



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 2, 2020

MEMORANDUM TO: Mr. Jerry Jennings, P.E.
Division 1 Engineer

FROM: for ^{AAAD1248B309416..} Philip S. Harris, III, P.E., C.P.M.
Environmental Analysis Unit Head

SUBJECT: Perquimans County; US 17 Business/NC 37 (North Church Street)
from South of the Perquimans River Bridge to NC 37
including the Replacement of Bridge No. 8
WBS 35748.3.2, TIP Project R-4467

Attached are the U.S. Army Corps of Engineers Nationwide Permits, N.C. Division of Water Resources (NCDWR) Water Quality Certification, N.C. Division of Coastal Management Major Development Permit, and U.S. Coast Guard Permit. All environmental permits have been received for the construction of this project.

A copy of this permit package will be posted on the NCDOT website at:
<https://connect.ncdot.gov/resources/Environmental/Pages/Permits-and-Mitigation.aspx>
Quick Links>Permit Documents> Issued Permits.

cc: w/o attachment (see website for attachments)

Mr. David Hering, L.G., P.E., Design Build
Mr. Paul Williams, Division 8 Environmental Officer
Dr. Majed Al-Ghandour, P.E., Programming and TIP
Mr. Bo Hemphill, P.E., Utilities
Mr. Stephen Morgan, P.E., Hydraulics
Mr. Brian Hanks, P.E., Structures Management
Mr. Mark Staley, Roadside Environmental
Mr. Lamar Sylvester, P.E., State Roadway Construction Engineer

PROJECT COMMITMENTS

T.I.P Project No. R-4467

US 17 Business/NC 37 (North Church Street)

From South of the Perquimans River Bridge to NC 37

Including the Replacement of Bridge No. 8

Perquimans County

State Project 35748.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

NCDOT Division One Construction/NCDOT Design-Build Unit

Unanticipated Discovery: In accordance with 36 CFR 800.11(a), if NCDOT identifies additional cultural resource(s) during construction and determines them to be eligible for the National Register of Historic Places (NRHP), all work will be halted within the limits of the NRHP-eligible resource(s) and the US Coast Guard (USCG) and North Carolina State Historic Preservation Office (SHPO) contacted within 48 hours. If after consultation with the Signatory Parties and additional mitigation is determined necessary, the NCDOT, in consultation with the Signatory Parties, will develop and implement appropriate protection/mitigation measures for the resource(s). NCDOT will notify the SHPO and USCG of any findings of additional cultural resources that are determined to not be eligible for NRHP listing.

Inadvertent or accidental discovery of human remains will be handled in accordance with North Carolina General Statutes 65 and 70.

An in-stream work moratorium of February 15 to June 30 is required in the Perquimans River for anadromous fish species.

Construction activities will adhere to the procedures outlined in GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE Precautionary Measures for Construction Activities in North Carolina Waters (2003 USFWS).

Vibration Monitoring: To minimize vibration effects on the historic buildings in the vicinity of the bridge, a vibration monitoring and enforcement program shall be implemented by NCDOT as part of the construction contract. The Design-Build Team shall employ a vibration monitoring firm from NCDOT's list of approved firms to perform pre and post construction inventories and vibration monitoring of buildings located within 200 feet of the mainline project limits in the historic district. The inventories will require the appointed firm has access to the interior of buildings in the area being monitored.

If vibration levels rise above the prescribed thresholds that could cause structural damage to any building the contractor, or the property owners shall immediately contact the Resident Engineer. If structural damages are discovered during this period, work in that area of the project shall immediately cease and NCDOT shall contact SHPO and the property owners immediately to determine what steps should be taken to address the damage. After completion of all vibration inducing construction activities, vibration monitoring equipment may be discontinued. If vibration monitoring is to be discontinued prior to completion of the Undertaking, property owners will be notified by NCDOT.

NCDOT Historic Architecture Group

Photographic Recordation: Prior to the initiation of construction, NCDOT will record the existing conditions of the properties and landscapes in the Hertford Historic District, including Perquimans Bridge Number 8 that are located adjacent to or affected by the project area in accordance with the Historic Structures and Landscape Recordation Plan, which can be found in the Section 106 Memorandum of Agreement. The results of the photographic recordation will be submitted to the SHPO in advance of any work taking place. The SHPO shall have fifteen (15) days from receipt of the materials to review and comment. If no comments are received by NCDOT after the 15 days, work may commence. Copies of the documentation will be deposited in the files of the SHPO, NCDOT Historic Architecture Group, and the Town and be made available to other signatories to the MOA.

NCDOT Design-Build Unit/NCDOT Historic Architecture Group/NCDOT Project Development Section/State Historic Preservation Office

Design of Replacement Bridge: NCDOT has worked with the primary signatories and consulting parties to the memorandum of agreement on the plans for the replacement bridge and associated retaining walls to develop a unified design that incorporates context sensitive design principles and follows NCDOT's aesthetic guidelines. These design elements include: a truss swing span, Oregon rails, decorative pedestrian lights which match the streetlights throughout the town, safety standard vertical lift gates, two observational bump-outs on the bridge, sidewalks on the east side of the bridge, reuse of the current bridge plaque on the new bridge and an added second bridge plaque for the new bridge, retaining walls of stamped concrete within the historic district, signs on NCDOT property stating authorized vehicles and personnel only, flag pole with US and NC flags lit dusk to dawn, and fenders composed of artificial timber that include lights and signs.

Design of the Tender House: NCDOT, in consultation with the primary signatories and concurring parties, shall develop plans for the tender house and parking spaces designated for use by the bridge operator and bridge maintenance crew to develop a unified design that incorporates context sensitive design principles and follows NCDOT's aesthetic guidelines. These design elements include: a two-story structure above the bridge deck with the generator housed inside the tender house; hipped roof structure with fiber cement siding; multi-light windows with pedimented arches; a three-foot wide walkway around the second story; and an escape ladder on the east side of the tender house.

NCDOT Roadside Environmental Unit/NCDOT Historic Architecture Group/State Historic Preservation Office

Landscape Plan: NCDOT, in consultation with the primary signatories and concurring parties, shall develop a landscape plan for the south side of the bridge within the Hertford Historic District contained within the NCDOT right of way.

NCDOT Natural Environment Section/NCDOT Design-Build Unit

The Design-Build Team will provide a description of proposed foundation designs and a map showing bent locations within the Perquimans River to the Natural Environment Section as soon as that information is available.

An in-stream work moratorium of February 15 to June 30 is required in the Perquimans River for anadromous fish species. If drilled shafts are used, drill casings will be installed prior to the in-water work moratorium, allowing work within the casings to occur during the moratorium.

The new bridge will occupy essentially the same footprint as the existing structure, causing no significant loss of foraging habitat.

Turbidity generated during in-water construction and adjacent work will be minimized by NCDOT's best management practices and possibly through the use of turbidity curtains.

Passage upriver/downriver will not be impaired to the point that alternative pathways are not available.

Pile driving will not be conducted between the hours of 9:00 p.m. and 8:00 a.m.

COMMITMENTS FROM PERMITTING

NCDOT Design Build Unit, Division 1 Construction

Temporary moorings, temporary boat landing, test piles, temporary pilings for protection of "the turtle log", and temporary work trestles, shall be accomplished by pile driving and/or vibratory hammer, as specified in the permit application. Should the permittee and/or its contractor desire to utilize another type of pile installation for these activities, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.

CAMA Condition #27 In accordance with commitments made by the permittee, if the existing piles cannot be completely removed because they break apart during extraction, piles will be removed to a depth of 4 feet below existing mudline.

CAMA Condition #8: Jetting is not authorized, including for the purposes of removing piles and other components, except for the authorized hand jetting that will be performed by divers outside of the February 15 to June 30 moratorium to install a submarine power and communications cable to the pivot and resting piers at a depth of approximately 2 feet below existing ground. Should the permittee and/or its contractor propose to utilize additional jetting on the project, additional authorization from DCM shall be required.

CAMA Condition #9: The temporary placement and double handling of any excavated or fill material within wetlands or water of the State is not authorized, with the exception of the test piles, temporary work trestles, temporary causeway, temporary boat landing, temporary pilings for protection of "the turtle log", and cofferdam. This condition also applies to removal of the existing bridge, bridge tender's house, fender system, manmade materials within the abandoned causeway, roadway asphalt and fill, utility poles, pipes, culverts, and associated materials.

CAMA Condition #22: The demolition plan for removal of the existing bridge structure, including the bridge tender's house and fender system, shall be submitted to DCM for review and approval prior to commencement of the demolition activities.

CAMA Condition #50: Development authorized by this permit shall only be conducted on lands owned by the NCDOT, appropriate utility entities, and/or their Right-of-Ways and/or easements.

CAMA Condition #51: If a court of competent jurisdiction determines that a party other than the permittee has legal title to any part of the area approved for development under this permit, this permit shall be null and void as to the area the court determines is not owned by the permittee. This condition shall take effect on the date such court judgement becomes final. In such event, the permittee shall consult DCM prior to initiating or continuing any further development under this permit.

US Coast Guard Permit

All conditions of the attached US Coast Guard permit are to be considered as special commitments

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id: **SAW-2018-01572** County: **Perquimans County** U.S.G.S. Quad: **Hertford**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: **Chris Rivenbark**

NCDOT-NEU

Address: **1548 Mail Service Center**

Raleigh NC, 27699

Telephone Number: **(919) 707-6152**

Size (acres)

66

Nearest Town **Hertford**

Nearest Waterway

Perquimans River

River Basin **Albemarle-Chowan**

USGS HUC

03010205

Coordinates

Latitude: **36.194987**

Longitude: **-76.467046**

Location description: **The project area is the located north of the town of Hertford from the Perquimans River to the town of Winfall on US 17 Business/NC37 in Perquimans County, North Carolina.**

Description of projects area and activity: **The project involves the replacement of the US 17Business/NC37 Bridge and causeway from the town of Hertford to the town of Winfall with a 0.5 mile long bridge. The project will permanently impacts 0.055 acres of wetlands and temporarily impacts 2.172 acres of wetlands. Additionally 0.03 acres of the Perquimans River will be permanently impacted with fill and 0.13 acres will be temporarily impacted as outlined in the August 3, 2018 permit submittal.**

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

Authorization: Regional General Permit Number and/or Nationwide Permit Number: **14**

SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated August 3, 2018. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901.

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

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Kyle Barnes at (910) 251-4584 or Kyle.W.Barnes@usace.army.mil**.

Corps Regulatory Official: **1388035397**

Date: **August 21, 2018**

Expiration Date of Verification: **March 18, 2022**

BARNES.KYLE.WILLIAM Digitally signed by BARNES.KYLE.WILLIAM 1388035397
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI
CN: USA, cn=BARNES.KYLE.WILLIAM.1388035397
Date: 2018.08.22 07:59:29 -04'00'

A. Determination of Jurisdiction:

1. There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
2. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
3. There are waters, including wetlands, within the above described project area that are subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
4. A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.
5. The aquatic resources within the above described project area have been identified under a previous action. Please reference the approved jurisdictional determination issued . Action ID: SAW- .

B. Basis For Jurisdictional Determination: The Perquimans River is a TNW and the adjacent wetlands within the project area flow unimpeded to the Perquimans River.

C. Remarks:

D. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

E. Appeals Information for Approved Jurisdiction Determinations (as indicated in A2 and A3 above).

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

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

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

BARNES.KYLE.WILLIAM.1388 Digitally signed by BARNES.KYLE.WILLIAM.1388035397
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=BARNES.KYLE.WILLIAM.1388035397
Date: 2018.08.22 07:59:57 -04'00'

Corps Regulatory Official: 035397 Kyle Barnes

Date of JD: August 21, 2018

Expiration Date of JD: N/A

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

SPECIAL CONDITIONS

- A. The regional condition for NWP 6 excludes the use of this permit for discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas during the prohibited period of February 15 and June 30. This project shall adhere to that moratorium.
- B. A Memorandum of Agreement (MOA) for this project, R-4467, was signed by the United States Coast Guard, the US Army Corps of Engineers, the North Carolina Department of Transportation, the North Carolina State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The applicant shall adhere to the terms and conditions of the MOA titled "Improvements to US 17 from Church Street to NC 37 including the replacement of Bridge No. 8 over the Perquimans River in Hertford, Perquimans Count, North Carolina, TIP Mo. R-4467".

