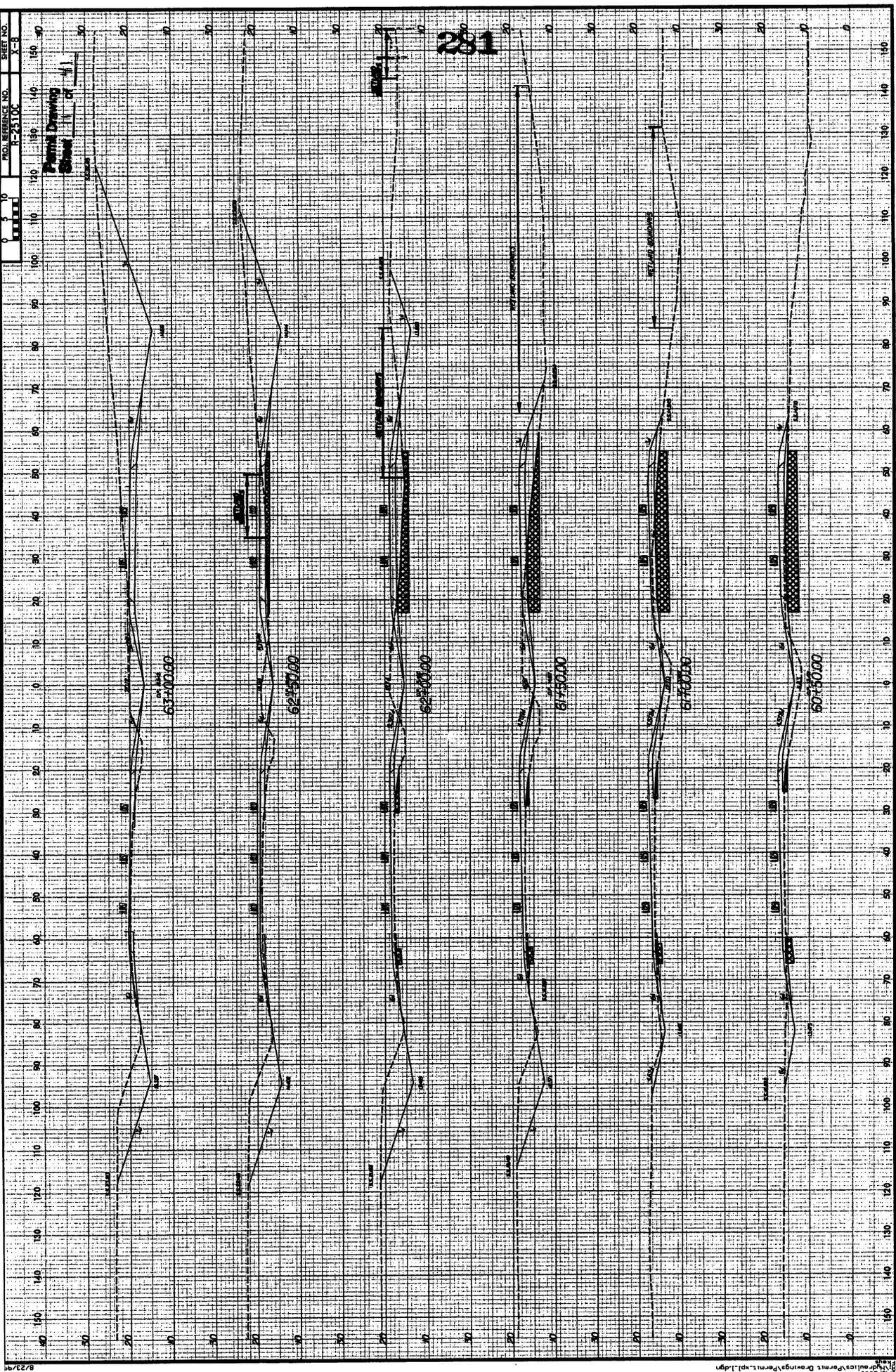
Parent Drawing
Sheet 9 of 11



Permit Drawing
Sheet 10 of 40



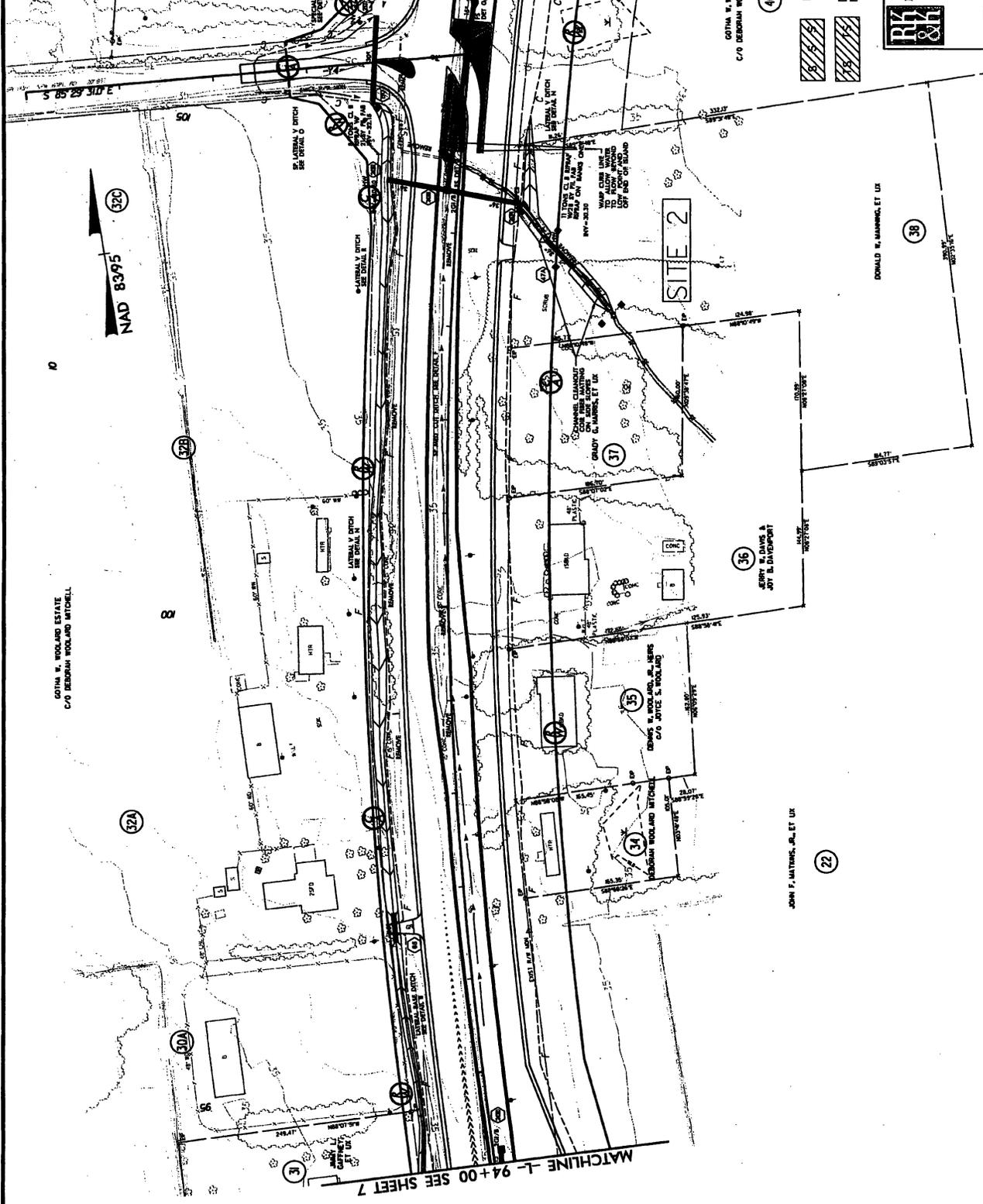
Permit Drawing
Sheet 11 of 11



PROJECT REFERENCE NO. 1-2510C
 SHEET NO. B
 PERMIT DRAWING
 SHEET 12 of 41



282



PLANS PREPARED BY:
 RUMMEL, KLEPPER & KAEHL, LLP
 1000 W. WILSON ROAD
 WOODBRIDGE, NORTH CAROLINA 27090-3880
 PHONE: 704-835-1800
 FAX: 704-835-1801

STATES OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

PROJECT REFERENCE NO. 1-2510C
 SHEET NO. B
 PERMIT DRAWING
 SHEET 12 of 41



282

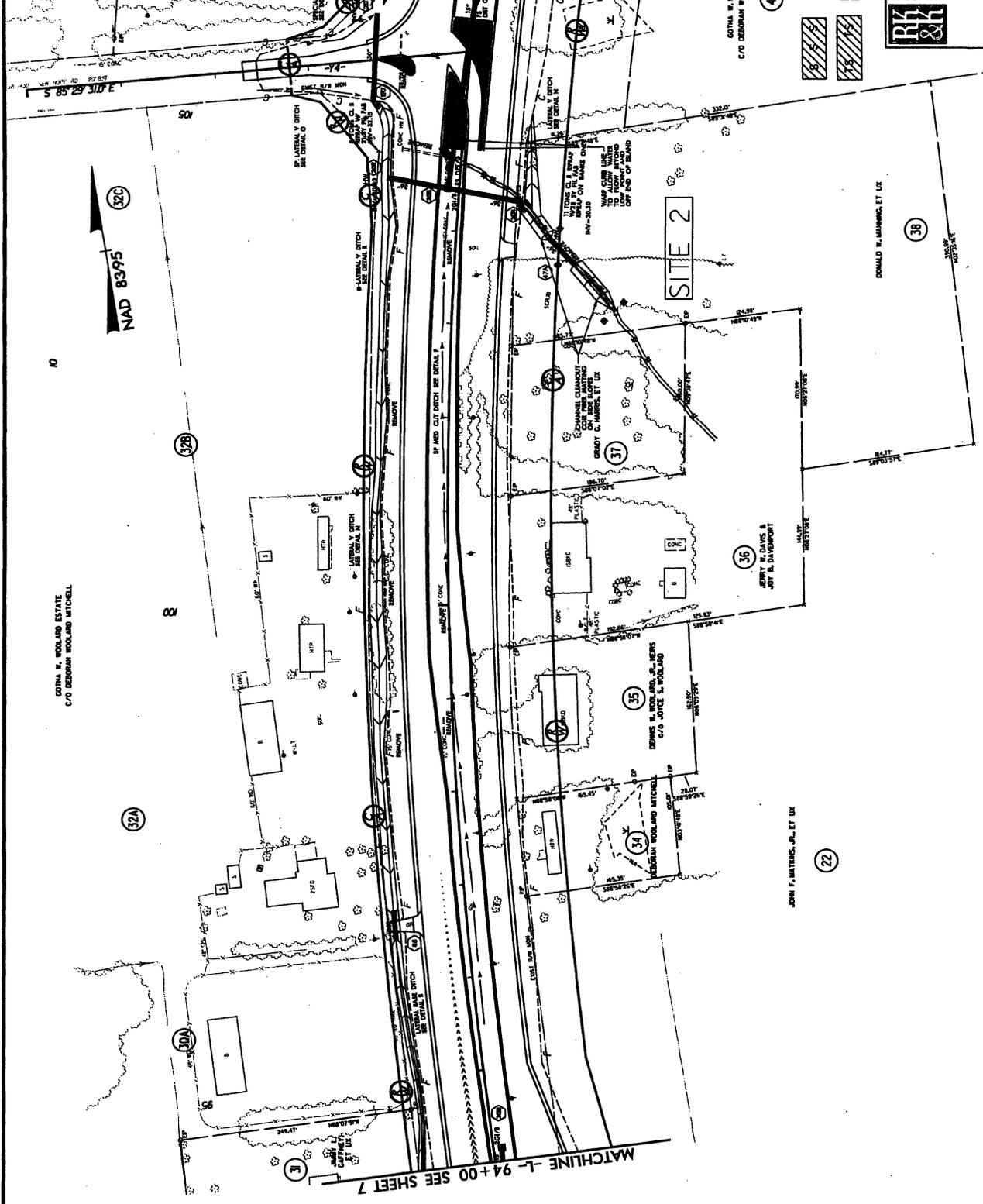


PLANS PREPARED BY:
 RUMMEL, KLEPPER & KAEHL, LLP
 1000 W. WILSON ROAD
 WOODBRIDGE, NORTH CAROLINA 27090-3880
 PHONE: 704-835-1800
 FAX: 704-835-1801

STATES OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

PROJECT REFERENCE NO. E-2510C
 SHEET NO. 8
 CIVIL ENGINEER
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF NORTH CAROLINA
 EXPIRES 12/31/2008

Permit Drawing
 Sheet 13 of 41

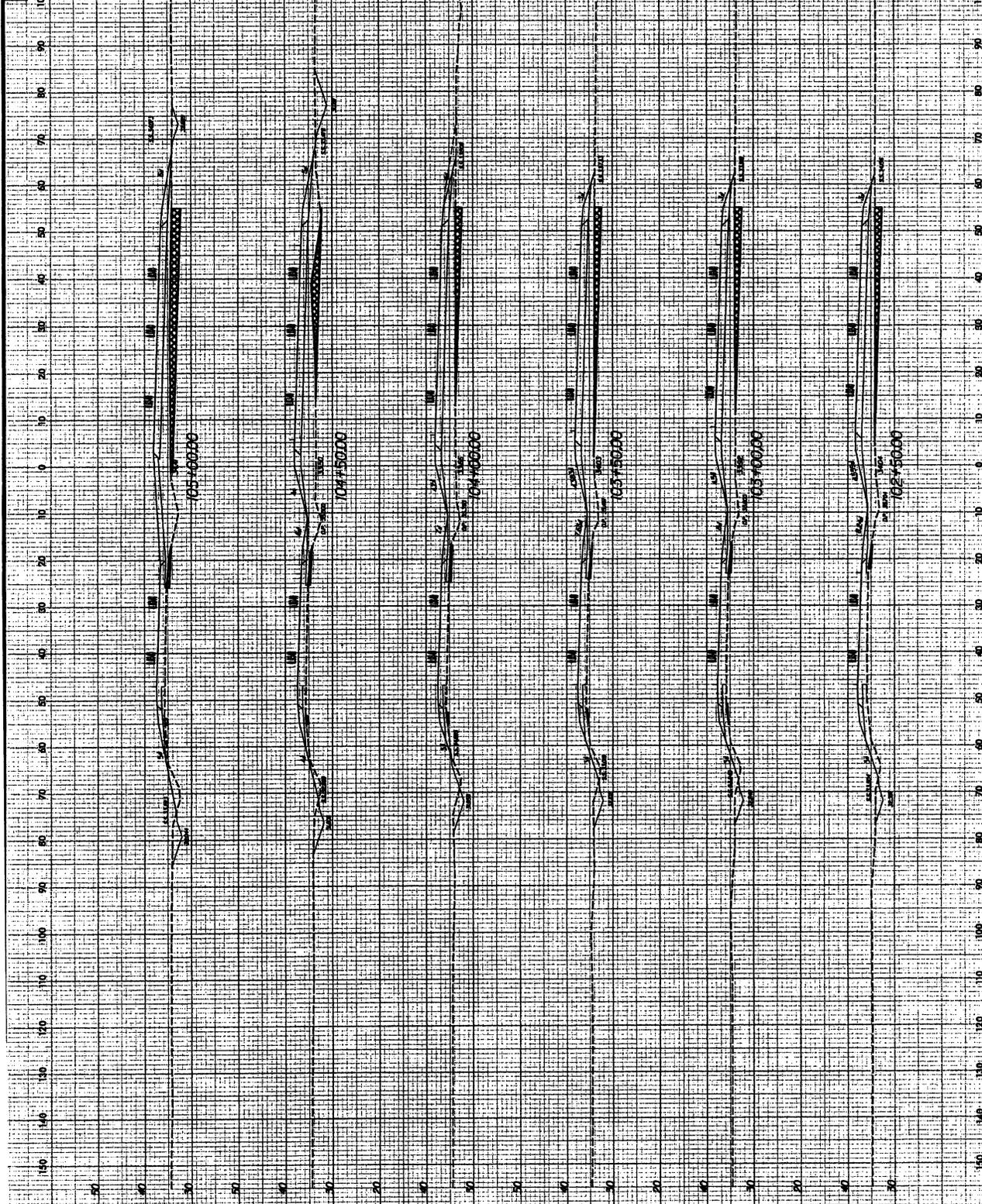


40
 DENOTES FILL IN SURFACE WATER
 DENOTES TEMPORARY IMPACTS IN SURFACE WATER

PLANS PREPARED BY:
RUMMEL KLEPPER & KAHL, LLP
 Consulting Engineers
 1000 W. HARRIS BLVD.
 RALPH, NORTH CAROLINA 27102-2880
 FOR THE
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

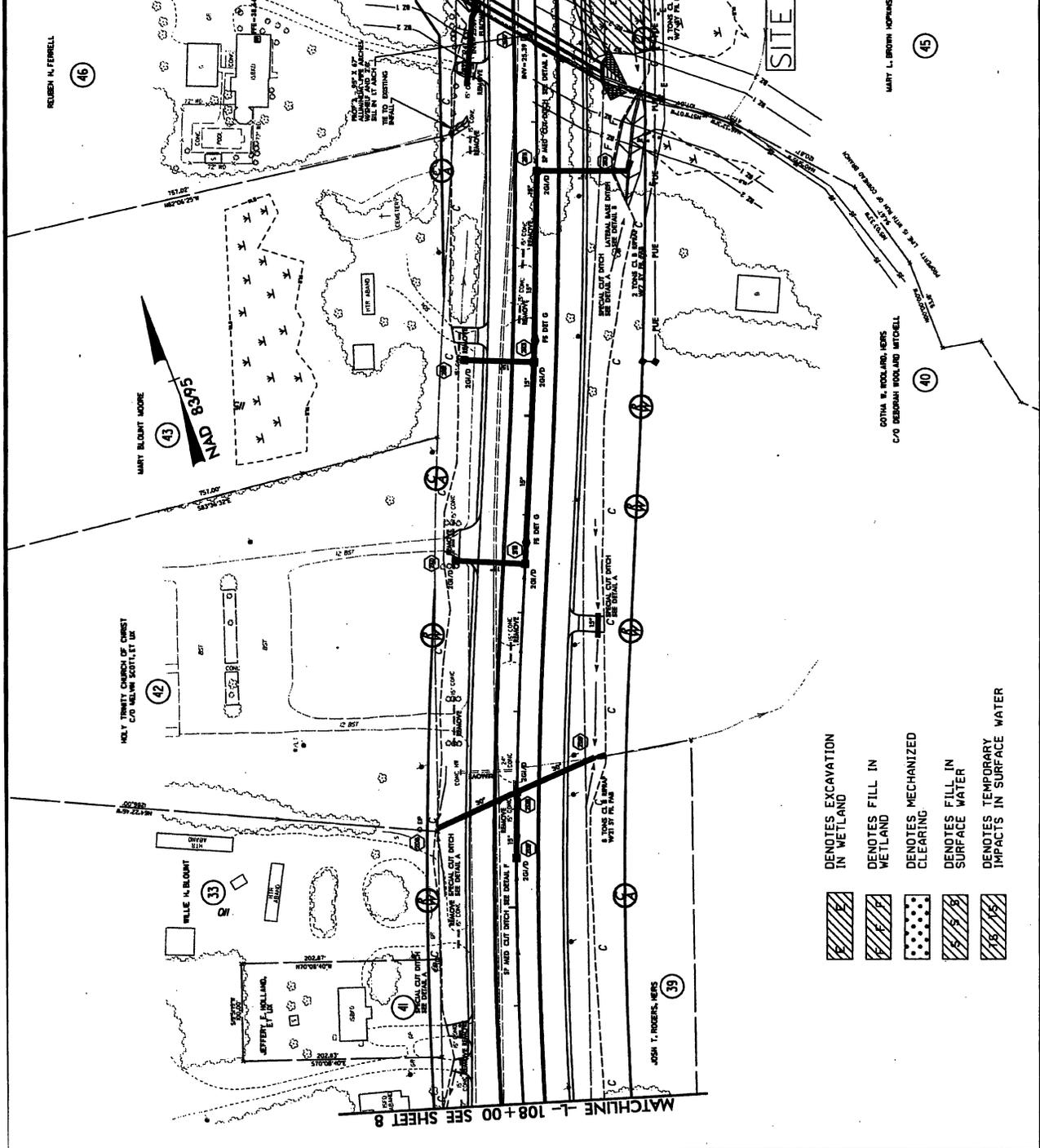


Permit Drawing
Sheet 14 of 17



884

PROJECT REFERENCE NO. SHEET NO.
 E-2510C 9
 ROADWAY DESIGN HYDRAULICS ENGINEER
Permit Drawing Sheet 16 of 41

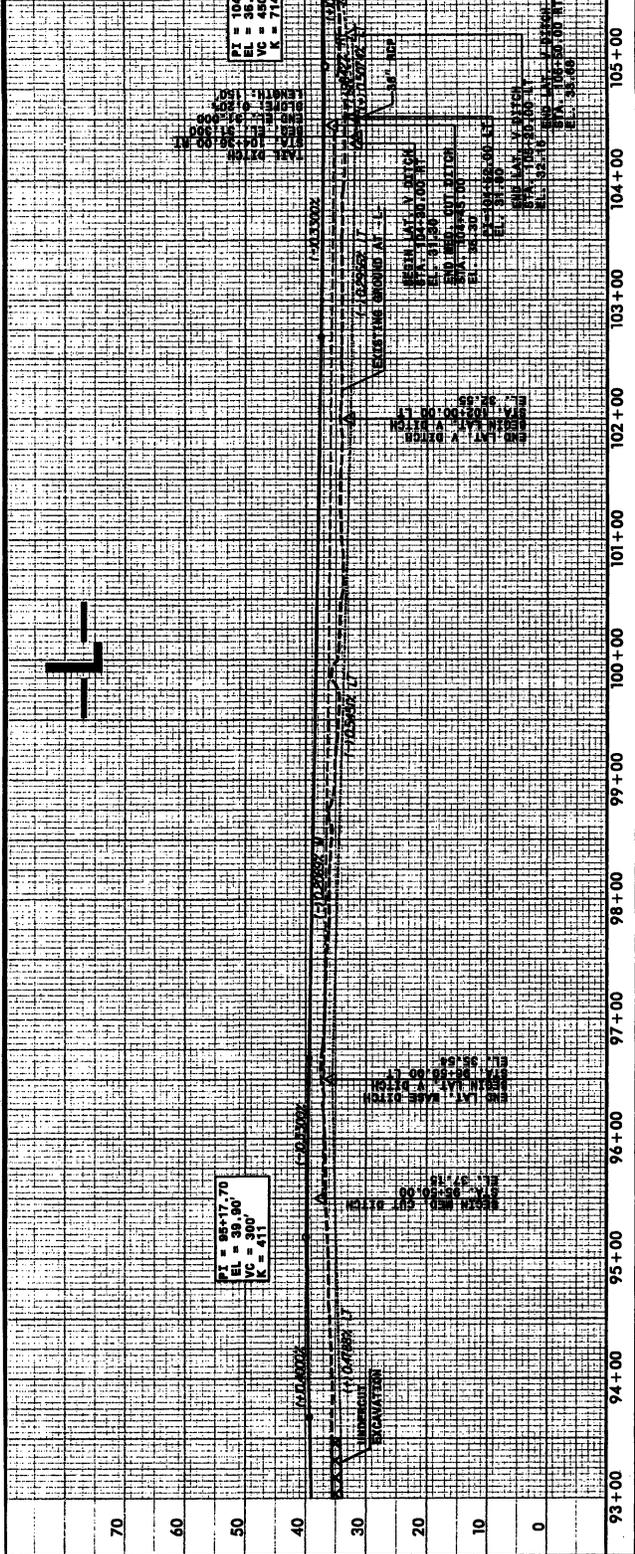


-  DENOTES EXCAVATION IN WETLAND
-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS IN SURFACE WATER

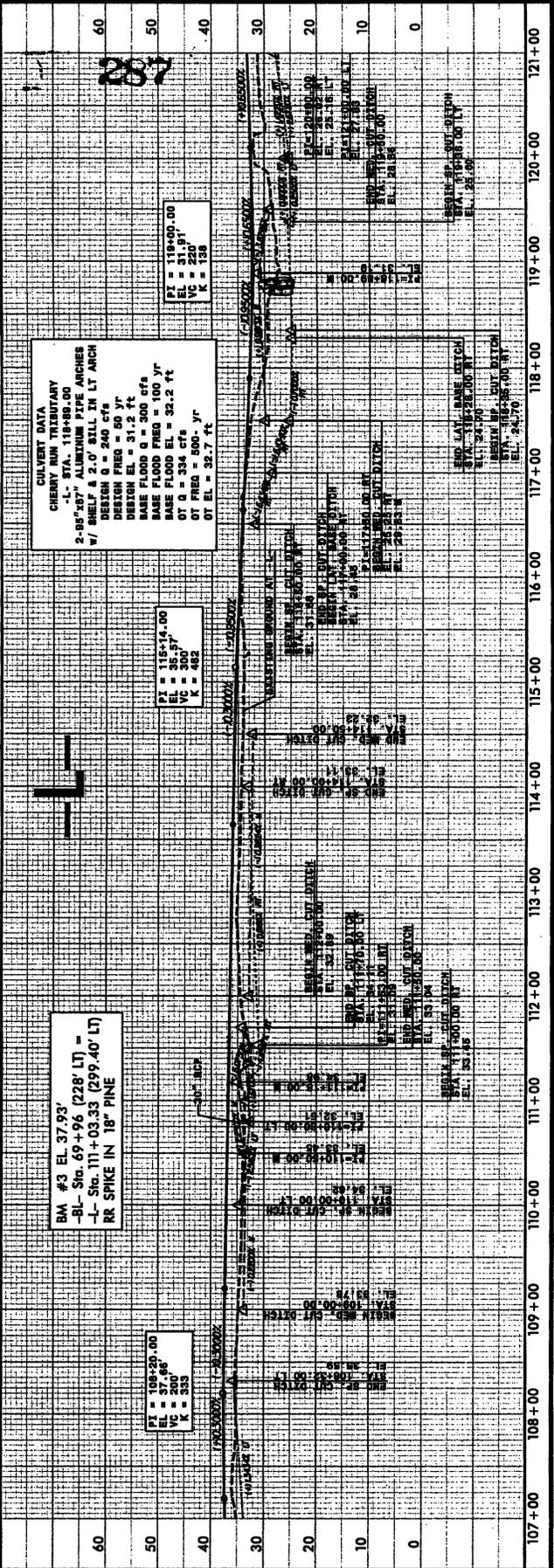
PLANS PREPARED BY :

 RUMMEL KLEPPER & KAHIL, LLP
 800 MONROE DRIVE SUITE 300
 RALEIGH, NORTH CAROLINA 27601-3800
 FOR THE
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

Permit Drawing
 Sheet 17 of 41

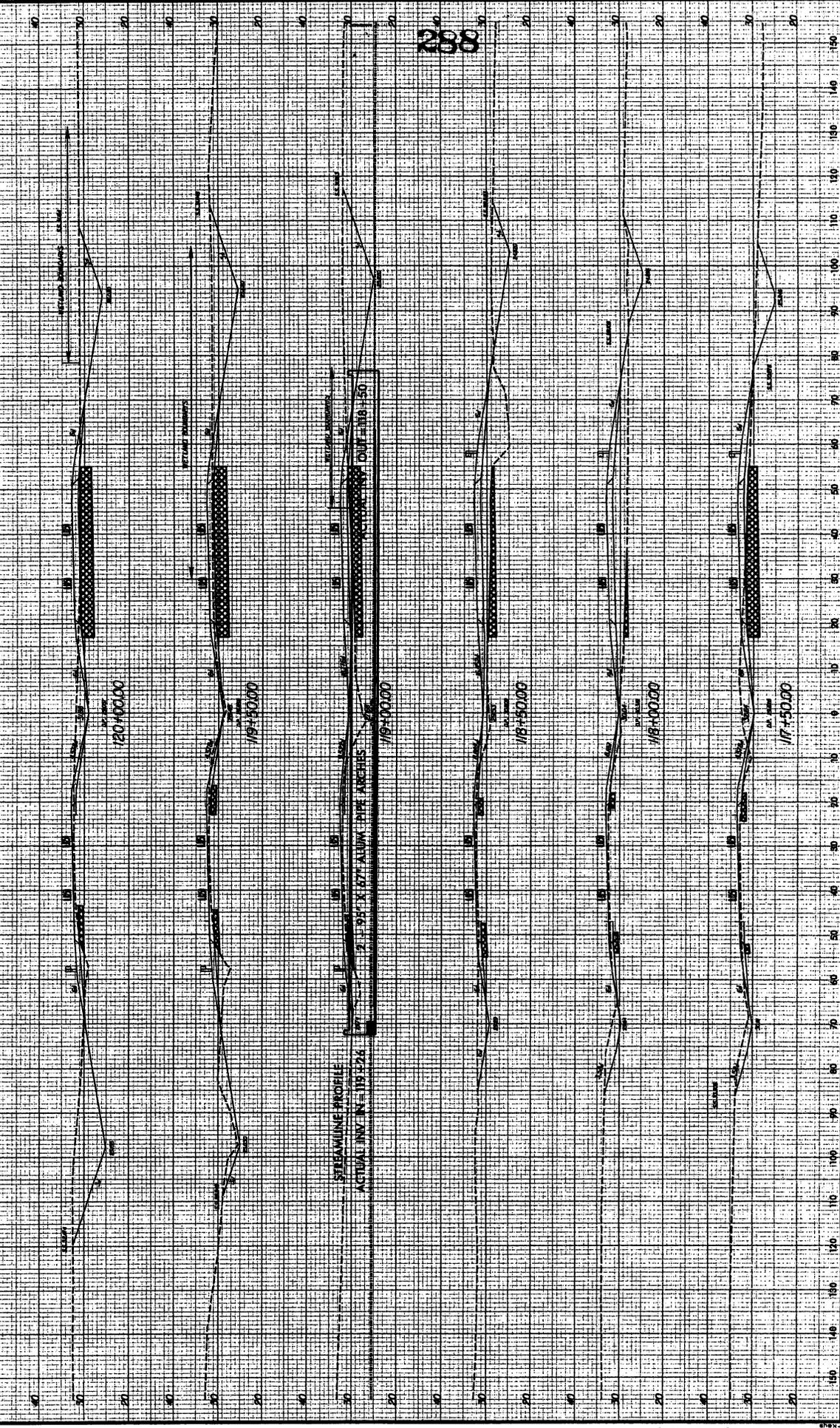


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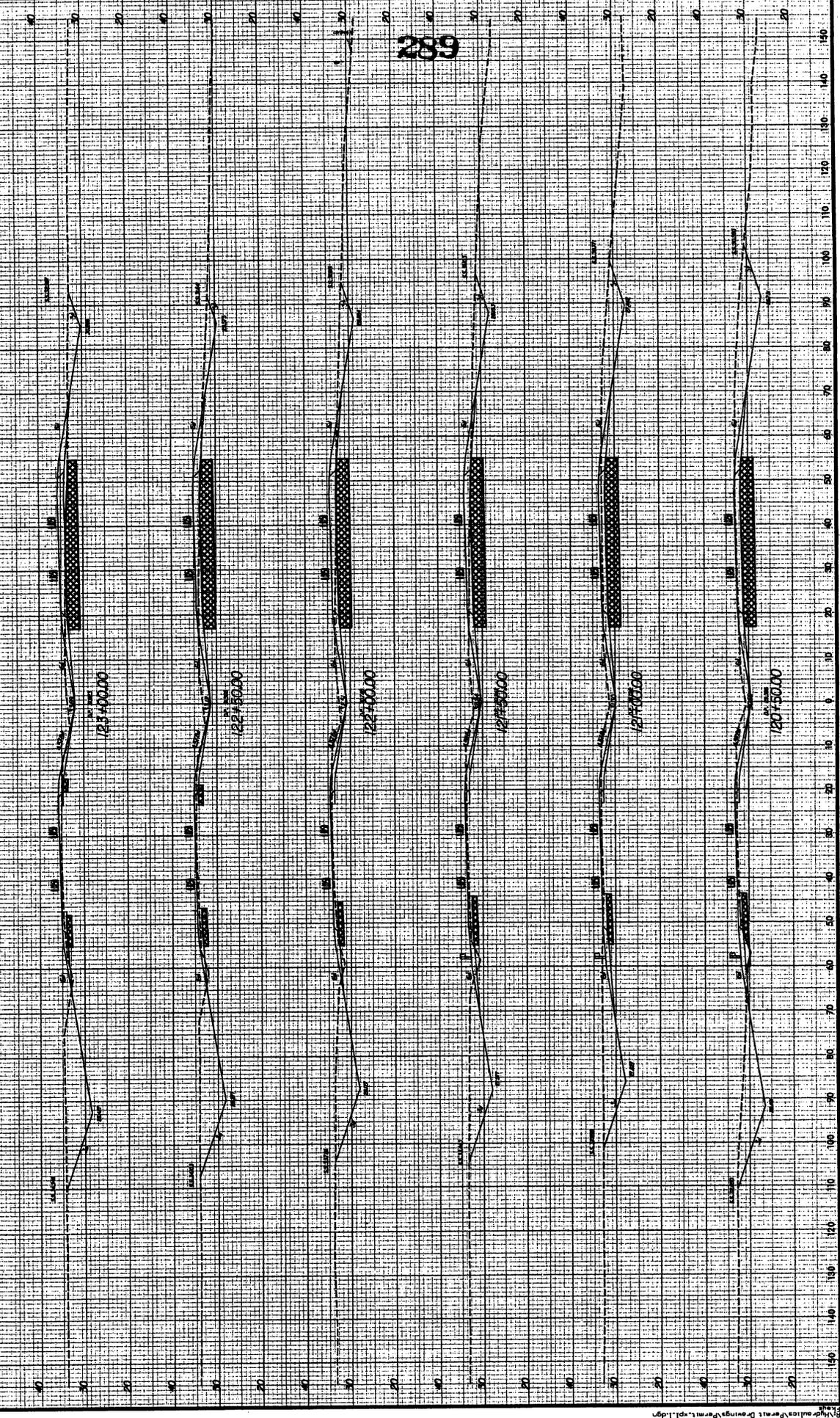
8/2/2009

Print Drawing
 Sheet 10 of 11



238

Permit Drawing
 Sheet 19 of 41



PROJECT REFERENCE NO. 1-2500C
SHEET NO. 16

PLANNING ENGINEER
MAY 2007

Permit Drawing
Sheet 20 of 41



M/V SAMUEL B. LEGGETT ET UX

OTIS B. WOODLAND, ET UX

PLANNING ENGINEER
JAMES COOPER, P.E.
JOHN R. COOPER &
PAMELLA C. JOLLY

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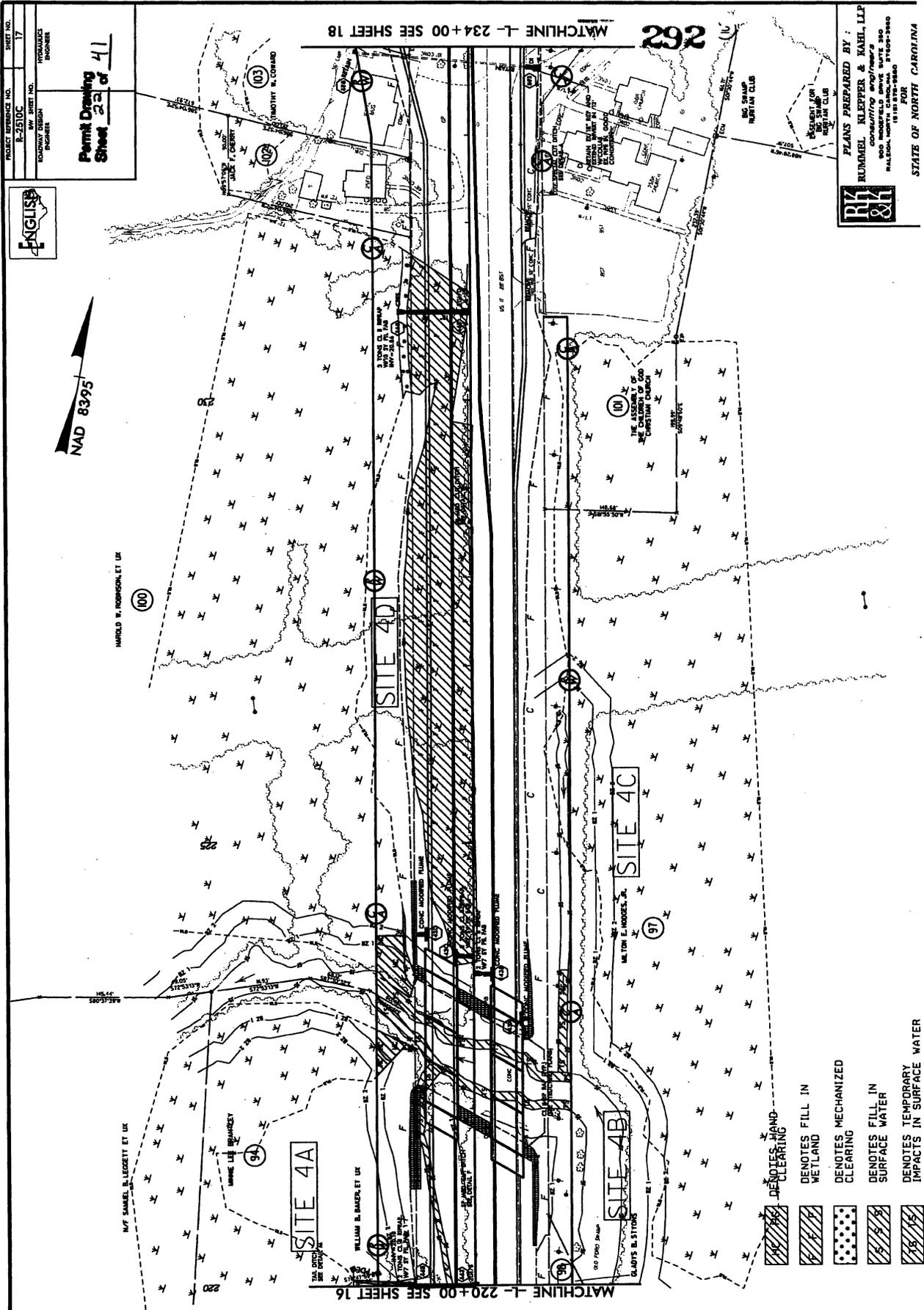
330

331

PROJECT REFERENCE NO. E-2510C
 SHEET NO. 17
 HYDRAULICS ENGINEER
 CIVIL ENGINEER
 PERMIT DRAWING
 SHEET 23 of 41



NAD 83/95



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

PLANS PREPARED BY:
RUMMEL KLEPPER & KAHL, LLP
 CONSULTING ENGINEERS
 900 HUNTERFIELD DRIVE SUITE 200
 FALCON, NORTH CAROLINA 27834-1800
 FOR
 STATE OF NORTH CAROLINA



MATCHLINE L-234+00 SEE SHEET 18

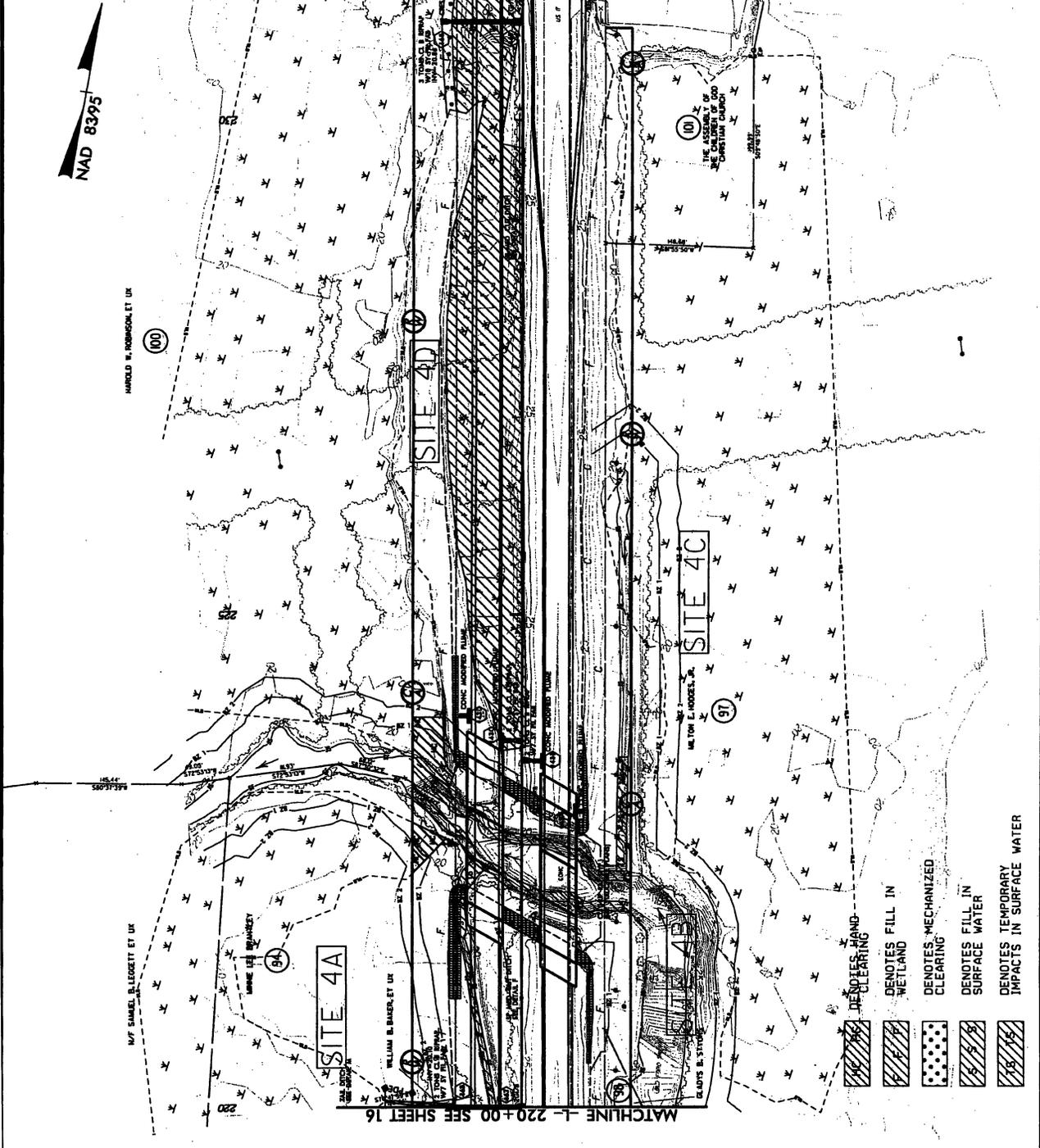
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MATCHLINE L-220+00 SEE SHEET 16

PROJECT REFERENCE NO. 1-2510C
 SHEET NO. 17
 DRAWN BY: J. W. B. / J. W. B.
 CHECKED BY: J. W. B. / J. W. B.
 DATE: 10/15/09
 ENGINEER: J. W. B.



Permit Drawing
 Sheet 23 of 41



MATCHLINE 1-234+00 SEE SHEET 18

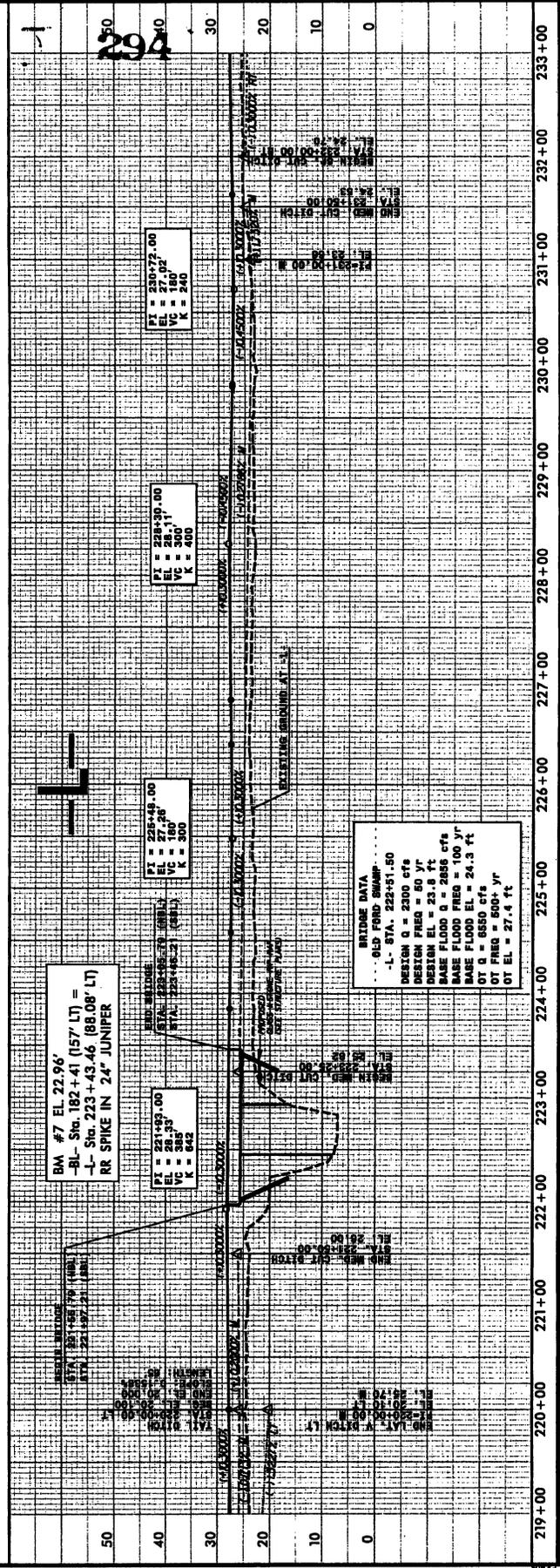
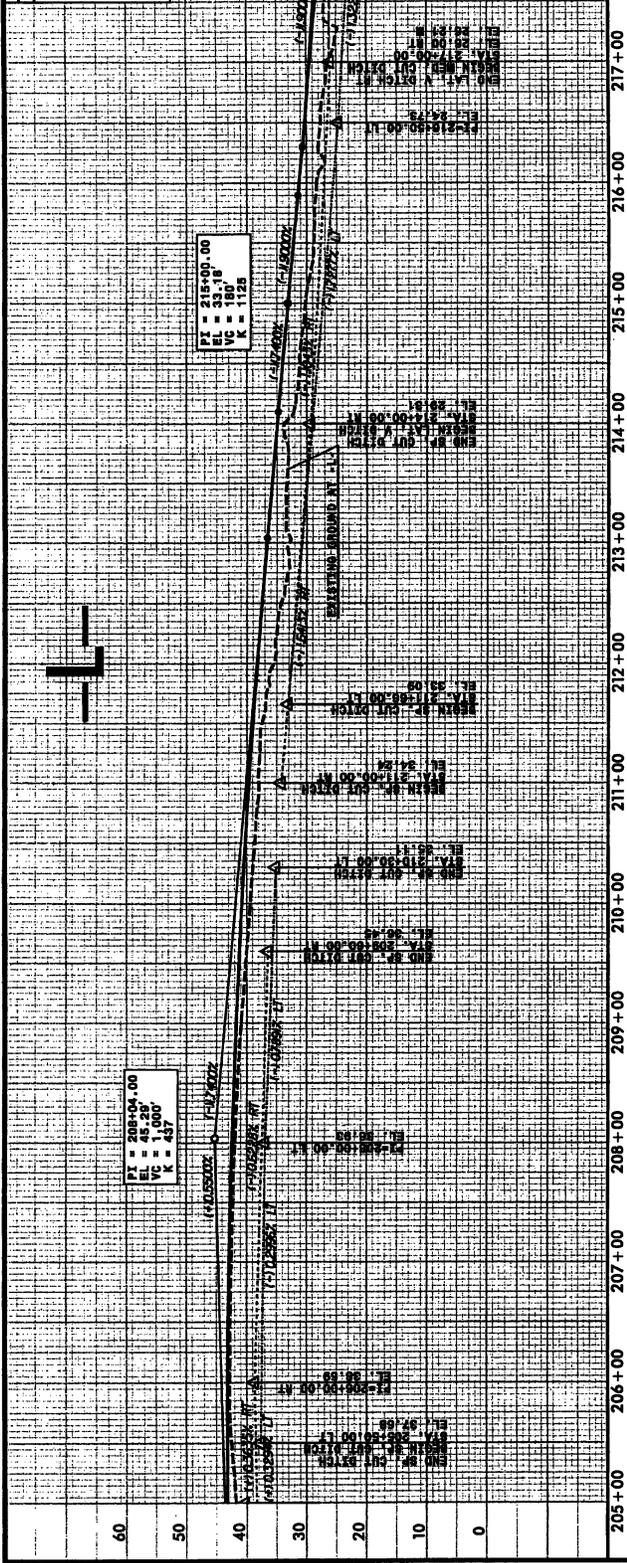
MATCHLINE 1-220+00 SEE SHEET 16

- DENOTES HAZARDOUS WASTE
- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING
- DENOTES FILL IN SURFACE WATER
- DENOTES TEMPORARY IMPACTS IN SURFACE WATER

PLANS PREPARED BY:
RJK & K
 RUMMEL, KLEPPER & KAHL, LLP
 100 W. HARRIS STREET, SUITE 200
 RALEIGH, NORTH CAROLINA 27601-2840
 PHONE: 919.978.2800
 FAX: 919.978.2800
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

293

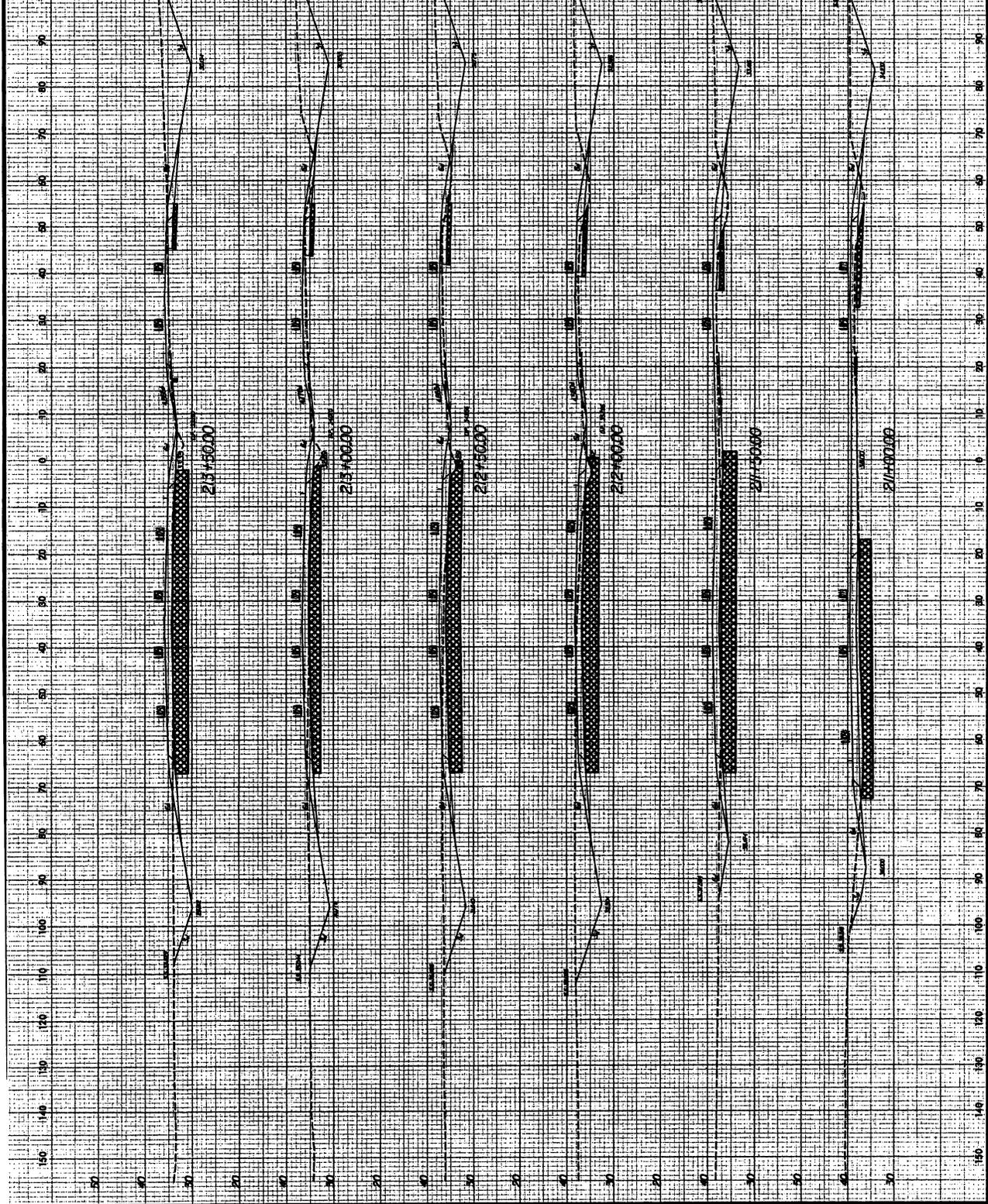
Permit Drawing
 Sheet 21 of 41



BRIDGE DATA
 ... OLD FORD BRIDGE ...
 - L - STA. 222+91.50
 DESIGN Q = 2300 cfs
 DESIGN FREQ = 50 YR
 BASE FLOOD Q = 2,945 cfs
 BASE FLOOD FREQ = 100 YR
 BASE FLOOD EL = 24.3 ft
 OT Q = 6550 cfs
 OT FREQ = 500+ YR
 OT EL = 27.4 ft