Action ID Number: SAW-2018-01572

County: Perquimans County

Permittee: Chris Rivenbark
NCDOT-NEU

Project Name: NCDOT R-4467 Perquimans River Bridge

Date Verification Issued: August 21, 2018

Project Manager: Kyle Barnes

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

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Kyle Barnes

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

Signature of Permittee

Date

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id: **SAW-2018-01572** County: **Perquimans County** U.S.G.S. Quad: **Hertford**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: **Chris Rivenbark**

NCDOT-NEU

Address: **1548 Mail Service Center**

Raleigh NC, 27699

Telephone Number: **(919) 707-6152**

Size (acres)

Nearest Waterway

USGS HUC

Perquimans River

03010205

Nearest Town **Hertford**

River Basin **Albemarle-Chowan**

Coordinates

Latitude: **36.194987**

Longitude: **-76.467046**

Location description:

Description of projects area and activity: **The project involves the construction of a 30' x 200' temporary steel work trestle placed on twelve 30" steel piles with nine being in wetlands and three being in surface waters. The project will require the hand clearing of 0.18 acres of wetlands for the construction corridor for the trestle and a 50' x 65' unloading area. The pile supports will temporarily fill <0.01 acres of wetlands and <0.01 acres of surface waters.**

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

Authorization: Regional General Permit Number and/or Nationwide Permit Number: **33**

SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated October 2, 2019. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide and/or regional general permit authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide and/or regional general permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide and/or regional general permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide and/or regional general permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide and/or regional general permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Elizabeth City, NC, at (252) 264-3901.

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

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Kyle Barnes at (910) 251-4584 or Kyle.W.Barnes@usace.army.mil**.

Corps Regulatory Official: **M.1388035397**

Digital signature by
BARNES.KYLE.WILLIAM.1388035397
Date: 2019.10.28 13:53:31 -04'00'

Date: **October 28, 2019**

Expiration Date of Verification: **March 18, 2022**

A. Determination of Jurisdiction:

1. There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
2. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
3. There are waters, including wetlands, within the above described project area that are subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
4. A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.
5. The aquatic resources within the above described project area have been identified under a previous action. Please reference the approved jurisdictional determination issued . Action ID: SAW- .

B. Basis For Jurisdictional Determination: The wetlands within the project area flow unimpeded to the Perquimans River, a TNW.

C. Remarks:

D. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

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US Army Corps of Engineers
South Atlantic Division
Attn: Philip Shannin, Appeal Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

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

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

Corps Regulatory Official: BARNES.KYLE.WILLIAM.1388035397 Digitally signed by BARNES.KYLE.WILLIAM.1388035397
Date: 2019.10.28 13:54:09 -04'00'

Kyle Barnes

Date of JD: October 28, 2019

Expiration Date of JD: N/A

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SPECIAL CONDITIONS

- A. The regional condition for NWP 6 excludes the use of this permit for discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas during the prohibited period of February 15 and June 30. This project shall adhere to that moratorium

Action ID Number: SAW-2018-01572

County: Perquimans County

Permittee: Chris Rivenbark
NCDOT-NEU

Project Name: NCDOT R-4467 Perquimans River Bridge

Date Verification Issued: October 28, 2019

Project Manager: Kyle Barnes

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

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Kyle Barnes

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

Signature of Permittee

Date

NATIONWIDE PERMIT 14
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2017

Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

NATIONWIDE PERMIT 33
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2017

Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

The following list of General Conditions has been adapted for work in North Carolina for NCDOT projects. Information related to USACE notification requirements has been removed. Therefore, numbering and lettering below may not be consecutive. Please refer to <http://saw-reg.usace.army.mil/NWP2017/2017NWP14.pdf> for the complete reference.

4.0 Additional Regional Conditions for Specific Nationwide Permits

4.1 NWP #14 - Linear Transportation Projects

4.1.1 If appropriate, permittees shall employ natural channel design (see definition below and NOTE below) to the maximum extent practicable for stream relocations. All stream relocation proposals shall include a Relocation and Monitoring Plan and a functional assessment of baseline conditions (e.g., use of the North Carolina Stream Assessment Methodology). Compensatory mitigation may be required for stream relocations.

Natural Channel Design means a geomorphologic approach to stream restoration based on an understanding of valley type, general watershed conditions, dimension, pattern, profile, hydrology and sediment transport of natural, stable channels (reference condition) and applying this understanding to the reconstruction of a stable channel.

NOTE: For more information on Natural Channel Design, permittees should reference North Carolina Stream Mitigation Guidance on the Corps RIBITS (Regulatory In-lieu Fee and Bank Information Tracking System) website or at the following World Wide Web Page:

https://ribits.usace.army.mil/ribits_apex/f?p=107:27:16705499703550::NO:RP:P27_BUTTONKEY:0

4.1.2 This NWP authorizes only upland to upland crossings and cannot be used in combination with Nationwide Permit 18 to create an upland within waters of the United States, including wetlands.

4.1.3 This NWP cannot be used for private projects located in tidal waters or tidal wetlands.

4.1.4 In designated trout watersheds, a PCN is not required for impacts to a maximum of 60 linear feet (150 linear feet for temporary dewatering) or 1/10-acre of jurisdictional aquatic resources for proposed structures not adjoining, adjacent to, or connected to existing structures. In designated trout waters, the permittee shall submit a PCN (see Regional Conditions 2.7 and General Condition 32) to the District Engineer prior to commencing the activity if 1) impacts (other than temporary dewatering to work in dry conditions) to jurisdictional aquatic resources exceed 60 linear feet or 1/10-acre; 2) temporary impacts to streams or waterbodies associated with dewatering to work in dry conditions exceed 150 linear feet; 3) the project will involve impacts to wetlands; 4) the primary purpose of the project is for commercial development; 5) the project involves the replacement of a bridge or spanning structure with a culvert or non-spanning structure in waters of the United States; or 6) the activity will be constructed during the trout waters moratorium (October 15 through April 15).

4.1.5 The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 150 linear feet of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, describes how pre-project conditions will be restored, and includes a timetable for all restoration activities.

NATIONWIDE PERMIT GENERAL CONDITIONS

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

1. **Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. **Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. **Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
6. **Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. **Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. **Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. **Management of Water Flows.** To the maximum extent practicable, the pre- construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road

crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

FINAL REGIONAL CONDITIONS 2017

Final 2017 Regional Conditions for Nationwide Permits (NWP) in the Wilmington District

1.0 Excluded Waters

The Corps has identified waters that will be excluded from the use of all NWP's during certain timeframes. These waters are:

1.1 Anadromous Fish Spawning Areas

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

1.2 Trout Waters Moratorium

Waters of the United States in the designated trout watersheds of North Carolina are excluded during the period between October 15 and April 15 without prior written approval from the NCWRC, or from the Eastern Band of Cherokee Indians (EBCI) Fisheries and Wildlife Management (FWM) office if the project is located on EBCI trust land. (See Section 2.7 for information on the designated trout watersheds).

1.3 Sturgeon Spawning Areas as Designated by the National Marine Fisheries Service (NMFS)

Waters of the United States designated as sturgeon spawning areas are excluded during the period between February 1 and June 30, without prior written approval from the NMFS.

3.0 List of Corps Regional Conditions for All Nationwide Permits

The following conditions apply to all Nationwide Permits in the Wilmington District:

3.1 Limitation of Loss of Stream Bed

NWPs may not be used for activities that may result in the loss or degradation of more than 300 total linear feet of stream bed, unless the District Engineer has waived the 300 linear foot limit for ephemeral and intermittent streams on a case-by-case basis and has determined that the proposed activity will result in minimal individual and cumulative adverse impacts to the aquatic environment. Waivers for the loss of ephemeral and intermittent streams must be in writing and documented by appropriate/accepted stream quality assessments*. This waiver only applies to the 300 linear feet threshold for NWPs.

This Regional Condition does not apply to NWP 23 (Approved Categorical Exclusions).

*NOTE: Permittees should utilize the most current methodology prescribed by Wilmington District to assess stream function and quality. Information can be found at:
https://ribits.usace.army.mil/ribits_apex/f?p=107:27:0::NO

3.2 Mitigation for Loss of Stream Bed

For any NWP that results in a loss of more than 150 linear feet of stream, the permittee shall provide a mitigation proposal to compensate for more than minimal individual and cumulative adverse impacts to the aquatic environment. For stream losses of 150 linear feet or less that require a PCN, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

3.3 Pre-construction Notification for Loss of Streambed Exceeding 150 Feet

Prior to use of any NWP for any activity which impacts more than 150 total linear feet of perennial stream, intermittent or ephemeral stream, the permittee shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). This applies to NWPs that do not have specific notification requirements. If a NWP has specific notification requirements, the requirements of the NWP should be followed.

3.4 Restriction on Use of Live Concrete

For all NWPs which allow the use of concrete as a building material, live or fresh concrete, including bags of uncured concrete, may not come into contact with the water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with wet concrete shall only be returned to waters of the United States after the concrete is set and cured and when it no longer poses a threat to aquatic organisms.

3.5 Requirements for Using Riprap for Bank Stabilization

For all NWPs that allow for the use of riprap material for bank stabilization, the following measures shall be applied:

3.5.1. Where bank stabilization is conducted as part of an activity, natural design, bioengineering and/or geoengineering methods that incorporate natural durable materials, native seed mixes, and native plants and shrubs are to be utilized to the maximum extent practicable.

3.5.2. Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters. The placement of filter fabric is not required if the riprap will be pushed or “keyed” into the bank of the waterbody. A waiver from the specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in greater adverse impacts to the aquatic environment.

3.5.3. The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

3.5.4. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities that would not have an adverse environmental effect.

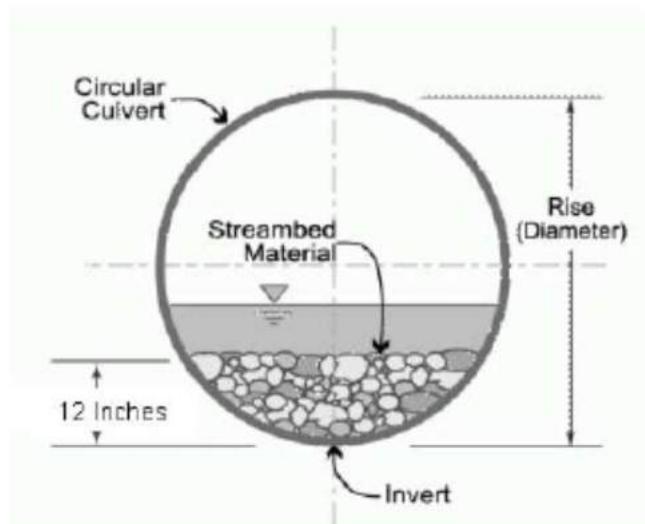
3.5.5. It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

3.5.6. The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

3.6 Requirements for Culvert Placement

3.6.1 For all NWPs that involve the construction/installation of culverts, measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by altering the width or depth of the stream profile in connection with the construction activity. The width, height, and gradient of a proposed culvert should be sufficient to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow is the seasonal sustained high flow that typically occurs in the spring. Spring flows should be determined from gage data, if available. In the absence of such data, bank-full flow can be used as a comparable indicator.

In Public Trust Areas of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by the Coastal Area Management Act (CAMA): All pipes/culverts must be sufficiently sized to allow for the burial of the bottom of the culvert at least one foot below normal bed elevation.



In all other areas: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried to maintain aquatic passage and to maintain passage during drought or low flow conditions, and every effort shall be made to maintain the existing channel slope.

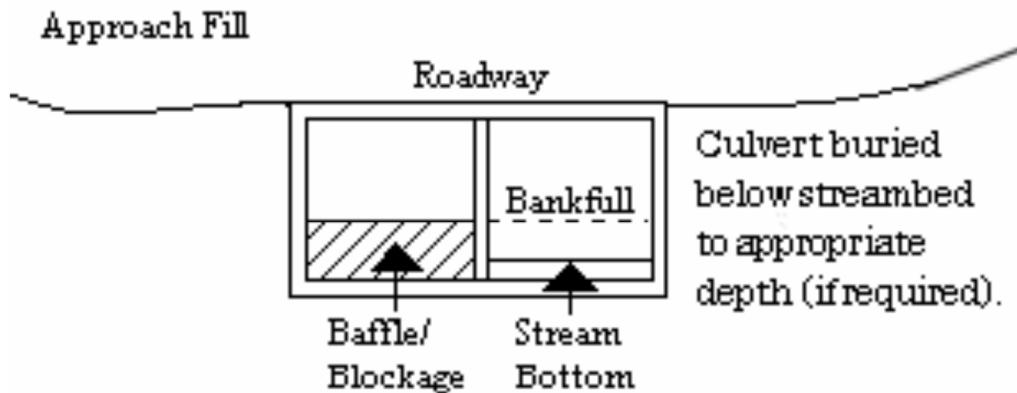
Culverts must be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp; this request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

All counties: Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters of the United States.

Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

3.6.2 Bank-full flows (or less) shall be accommodated through maintenance of the existing bank- full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



3.6.3 Where adjacent floodplain is available, flows exceeding bank-full should be accommodated by installing culverts at the floodplain elevation. Additional culverts or culvert barrels at such crossings should not be buried, or if buried, must have sills at the inlets to ensure that they only receive flows exceeding bank-full.

3.6.4 Excavation of existing stream channels shall be limited to the minimum necessary to construct or install the proposed culvert. The final width of the impacted stream at the culvert inlet and outlet should be no greater than the original stream width. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if the proposed design would result in less impacts to the aquatic environment and/or if it can be demonstrated that it is not practicable to restore the final width of the impacted stream at the culvert inlet and outlet to the width of the original stream channel.