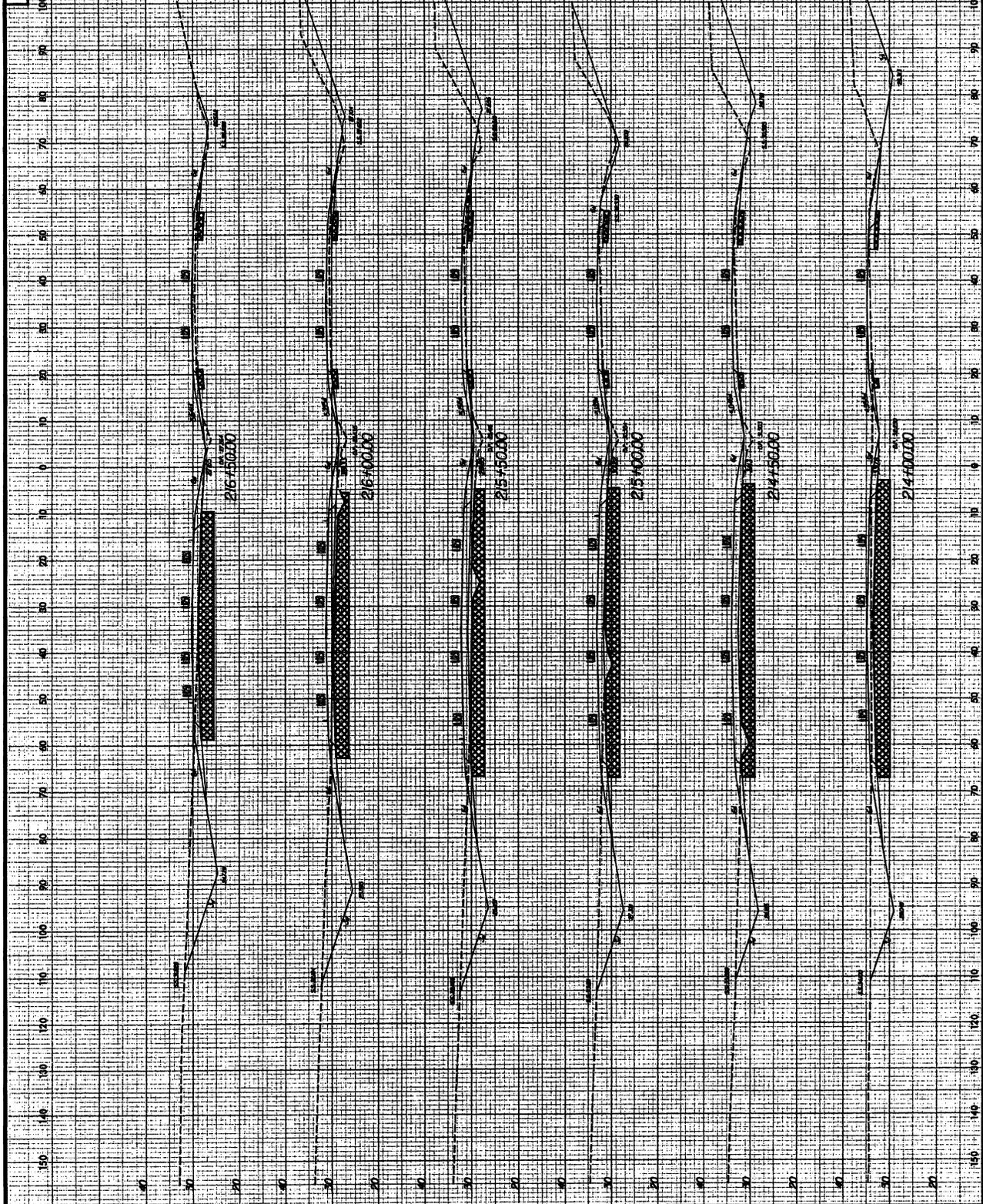
BA #7 EL. 22.96'
 -BL- Sta. 182+41 (157' LT) =
 -L- Sta. 223+43.46 (88.08' LT)
 RR SPIKE IN 24" JUNIPER

Permit Drawing
 Sheet 25 of 41



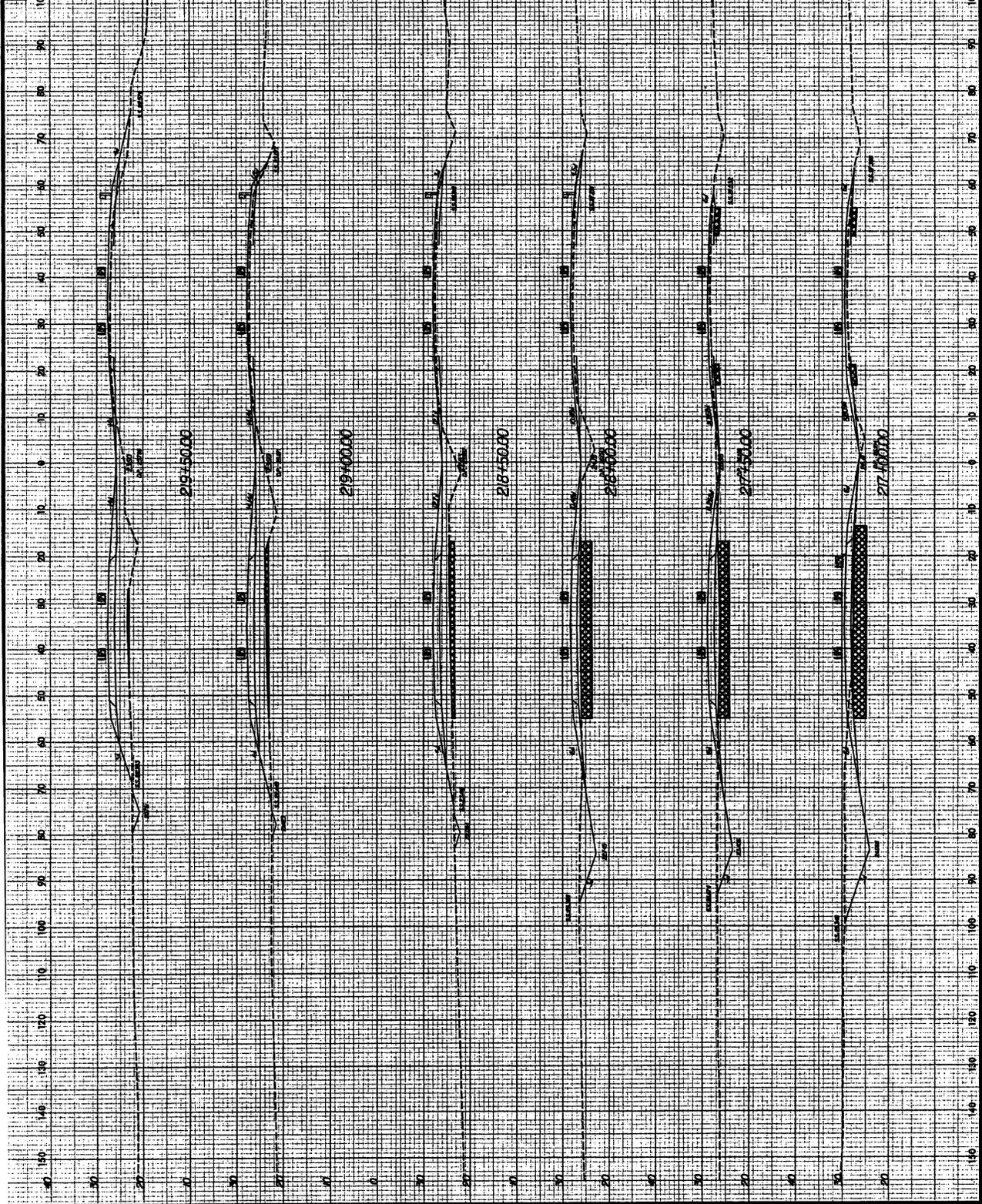
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Final Drawing
Sheet 12.0 of 14



296

Permit Drawing
Sheet 507 of 411

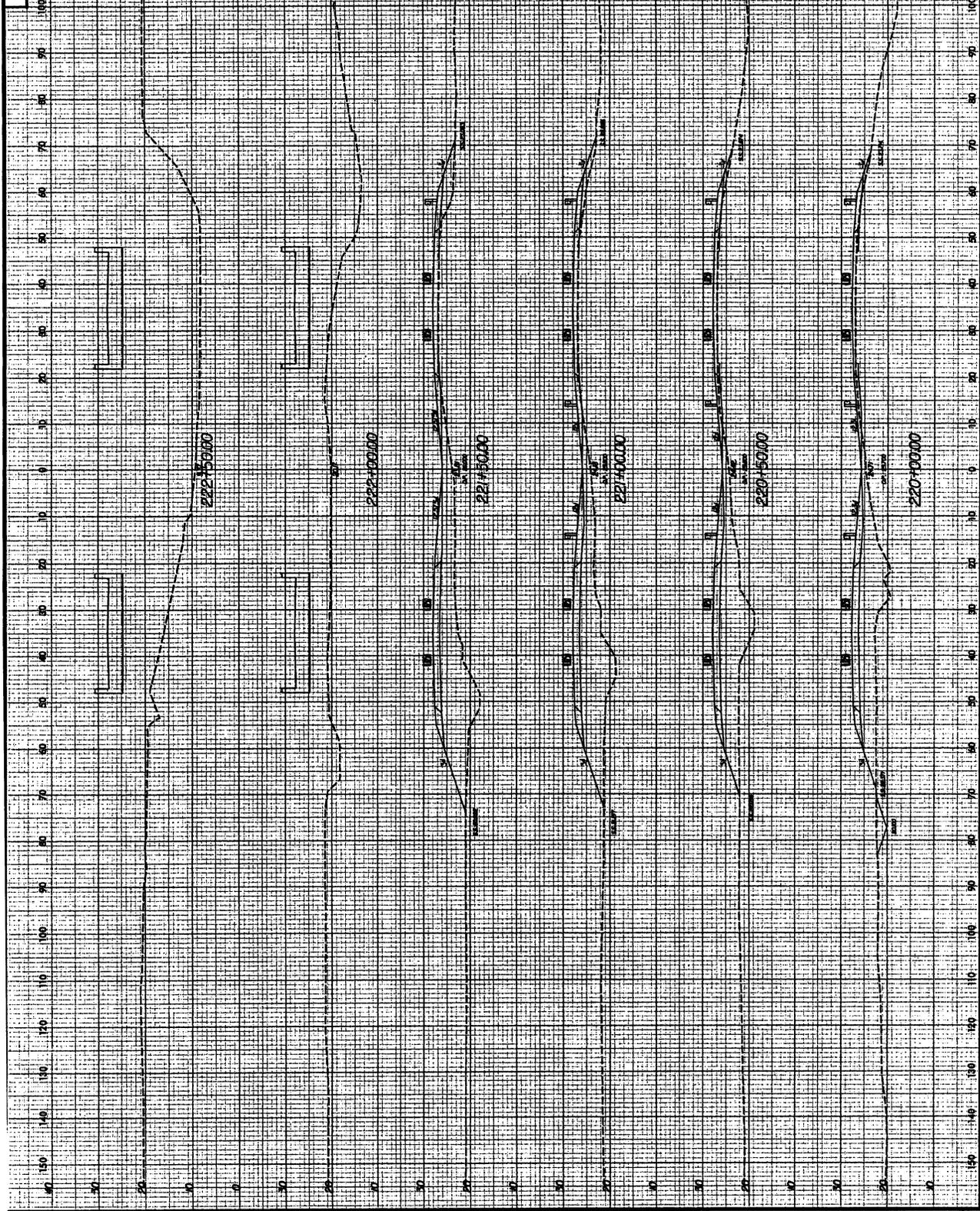


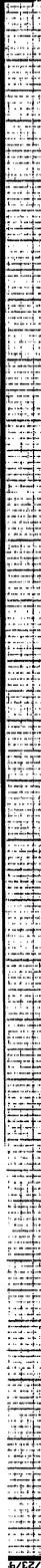
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PROJ. REFERENCE NO.
R-23100

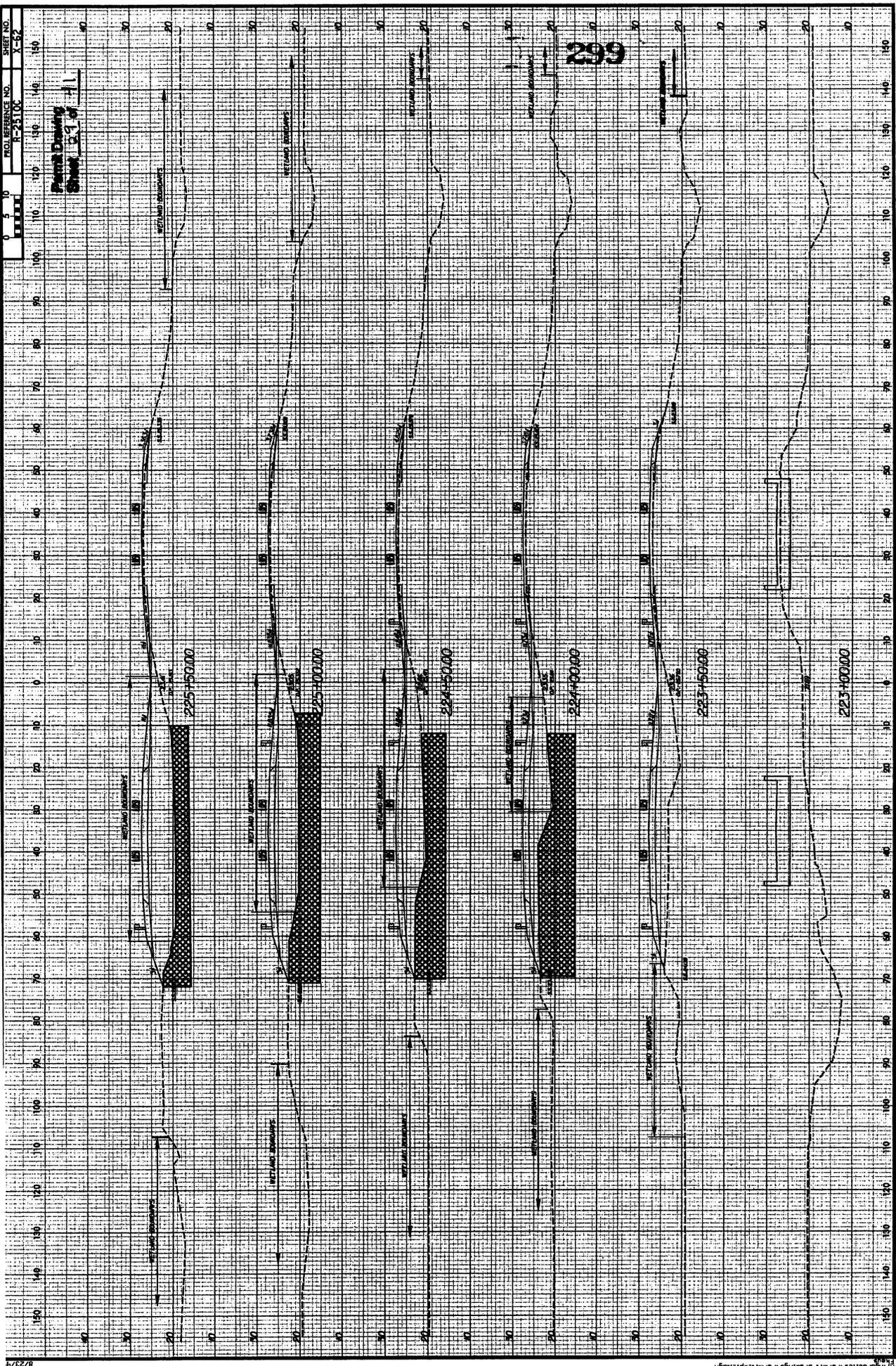
SHEET NO.
X-5

Final Drawing
Sheet 3.3 of 4.1



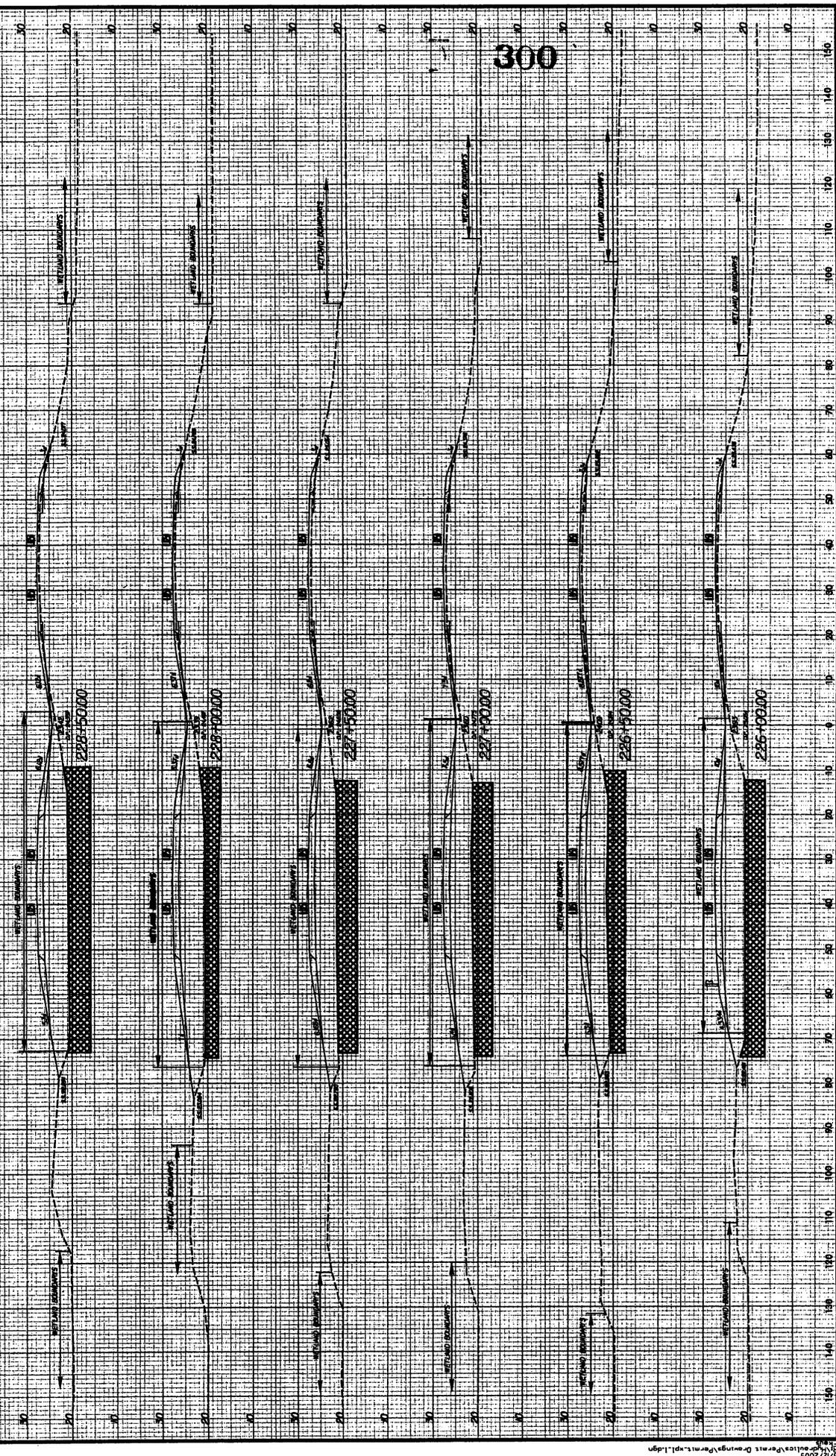


Permit Drawing
Sheet 23 of 11



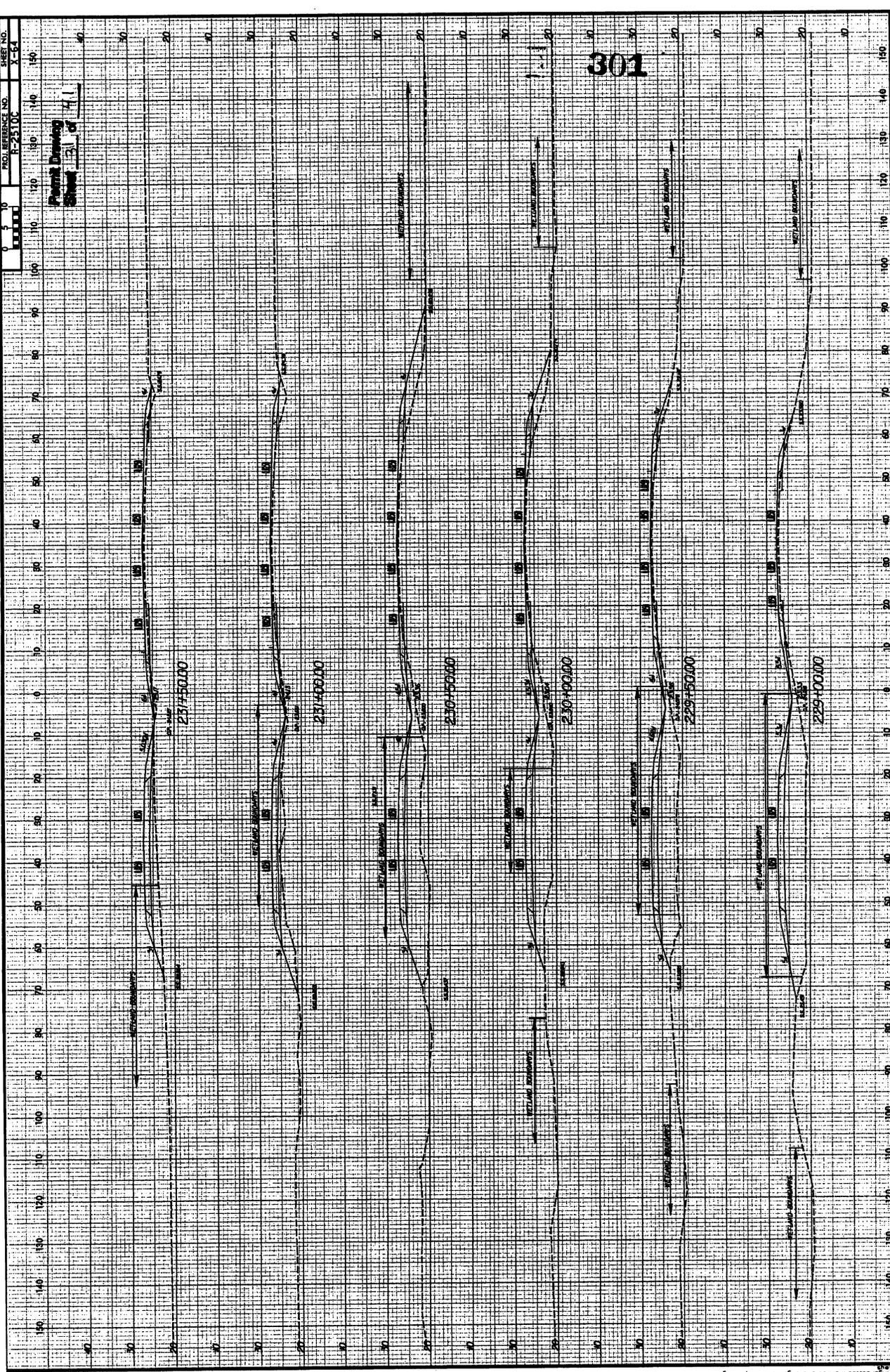
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Permit Drawing
 Sheet 30 of 41



Permit Drawing
Sheet 31 of 41

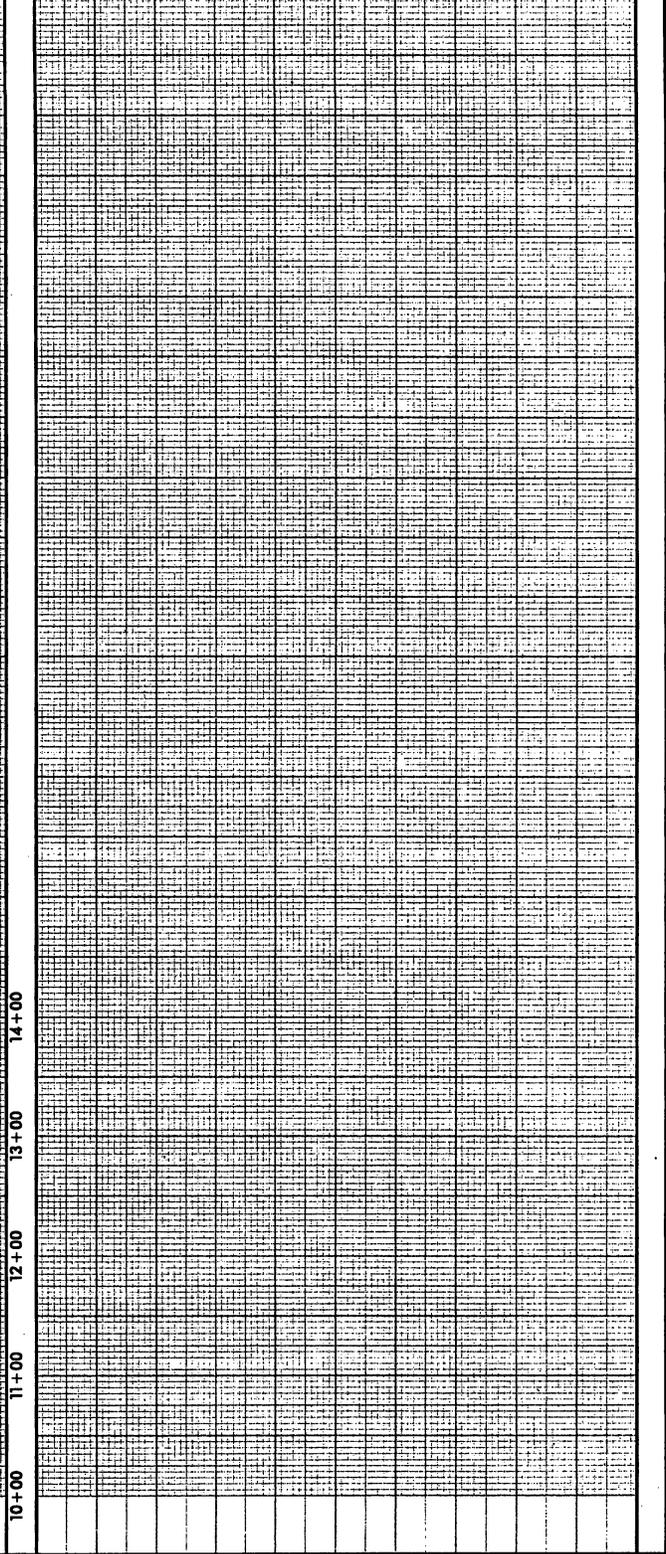
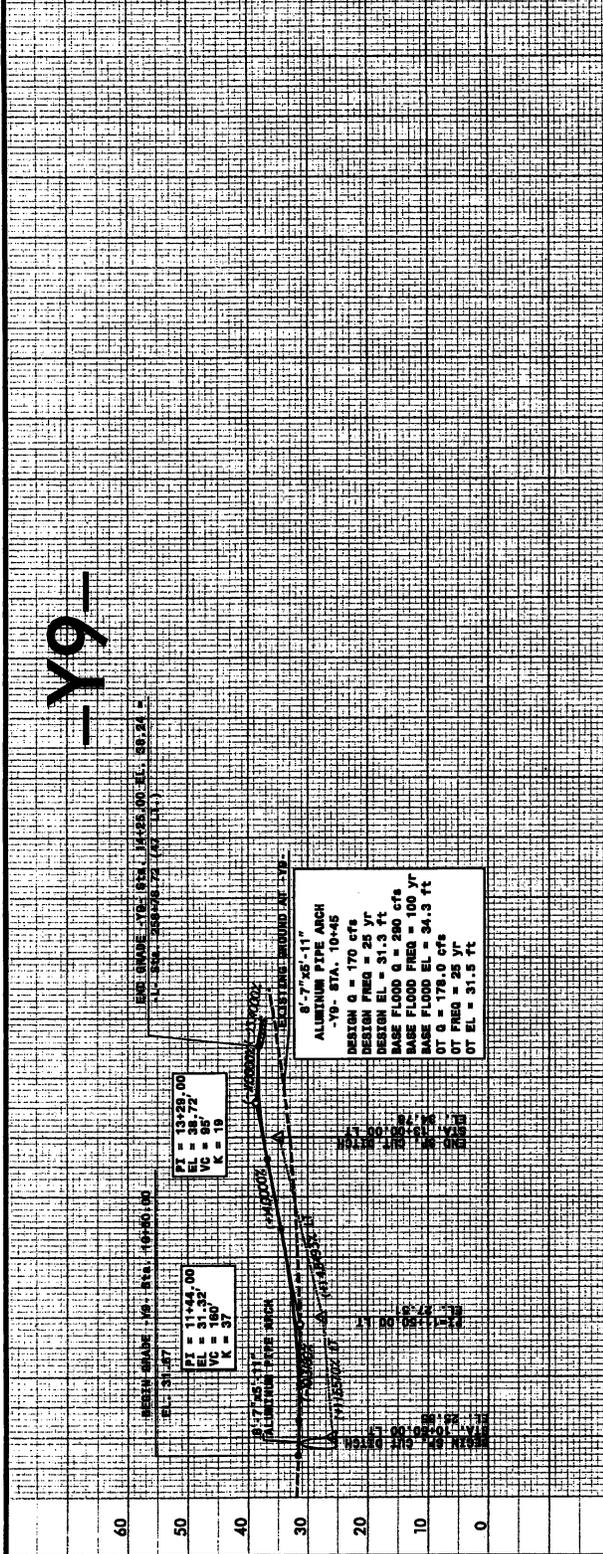
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PROJECT REFERENCE NO. 1-2310C
 DRAWING NUMBER
 SHEET NO. 33
 TOTAL SHEETS 33