3.6.5 The width of the culvert shall be comparable to the width of the stream channel. If the width of the culvert is wider than the stream channel, the culvert shall include baffles, benches and/or sills to maintain the width of the stream channel. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that it is not practicable or necessary to include baffles, benches or sills and the design would result in less impacts to the aquatic environment.

3.7 Notification to NCDEQ Shellfish Sanitation Section

Permittees shall notify the NCDEQ Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps Regulatory Field Office. Any disposal of sand to the ocean beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued by the permittee.

3.8 Submerged Aquatic Vegetation

Impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP, except NWP 48, unless EFH Consultation has been completed pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Permittees shall submit a PCN (See NWP General Condition 32) to the District Engineer prior to commencing the activity if the project would affect SAV. The permittee may not begin work until notified by the Corps that the requirements of the Magnuson-Stevens Act have been satisfied and that the activity is authorized.

3.9 Sedimentation and Erosion Control Structures and Measures

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the United States. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

3.10 Restoration of Temporary Impacts to Stream Beds

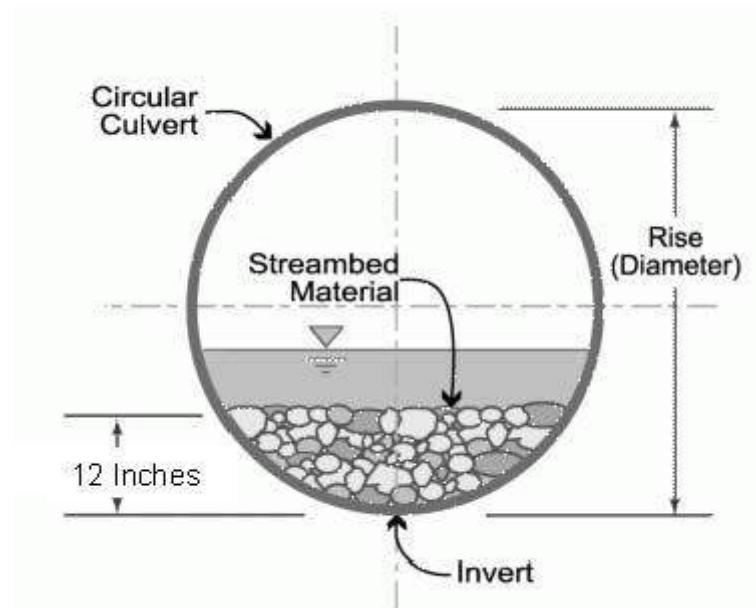
Upon completion of work that involves temporary stream impacts, streambeds are to be restored to pre-project elevations and widths using natural streambed material such that the impacted stream reach mimics the adjacent upstream and downstream reach. The impacted area shall be backfilled with natural streambed material to a depth of at least 12 inches or to the bottom depth of the impacted area if shallower than 12 inches. An engineered in-stream structure or material can be used to provide protection of a buried structure if it provides benefits to the aquatic environment and can be accomplished by a natural streambed design. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

3.11 Restoration of Temporary Impacts to Stream Banks

Upon completion of work involving temporary stream bank impacts, stream banks are to be restored to pre-project grade and contours or beneficial grade and contours if the original bank slope is steep and unstable. Natural durable materials, native seed mixes, and native plants and shrubs are to be utilized in the restoration. Natural designs which use bioengineered and/or geo- engineered methods are to be applied. An engineered structure or material can be used to provide protection of a buried structure if it provides benefits to the stream bank environment, provided it is not in excess of the minimum amount needed for protection and does not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

sufficient to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow is the seasonal sustained high flow that typically occurs in the spring. Spring flows should be determined from gage data, if available. In the absence of such data, bank-full flow can be used as a comparable indicator.

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In all other areas: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried to maintain aquatic passage and to maintain passage during drought or low flow conditions, and every effort shall be made to maintain the existing channel slope.

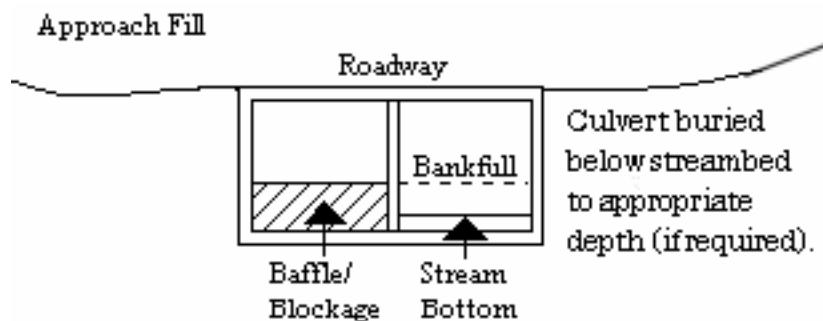
Culverts must be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp; this request must be specific as to the reasons(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

All counties: Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters of the United States.

Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

3.6.2 Bank-full flows (or less) shall be accommodated through maintenance of the existing bank-full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



3.6.3 Where adjacent floodplain is available, flows exceeding bank-full should be accommodated by installing culverts at the floodplain elevation. Additional culverts or culvert barrels at such crossings should not be buried, or if buried, must have sills at the inlets to ensure that they only receive flows exceeding bank-full.

3.6.4 Excavation of existing stream channels shall be limited to the minimum necessary to construct or install the proposed culvert. The final width of the impacted stream at the culvert inlet and outlet should be no greater than the original stream width. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if the proposed design would result in less impacts to the aquatic environment and/or if it can be demonstrated that it is not practicable to restore the final width of the impacted stream at the culvert inlet and outlet to the width of the original stream channel.

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Permittees shall notify the NCDEQ Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps Regulatory Field Office. Any disposal of sand to the ocean beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand

should be used and no dredged sand from closed shell fishing areas may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued by the permittee.

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3.9 Sedimentation and Erosion Control Structures and Measures

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the United States. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

3.10 Restoration of Temporary Impacts to Stream Beds

Upon completion of work that involves temporary stream impacts, streambeds are to be restored to pre-project elevations and widths using natural streambed material such that the impacted stream reach mimics the adjacent upstream and downstream reach. The impacted area shall be backfilled with natural streambed material to a depth of at least 12 inches or to the bottom depth of the impacted area if shallower than 12 inches. An engineered in-stream structure or material can be used to provide protection of a buried structure if it provides benefits to the aquatic environment and can be accomplished by a natural streambed design. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

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Upon completion of work involving temporary stream bank impacts, stream banks are to be restored to pre-project grade and contours or beneficial grade and contours if the original bank slope is steep and unstable. Natural durable materials, native seed mixes, and native plants and shrubs are to be utilized in the restoration. Natural designs which use bioengineered and/or geo-engineered methods are to be applied. An engineered structure or material can be used to provide protection of a buried structure if it provides benefits to the stream bank environment, provided it is not in excess of the minimum amount needed for protection and does not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark. A permittee may request a waiver of this condition if it is determined a buried structure

needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

3.12 Federal Navigation Channel Setbacks and Corps Easements

3.12.1 Authorized structures and fills located in or adjacent to Federally authorized waterways will be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. You may review the setback policy at <http://www.saw.usace.army.mil/Missions/Navigation/Setbacks.aspx>. This general permit does not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity is approved by the Corps. The permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to the construction of any structures or fills within the Federally Authorized Channel Setback.

3.12.2 The permittee shall obtain a Consent to Cross Government Easement from the Wilmington District's Land Use Coordinator prior to any crossing of the Corps easement and/or prior to commencing construction of any structures, authorized dredging or other work within the right-of-way of, or in proximity to, a federally designated disposal area. The Land Use Coordinator may be contacted at: CESAW-OP-N, 69 Darlington Avenue, Wilmington, North Carolina 28403-1343, email: SAWWeb-NAV@usace.army.mil

3.13 Northern Long-eared Bat – Endangered Species Act Compliance

The Wilmington District, U.S. Army Corps of Engineers has consulted with the United States Fish and Wildlife Service (USFWS) in regards to the threatened Northern long-eared bat (NLEB) (*Myotis septentrionalis*) and Standard Local Operating Procedures for Endangered Species (SLOPES) have been approved by the Corps and the USFWS. This condition concerns effects to the NLEB only and does not address effects to other federally listed species and/or federally designated critical habitat.

A. Procedures when the Corps is the lead federal* agency for a project:

The permittee must comply with (1) and (2) below when:

- the project is located in the western 41 counties of North Carolina, to include non-federal aid North Carolina Department of Transportation (NCDOT) projects, OR;
- the project is located in the 59 eastern counties of North Carolina, and is a non-NCDOT project.

*Generally, if a project is located on private property or on non-federal land, and the project is not being funded by a federal entity, the Corps will be the lead federal agency due to the requirement to obtain Department of the Army authorization to impact waters of the United States. If the project is located on federal land, contact the Corps to determine the lead federal agency.

(1) A permittee using a NWP must check to see if their project is located in the range of the NLEB by using the following website:

<http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>. If the project is within the range of the NLEB, or if the project includes percussive activities (e.g., blasting, pile driving, etc.), the permittee is then required to check the appropriate website in the paragraph below to discover if their project:

- is located in a 12-digit Hydrologic Unit Code area (“red HUC” - shown as red areas on the map), AND/OR;
- involves percussive activities within 0.25 mile of a red HUC.

Red HUC maps - for the western 41 counties in NC (covered by the Asheville Ecological Services Field Office), check the project location against the electronic maps found at:

http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html. For the eastern 59 counties in NC (covered by the Raleigh Ecological Services Field Office), check the project location against the electronic maps found at:

https://www.fws.gov/raleigh/NLEB_RFO.html.

(2) A permittee must submit a PCN to the District Engineer, and receive written authorization from the District Engineer, prior to commencing the activity, if the activity will involve any of the following:

- tree clearing/removal, construction/installation of wind turbines in a red HUC, AND/OR;
- bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, (applies anywhere in the range of the NLEB), AND/OR;
- percussive activities in a red HUC, or within 0.25 mile of a red HUC.

The permittee may proceed with the activity without submitting a PCN to either the Corps or the USFWS, provided the activity complies with all applicable NWP terms and general and regional conditions, if the permittee’s review under A.(1) and A.(2) above shows that the project is:

- located outside of a red HUC (and there are no percussive activities), and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located outside of a red HUC and there are percussive activities, but the percussive activities will not occur within 0.25-mile of a red HUC boundary, and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;

- located in a red HUC, but the activity will NOT include: tree clearing/removal; construction/installation of wind turbines; bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, and/or; any percussive activities.

B. Procedures when the USACE is not the lead federal agency:

For projects where another federal agency is the lead federal agency - if that other federal agency has completed project-specific ESA Section 7(a)(2) consultation for the NLEB, and has (1) determined that the project would not cause prohibited incidental take of the NLEB, and (2) completed coordination/consultation that is required by the USFWS (per the directions on the respective USFWS office's website), that project may proceed without notification to either the USACE or the USFWS, provided all General and Regional Permit Conditions are met.

The NLEB SLOPES can be viewed on the USACE website at the following World Wide Web Page: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>. Permittees who do not have internet access may contact the USACE at (910) 251- 4633.

3.14 Work on Eastern Band of Cherokee Indians Land

All PCNs submitted for activities in waters of the United States on Eastern Band of Cherokee Indians (EBCI) trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land), must comply with the requirements of the latest MOU between the Wilmington District and the Eastern Band of Cherokee Indians.

4.0 Additional Regional Conditions for Specific Nationwide Permits

4.1 NWP #14 - Linear Transportation Projects

4.1.1 If appropriate, permittees shall employ natural channel design (see definition below and NOTE below) to the maximum extent practicable for stream relocations. All stream relocation proposals shall include a Relocation and Monitoring Plan and a functional assessment of baseline conditions (e.g., use of the North Carolina Stream Assessment Methodology). Compensatory mitigation may be required for stream relocations.

Natural Channel Design means a geomorphologic approach to stream restoration based on an understanding of valley type, general watershed conditions, dimension, pattern, profile, hydrology and sediment transport of natural, stable channels (reference condition) and applying this understanding to the reconstruction of a stable channel.

NOTE: For more information on Natural Channel Design, permittees should reference North Carolina Stream Mitigation Guidance on the Corps RIBITS (Regulatory In-lieu Fee and Bank Information Tracking System) website or at the following World Wide Web Page: https://ribits.usace.army.mil/ribits_apex/f?p=107:27:16705499703550::NO:RP:P27_BUTTON_KEY:0.

4.1.2 This NWP authorizes only upland to upland crossings and cannot be used in combination with Nationwide Permit 18 to create an upland within waters of the United States, including wetlands.

4.1.3 This NWP cannot be used for private projects located in tidal waters or tidal wetlands.

4.1.4 In designated trout watersheds, a PCN is not required for impacts to a maximum of 60 linear feet (150 linear feet for temporary dewatering) or 1/10-acre of jurisdictional aquatic resources for proposed structures not adjoining, adjacent to, or connected to existing structures. In designated trout waters, the permittee shall submit a PCN (see Regional Conditions 2.7 and General Condition 32) to the District Engineer prior to commencing the activity if 1) impacts (other than temporary dewatering to work in dry conditions) to jurisdictional aquatic resources exceed 60 linear feet or 1/10-acre; 2) temporary impacts to streams or waterbodies associated with dewatering to work in dry conditions exceed 150 linear feet; 3) the project will involve impacts to wetlands; 4) the primary purpose of the project is for commercial development; 5) the project involves the replacement of a bridge or spanning structure with a culvert or non-spanning structure in waters of the United States; or 6) the activity will be constructed during the trout waters moratorium (October 15 through April 15).

4.1.5 The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 150 linear feet of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, describes how pre-project conditions will be restored, and includes a timetable for all restoration activities.

Permit Class
NEW

Permit Number
47-19

STATE OF NORTH CAROLINA
Department of Environmental Quality
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 Perquimans County at Perquimans River, Bridge No. 8 on US 17
Business/NC 37, as requested in the permittee's application dated 2/11/19, including the
attached workplan drawings (60), as described in Condition No. 1 below.

This permit, issued on 6/19/19, 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.

TIP No. R-4467, Bridge Replacement and associated improvements

- 1) All work authorized by this permit shall be carried out in accordance with the following attached workplan drawings, except as modified herein: 2 dated received 6/5/19, 1 dated 3/11/19, 1 dated 2/25/19, 1 dated 2/21/19, 7 dated 2/20/19, 1 dated 2/14/19, 4 dated received 2/12/19, 7 dated 2/7/19, 12 dated 2/6/19, 6 dated 12/18/18, 6 dated 11/20/18, 11 dated 9/11/18, and 1 dated 6/21/18.
- 2) In order to protect anadromous fish resources within the Perquimans River, no in-water work shall be conducted from February 15 through June 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.

(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.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

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.

Braxton C. Davis
Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Carla S. Davis
for *Philip S. Harris III, P.E., CPM.*

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) In accordance with commitments made within the FONSI, pile driving shall not be conducted between the hours of 9:00 pm and 8:00 am.
- 4) The permittee shall adhere to the stipulations of the Memorandum of Agreement (MOA) that was signed in December 2017/January 2018 by the U.S. Coast Guard, U.S. Army Corps of Engineers, N.C. Department of Transportation, N.C. State Historic Preservation Officer, and Advisory Council on Historic Preservation regarding effects of the authorized project TIP No. R-4467 on the Hertford Historic District and Perquimans Bridge Number 8, properties listed in the National Register of Historic Places. Any violation of this MOA may be considered a violation of this CAMA permit.

NOTE: The MOA for the Hertford Historic District and Perquimans Bridge Number 8 includes, but is not limited to, requirements for photographic recordation in advance of any work taking place, design elements, a landscape plan, a vibration monitoring and enforcement plan with pre and post construction inventories and vibration monitoring, and procedures in the event of unanticipated discovery of additional cultural resources.

- 5) In order to protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant shall implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at http://www.fws.gov/nc-es/mammal/manatee_guidelines.pdf.
- 6) Unless specifically altered herein, any mitigative measures or environmental commitments specifically made by the permittee in the CAMA permit application, and/or the Finding of No Significant Impact dated January 2018, shall be implemented, regardless of whether or not such commitments are addressed by individual conditions of this permit.
- 7) The installation of the temporary cofferdam, bulkhead, piles for the new bridge, temporary moorings, temporary boat landing, test piles, temporary pilings for protection of "the turtle log", and temporary work trestles, shall be accomplished by pile driving and/or vibratory hammer, as specified in the permit application. Should the permittee and/or its contractor desire to utilize another type of pile installation for these activities, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.
- 8) Jetting is not authorized, including for the purposes of removing piles and other components, except for the authorized hand jetting that will be performed by divers outside of the February 15 to June 30 moratorium to install a submarine power and communications cable to the pivot and resting piers at a depth of approximately 2 feet below existing ground. Should the permittee and/or its contractor propose to utilize additional jetting on the project, additional authorization from DCM shall be required.
- 9) The temporary placement and double handling of any excavated or fill material within wetlands or waters of the State is not authorized, with the exception of the test piles, temporary work trestles, temporary causeway, temporary boat landing, temporary pilings for protection of "the turtle log", and cofferdam. This condition also applies to removal of the existing bridge, bridge tender's house, fender system, manmade materials within the abandoned causeway, roadway asphalt and fill, utility poles, pipes, culverts, and associated materials.

ADDITIONAL CONDITIONS

- 10) No excavation or filling shall take place at any time in any vegetated wetlands or surrounding waters outside of the alignment of the areas indicated on the attached workplan drawings, without permit modification.
- 11) Excavated material may be used in authorized fill areas associated with the project once properly dewatered. Otherwise, the material shall be removed from the site and taken to a high ground location.
- 12) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids or seepage of effluent into any wetlands or surrounding waters.
- 13) All fill material shall be clean and free of any pollutants except in trace quantities.
- 14) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 15) All construction access shall be through use of the existing bridge, temporary work trestles, temporary causeway, partially constructed new bridge, existing high ground areas, and/or barges.
- 16) Barges used for construction and/or demolition access shall be removed immediately when they are no longer needed.
- 17) Barges shall be utilized only in areas of sufficient depth such that the barges avoid contact with the bottom and do not rest on the bottom during periods of low tide.
- 18) Barges shall be securely moored to ensure that they do not break loose or otherwise become displaced during periods of adverse weather or high wave energy.
- 19) Dredging in any manner, including "kicking" with boat propellers is not authorized, without permit modification.
- 20) No sewage, whether treated or untreated, shall be discharged at any time from any vessels using the authorized facilities. Any sewage discharge at the authorized facilities shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 21) 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. The riprap material shall consist of clean rock or masonry materials such as but not limited to granite, marl, or broken concrete.
- 22) The demolition plan for removal of the existing bridge structure, including the bridge tender's house and fender system, shall be submitted to DCM for review and approval prior to commencement of the demolition activities.

ADDITIONAL CONDITIONS

- 23) All reasonable efforts shall be made to contain all debris and excess materials associated with the construction and/or removal of the existing and/or new bridge, bridge tender's house, causeway, fender system, utility poles, temporary work trestles, temporary causeway, temporary boat landing, cofferdam, temporary pilings for protection of "the turtle log", test piles, and other structures, with the intent that materials/debris do not enter wetlands or waters of the State, even temporarily.
- 24) Any materials and debris associated with construction, demolition, or other activities shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.
- 25) A temporary cofferdam shall be used to remove the pivot pier of the existing bridge. Temporary dewatering may occur.
- 26) The temporary moorings, cofferdam, temporary boat landing, temporary pilings for protection of "the turtle log", test piles, temporary causeway, and temporary work trestles, including piles, shall be removed in their entirety and disposed of at an approved high ground location within 90 days after they are no longer needed. However, if this timeframe occurs while the moratorium referenced in Condition No. 2 of this permit is in effect, then the removal of any structure in the water shall be delayed until the moratorium is over, and then removed in its entirety within 90 days of the moratorium end date. Deviation from this condition shall require additional authorization from DCM, in consultation with the appropriate resource agencies.
- 27) In accordance with commitments made by the permittee, if the existing piles cannot be completely removed because they break apart during extraction, piles will be removed to a depth of 4 feet below existing mudline.
- 28) Uncured concrete or water that has been in contact with uncured concrete shall not be allowed to contact waters of the State or water that will enter waters of the State.
- 29) The permittee and/or its contractor shall provide for proper storage and handling of all oils, chemicals, etc., necessary to carry out the project.

Retaining Walls, Bulkhead, and Abandoned Causeway

- 30) The authorized bulkhead shall be constructed in accordance with the alignment depicted on the attached workplan drawings.
- 31) The authorized retaining walls and bulkhead shall be in place prior to any backfilling activities. The retaining walls and bulkhead shall be structurally tight so as to prevent seepage of fill materials through the structures.
- 32) All backfill material shall be obtained from a high ground source. No unconfined backfill shall be discharged into wetlands or Waters of the State.

ADDITIONAL CONDITIONS

- 33) In accordance with commitments made by the permittee in the permit application and during project development, all of the remnant man-made material within the section of abandoned causeway shall be removed to the extent reasonably possible without resulting in excessive damage to the surrounding wetlands. This manmade material includes deep layers of asphalt, cast-in-place concrete slabs on poured-in-place concrete piles, timber piles, steel plates welded onto steel piles, riprap, and many asphalt leveling buildups. The causeway shall then be backfilled with suitable clean fill material such that there are not depressions lower than the adjacent wetlands.
- 34) In accordance with the General Water Quality Certification 4135 issued on 2/20/19 (Project No. 20181060), native riparian vegetation shall be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction.
- 35) In accordance with commitments made by the permittee, approximately one month prior to the initiation of work to remove the remnant man-made material within the section of abandoned causeway, the permittee shall schedule a coordination meeting with appropriate agency personnel, including DCM.

Impacts to Wetlands and Waters of the State

NOTE: This project will permanently impact approximately 0.06 acres of 404 Wetlands due to fill (including approximately 16 square feet of Coastal Wetlands). This project will temporarily impact approximately 0.44 acres of 404 Wetlands due to fill. This project will temporarily impact approximately 1.71 acres of 404 Wetlands due to hand clearing (including approximately 3,014 square feet of Coastal Wetlands).

NOTE: This project will permanently impact approximately 0.03 acres of surface waters and will temporarily impact approximately 0.13 acres of surface waters.

- 36) The permittee shall implement appropriate measures, including but not necessarily limited to, appropriate cleaning of equipment prior to its arrival on the project site in order to prevent the introduction of invasive species such as *Phragmites* into the project area.
- 37) All temporary fill within wetland areas shall be placed on geotextile fabric to facilitate the total removal upon completion of the project.
- 38) No temporary impacts to wetlands or waters of the State due to mechanized clearing are authorized by this permit without prior approval from DCM.
- 39) There shall be no clearing of wetlands outside of the areas indicated for impacts on the attached workplan drawings without prior approval from DCM.
- 40) Wetland areas to be temporarily impacted by hand clearing shall not be grubbed.
- 41) Construction mats shall be utilized to support equipment within wetland areas to minimize temporary wetland impacts. These mats shall be removed immediately following project completion.

ADDITIONAL CONDITIONS

Utility Impacts

NOTE: Construction of the authorized project will also require associated utility work for electric, communication, water, and sewer utilities. Wetland and surface water impacts resulting from the utility relocations have been included in the total wetland and surface water impacts for this project.

42) Any utility work associated with this project that is not specifically depicted on the attached workplan drawings, or described within the attached permit application, shall require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

NOTE: This project will include waterline relocations for the Perquimans County Water System (NC0472025) and the Hertford Water System (NC0472010). Any waterline relocations or other alterations to these or any other public water systems must be approved by the Public Water Supply Section (PWS Section, Plan Review Unit, 1634 Mail Service Center, Raleigh, NC 27699-1634) prior to water system alteration.

Stormwater Management

43) This project shall be constructed in accordance with the permittee's Stormwater Management Plan dated 8/30/18, and the provisions of the NCDOT's National Pollutant Discharge Elimination (NPDES) Stormwater Permit NCS000250, including the applicable requirements of the NCG01000.

Sedimentation and Erosion Control

44) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and NCDOT's Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.

45) Turbidity curtains and/or other appropriate measures shall be used where practicable at all times in areas of adequate water depth and flow velocity, to isolate work areas from the adjacent waters of the Perquimans River, including but not limited to installation and removal of pilings for the existing bridge and fender system, construction and removal of the cofferdam, removal of manmade material and backfilling of the abandoned causeway, and bulkhead construction. The turbidity curtains and/or other appropriate measures shall be of sufficient length and effectiveness to prevent a visible increase in the amount of suspended sediments in adjacent waters. The turbidity curtains and/or other appropriate measures shall encircle the immediate work area, but, shall not impede navigation. The turbidity curtains and/or other appropriate measures shall be properly maintained and retained in the water until construction is complete and shall only be removed when turbidity within the curtains and/or other appropriate measures reaches ambient levels.

ADDITIONAL CONDITIONS**Navigation/Public Trust Usage**

NOTE: The horizontal clearance and water depth of the navigational channel for the new bridge shall meet or exceed the 55-foot horizontal clearance and 9-foot published water depth of the navigational channel for the existing US 17 Bypass bridge, which is located approximately 0.6 miles downstream. The authorized vertical clearance of the new bridge in a closed position is 12 feet, which is 5 feet greater than the vertical clearance of the current bridge in a closed position.

46) During construction and demolition, the permittee shall make every attempt to maintain the same public trust usage, including navigation, that is currently possible for the Perquimans River. If this is not possible, then adequate notice shall be provided to the public that public trust usage will be limited during construction. The notice shall include an estimate of the amount of time that the limited public trust usage will occur.

47) No attempt shall be made by the permittee to prevent the use by the public of all navigable waters at or adjacent to the authorized work following completion of construction and demolition activities.

48) The permittee shall install and maintain, at its expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structures in order to make them more visible during hours of darkness or inclement weather.

49) In accordance with commitments made by the permittee, all barges and mooring buoys shall be marked with flashing lights.