Permit Drawing
 Sheet 34 of 41

-Y9-

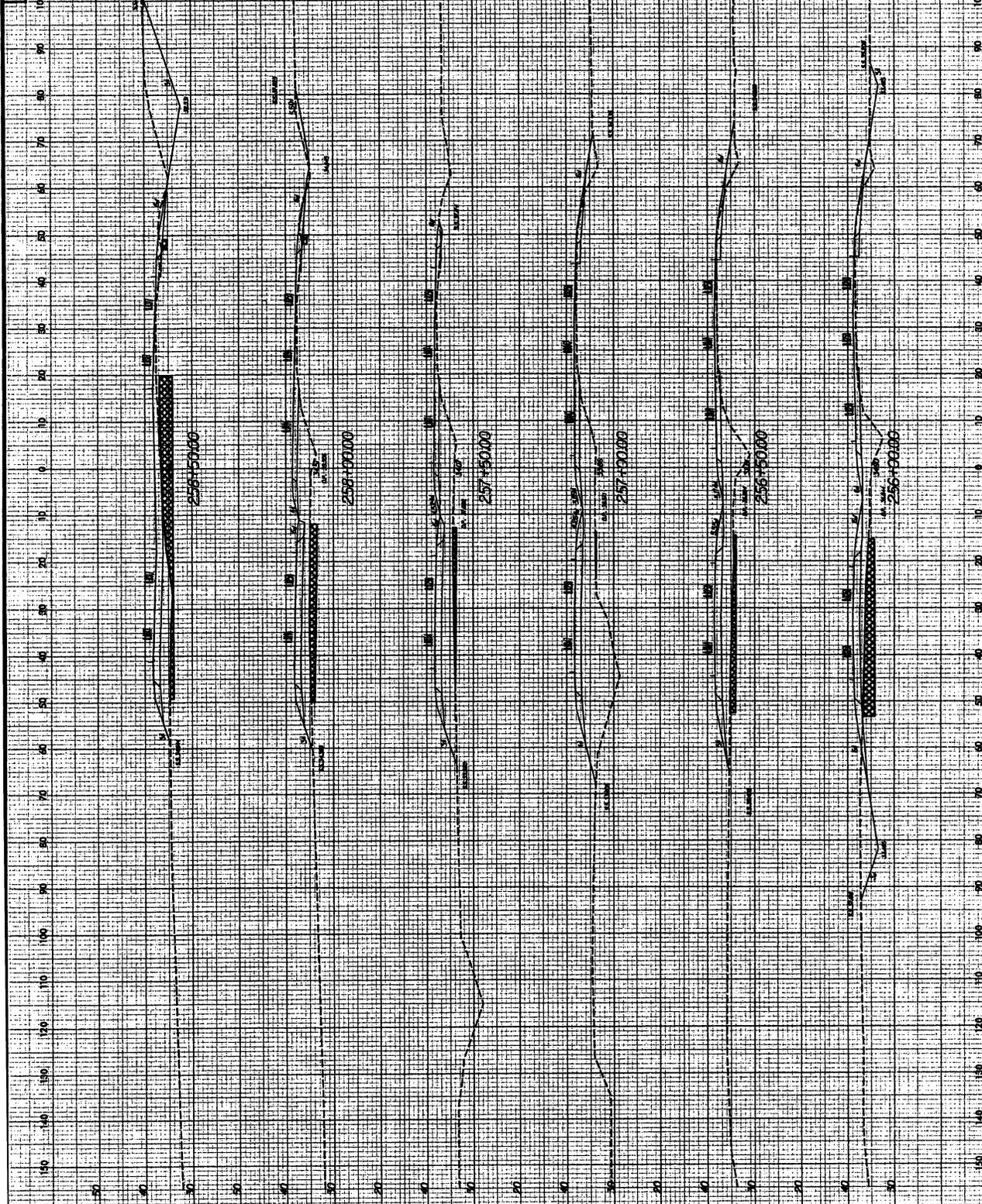


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SHEET NO. X-73

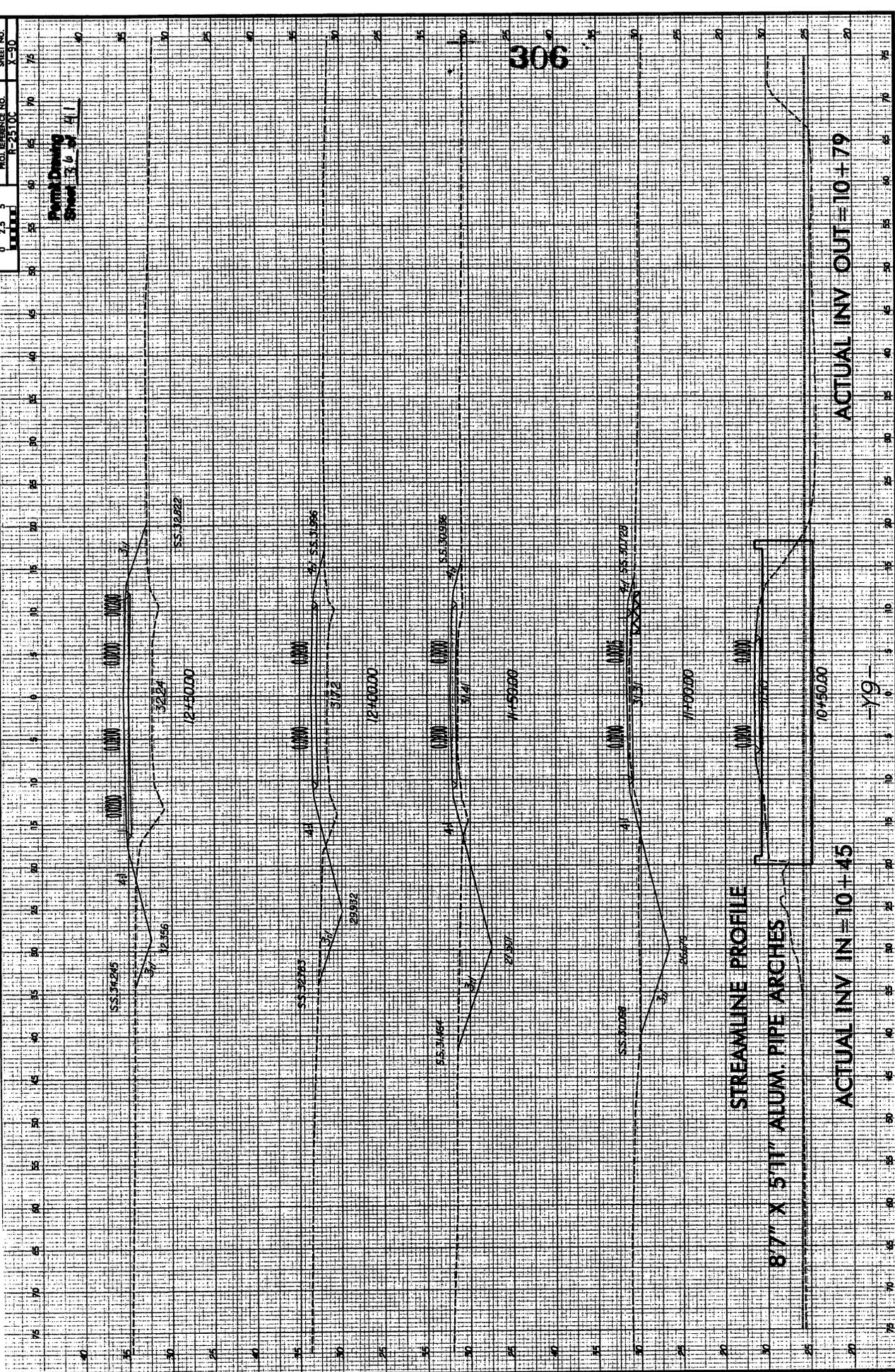
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Permit Drawing
Sheet 3.5 of 71

305



Permit Drawing
 Sheet 18 of 41



306

STREAMLINE PROFILE

8'7" X 5'11" ALUM. PIPE ARCHES

ACTUAL INV IN = 10 + 45

ACTUAL INV OUT = 10 + 79

-Y9-

PROJECT REFERENCE NO. SHEET NO.
 E-2510C 20
 HIGHWAY DESIGN ENGINEER
 ROADWAY DESIGN ENGINEER
Permit Drawing
Sheet 37 of 41



JOSEPH DONALD ARNOLD
 (18)

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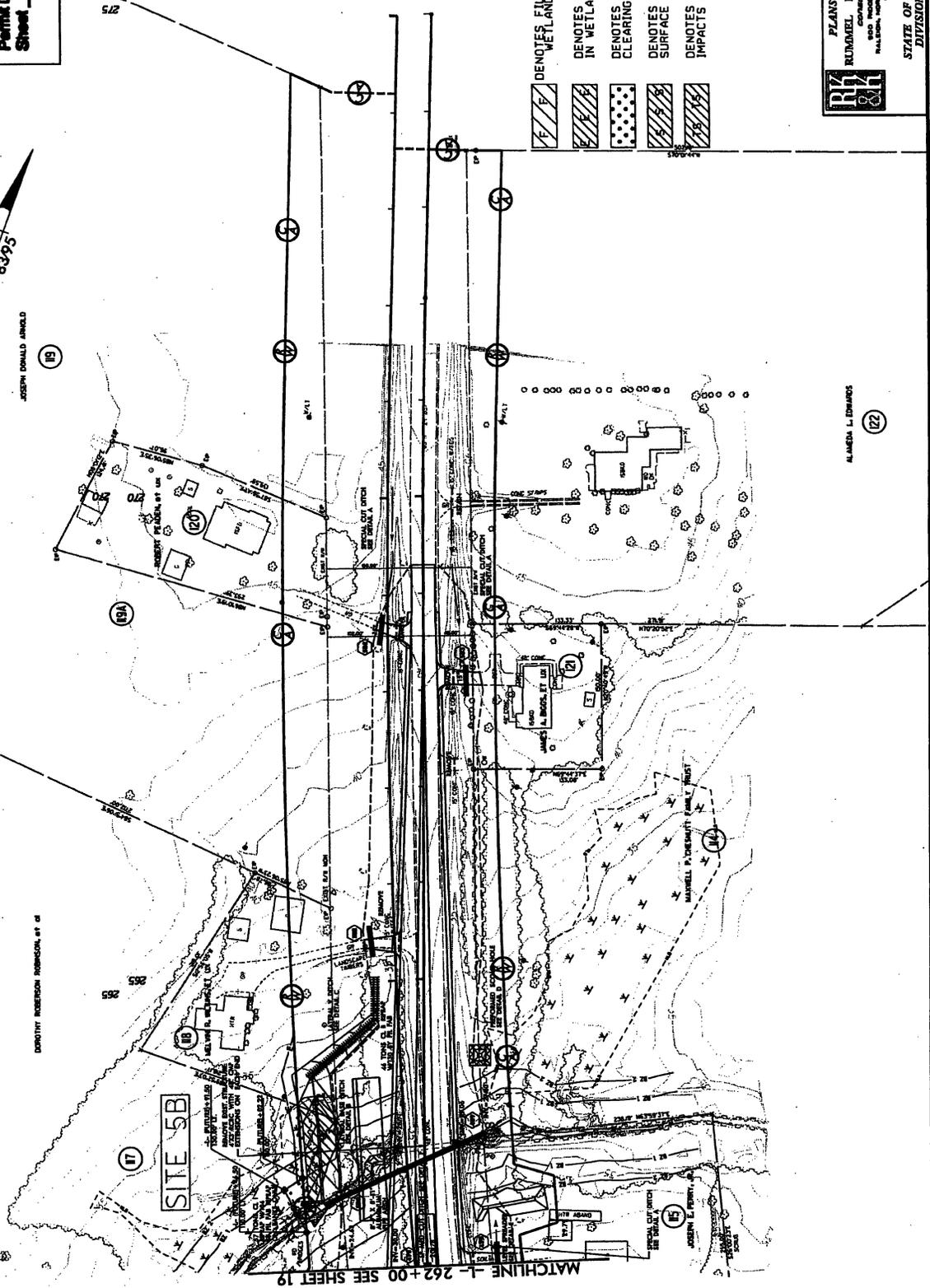
PROJECT REFERENCE NO. E-2300C
 SHEET NO. 20
 PERMIT DRAWING
 Sheet 38 of 41



JOSEPH DONALD ARMOLD
 (18)

DOROTHY ANDERSON HENDERSON, ET AL
 (17)

SITE 5B



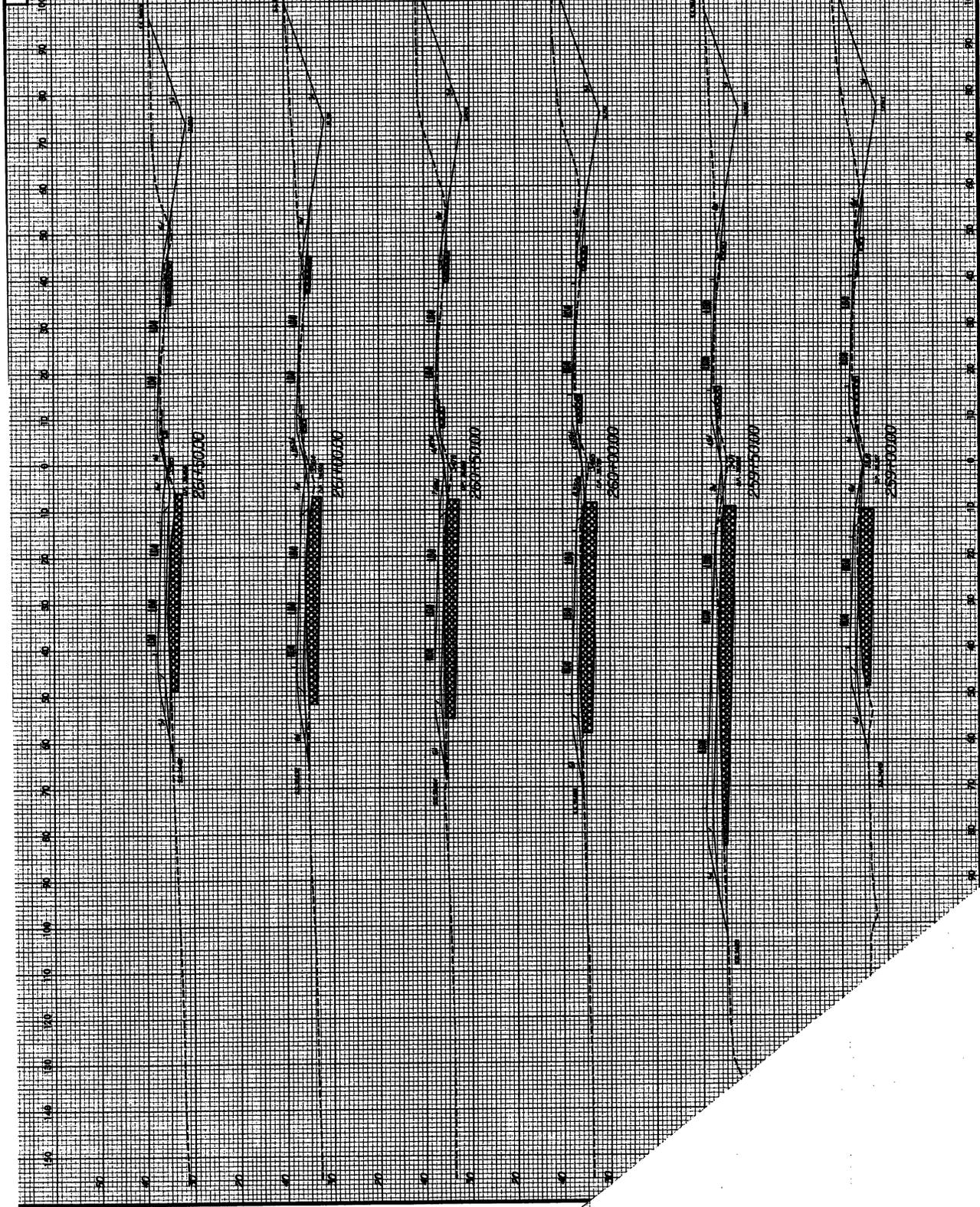
-  DENOTES FILL IN WETLAND
-  DENOTES EXCAVATION IN WETLAND
-  DENOTES MECHANIZED CLEARING
-  DENOTES FILL IN SURFACE WATER
-  DENOTES TEMPORARY IMPACTS IN SURFACE WATER

PLANS PREPARED BY:
RK&K
 RICHARD K. REYER & KATHI, LLP
 800 HUNTERFIELD DRIVE, SUITE 200
 FALCON, NORTH CAROLINA 27008-3900
 FOR
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS

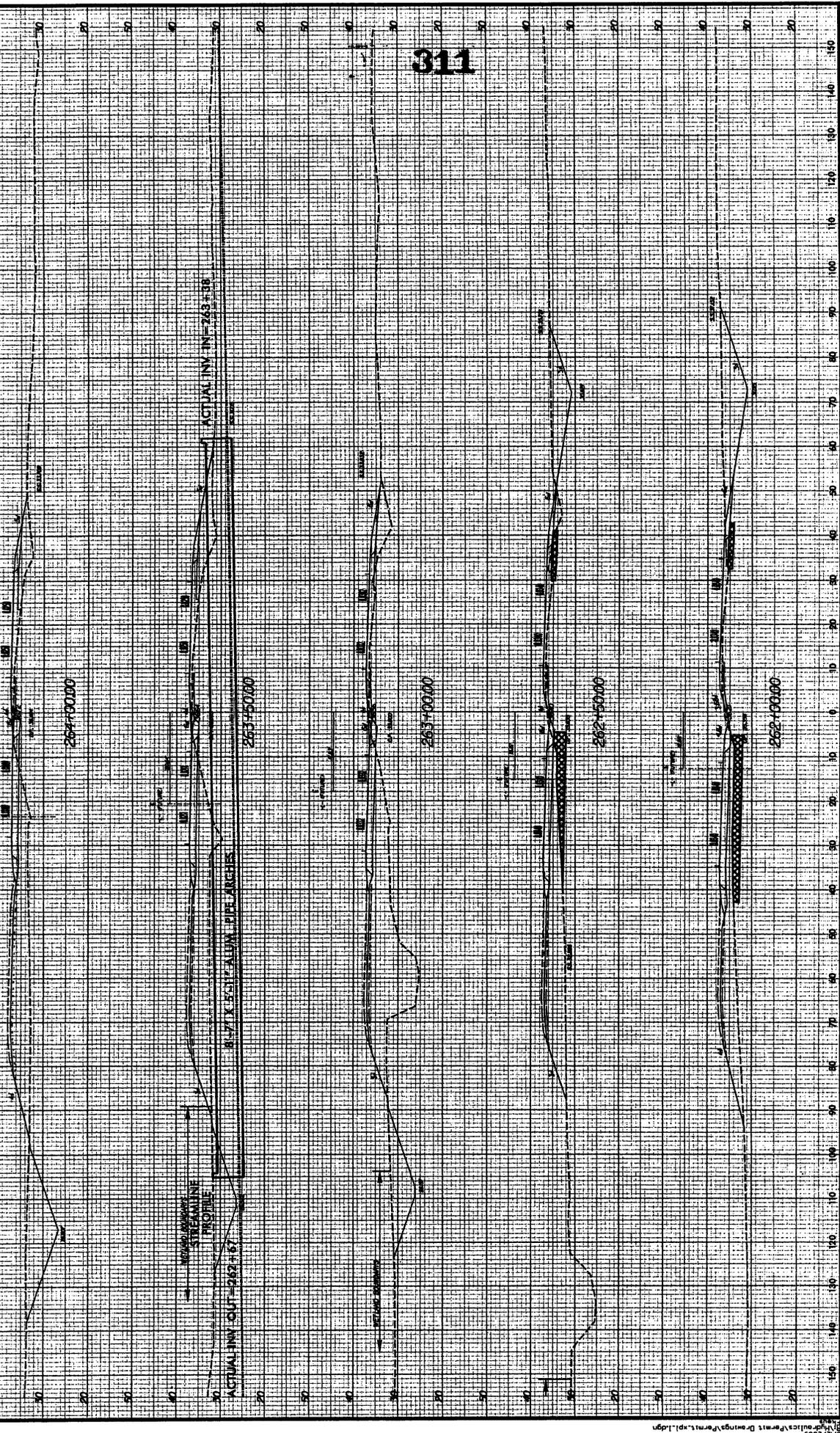
ALMENA L. EDWARDS
 (27)