General

50) Development authorized by this permit shall only be conducted on lands owned by the NCDOT, appropriate utility entities, and/or their Right-of-Ways and/or easements.

51) If a court of competent jurisdiction determines that a party other than the permittee has legal title to any part of the area approved for development under this permit, this permit shall be null and void as to the area the court determines is not owned by the permittee. This condition shall take effect on the date such court judgment becomes final. In such event, the permittee shall consult DCM prior to initiating or continuing any further development under this permit.

52) The permittee shall exercise all available precautions in the day-to-day operations of the facility to prevent waste from entering the adjacent wetlands and waters of the State.

53) If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached workplan drawings or described in the authorized permit application, a permit modification and/or additional authorization from DCM may be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.

ADDITIONAL CONDITIONS

- 54) The permittee and/or its contractor shall contact the DCM Transportation Project Field Representative in Elizabeth City at (252) 264-3901 to request a preconstruction conference prior to project initiation.
- 55) The N.C. Division of Water Resources (DWR) issued a General Water Quality Certification (WQC) No. 4135 on 2/20/19 (DWR Project No. 20181060). Any violation of the Certification approved by DWR shall be considered a violation of this CAMA permit.
- 56) This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including but not limited to, any authorizations that may be required from the U.S. Coast Guard.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 14 (COE Action ID No. SAW-2018-01572), which was issued on 8/21/18.

NOTE: An application processing fee of \$475 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.

Permit Class
MODIFICATION/MINOR

Permit Number
47-19

STATE OF NORTH CAROLINA
Department of Environmental Quality
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 Perquimans County at Perquimans River, Bridge No. 8 on US 17 Business/NC 37, as requested in the permittee's application letter dated 10/2/19 & 7/29/19, including the attached workplan drawings (5): 1 dated July 2019; 1 dated as received 9/13/19, & 3 dated 9/26/19.

This permit, issued on November 15, 2019, 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.

- 1) Unless specifically altered herein, this Minor Modification authorizes the construction of a laydown yard and office site, including but not limited to, a dirt/gravel access road and a 30' x 200' temporary work trestle to load/unload material from barges, all as depicted on the attached workplan drawings.
- 2) In order to protect anadromous fish resources within the Perquimans River, no in-water work shall be conducted from February 15 through June 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.

NOTE: The activities authorized by this Minor Modification will result in new impacts of 0.18 acres of hand clearing in 404 Wetlands, <0.01 acres of temporary fill in 404 Wetlands, and <0.01 acres of temporary fill in surface waters.

(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.

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

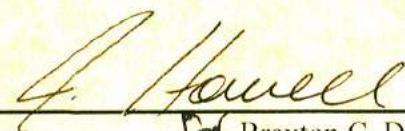
Any maintenance work or project modification not covered hereunder requires further Division approval.

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 DEQ and the Chair of the Coastal Resources Commission.



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 3) There shall be no new clearing of wetlands outside of the areas indicated for impacts on the attached workplan drawings without prior approval from DCM.
- 4) Wetland areas to be temporarily impacted by hand clearing shall not be grubbed.
- 5) No temporary impacts to wetlands or waters of the State due to mechanized clearing are authorized by this Minor Modification without prior approval from DCM.
- 6) Construction mats shall be utilized to support equipment within wetland areas to minimize temporary wetland impacts. These mats shall be removed immediately following project completion.
- 7) All materials shall be staged/stored on a barge or at an upland location. Wetlands and waters of the State shall not be used to stage materials, even temporarily.
- 8) The installation and removal of the piles for the new temporary work trestle shall be accomplished by pile driving and/or vibratory hammer. Should the permittee and/or its contractor desire to utilize another type of pile installation, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.
- 9) Piling from the temporary work trestle 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 flush with the ground, and DCM shall be notified of each occurrence within one working day.
- 10) Turbidity curtains shall be used to isolate work areas from the adjacent waters of the Perquimans River. The turbidity curtains shall be of sufficient length and effectiveness to prevent a visible increase in the amount of suspended sediments in adjacent waters. The turbidity curtains shall encircle the immediate work area and shall be properly maintained and retained in the water until construction is complete and shall only be removed when turbidity within the curtains reaches ambient levels.
- 11) The temporary work trestle, including pilings, shall be removed in its entirety and disposed of at an approved high ground location within 90 days after it is no longer needed. However, if this timeframe occurs while the moratorium referenced in Condition No. 2 of this Minor Modification is in effect, then the removal of any portion of the structure that is in the water shall be delayed until the moratorium is over, and then removed in its entirety within 90 days of the moratorium end date. Deviation from this condition shall require additional authorization from DCM, in consultation with the appropriate resource agencies.
- 12) Barges used for construction and/or demolition access shall be removed immediately when they are no longer needed.
- 13) Barges shall be utilized only in areas of sufficient depth such that the barges avoid contact with the bottom and do not rest on the bottom during periods of low tide.
- 14) Barges shall be securely moored to ensure that they do not break loose or otherwise become displaced during periods of adverse weather or high wave energy.

ADDITIONAL CONDITIONS

- 15) Dredging in any manner, including “kicking” with boat propellers is not authorized, without permit modification.
- 16) No sewage, whether treated or untreated, shall be discharged at any time from any vessels using the authorized facilities. Any sewage discharge at the authorized facilities shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 17) This Minor Modification authorizes only the new temporary work trestle over public trust waters that is expressly and specifically set forth in the permit application and shown on the attached workplan drawings. No other structures, whether floating or stationary, may become a part of this project without additional authorization from DCM. No non-water dependent uses of structures may be conducted on, in, or over public trust waters without permit modification.
- 18) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and NCDOT’s Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.
- 19) If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached workplan drawings or described in the authorized permit application, a permit modification and/or additional authorization from DCM shall be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 20) The permittee and/or its contractor is encouraged to contact the DCM Transportation Project Field Representative in Elizabeth City at (252) 264-3901 to request a preconstruction conference prior to project initiation.
- 21) Development authorized by this Minor Modification shall only be conducted on lands owned by the NCDOT, and/or its Right-of-Ways and/or easements.
- 22) The permittee shall install and maintain, at its expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 23) The N.C. Division of Water Resources (DWR) issued a Modification of the General Water Quality Certification (WQC) on 8/7/19 (DWR Project No. 20181060 v.2), as well as an In-Field Modification on 10/17/19 (DWR Project No. 20181060 v.3). Any violation of the Certification and In-Field Modification approved by DWR shall be considered a violation of this CAMA permit.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 33 (COE Action ID No. SAW-2018-01572), which was issued on 10/28/19.

- 24) This Minor Modification does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

ADDITIONAL CONDITIONS

- 25) This Minor Modification shall be attached to the original of Permit No. 47-19, which was issued on 6/19/19, and copies of both documents shall be readily available on site when a Division representative inspects the project for compliance.
- 26) All conditions and stipulations of the active permit remain in force under this Minor Modification unless altered herein.

NOTE: A minor modification application processing fee of \$100 was received by DCM for this project.

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Director



NORTH CAROLINA
Environmental Quality

February 20, 2019
Perquimans County
NCDWR Project No. 20181060
TIP R-4467

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. Chris Rivenbark
Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699-1598

Dear Mr. Rivenbark:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing Bridge Number 8 on US 17 Business/NC 37 over the Perquimans River and causeway removal between the towns of Hertford and Winfall in Perquimans County:

Wetland and Open Water Impacts in the Pasquotank River Basin

Site	Wetland Fill Permanent (ac)	Wetland Fill Temporary (ac)	Wetland Hand Clearing (ac)	Open Water (ac)	Open Water temporary (ac)
Bridge	0.06	0.40	1.71	0.03	0.13
Utilities	--	0.04	--	--	<0.01
Total	0.06	0.44	1.71	0.03	0.13
Net Total		2.21			0.16

The project shall be constructed in accordance with your application dated received August 3, 2018 and revised application received February 12, 2019. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4135. This certification corresponds to the Nationwide Permit 14 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, 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.0259. For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

Condition(s) of Certification:

1. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

2. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission (WRC), or the NC Division of Marine Fisheries (NCDMF). No in-water work is permitted between February 15 and June 30 of any year, without prior approval from the NC Division of Water Resources, WRC and/or NCDMF. In addition, the permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
3. 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.
4. 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. [15A NCAC 02H.0501 and .0502]
5. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
6. 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. [15A NCAC 02H.0506(b)(3)]
7. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
8. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
9. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H.0506(b)(3) and (c)(3) and 15A NCAC 02B.0200]
 - a. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.
 - b. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
 - c. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
 - d. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-1, WS-11, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B.0124, *Design Standards in Sensitive Watershed*. [15A NCAC 02H.0506(b)(3) and (c)(3); GC 4135]
10. Sediment and erosion control measures shall not be placed in wetlands or surface waters or within 5 feet of the top of bank without prior approval from DWR. [15A NCAC 02H.0506(b)(3) and (c)(3)]

11. Erosion control matting in riparian areas shall not contain a plastic or nylon mesh grid which can impinge and entrap small animals. Matting should be secured in place by staples, stakes, or wherever possible live stakes of native trees. Riparian areas are defined as a distance 25 feet from top of stream bank. [15A NCAC 02B.0201]
12. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream of the above structures. All sediment and erosion control devices shall be removed from wetlands and waters and the natural grade restored within two (2) months of the date that the Division of Energy, Mining and Land Resources (DEMLR) or locally delegated program has released the specific area within the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]
13. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
14. Bridge deck drains shall not discharge directly into the stream to the maximum extent practicable. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) where possible before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
15. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H .0506(b)(3)]
16. Adherence to *The Guidelines for Avoiding Impacts to the West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina Waters* will be required throughout construction.
17. 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 the NCDWR first. [15A NCAC 02H.0506(b)(2)]
18. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank, or during the removal of bents from an old bridge. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H .0506(b)(3)]
19. NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000.
20. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]
21. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
22. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
23. 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 the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]

24. 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

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

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

The mailing address for the Office of Administrative Hearings is:

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

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

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252)946-6481 or garcy.ward@ncdenr.gov.

Sincerely,



Linda Culpepper, Director
Division of Water Resources

Electronic copy only distribution:

Kyle Barnes, US Army Corps of Engineers, Washington Field Office
Greg Daisey, NC Division of Coastal Management
Cathy Brittingham, NC Division of Coastal Management
Paul Williams, NCDOT, Division 1
Garcy Ward, NC Division of Water Resources Washington Regional Office
File Copy



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Director

August 7, 2019
Perquimans County
NCDWR Project No. 20181060 v.2
TIP R-4467

MODIFICATION of APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. Philip Harris, P.E.
Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC 27699-1598

Dear Mr. Harris:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of installing a temporary trestle needed for the replacement of Bridge Number 8 on US 17 Business/NC 37 over the Perquimans River between the towns of Hertford and Winfall in Perquimans County:

Wetland and Open Water Impacts in the Pasquotank River Basin

Site	Wetland Fill Permanent (ac)	Wetland Fill Temporary (ac)	Wetland Hand Clearing (ac)	Open Water (ac)	Open Water temporary (ac)
Bridge*	0.06	0.40	1.71	0.03	0.13
Utilities*	--	0.04	--	--	<0.01
Temporary trestle**	--	<0.01	0.20	--	<0.01
Total	0.06	0.44	1.91	0.03	0.13
Net Total		2.41			0.16

*= impacts authorized with the original approval

**= new additional impacts authorized with this modification

The project shall be constructed in accordance with your modified application dated received July 29, 2019. All the authorized activities and conditions associated with the original Water Quality Certification dated February 19, 2019 still apply except where superseded by this certification. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4135. This certification corresponds to the Nationwide Permit 14 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, 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.0259. For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

Condition(s) of Certification:

1. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated February 19, 2019 still apply except where superseded by this certification.
2. Temporarily impacted wetland sites must be returned to preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species to include woody species where appropriate. [15A NCAC 02H .0506(b)(2)]
3. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
4. 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

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

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

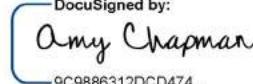
The mailing address for the Office of Administrative Hearings is:

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

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

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252)946-6481 or garcy.ward@ncdenr.gov.

Sincerely,
DocuSigned by:

Amy Chapman
9C9886312DCD474...
Linda Culpepper, Director
Division of Water Resources

Electronic copy only distribution:

Kyle Barnes, US Army Corps of Engineers, Washington Field Office
Greg Daisey, NC Division of Coastal Management
Cathy Brittingham, NC Division of Coastal Management
Chris Rivenbark, NC DOT, Environmental Analysis Unit
Paul Williams, NCDOT, Division 1
Garcy Ward, NC Division of Water Resources Washington Regional Office
File Copy

NCDWR Project No.: _____

County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, **or** the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

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

Signature: _____ Date: _____

Agent's Certification

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

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

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

Signature _____ Registration No. _____
Date _____

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

WATER QUALITY GENERAL CERTIFICATION NO. 4135

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

- **NATIONWIDE PERMIT NUMBER 14 (LINEAR TRANSPORTATION PROJECTS), AND**
- **REGIONAL GENERAL PERMIT 198200031 (NCDOT BRIDGES, WIDENING PROJECTS, INTERCHANGE IMPROVEMENTS)**

Water Quality Certification Number 4135 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 Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (14) of the US Army Corps of Engineers regulations and Regional General Permit 198200031.