SHEET NO. X-7
PROJ. REFERENCE NO. R-2510C

Permit Drawing
Sheet 10 of 11

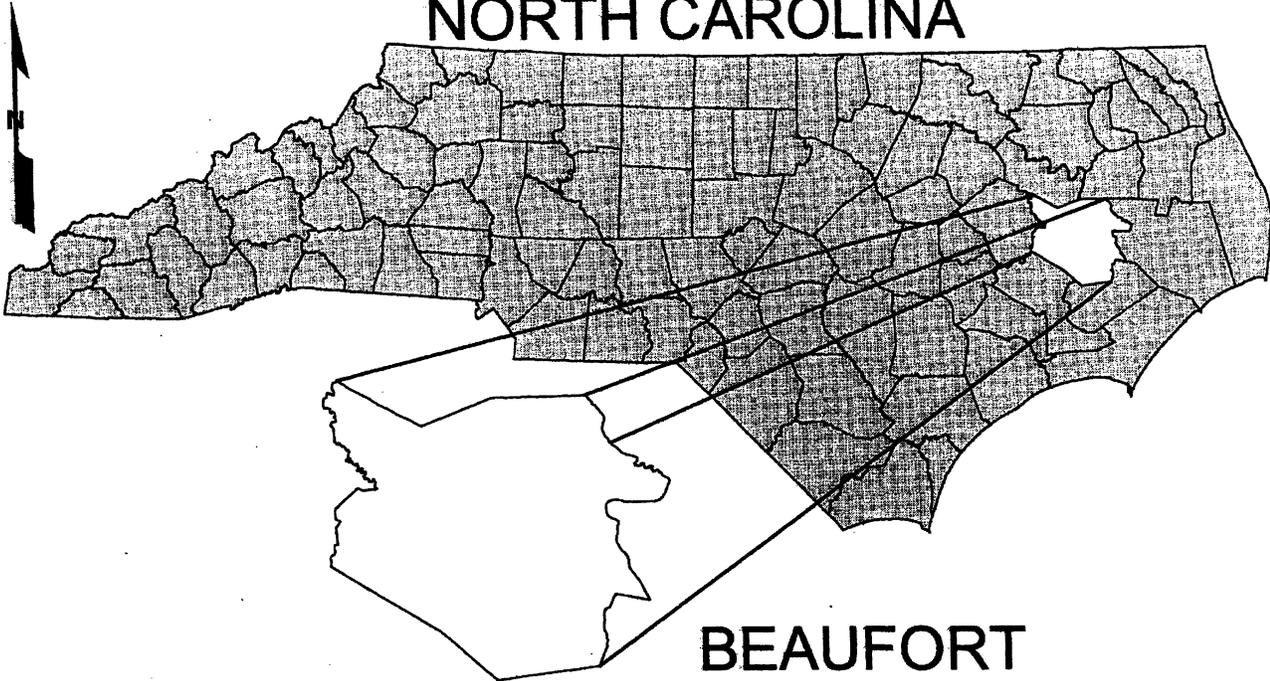


Prime Drawing
 Sheet No. 41

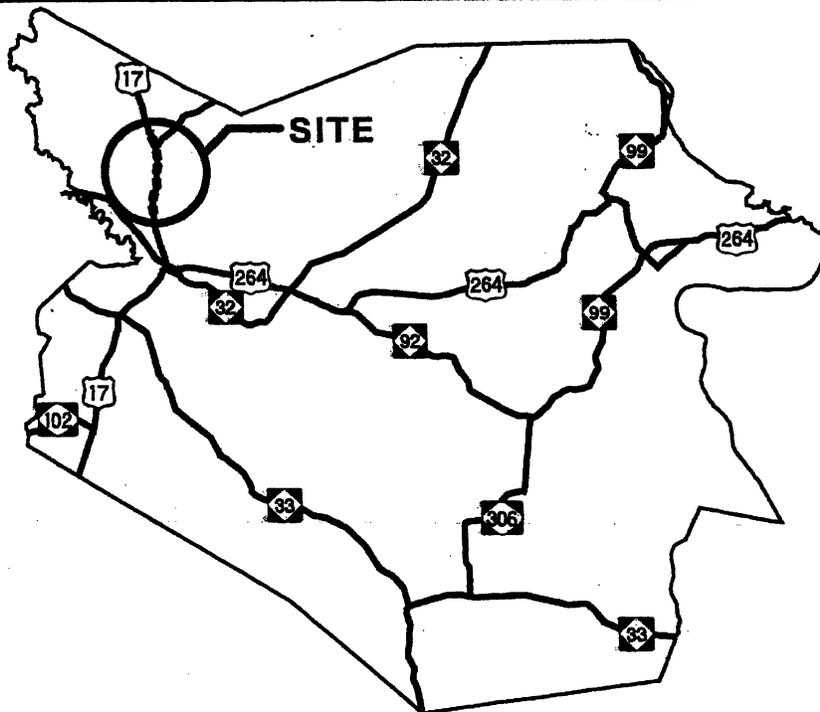


311

NORTH CAROLINA



BEAUFORT

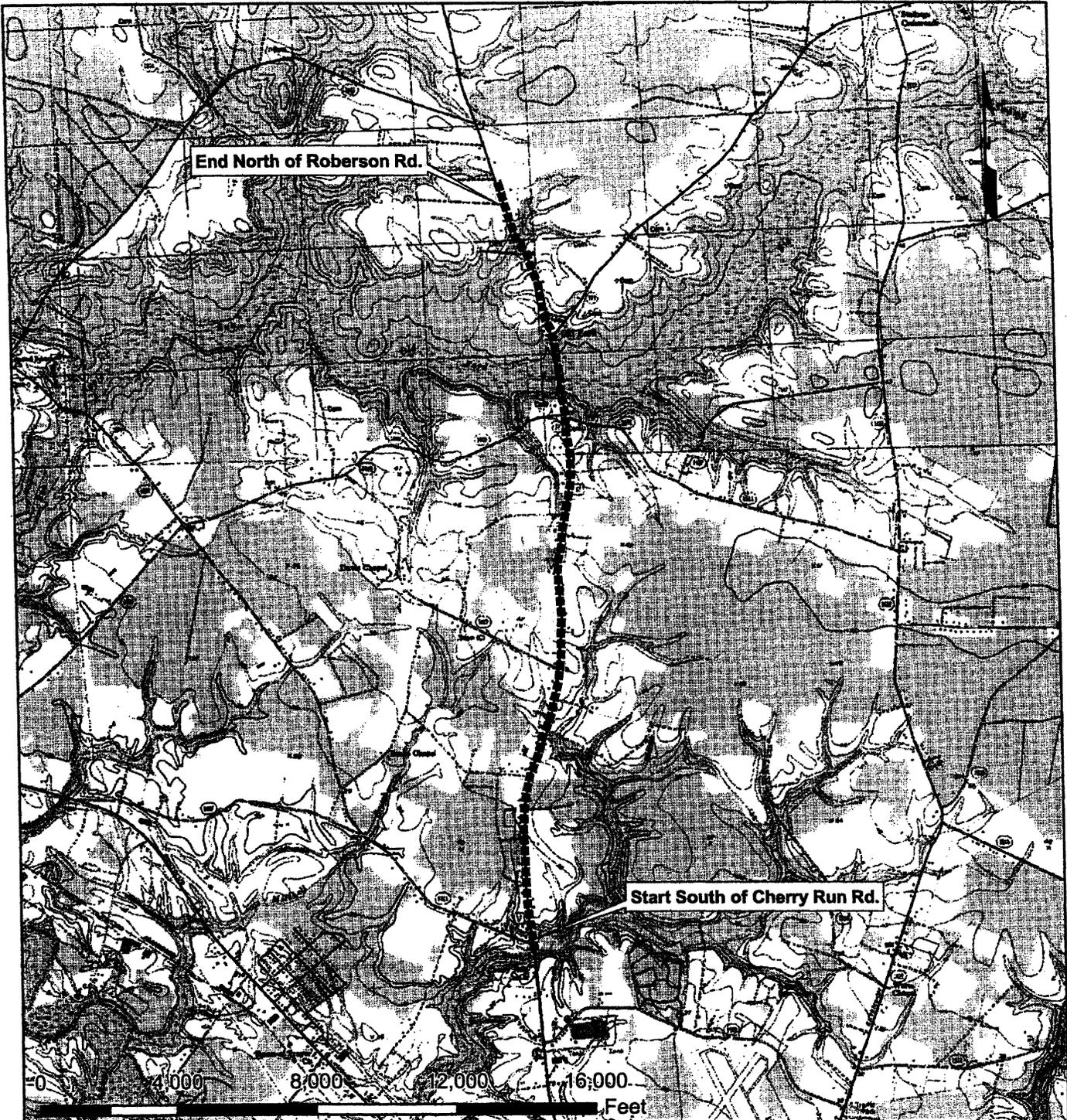


VICINITY MAPS

NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)
 US 17 BYPASS

AUGUST 2009



1 inch = 4,000 feet

LOCATION

NCDOT

**DIVISION OF HIGHWAYS
BEAUFORT COUNTY
PROJECT: 34440.1.1 (R-2510C)
US 17 BYPASS**

AUGUST 2009

Source: USGS 7.5 Minute Quadrangle, Washington and Old Ford, NC

Buffer Drawing
Sheet 2 of 36 35

| PROP. NO. | PROPERTY OWNER NAME | PROP. OWNER ADDRESS |
|-----------|---|---|
| 1 | JACK CHERRY, JR. | 707 Oakwood Ave. South, Brandon, FL. 33511 |
| 2 | SMITHWICK PARTNERS, LLC | 1589 West 5th St., Washington, NC 27889 |
| 40 | EAST CAROLINA FARMS, LLC | 1905 Charlestowne Dr. Greenville, NC 27834 |
| 45 | MARY L. BROWN HOPKINS | 952 Wharton Station Rd., Washington, NC 27889 |
| 46 | REUBEN H. FERRELL | 3805 US HWY 17 N, Washington, NC 27889 |
| 94 | MINNIE LEE BRANTLEY | 5595 HWY 17 N, Washington, NC 27889 |
| 95 | WILLIAM B. BAKER, ET UX | 5595 HWY 17 N, Washington, NC 27889 |
| 97 | MILTON E. HODGES, JR. (Land) | 5584 US HWY 17 N, Washington, NC 27889 |
| | DAVID ALLEN KEEL (Buildings on parcel 97) | 5584 US HWY 17 N, Washington, NC 27889 |
| 98 | GLADYS B. STYONS | 5666 HWY 17 N, Washington, NC 27889 |
| 100 | HAROLD W. ROBINSON, ET UX | 244 N Roberson Rd., Washington, NC 27889 |
| 108 | ARAH BELL GAUTIER CARRAWAY | 5124 Congressional Dr., College Station, TX 77845 |
| 111 | MCDONALD GAUTIER, 111, ET AL | 6344 US HWY 17 N, Washington, NC 27889 |
| 114 | MAXWELL P. CHESNUTT FAMILY TRUST | PO BOX 607, Blowing Rock, NC 28605 |
| 115 | JOSEPH E PERRY, JR. | 6498 US HWY 17 N, Washington, NC 27889 |
| 116 | DOROTHY ROBERSON ROBINSON, et al | 6555 US HWY 17 N, Washington, NC 27889 |
| 117 | DOROTHY ROBERSON ROBINSON, et al | 244 N Roberson Rd., Washington, NC 27889 |
| 118 | MELVIN R. WILKINS, ET UX | 6555 US HWY 17 N, Washington, NC 27889 |

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)

8/13/2009

Buffer Drawing
 Sheet 3 of 35

BUFFER IMPACTS SUMMARY

| SITE NO. | STRUCTURE SIZE / TYPE | STATION (FROM/TO) | IMPACT | | | | | | MITIGABLE | | | BUFFER REPLACEMENT | |
|---------------|-----------------------|-------------------|---------------|--------|-----------------|---------------------------|--------------------------|---------------------------|---------------------------|--------------------------|---------------------------|---------------------------|---------------------------|
| | | | TYPE | | ALLOWABLE | | TOTAL (ft ²) | ZONE 1 (ft ²) | ZONE 2 (ft ²) | TOTAL (ft ²) | ZONE 1 (ft ²) | ZONE 2 (ft ²) | |
| | | | ROAD CROSSING | BRIDGE | PARALLEL IMPACT | ZONE 1 (ft ²) | | | | | | | ZONE 2 (ft ²) |
| 1A | Bridge | -L- 54+00 +/- | | X | | | | | 10434 | 4174 | 14608 | | |
| | Roadway | -L- 54+00 +/- | X | | | | | 6414 | 3880 | 10294 | | | |
| 3 | Roadway | -L- 119+00 +/- | X | | | | | 19390 | 8411 | 21771 | | | |
| 4A | Roadway | -L- 222+00 +/- | | | X | | | 34588 | 16797 | 51365 | | | |
| | Bridge | -L- 222+00 +/- | X | | | | | 3427 | 690 | 4117 | | | |
| 4B | Roadway | -L- 220+00 +/- | X | | | | | 1335 | 1814 | 3149 | | | |
| | Roadway | -L- 220+00 +/- | | | X | | | 2793 | 2268 | 5059 | | | |
| | Bridge | -L- 222+00 +/- | | X | | | | 6536 | 1190 | 7726 | | | |
| 4C | Roadway | -L- 223+00 +/- | | | X | | | 1547 | 0 | 1547 | | | |
| | Bridge | -L- 223+00 +/- | | X | | | | 1682 | 6 | 1688 | | | |
| 5A | Roadway | -L- 258+75 +/- | X | | | | | 7518 | 4528 | 12046 | | | |
| 5B | Roadway | -L- 263+25 +/- | X | | | | | 9730 | 6095 | 15825 | | | |
| 5C | Roadway | -Y8- 10+80 +/- | X | | | | | 2588 | 911 | 3499 | | | |
| TOTAL: | | | | | | | | 2588 | 911 | 3499 | 96564 | 48851 | 149215 |

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 34440.1.1 (R-2510C)

9/22/2009

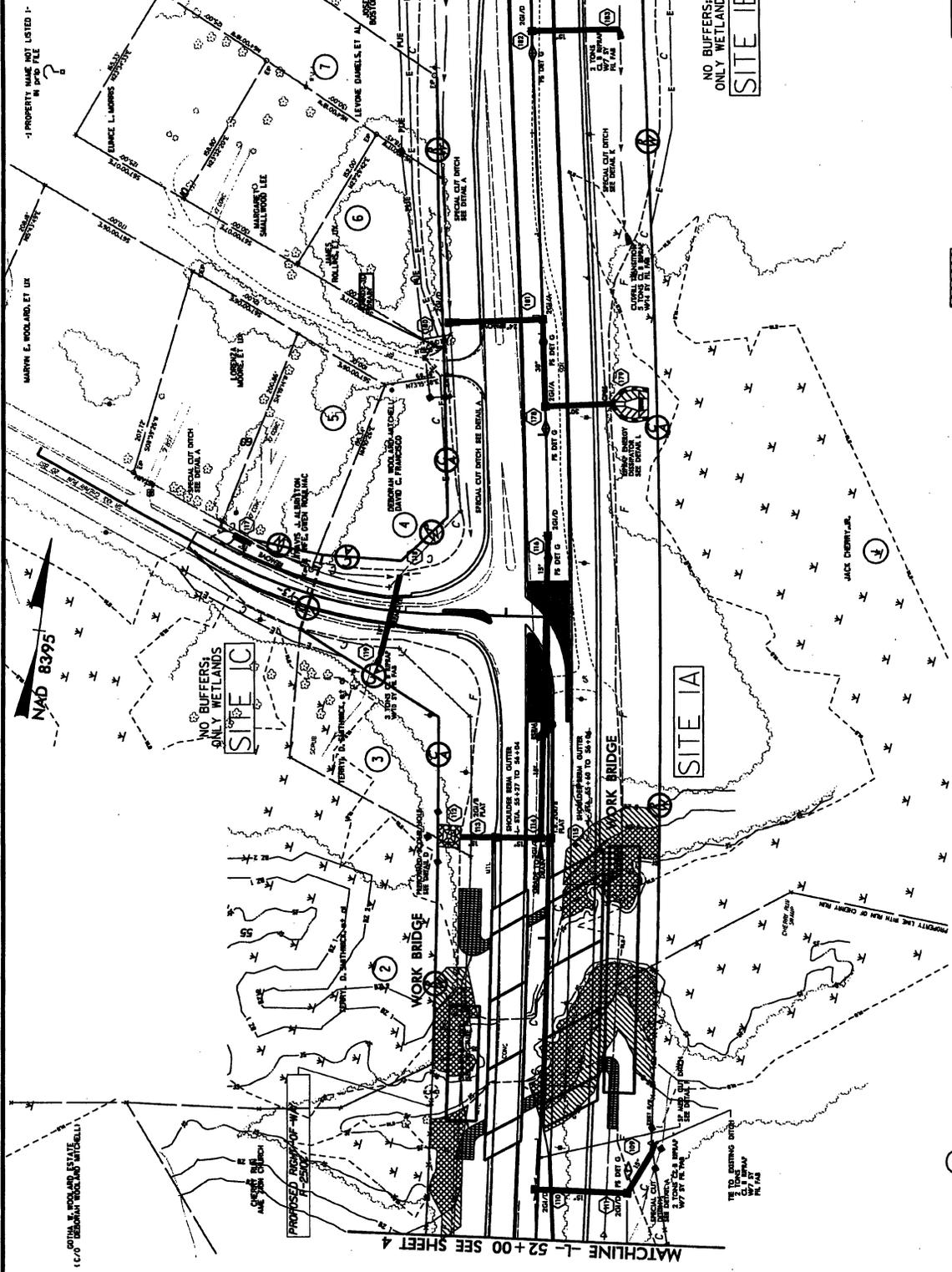
Rev. May 2008

Buffer Drawing
 Sheet 5 of 35

R02-misc/hydro/Permit Drawings/BUFFER IMPACT SUMMARY REV.A18

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 HYDRAULICS ENGINEER
 RUMMEL KLEPPER & KAHL, LLP
 1000 W. WASHINGTON ST. SUITE 200
 RALEIGH, NC 27601
 PHONE: 919-876-8800
 FAX: 919-876-8800
 FOR STATE OF NORTH CAROLINA

Buffer Drawing
 Sheet 8 of 35



NO BUFFERS;
 ONLY WETLANDS
 SITE 1B

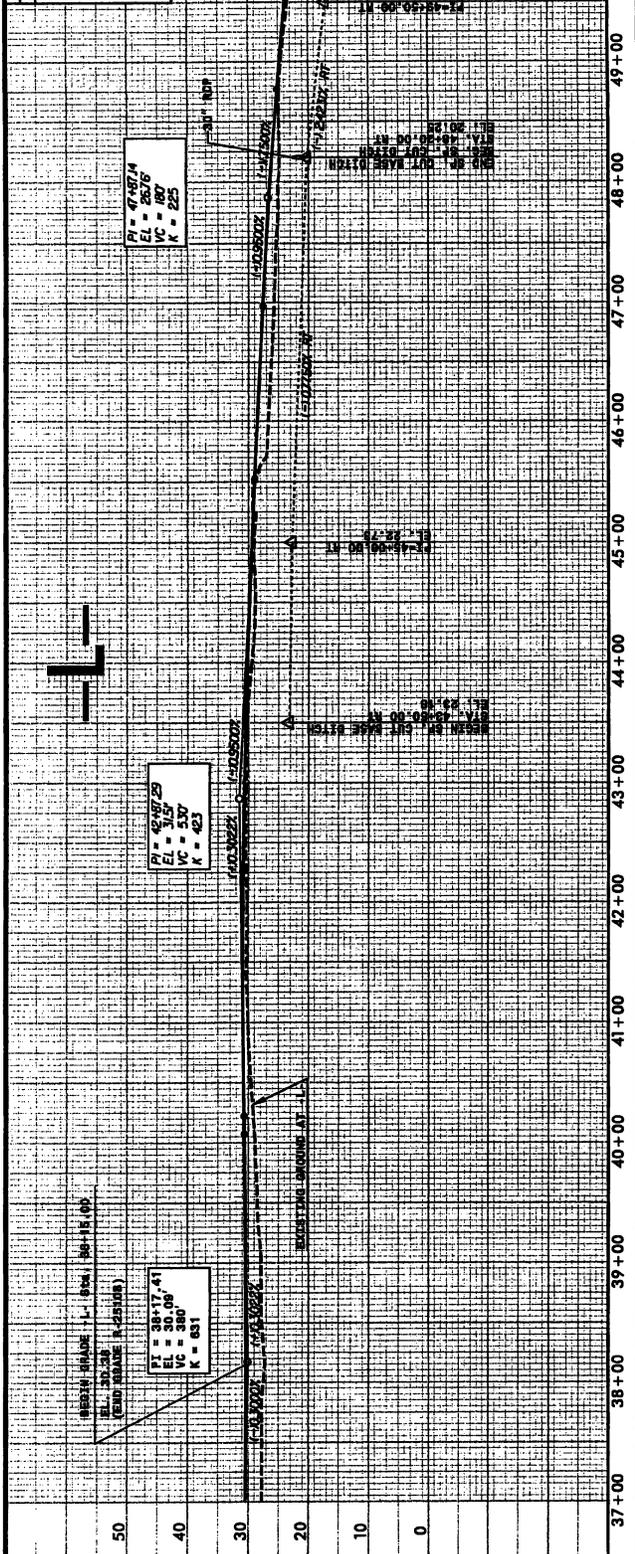
NO BUFFERS;
 ONLY WETLANDS
 SITE 1C

-  MITIGABLE IMPACTS ZONE 1
-  MITIGABLE IMPACTS ZONE 2

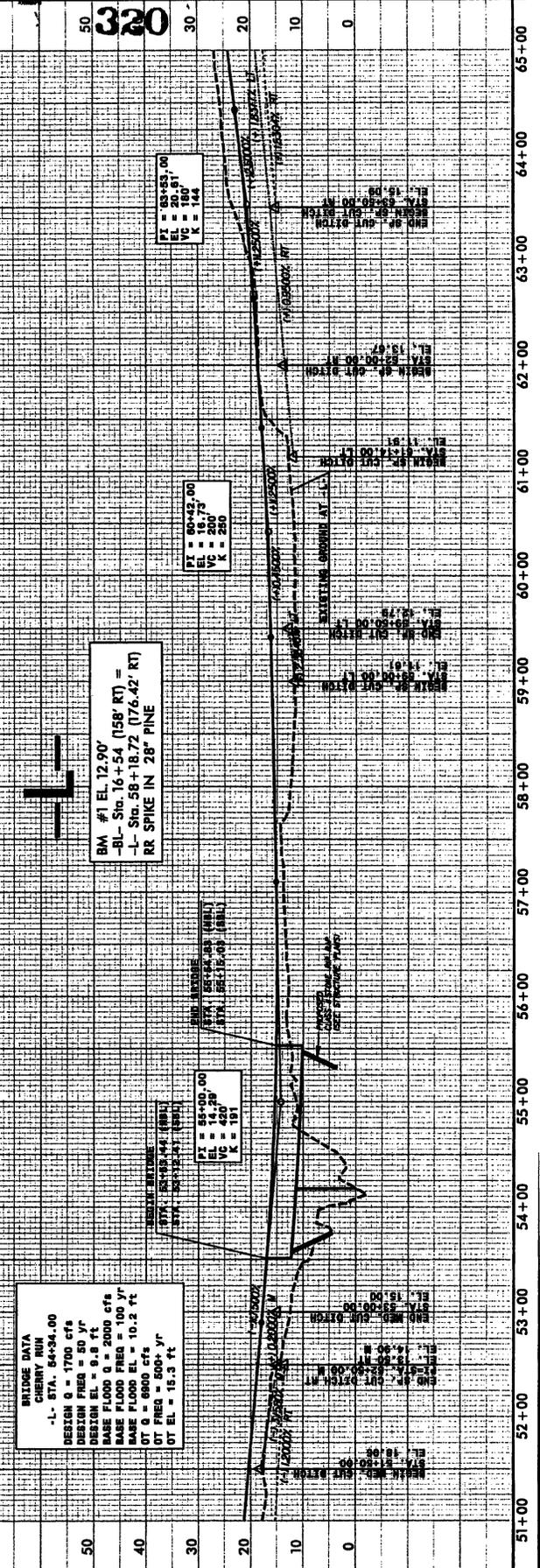
PLANS PREPARED BY:
 RUMMEL KLEPPER & KAHL, LLP
 CONSULTING ENGINEERS
 1000 W. WASHINGTON ST. SUITE 200
 RALEIGH, NC 27601
 PHONE: 919-876-8800
 FAX: 919-876-8800
 FOR STATE OF NORTH CAROLINA

11
 BILLY J. ARNOLD

Buffer Drawing
 Sheet **9** of **35**



56/28/92



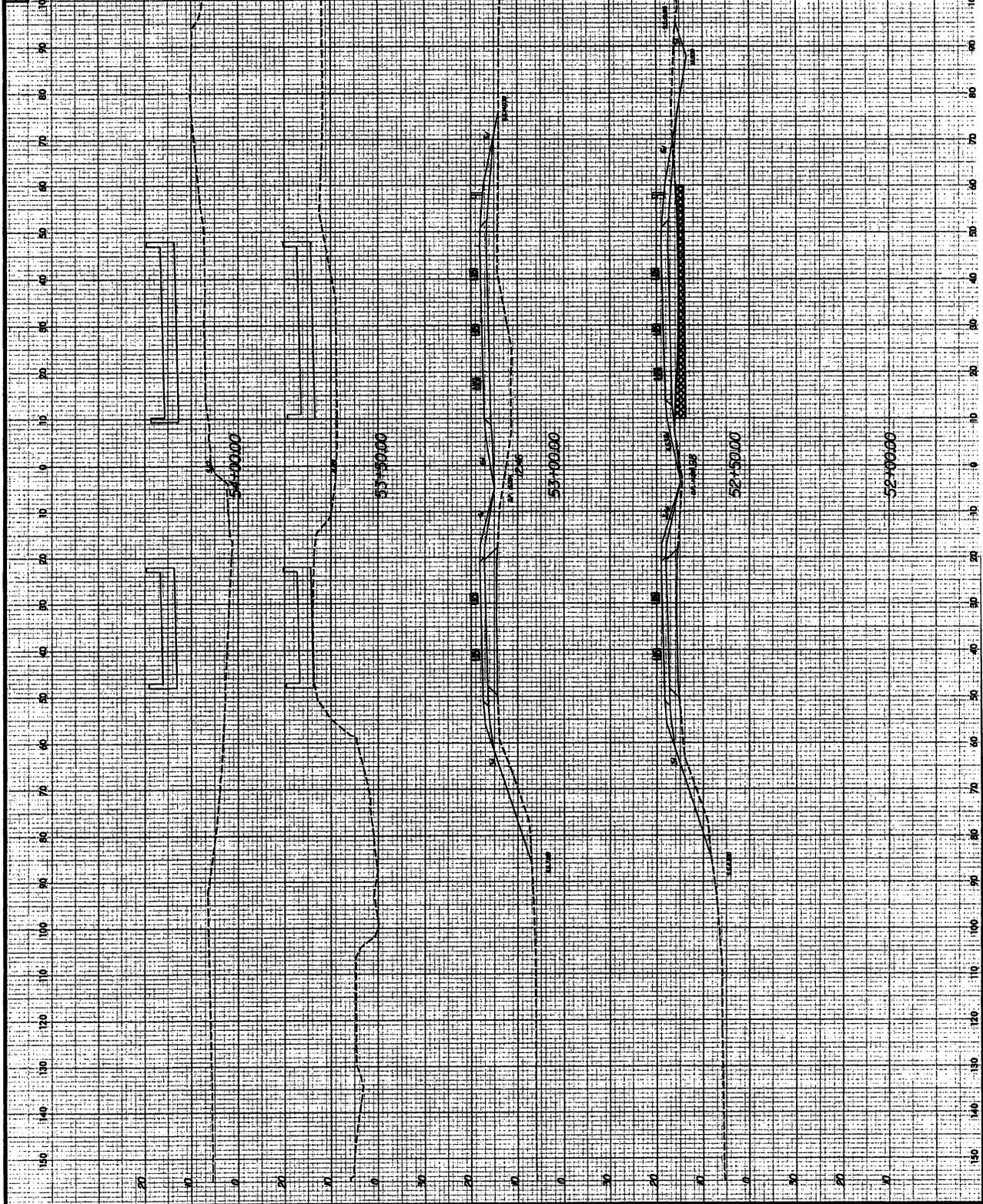
56/28/92

56/28/92 11:41:14 P. 01/25/2009 10:40:44 AM

SHEET NO. X-5
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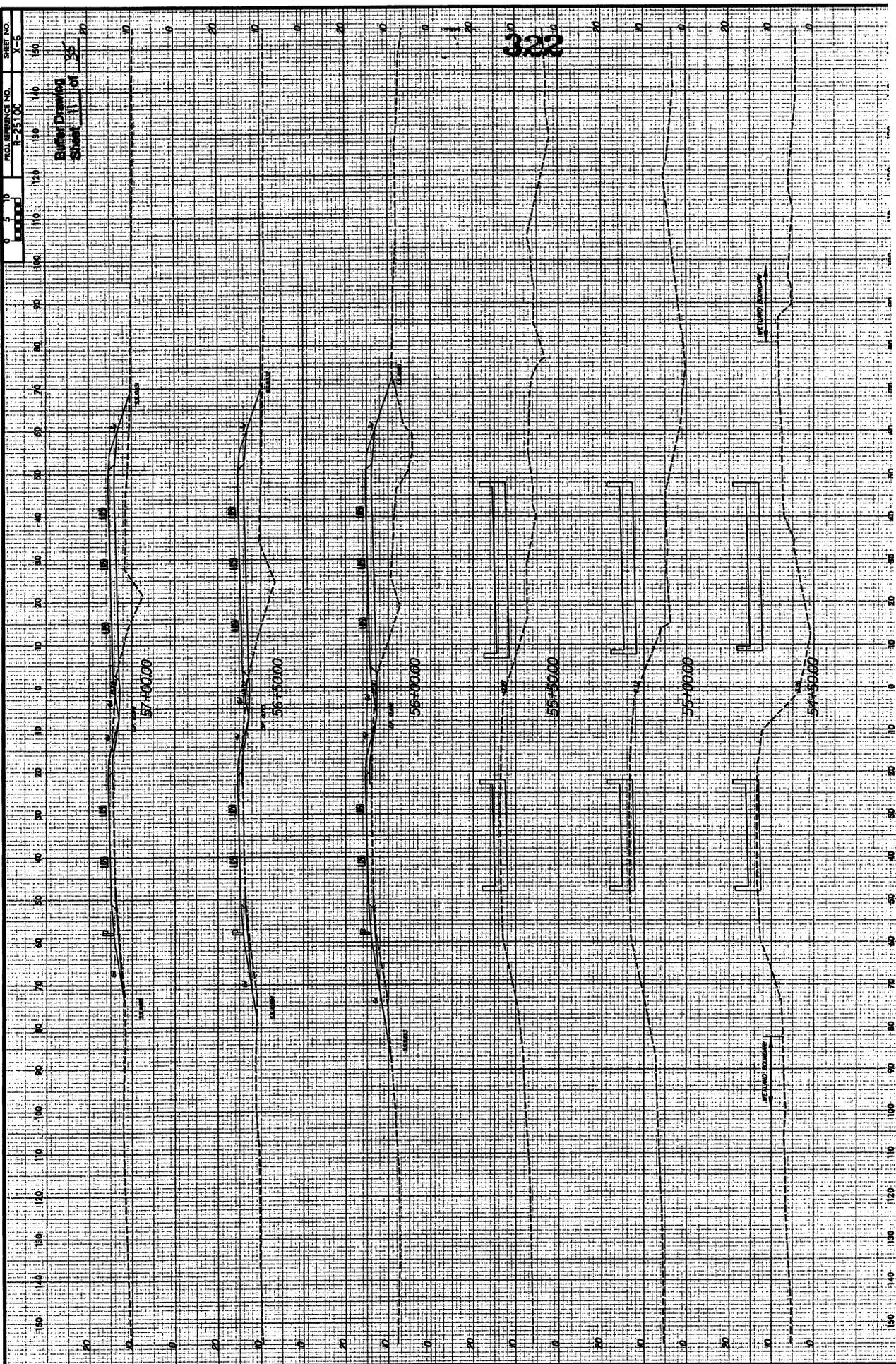
0 5 10
100 110 120 130 140 150

Buffer Drawing
Sheet 110 of 35



321

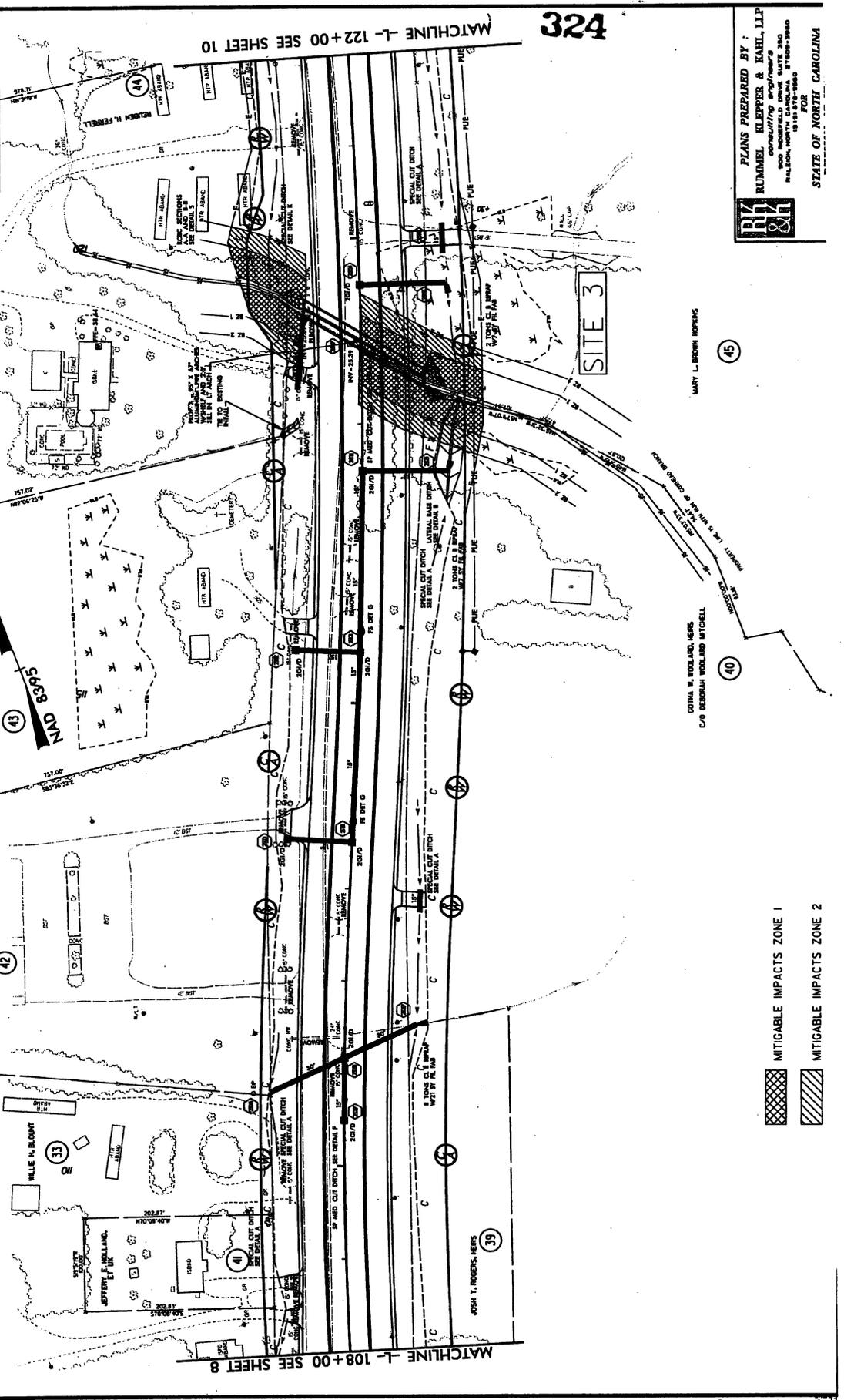
Route Drawing
Sheet 11 of 35



PROJECT REFERENCE NO. 1-2510C
 DRAWING SHEET NO. 13 of 35
 BUFFER DRAWING
 HYDRAULICS ENGINEER
 RUMMEL KLEPPER & KAHIL, LLP
 800 WOODFIELD DRIVE SUITE 200
 FAYETTEVILLE, NORTH CAROLINA 28403-3860
 FOR STATE OF NORTH CAROLINA



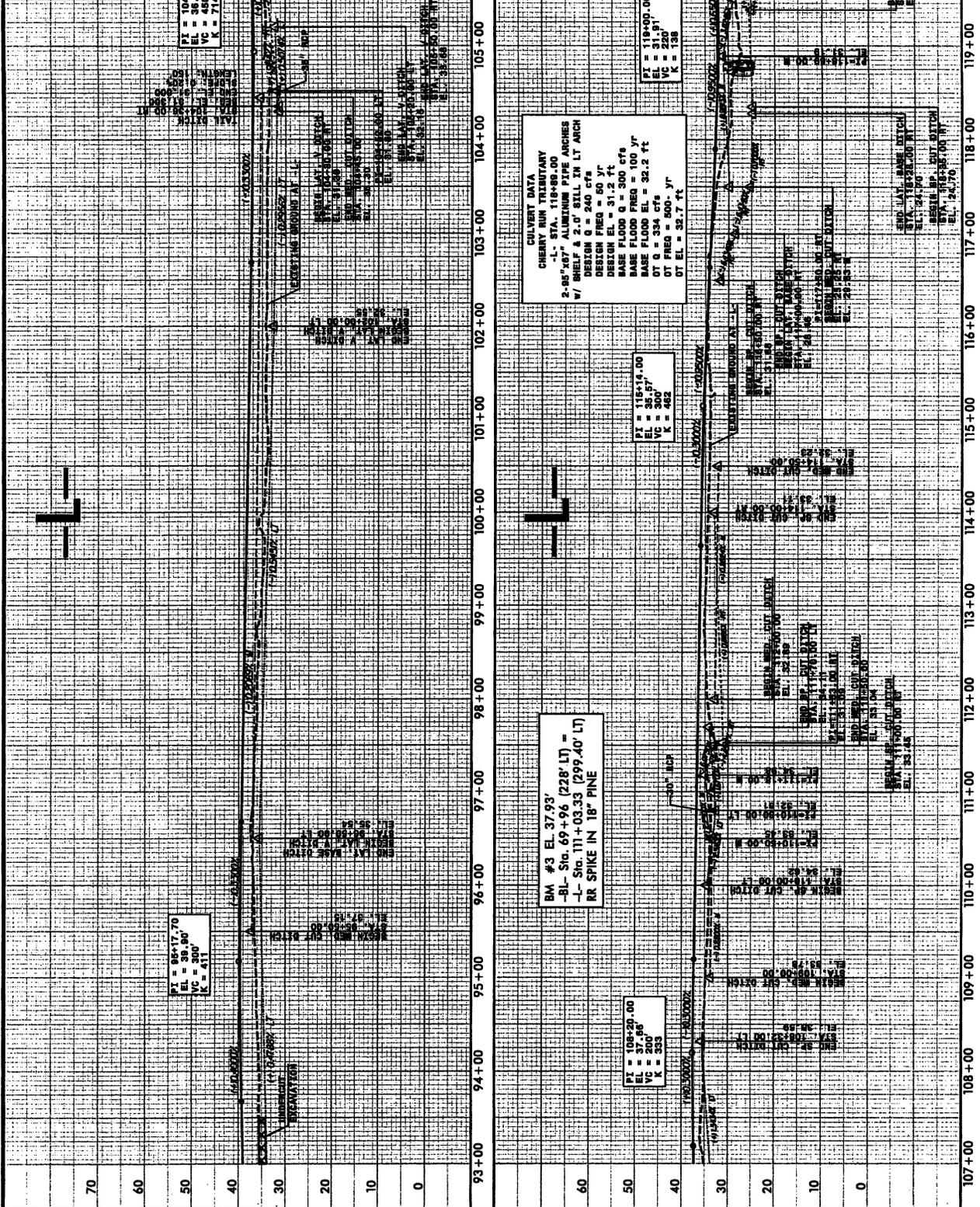
PROJECT REFERENCE NO. 1-2510C
 DRAWING SHEET NO. 13 of 35
 BUFFER DRAWING
 HYDRAULICS ENGINEER
 RUMMEL KLEPPER & KAHIL, LLP
 800 WOODFIELD DRIVE SUITE 200
 FAYETTEVILLE, NORTH CAROLINA 28403-3860
 FOR STATE OF NORTH CAROLINA



-  MITIGABLE IMPACTS ZONE 1
-  MITIGABLE IMPACTS ZONE 2

PLANS PREPARED BY:
 RUMMEL KLEPPER & KAHIL, LLP
 CONSULTING ENGINEERS
 800 WOODFIELD DRIVE SUITE 200
 FAYETTEVILLE, NORTH CAROLINA 28403-3860
 FOR STATE OF NORTH CAROLINA

Buffer Drawing
 Sheet 14 of 35



PROJECT REFERENCE NO. E-2510C
 SHEET NO. 16
 HYDRAULICS ENGINEER
 RUMMEL, KLEPPER & KAHL, LLP
 CONSULTING ENGINEERS
 3400 HUNTERSFIELD DRIVE SUITE 200
 RALEIGH, NORTH CAROLINA 27609-2840
 (919) 875-2840
 (919) 875-2840
 FOR STATE OF NORTH CAROLINA



NAD 8395

M/W SAMUEL B. LEGGETT ET UX

OTIS B. WINDLAND ET UX

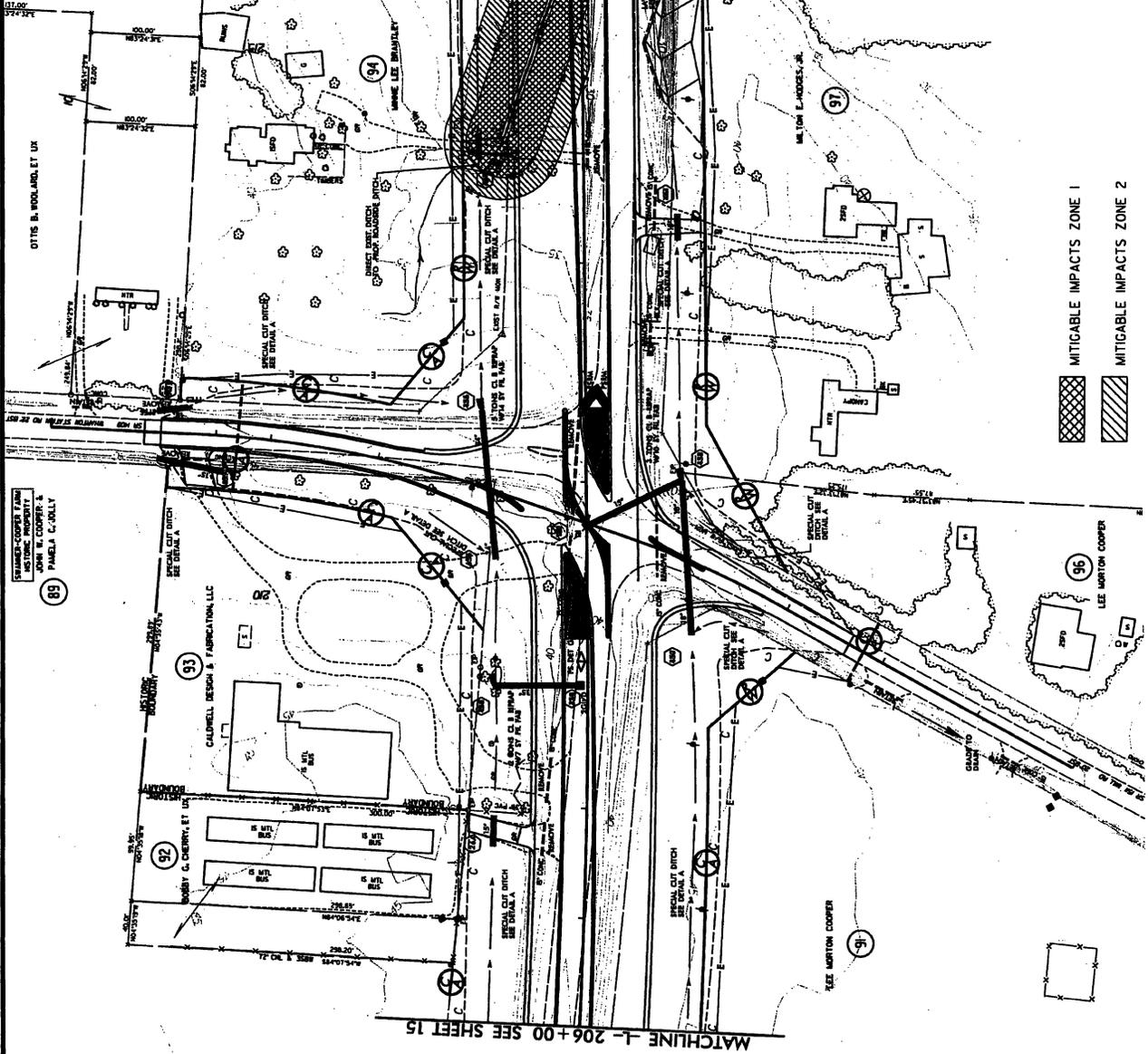
FRANKS-COOPER FARM
 JOHN W. COOPER, JR.
 PAMELA C. JOLLY

CALDWELL DESIGN & FABRICATION, LLC

LEE MORTON COOPER

LEE MORTON COOPER

LEE MORTON COOPER



MATCHLINE L-220+00 SEE SHEET 17

327

MATCHLINE L-206+00 SEE SHEET 15

PLANS PREPARED BY:
 RUMMEL, KLEPPER & KAHL, LLP
 CONSULTING ENGINEERS
 3400 HUNTERSFIELD DRIVE SUITE 200
 RALEIGH, NORTH CAROLINA 27609-2840
 (919) 875-2840
 (919) 875-2840
 FOR STATE OF NORTH CAROLINA

MITIGABLE IMPACTS ZONE 1
 MITIGABLE IMPACTS ZONE 2



PROJECT REFERENCE NO. B-2510C
 SHEET NO. 16
 HYDRAULICS ENGINEER



Butler Drawing
 Sheet 17 of 35

NAD 8395

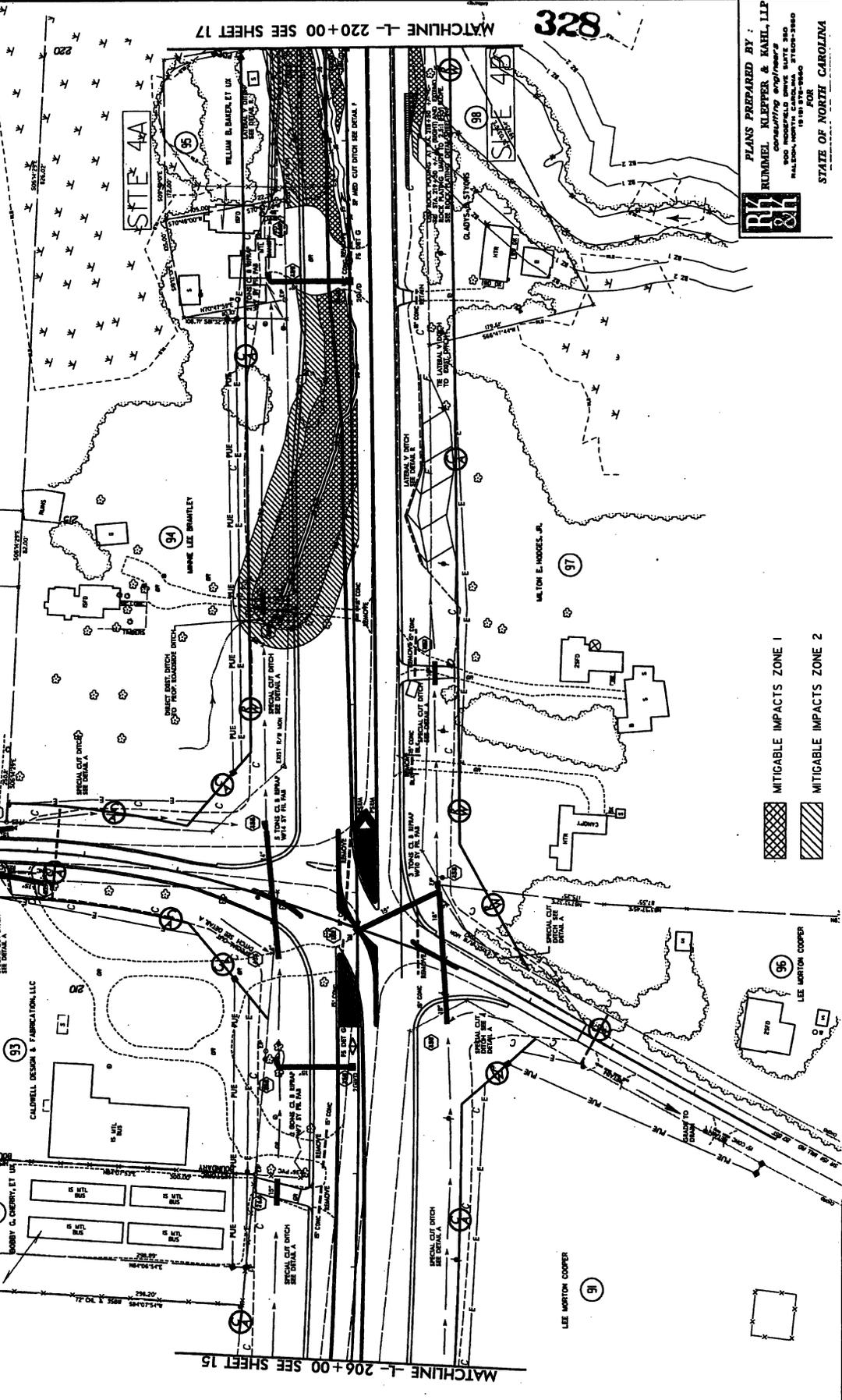
OTIS B. WOODLAND, ET UX
 WILLIAM B. BAKER, ET UX
 M/T SHAMEL B. LEGGETT ET UX

STAMMER-COOPER FARM
 JOHN B. COOPER &
 FAMELLA C. JOLLY

BOBBY G. CHERRY, ET UX
 CALDWELL DESIGN & FABRICATION, LLC
 LEE MORTON COOPER

MATCHLINE L-220+00 SEE SHEET 17

MATCHLINE L-206+00 SEE SHEET 15



PLANS PREPARED BY:
R/K & H
 RUMMEL, KLEPPER & KAHN, LLP
 300 WOODFIELD DRIVE, SUITE 200
 WILSON, NORTH CAROLINA 27158-3880
 FOR
 STATE OF NORTH CAROLINA

MITIGABLE IMPACTS ZONE 1
 MITIGABLE IMPACTS ZONE 2

8/2/2009
 C:\Users\jclark\Documents\Projects\2510C\2510C.dwg

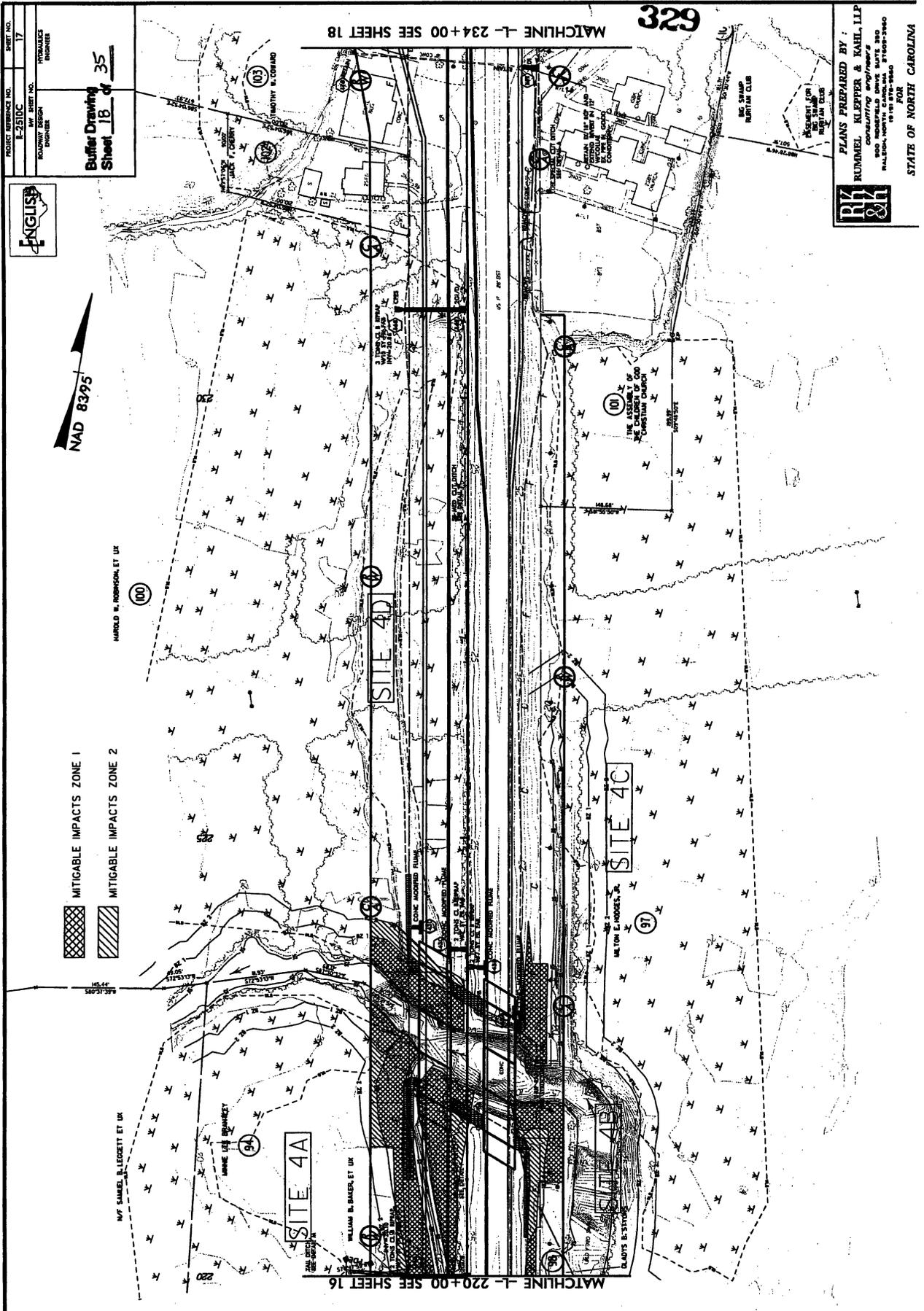
PROJECT REFERENCE NO. F-2510C
 SHEET NO. 17
 DRAWN BY: M. W. BERRY, P.E.
 CHECKED BY: M. W. BERRY, P.E.
 PROJECT ENGINEER



MITIGABLE IMPACTS ZONE 1
 MITIGABLE IMPACTS ZONE 2



Buffer Drawing
 Sheet 18 of 35



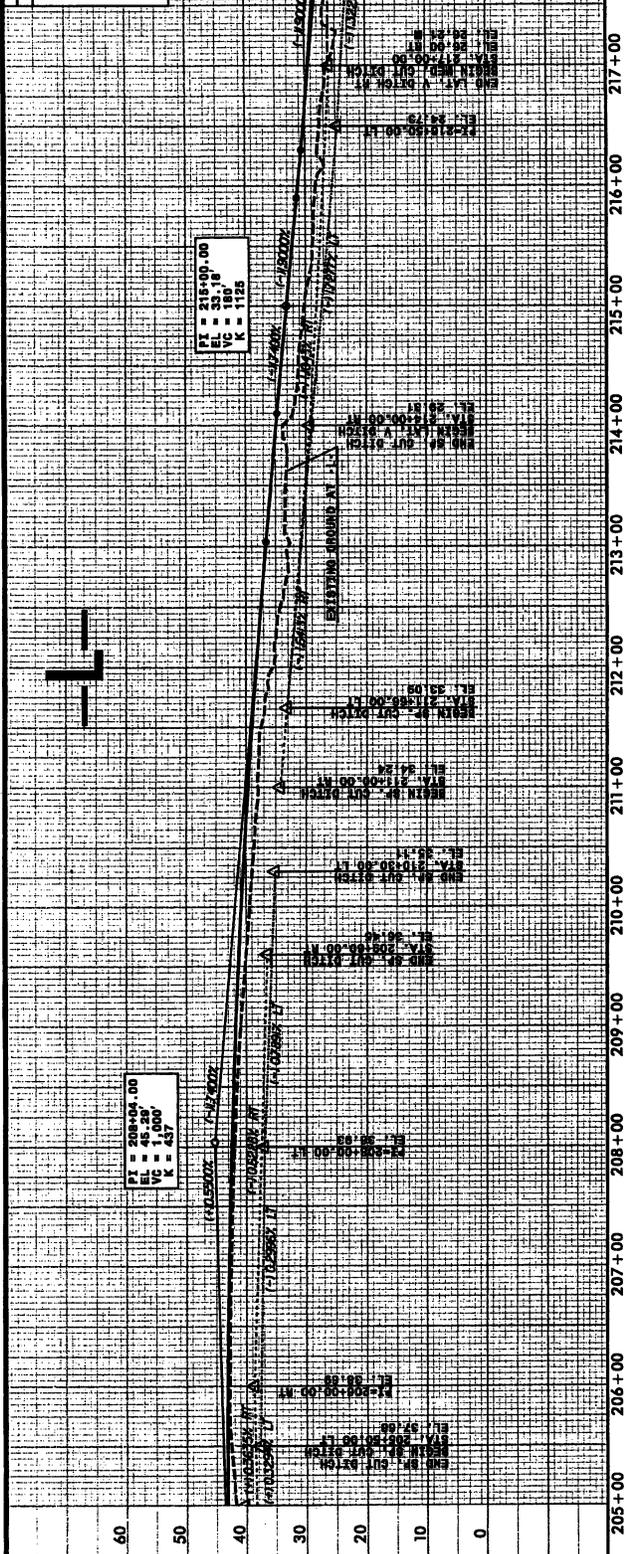
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329