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

Effective date: December 1, 2017

Signed this day: December 1, 2017

By



for Linda Culpepper
Interim Director

Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the conditions of this Certification (listed below) cannot be met; or
- b) Any temporary or permanent impacts to wetlands, open waters and/or streams, except for construction of a driveway to a single family residential lot that is determined to not be part of a larger common plan of development, as long as the driveway involves a travel lane of less than 25 feet and total stream impacts of less than 60 feet, including any topographic/slope stabilization or in-stream stabilization needed for the crossing; or
- c) Any stream relocation or stream restoration; or
- d) Any high-density project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
 - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
 - ii. Has permanent wetland, stream or open water impacts; and
 - iii. Is proposing new built-upon area; and
 - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program¹ or a state-approved local government stormwater program².

Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs require **written approval**; or

- e) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, or North Carolina or National Wild and Scenic River.
- f) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as Trout except for driveway projects that are below threshold (b) above provided that:
 - i. The impacts are not adjacent to any existing structures
 - ii. All conditions of this General Certification can be met, including adherence to any moratoriums as stated in Condition #10; and
 - iii. A *Notification of Work in Trout Watersheds Form* is submitted to the Division at least 60 days prior to commencement of work; or
- g) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- h) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or

¹ e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

² e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

GC4135

- i) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:
 - i. The activities are listed as "EXEMPT" from these rules; or
 - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
 - iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

1. If this Water Quality Certification is used to access residential, commercial or industrial building sites, then all parcels owned by the applicant that are part of the single and complete project authorized by this Certification must be buildable without additional impacts to streams or wetlands. If required in writing by DWR, the applicant shall provide evidence that the parcels are buildable without requiring additional impacts to wetlands, waters, or state regulated riparian buffers. [15A NCAC 02H .0506(b)(4) and (c)(4)]
2. For road and driveway construction purposes, this Certification shall only be utilized from natural high ground to natural high ground. [15A NCAC 02H .0506(b)(2) and (c)(2)]
3. Deed notifications or similar mechanisms shall be placed on all lots with retained jurisdictional wetlands, waters, and state regulated riparian buffers within the project boundaries in order to assure compliance with NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), and/or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200). These mechanisms shall be put in place at the time of recording of the property or individual parcels, whichever is appropriate. [15A NCAC 02H .0506(b)(4) and (c)(4)]
4. For the North Carolina Department of Transportation, compliance with the NCDOT's individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density projects that trigger threshold item (d) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]

GC4135

- a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
- b. Provide documentation (including calculations, photos, etc.) that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

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Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]

8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

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Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as, a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]

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13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]
17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.

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20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506(b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.
25. The applicant and their authorized agents shall conduct all 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 DWR determines that such standards or laws are not being met, including 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, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. 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 Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

III. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.
3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.

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5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the water or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4135 issued December 1, 2017 replaces WQC Number 4088 issued March 3, 2017; WQC 3886 issued March 12, 2012; WQC Number 3820 issued April 6, 2010; WQC Number 3627 issued March 2007; WQC Number 3404 issued March 2003; WQC Number 3375 issued March 18, 2002; WQC Number 3289 issued June 1, 2000; WQC Number 3103 issued February 11, 1997; WQC Number 2732 issued May 1, 1992; WQC Number 2666 issued January 21, 1992; WQC Number 2177 issued November 5, 1987.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

WATER QUALITY GENERAL CERTIFICATION NO. 4141

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

- **NATIONWIDE PERMIT NUMBER 33 (TEMPORARY CONSTRUCTION, ACCESS AND DEWATERING)**

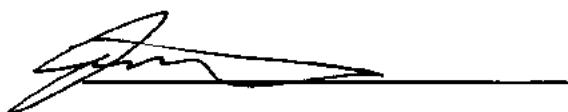
Water Quality Certification Number 4141 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (33) of the US Army Corps of Engineers regulations.

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

Effective date: December 1, 2017

Signed this day: December 1, 2017

By



for Linda Culpepper
Interim Director

Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the conditions of this Certification (listed below) cannot be met; or
- b) Any permanent fill into or modification of wetlands and/or waters; or
- c) Total temporary impacts to streams greater than 150 feet; or
- d) Total temporary impacts to wetlands greater than 0.10 acre; or
- e) Any stream relocation or stream restoration; or
- f) Complete dewatering and drawdowns to a sediment layer related to pond/dam maintenance or removal; or
- g) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
- h) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- i) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or
- j) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:
 - i. The activities are listed as "EXEMPT" from these rules; or
 - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
 - iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

1. For all dam removal projects meeting the definition under G.S. 143-215.25 and requirements under G.S. 143-215.27 of a professionally supervised dam removal, the applicant shall provide documentation that any sediment that may be released has similar or lower level of contamination than sediment sampled from downstream of the dam in accordance with Session Law 2017-145.

II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200].

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version

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of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]
8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing

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water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]

10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

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Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]
13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily

impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]

16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]
17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.
20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506(b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

GC4141

23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with your project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.
25. The applicant and their authorized agents shall conduct all 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 DWR determines that such standards or laws are not being met, including 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, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. 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 Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

GC4141

II. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.
3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.
5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the water or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4141 issued December 1, 2017 replaces WQC4094 issued March 3, 2017; WQC 3893 issued March 19, 2012; WQC Number 3688 issued November 1, 2007; WQC Number 3634 issued March 19, 2007; WQC Number 3366 issued March 18, 2002; WQC Number 3114 issued February 11, 1997; and WQC Number 2727 issued May 1, 1992.



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.

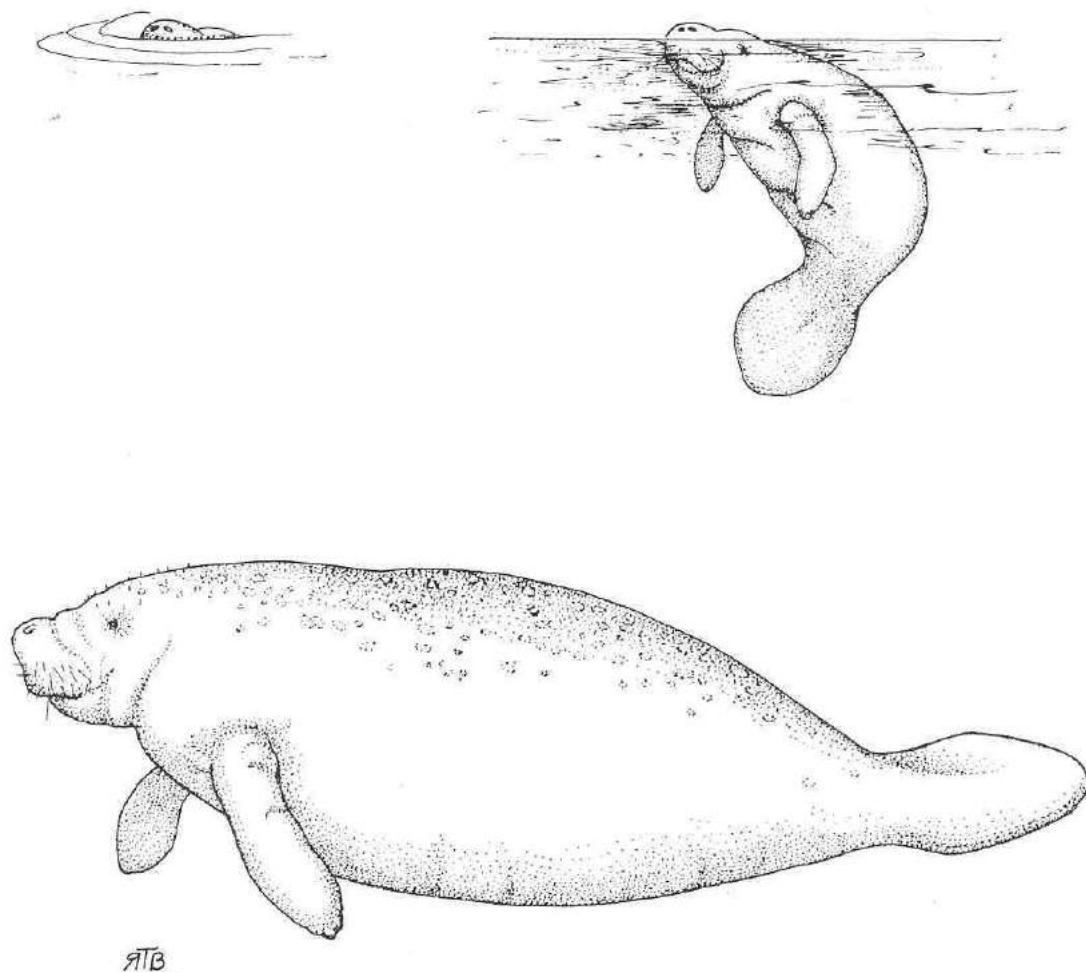
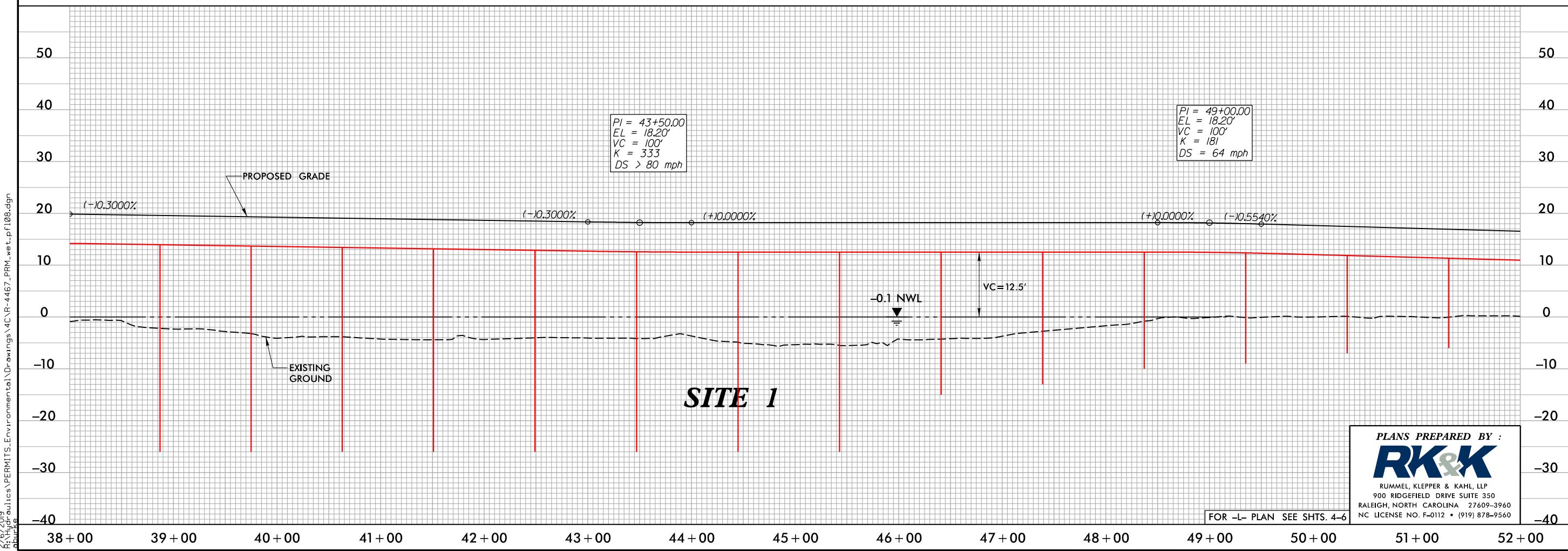
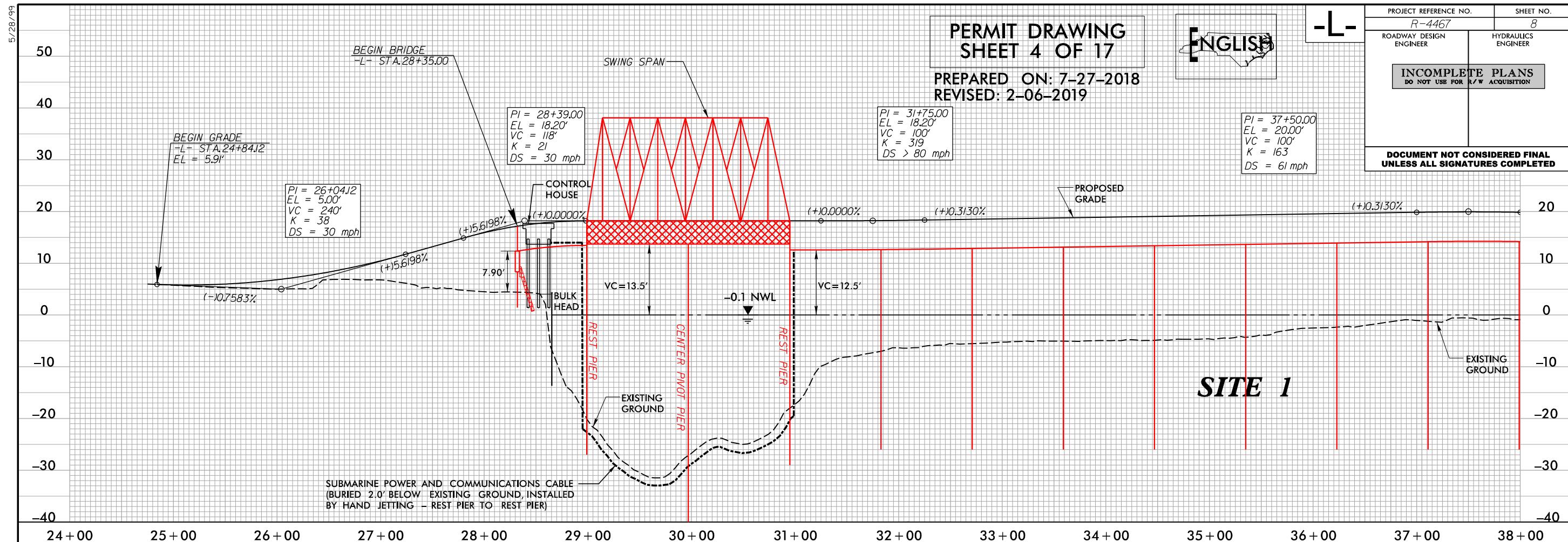
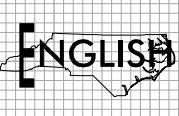
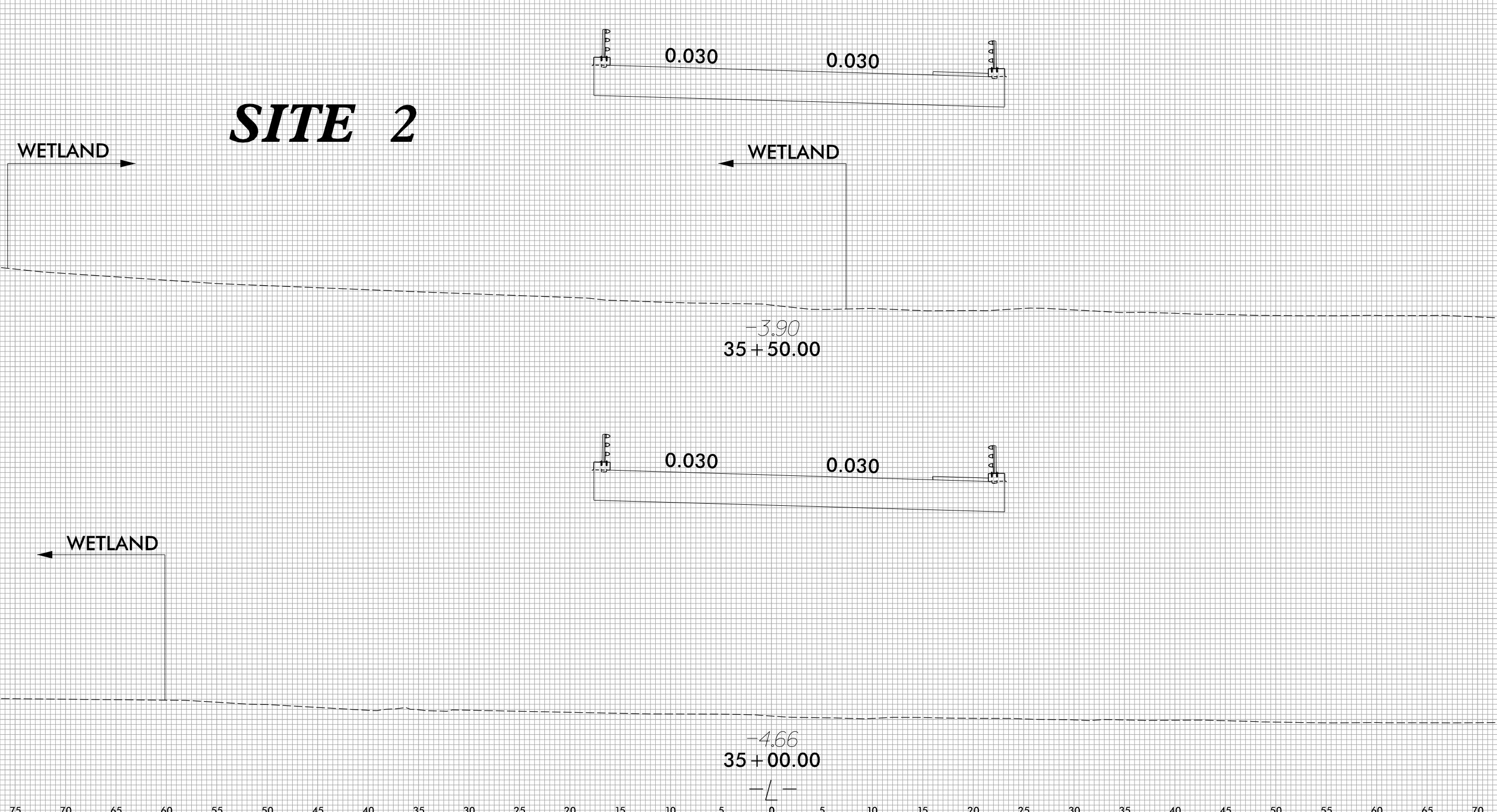


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I. A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-3. North Carolina State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



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PERMIT DRAWING
SHEET 6 OF 17PREPARED ON: 7-27-2018
REVISED: 9-11-2018

PERMIT DRAWING SHEET 7 OF 17



PROJECT REFERENCE NO.	SHEET NO.
R-4467	5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

**DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED**

MATCHLINE -L- STA. 51+00 SEE SHEET 6

PERMIT DRAWING SHEET 7 OF 17

SCALE

ENGLISH

LEGEND:

- [Hatched Box] DENOTES HAND CLEARING
- [Hatched Box] DENOTES TEMPORARY FILL IN WETLAND
- [Yellow Dashed Line] TEMPORARY STONE CAUSEWAY LIMITS

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED

PROJECT REFERENCE NO.: R-4467 **SHEET NO.:** 5
RW SHEET NO.: ROADWAY DESIGN ENGINEER **HYDRAULICS ENGINEER**

MATCHLINE -L- STA. 51+00 SEE SHEET 6

SEE ROADWAY PLANS FOR DECK DRAIN SPACING

PREPARED ON: 7-27-2018
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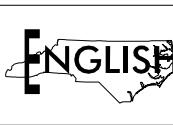
PLANS PREPARED BY: **RK&K**
 RUMMEL, KLEPPER & KAHL, LLP
 900 RIDGEFIELD DRIVE SUITE 350
 RALEIGH, NORTH CAROLINA 27609-3966
 NC LICENSE NO. F-0112 • (919) 878-9566

PREPARED ON: 7-27-2018
REVISED: 9-11-2018

SEE ROADWAY PLANS
FOR DECK DRAIN SPACING

PLANS PREPARED BY :
RK&K
RUMMEL, KLEPPER & KAHL, LLP
3900 RIDGEFIELD DRIVE SUITE 350
HIGH, NORTH CAROLINA 27609-3960
LICENSE NO. F-0112 • (919) 878-9560

PERMIT DRAWING SHEET 8 OF 17



HC HC DENOTES HAND CLEARING

1 1 DENOTES TEMPORARY FILL IN WETLAND

TEMPORARY STONE CAUSEWAY LIMITS

PROJECT REFERENCE NO.	SHEET NO.
R-4467	5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

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MATCHLINE -L- STA. 51 + 00 SEE SHEET 6

PERMIT DRAWING
SHEET 8 OF 17

SCALE

LEGEND:

- DENOTES HAND CLEARING**
- DENOTES TEMPORARY FILL IN WETLAND**
- TEMPORARY STONE CAUSEWAY LIMITS**

NAD 83/2011

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WE **WF** **WD** **WB** **WC** **WA**

SITE 2 **SITE 3** **SITE 4**

MATCHLINE -L- STA. 51+00 SEE SHEET 6

GRADE TO DRAIN

TEMPORARY STONE CAUSEWAY

TEMPORARY IMPACTS FOR CRANE TRESTLES, SEE IMPACT SUMMARY SHEET

SEE IMPACT SUMMARY SHEET FOR PILE IMPACTS

Bent #10 L- 37+11.00 **Bent #11 L- 37+99.00** **Bent #12 L- 38+87.00** **Bent #13 L- 39+75.00** **Bent #14 L- 40+63.00** **Bent #15 L- 41+51.00** **Bent #16 L- 42+49.00** **Bent #17 L- 43+47.00** **Bent #18 L- 44+45.00** **Bent #19 L- 45+43** **Bent #20 L- 46+41.00** **Bent #21 L- 47+39.00** **Bent #22 L- 48+37.00** **Bent #23 L- 49+35.00** **Bent #24 L- 50+33.00**

SEE ROADWAY PLANS FOR DECK DRAIN SPACING

PREPARED ON: 7-27-2018
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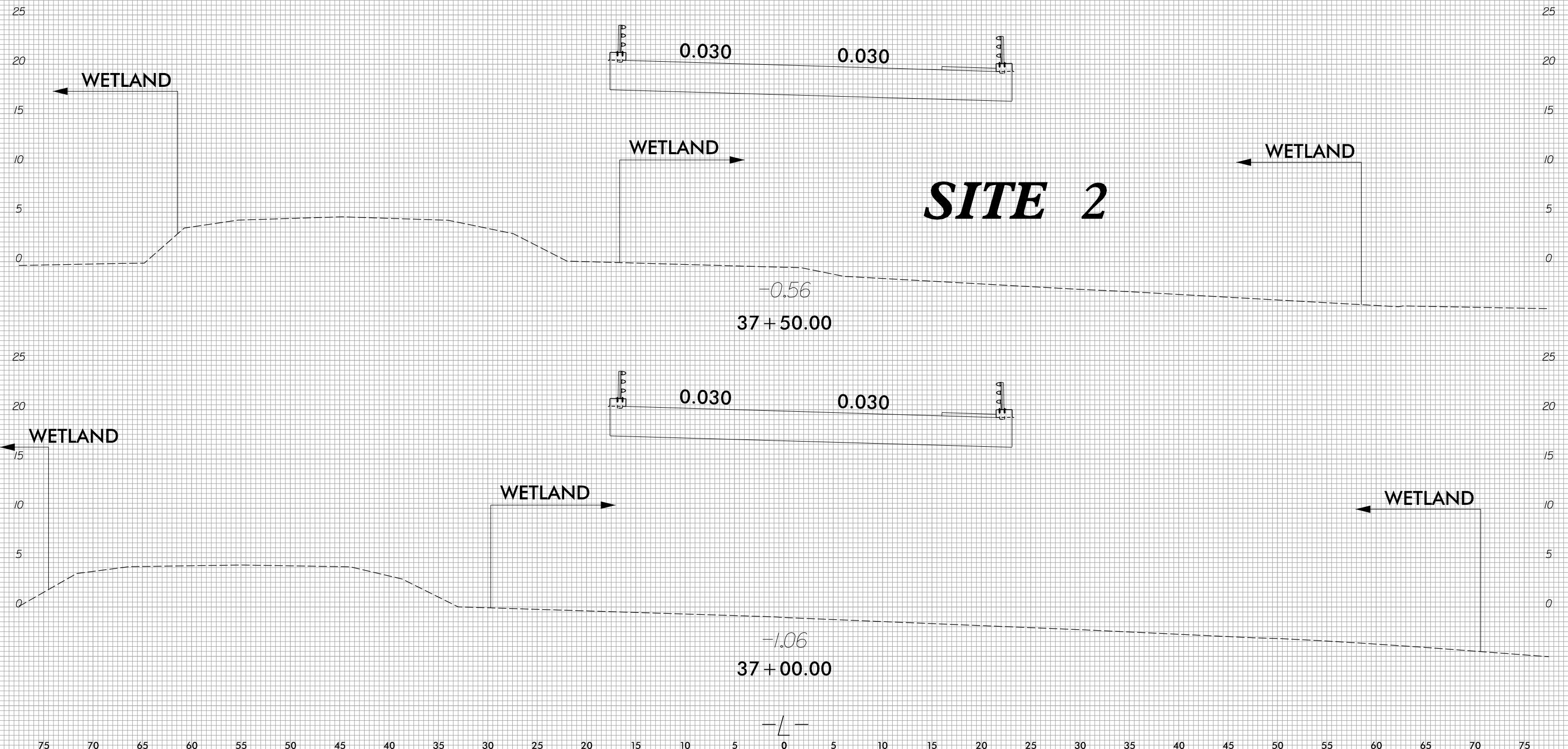
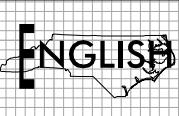
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900 RIDGEFIELD DRIVE SUITE 350
RALEIGH, NORTH CAROLINA 27609-3950
NC LICENSE NO. F-0112 • (919) 878-9500