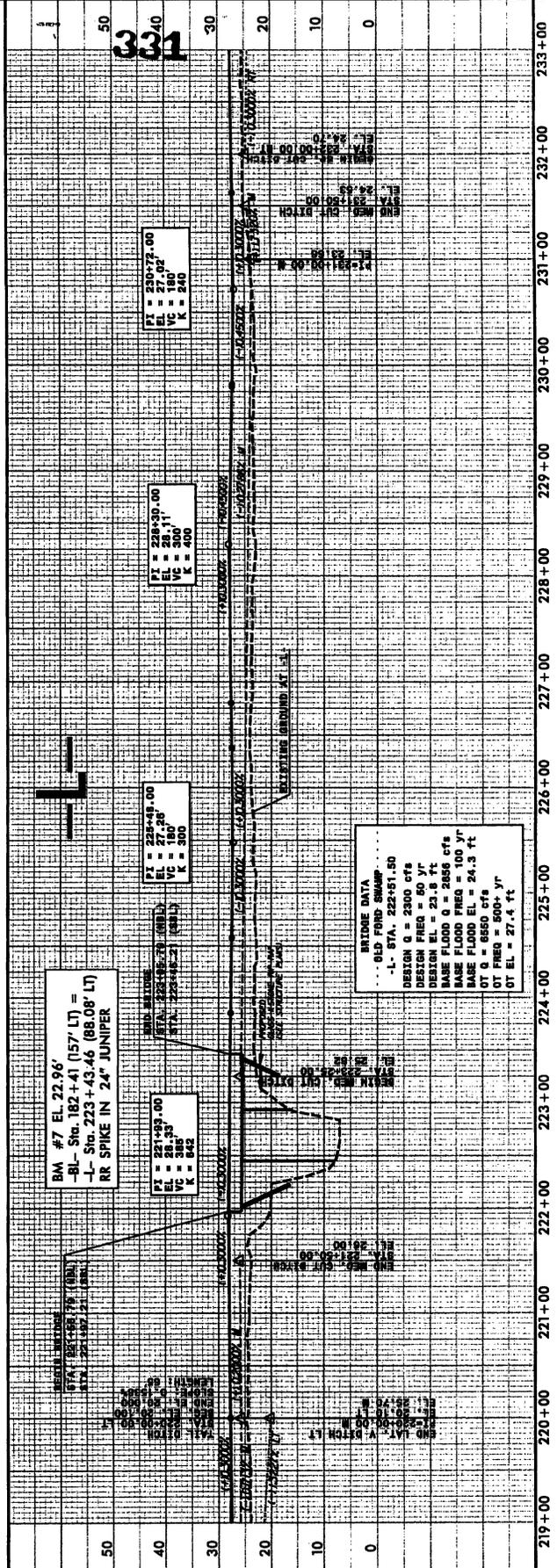
MATCHLINE L-220+00 SEE SHEET 16

PLANS PREPARED BY:
RUMMEL KLEFFER & KAHL, LLP
 Consulting Engineers
 1000 W. HARRIS STREET, SUITE 200
 RALPH, NORTH CAROLINA 27152-2400
 PHONE: 704.942.9800
 FAX: 704.942.9800
 STATE OF NORTH CAROLINA



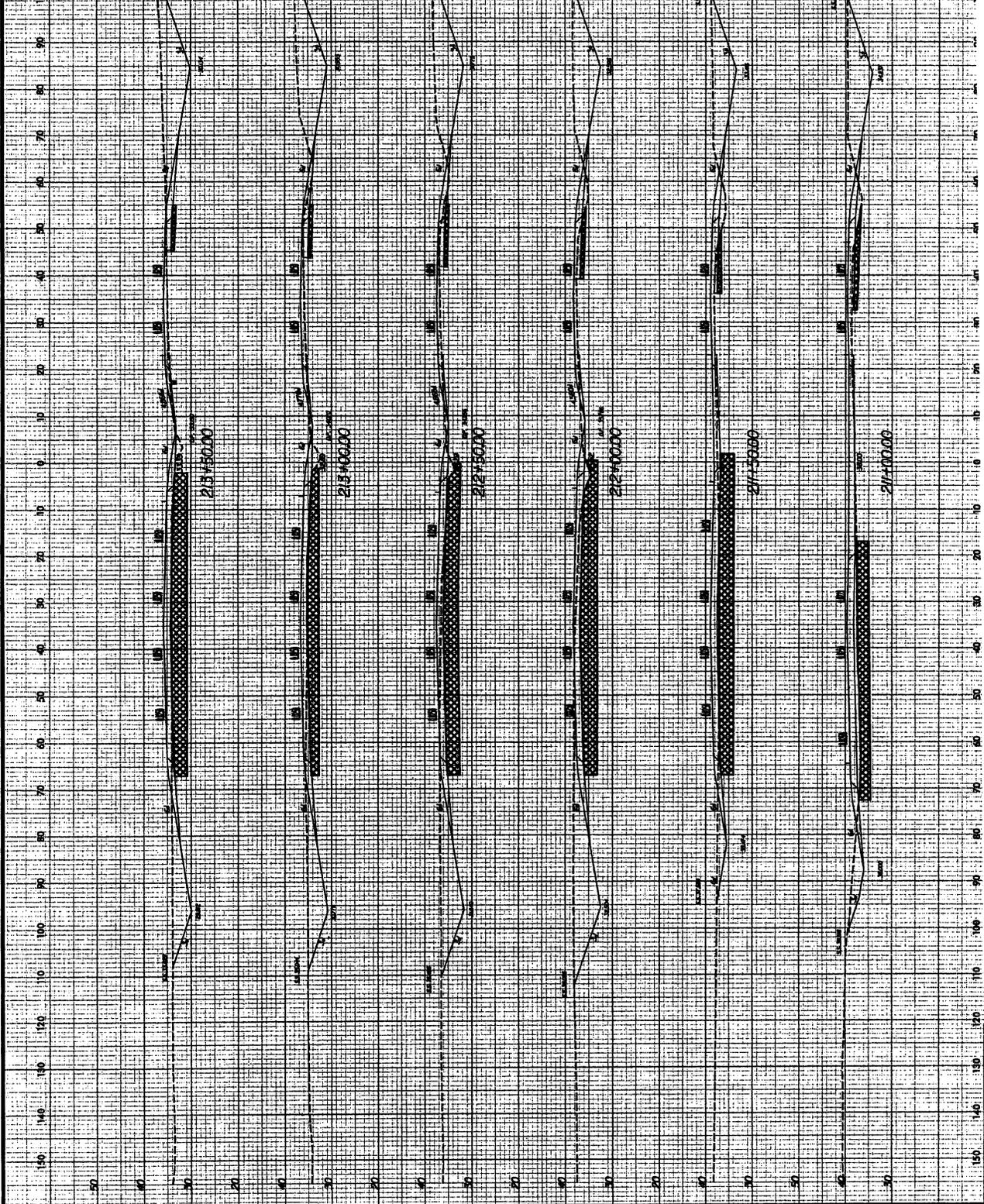


5/28/99



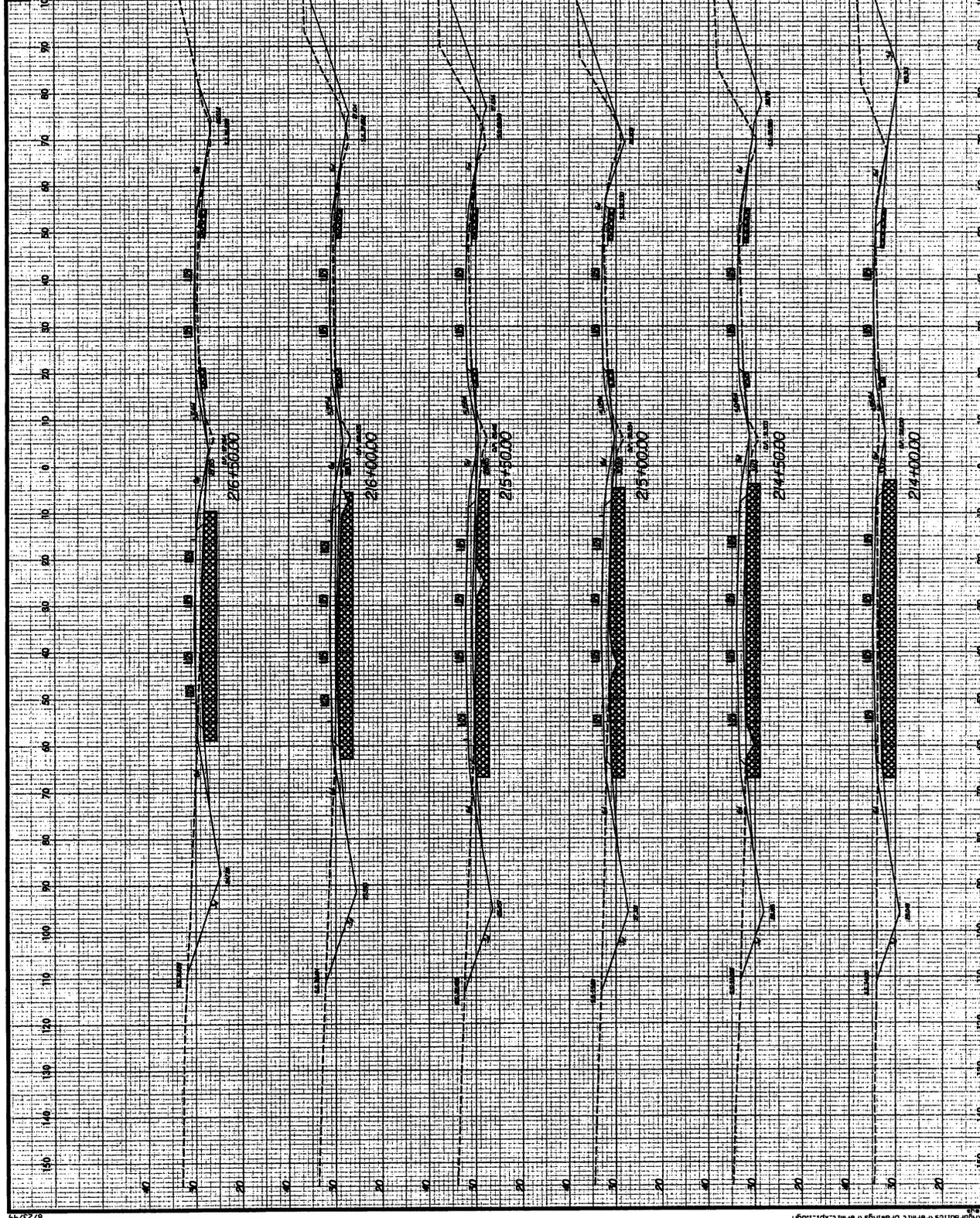
8/2/2009

Buffer Drawing
Sheet 21 of 25

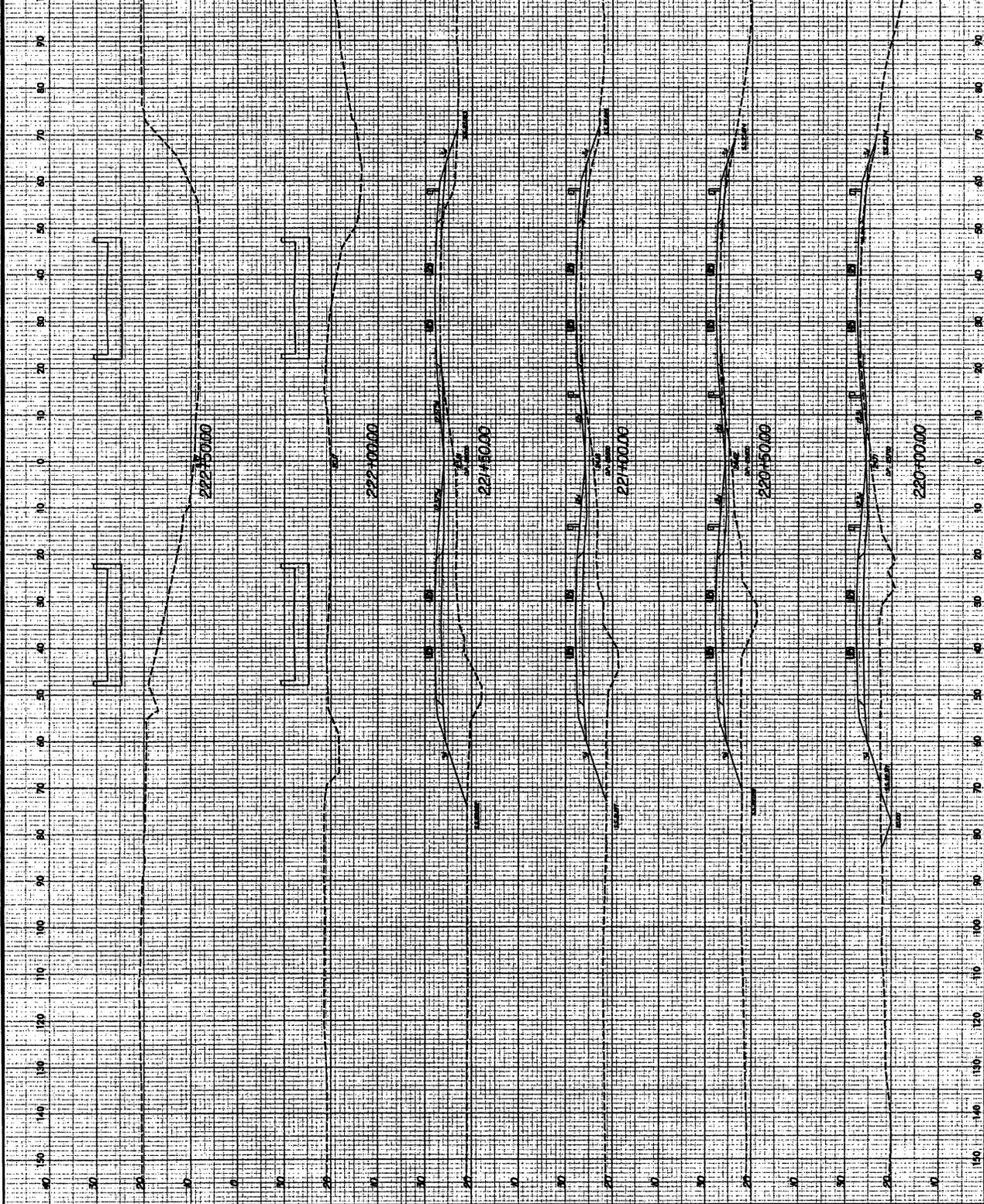


213

Bully Drawing
Sheet 233 of 333



Order Drawing
Sheet 24 of 35



PROJECT NUMBER NO. 17
 DRAWING NO. 1-2510C
 DRAWN BY: T. J. BRYAN
 CHECKED BY: T. J. BRYAN
 ENGINEER

Buffer Drawing
 Sheet 27 of 35



NO WETLANDS;
 ONLY BUFFERS
SITE 50



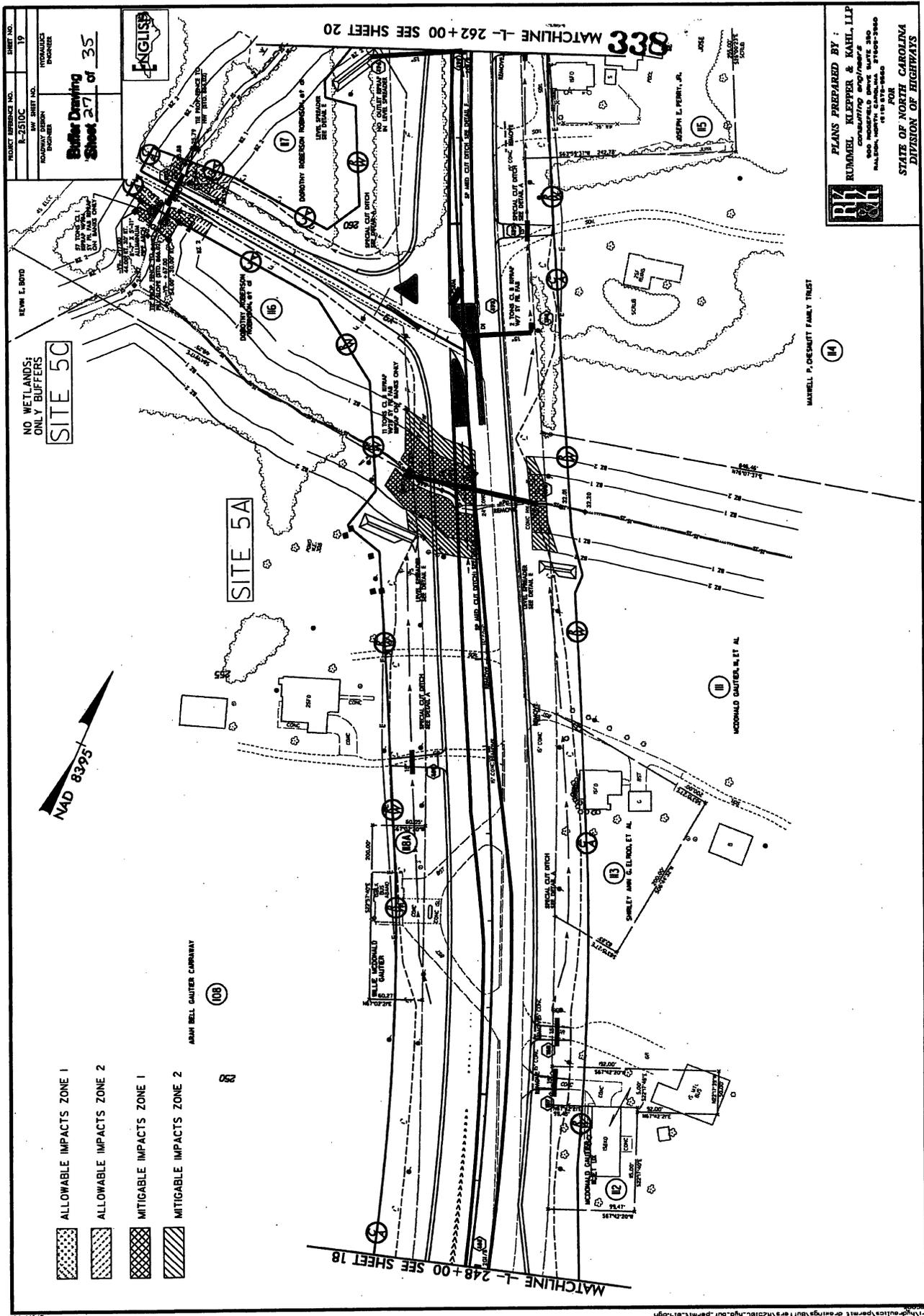
- ALLOWABLE IMPACTS ZONE 1
- ALLOWABLE IMPACTS ZONE 2
- MITIGABLE IMPACTS ZONE 1
- MITIGABLE IMPACTS ZONE 2

ARMY BELL GAUTIER CANALWAY

SITE 5A

MATCHLINE 1-248+00 SEE SHEET 18

MATCHLINE 1-262+00 SEE SHEET 20



PLANS PREPARED BY:
RUMMEL KLEPPER & KAHILL LLP
 CONSULTING ENGINEERS
 1000 W. HARRIS STREET, SUITE 200
 RALEIGH, NORTH CAROLINA 27601-3940
 (919) 876-1000
 (919) 876-1001
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS



MATWELL P. CRESWELL FAMILY TRUST

MORNINGDALE GAITHER, ET AL

SMILEY AND GLENN, ET AL

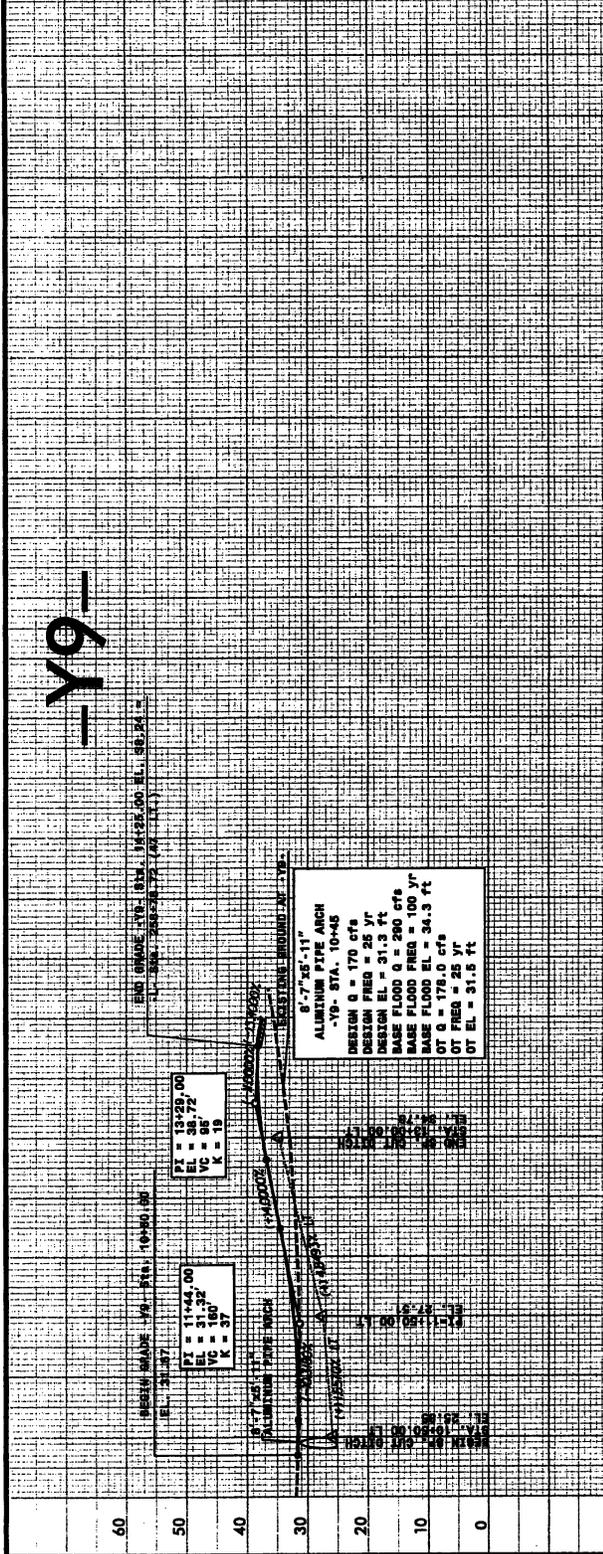
MORNINGDALE GAITHER, ET AL

MORNINGDALE GAITHER, ET AL

MORNINGDALE GAITHER, ET AL

PROJECT REFERENCE NO. 1-2310C
 SHEET NO. 33
 ROADWAY DESIGN NUMBER
 BUFFER DRAWING
 SHEET 28 OF 35

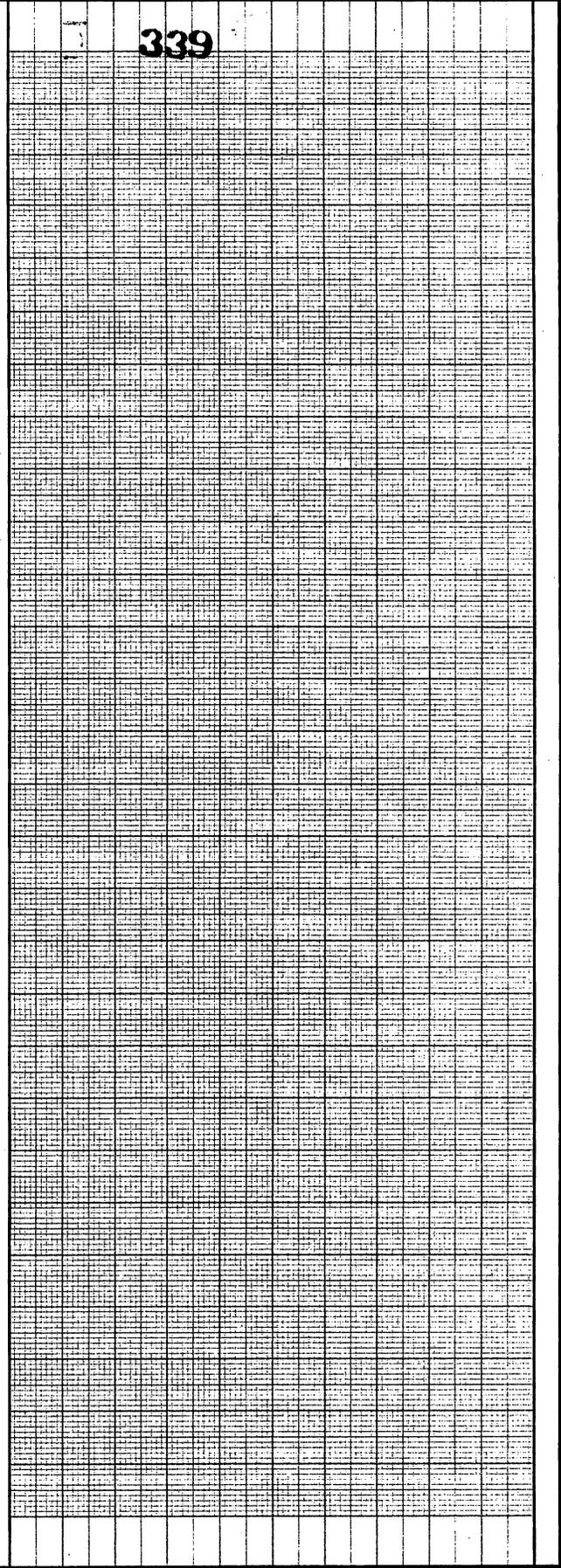
-Y9-



60
50
40
30
20
10
0

10+00 11+00 12+00 13+00 14+00

339



10+00 11+00 12+00 13+00 14+00

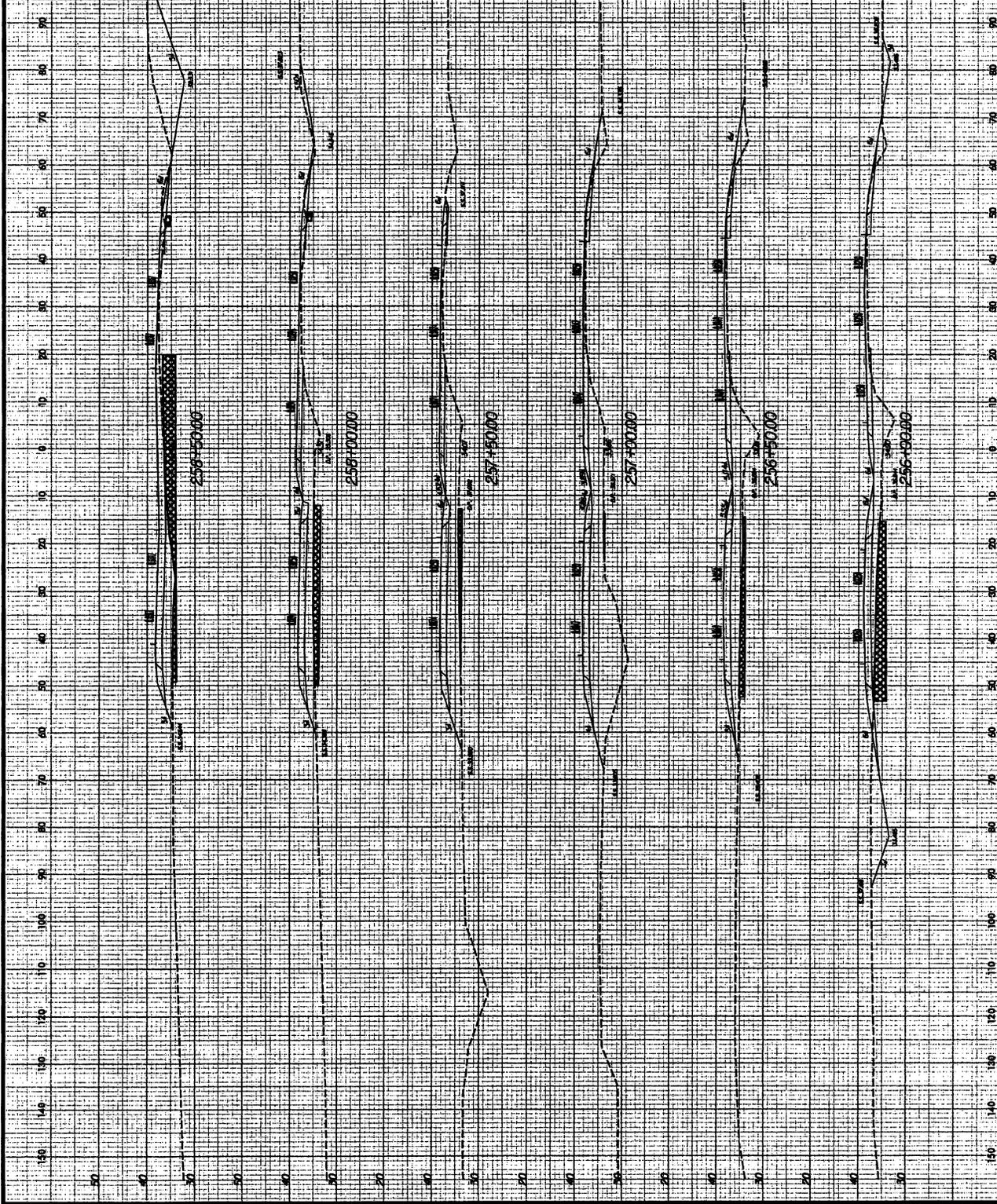
PROJ. REFERENCE NO. H-2310C

SHEET NO. X-73

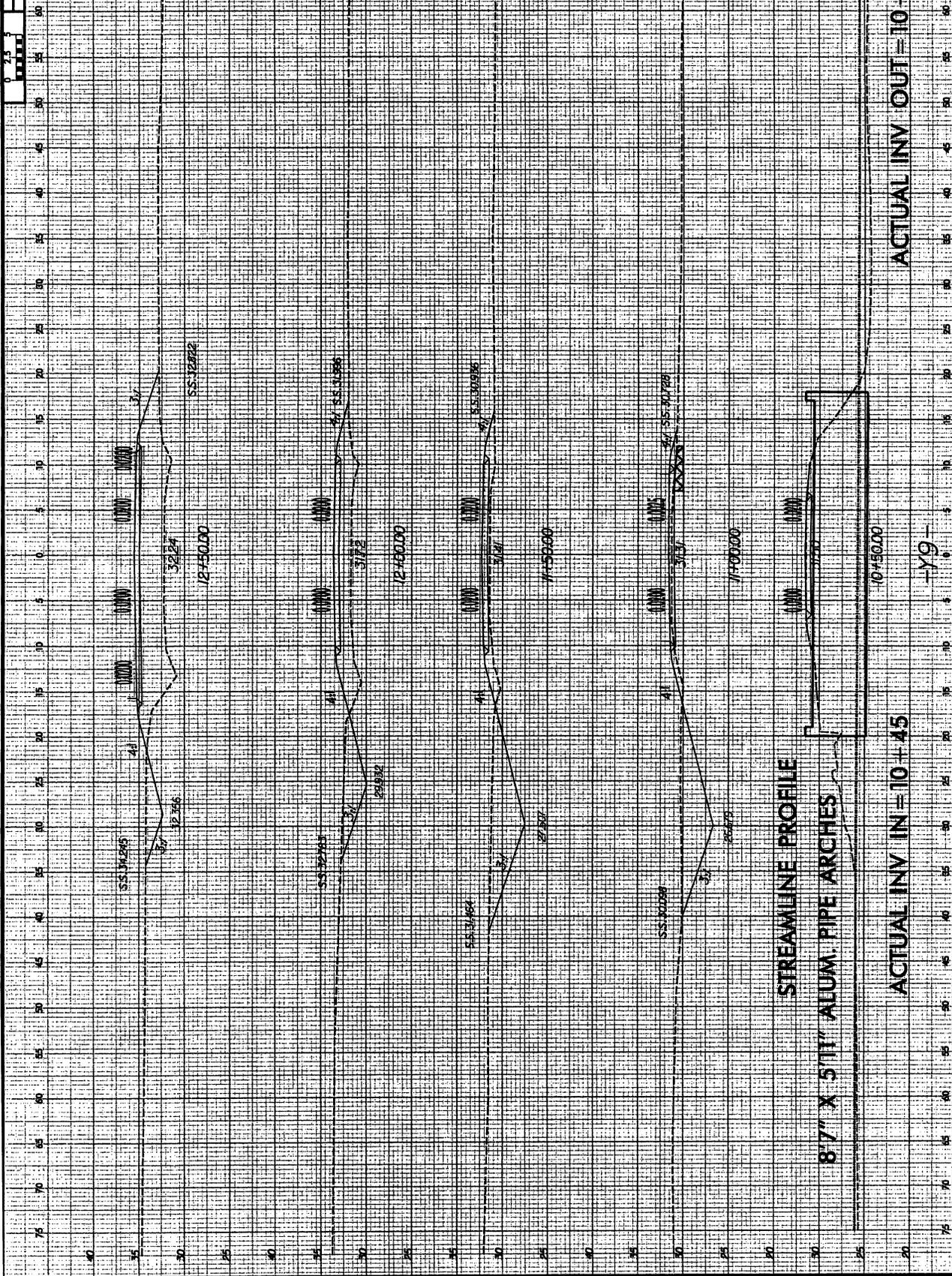
0 5 10

20 30 40 50 60 70 80 90 100 110 120 130 140 150

Buffer Drawing
Sheet 23 of 25



Butter Drawing
 Sheet 35 of 35



341

STREAMLINE PROFILE

87' X 511" ALUM. PIPE ARCHES

ACTUAL INV IN = 10 + 45

ACTUAL INV OUT = 10 + 79

-Y9-

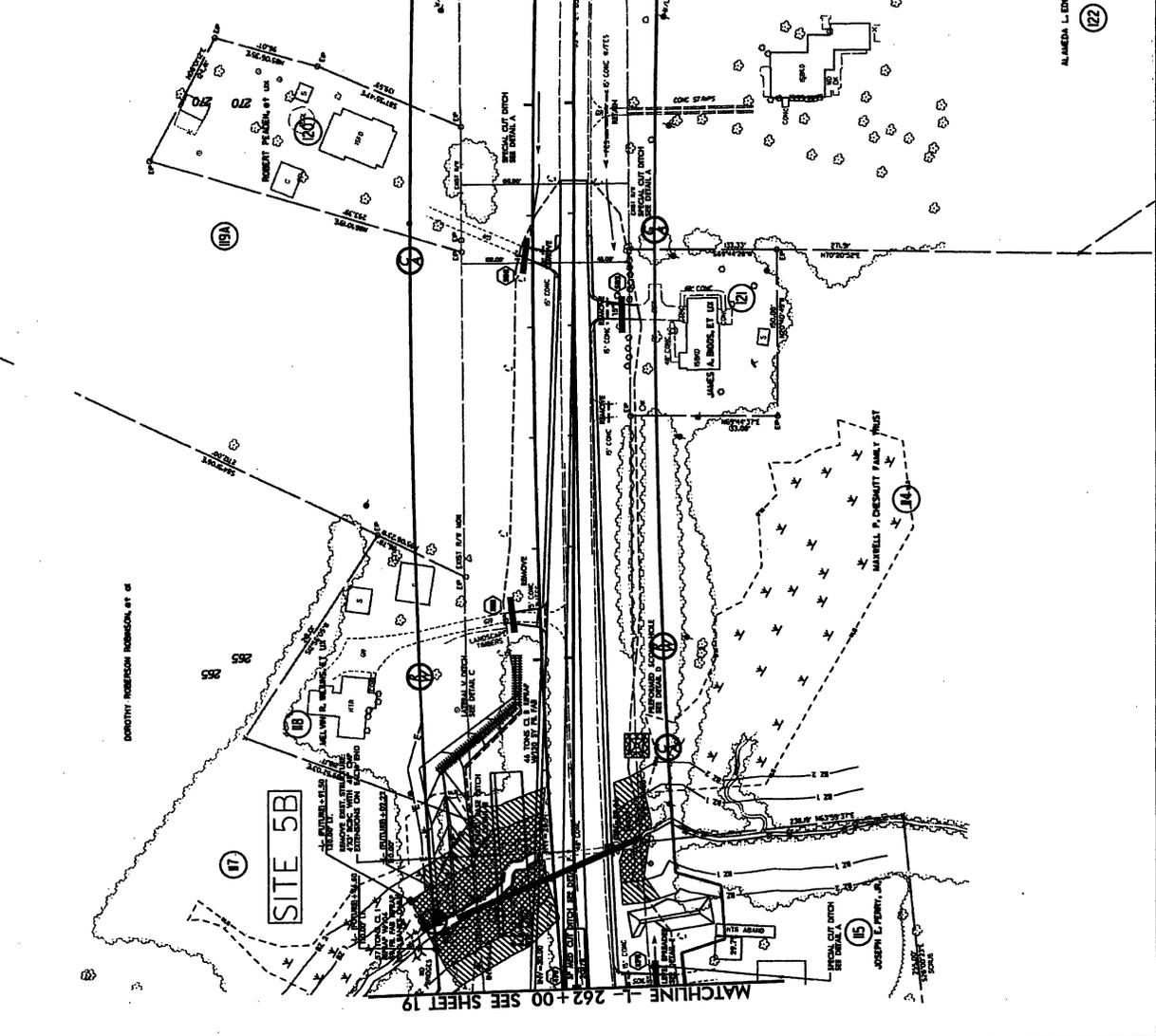
PROJECT: EMBANKMENT NO. 20
 SHEET NO. 20
 DRAWING NO. 343
 DATE: 10/15/02
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS
 IN CHARGE: J. W. HARRIS



Buffer Drawing
 Sheet 32 of 35

NAD 8395
 JOSEPH DONALD JAMOLD

343



PLANS PREPARED BY:
 RUMMEL, KLEPPER & KASH, LLP
 1000 W. WILSON AVENUE, SUITE 300
 RALEIGH, NORTH CAROLINA 27603-3900
 IN 10% SCALE FOR
 STATE OF NORTH CAROLINA
 DIVISION OF HIGHWAYS



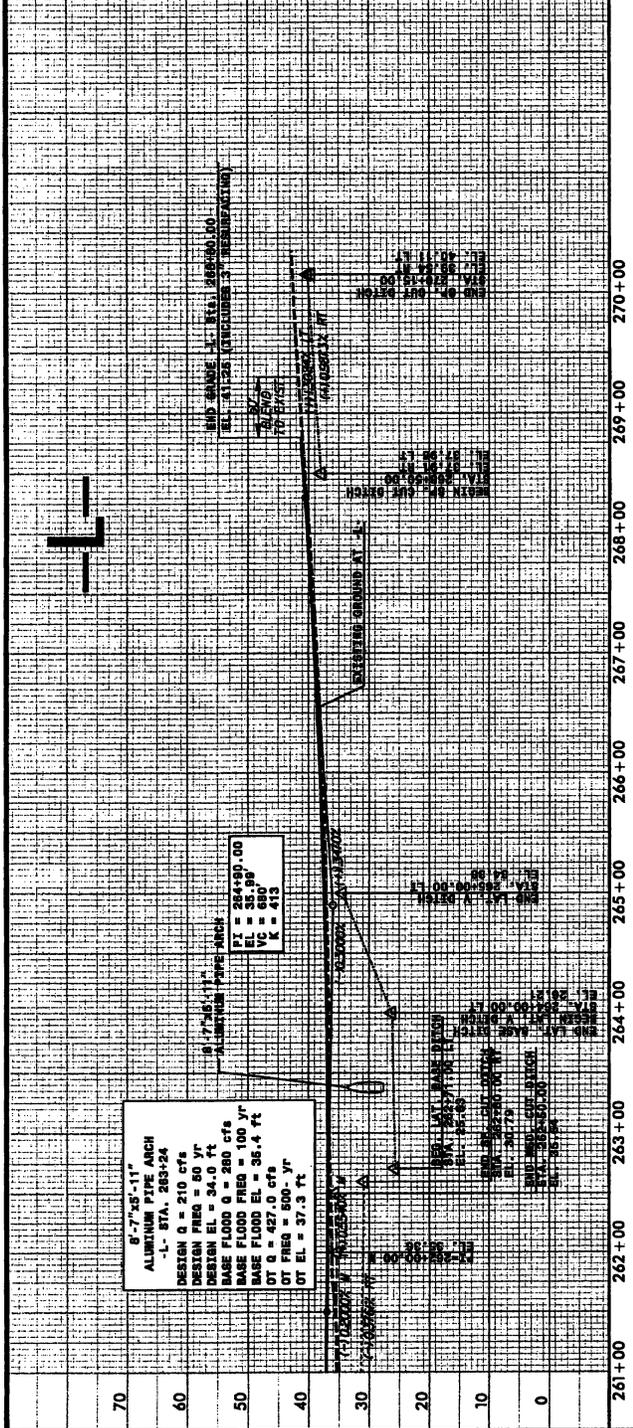
MITIGABLE IMPACTS ZONE 1
 MITIGABLE IMPACTS ZONE 2

ALMENA L. EDWARDS

PROJECT REFERENCE NO. **L-2510C**
 DRAWING DESIGN ENGINEER

SHEET NO. **29**
 TOTAL SHEETS **35**

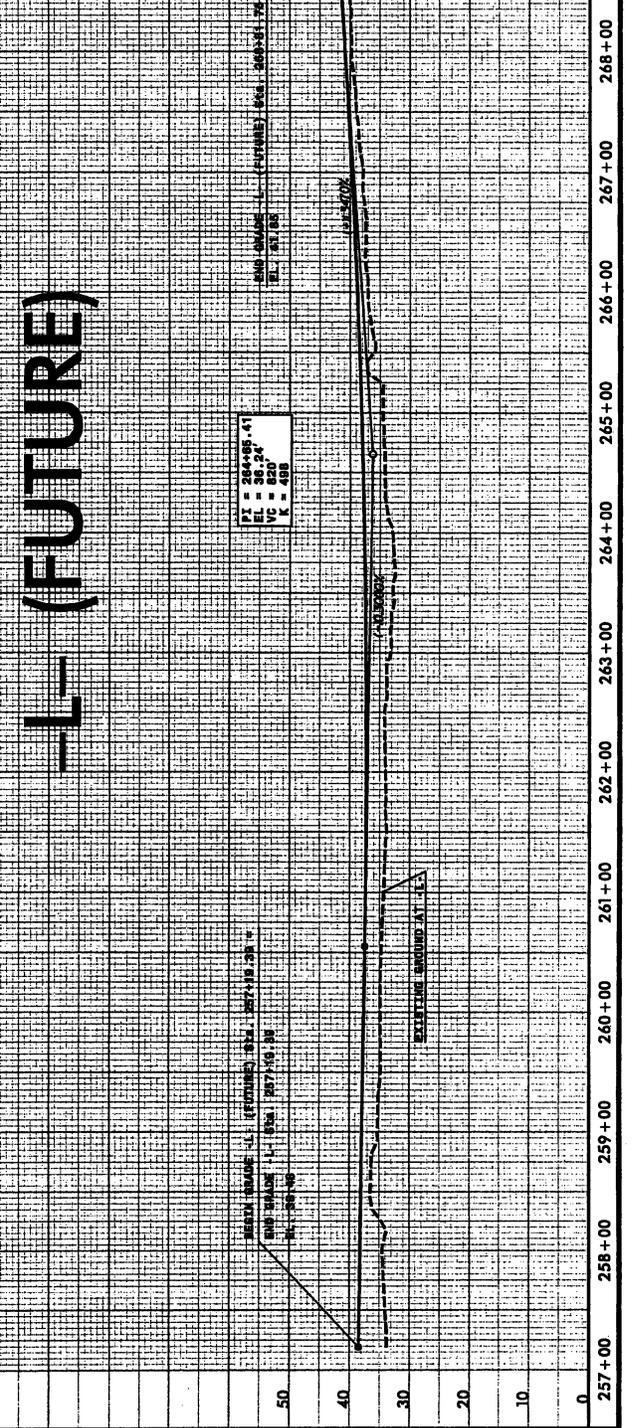
Buffer Drawing
Sheet 33 of 35



PROJECT REFERENCE NO. **L-2510C**
 DRAWING DESIGN ENGINEER

SHEET NO. **30**
 TOTAL SHEETS **35**

Buffer Drawing
Sheet 34 of 35

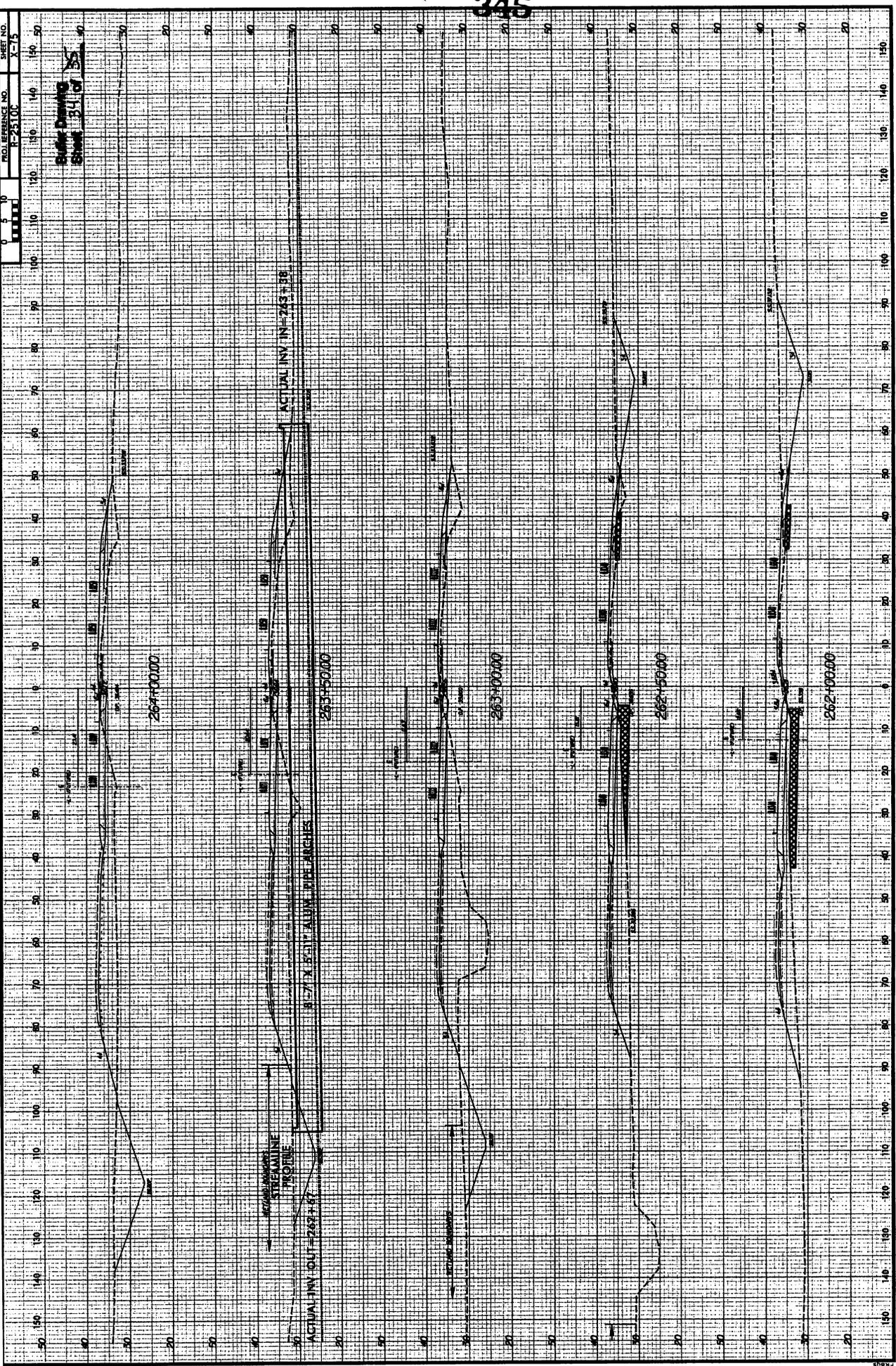


-L- (FUTURE)

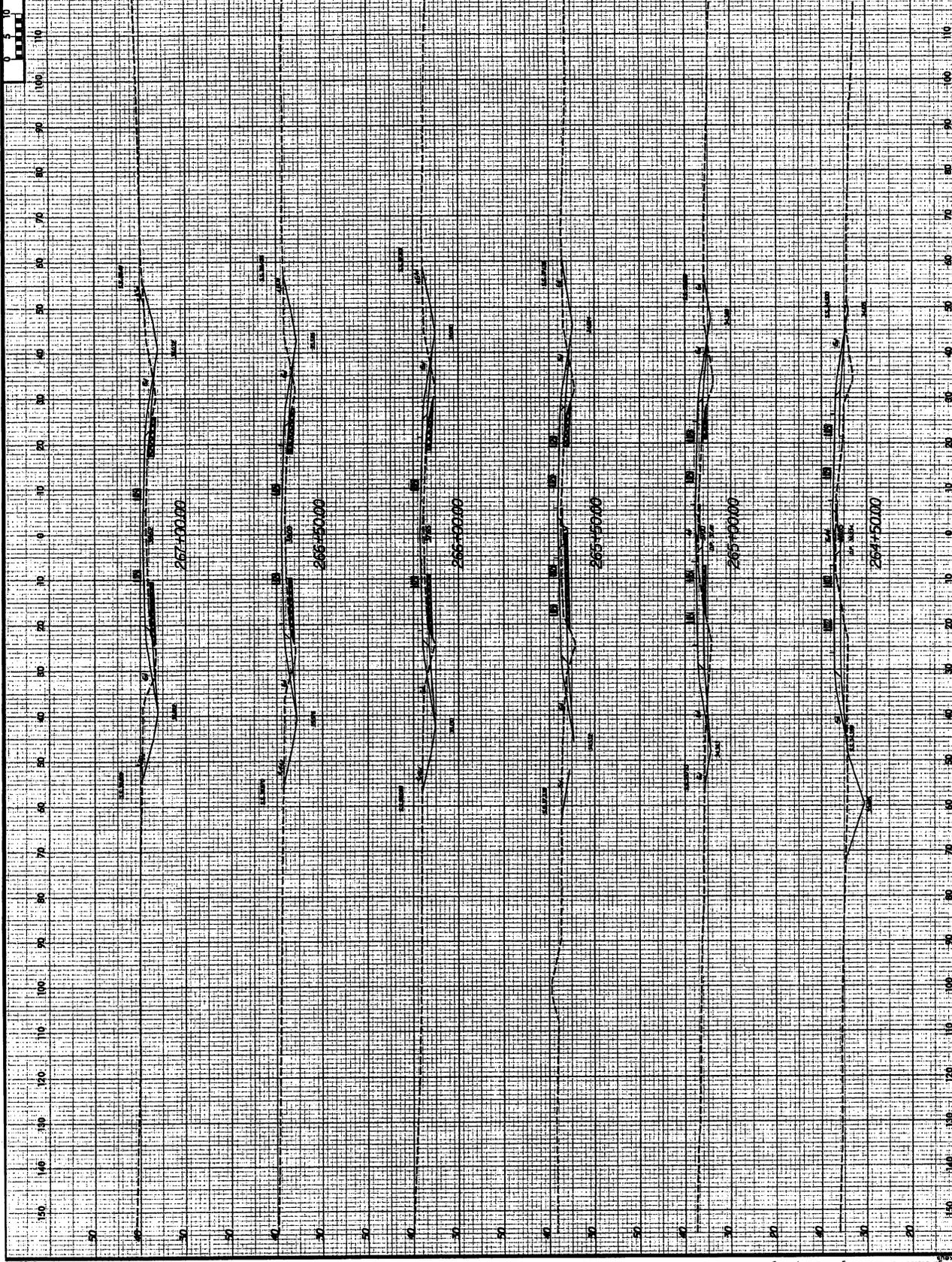
344

Buffer Drawing
 Sheet 34 of 35

345



Bulldozing
Sheet 35 of 35





North Carolina Department of Environment and Natural Resources
Division of Water Resources

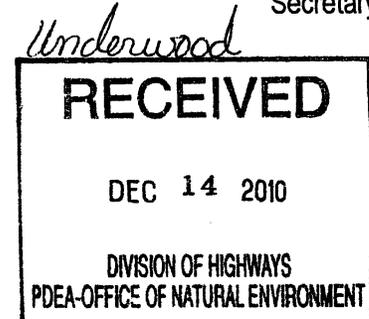
Beverly Eaves Perdue
Governor

Thomas A. Reeder
Director

Dee Freeman
Secretary

December 10, 2010

Mr. Chris Rivenbark
NCDOT
1598 MSC
Raleigh, NC 27699-1598



Subject: CCPCUA Permit # CU4024 for
NCDOT's Project R-2510C in
Beaufort County

Dear Mr. Rivenbark:

In accordance with your application dated October 5, 2010, and associated documentation, we are forwarding Permit No. CU4024 for water use in the Central Coastal Plain Capacity Use Area in Beaufort County. This permit allows for the withdrawal of water for the purpose of dewatering borrow pits in Beaufort County to supply material for a road project.

Enclosed with this package is a form DWR CCPCUA-4. Form DWR CCPCUA-4 is for reporting water withdrawals, in accordance with Sections I. D. and IV. A. of your permit. Please make as many copies as necessary and send forms on a monthly basis to the address on the top of the forms. If you have Internet capabilities, we are requesting that you submit water use and water level information online at

<http://www.ncwater.org/CCPCUAreportonline>.

This permit is effective from the date of issuance until December 31, 2015, and is subject to the conditions and/or limitations contained therein. In order for this permit to continue uninterrupted, please apply for permit renewal at least three (3) months before the expiration date.

Sincerely,

Nathaniel C. Wilson, Chief
Ground Water Management Section

North Carolina
Environmental Management Commission
Department of Environment and Natural Resources

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

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

Permission Is Hereby Granted To

NC Department of Transportation

Project No. R-2510C
US 17 from US 17 south of Cherry Run Rd. to north of NC171

FOR THE

Withdrawal and Use of Water in Beaufort County, North Carolina in accordance with the grantee's application dated October 5, 2010, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until December 31, 2015, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 10 day of DECEMBER, 2010.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY 

Thomas A. Reeder
Director, Division of Water Resources

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

PERMIT #CU4024

I. WITHDRAWALS**A. USE**

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

B. RATES OF WITHDRAWALS

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

C. SOURCE(S) OF WITHDRAWALS

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

D. MONITORING OF WITHDRAWALS

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

II. WATER LEVELS**A. MAXIMUM DRAWDOWN LEVELS**

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

B. MONITORING OF WATER LEVELS

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

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

III. OTHER PROVISIONS

A. WELL CONSTRUCTION APPROVAL

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

B. ACCESS TO FACILITIES

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

IV. REPORTS REQUIRED

A. WITHDRAWALS

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

B. WATER LEVELS

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

V. MODIFICATION OR REVOCATION**A. MODIFICATION**

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

B. REVOCATION

The Director may revoke the permit if he finds that:

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

VI. CONSTRUCTION OF PERMIT

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

VII. ADDITIONAL CONDITIONS

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

VIII. PENALTIES

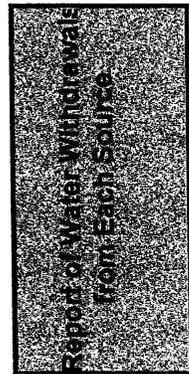
Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

IX. PERMIT NONTRANSFERABLE

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

X. RENEWAL OF PERMIT

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



North Carolina Department of Environment and Natural Resources

Mail To: Division of Water Resources - NC DENR
1611 Mail Service Center
Raleigh, North Carolina 27699-1611
Attention : Capacity Use Administration

Check Box If No Use This Month

Table with columns: Borrow Pit Name, meter readings, gallons per day, meter readings, gallons per day, meter readings, gallons per day, Total Withdrawn. Rows include Beginning reading and Days 1-31.

Sheet ___ of ___

Permit #: CU4024

Facility: NCDOT - R-2510C

Year: _____

Date: _____

Signature: _____

Name: _____

DWR CCPCUA-4