PREPARED ON: 7-27-2018
REVISED: 9-11-2018

SEE ROADWAY PLANS
FOR DECK DRAIN SPACING

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RK&K
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100 RIDGEFIELD DRIVE SUITE 350
HIGH, NORTH CAROLINA 27609-3960
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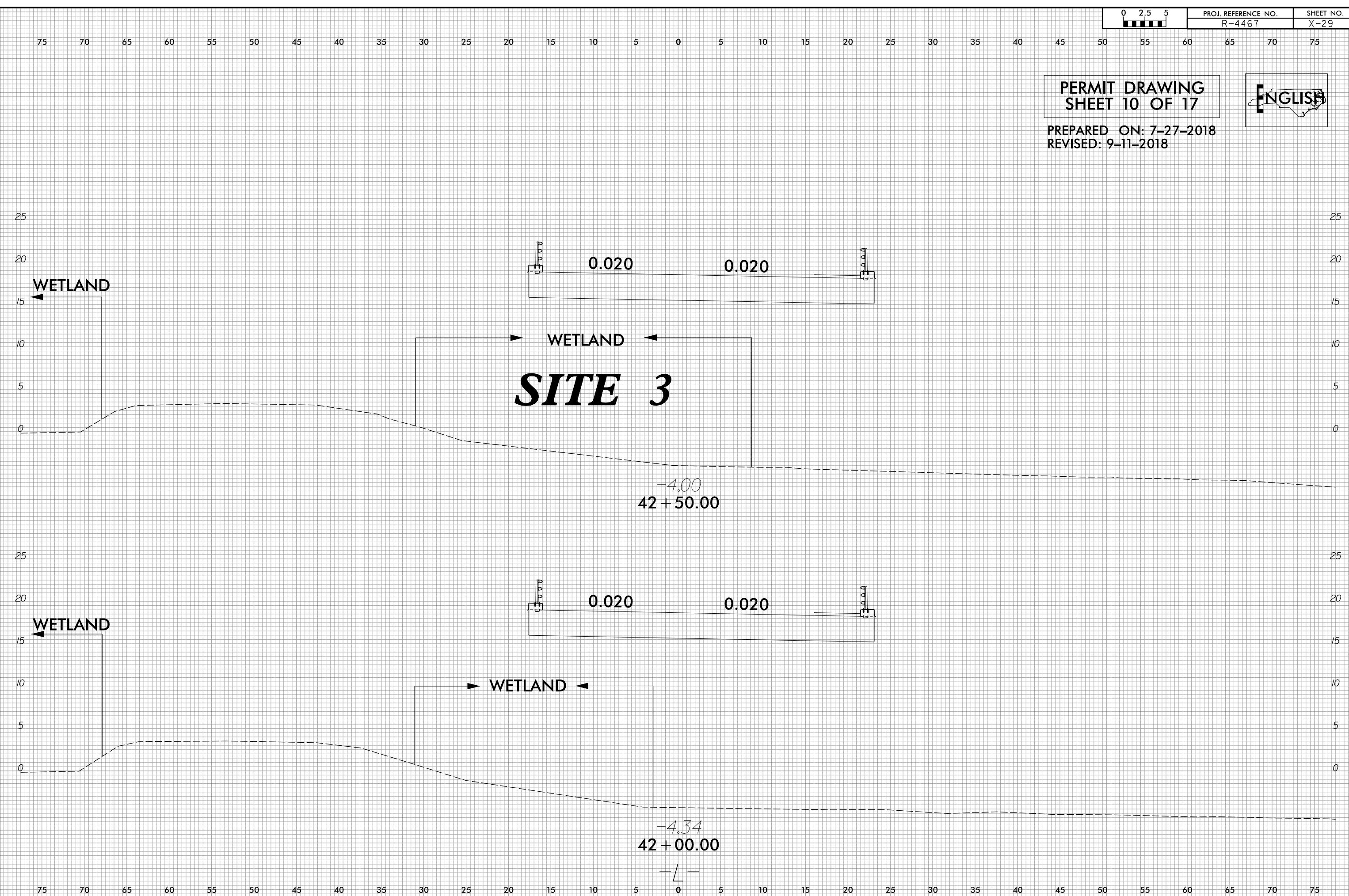
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REVISED: 9-11-2018

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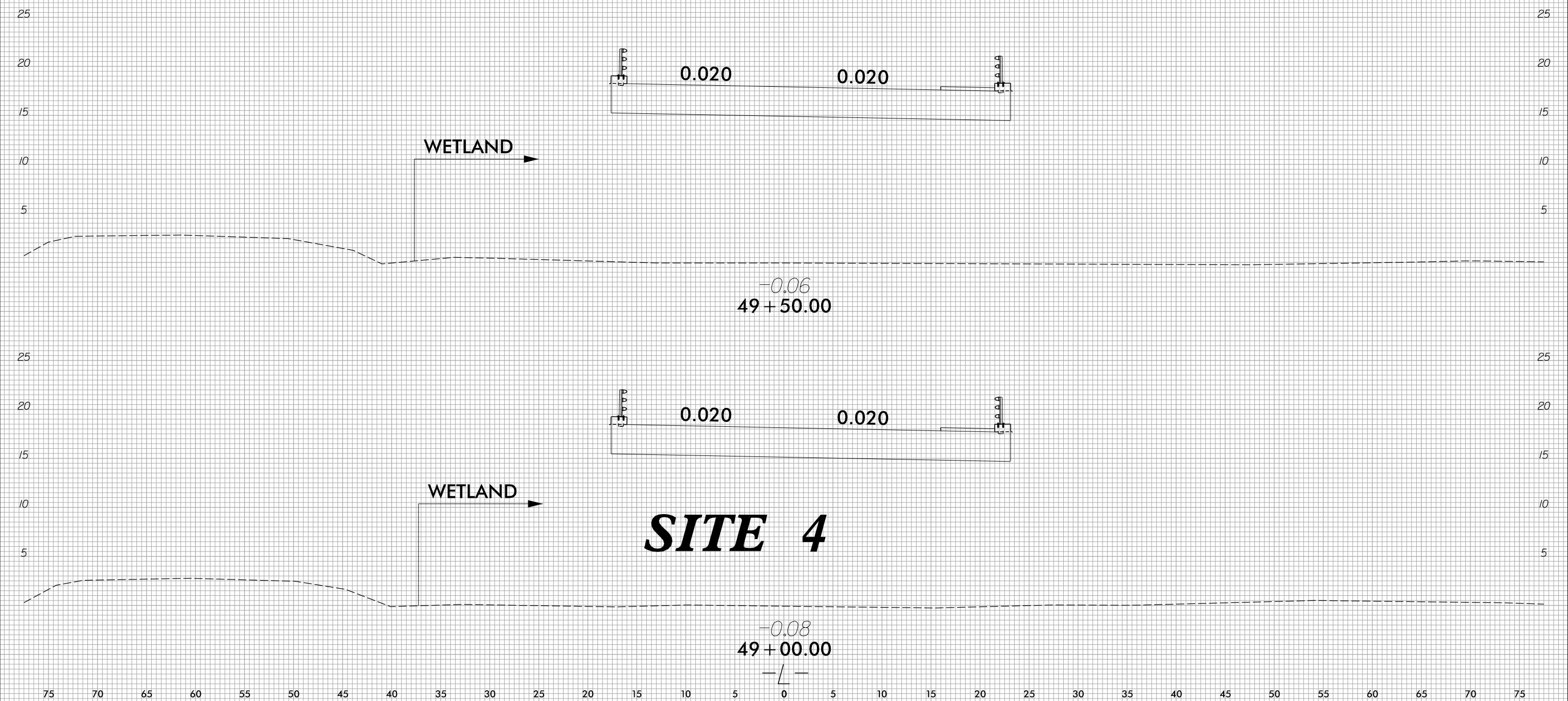
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PREPARED ON: 7-27-2018
REVISED: 9-11-2018



PERMIT DRAWING SHEET 11 OF 17

PREPARED ON: 7-27-2018
REVISED: 9-11-2018



PERMIT DRAWING
SHEET 14 OF 17PREPARED ON: 7-27-2018
REVISED: 9-11-2018

WETLAND

0.020

0.020

CAMA
WETLAND

WETLAND

0.10
54+00.00

SITE 4

WETLAND

0.020

0.020

WETLAND

0.27
53+50.00

WETLAND

0.020

0.020

WETLAND

0.27
53+00.00

-/-

PERMIT DRAWING
SHEET 15 OF 17PREPARED ON: 7-27-2018
REVISED: 9-11-2018**SITE 5A**

WETLAND

3.001:1

0.020

0.020

3.028:1

2.38
57 + 50.00

WETLAND

0.020

0.020

2.33
57 + 00.00

WETLAND

0.020

0.020

2.70
56 + 50.00

WETLAND

0.020

0.020

2.64
56 + 00.00

75 70 65 60 55 50 45 40 35 30 25 20 15 10 5 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75

PERMIT DRAWING
SHEET 16 OF 17PREPARED ON: 7-27-2018
REVISED: 9-11-2018

WETLAND

SITE 5B

3:1

0.60

0.020

8.14

0.020

3:1

59 + 50.00

3.001:1

0.020

2.65
59 + 00.00

0.020

3.002:1

1.86

3.001:1

0.020

0.020

2.93
58 + 50.00

3.041:1

1.71

3.001:1

0.020

0.020

2.60
58 + 00.00

3.041:1

1.56

—/—

WETLAND AND SURACE WATER IMPACTS 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 Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-L- 28+08 to 28+89	BULK HEAD AT PERQUIMANS RIVER						0.01	0.06			
	-L-28+32 to 55+23	BRIDGE - 29 SPANS: 1@67' (45" FLORIDA I-BEAM); 2@98' (SWING SPAN TRUSS); 12@88', 14@98' (54" FLORIDA I-BEAM); WITH 4' CAPS AND SLOPED ABUTMENTS ¹						0.02	0.01			
	-L- 29+32 to 29+95 LT	50'x50' COFFERDAM FOR PIVOT PIER DEMOLITION							0.06			
2	-L- 35+28 to 39+58	BRIDGE CONSTRUCTION BETWEEN BENTS #8 & 13 ²	< 0.01	< 0.01			0.49					
3	-L- 41+93 to 45+23	BRIDGE CONSTRUCTION BETWEEN BENTS #15 & 19 ³	< 0.01	< 0.01			0.21					
4	-L- 46+59 to 54+65	BRIDGE CONSTRUCTION BETWEEN BENTS #20 & END BENT ⁴	< 0.01	< 0.01			0.93					
		TEMPORARY STONE CAUSEWAY ⁵		0.28								
5A	-L- 54+68 to 57+64 LT	TEMPORARY STONE CAUSEWAY		0.12			0.08					
		FILL SLOPE & 18" PIPE OUTLET	0.05									
5B	-L- 59+45 LT	15" PIPE OUTLET	< 0.01				< 0.01					
TOTALS*:			0.06	0.40			1.71	0.03	0.13	0	0	0

*Rounded totals are sum of actual impacts

NOTES:

1. Permanent Surface Water Impacts for Piles: 833.2 sf
Temporary Surface Water Impacts for Piles: 527.2 sf
Temporary Surface Water Impacts for Moorings : 56.5 sf
Temporary Surface Water Impacts for Boat Landing : 1.8 sf
2. Permanent Fill in Wetland Impacts for Piles : 92 sf
Temporary Fill in Wetland Impact for Piles: 31 sf
3. Permanent Fill in Wetland Impacts for Piles : 34 sf
Temporary Fill in Wetland Impact for Piles: 22 sf
4. Permanent Fill in Wetland Impacts for Piles : 281 sf
Temporary Fill in Wetland Impact for Piles : 88 sf
Permanent Fill in CAMA Wetlands for Piles : 16 sf
5. Hand Clearing in CAMA Wetlands (Site 4) : 3014 sf

NC DEPARTMENT OF TRANSPORTATION

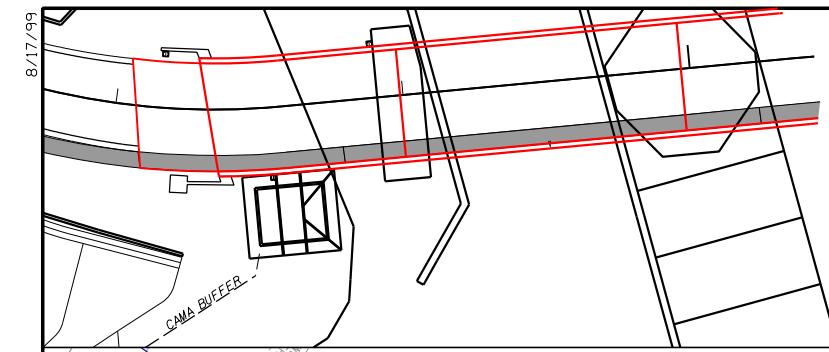
DIVISION OF HIGHWAYS

FEBRUARY 2019

PERQUIMANS

R-4467

35748.3.2

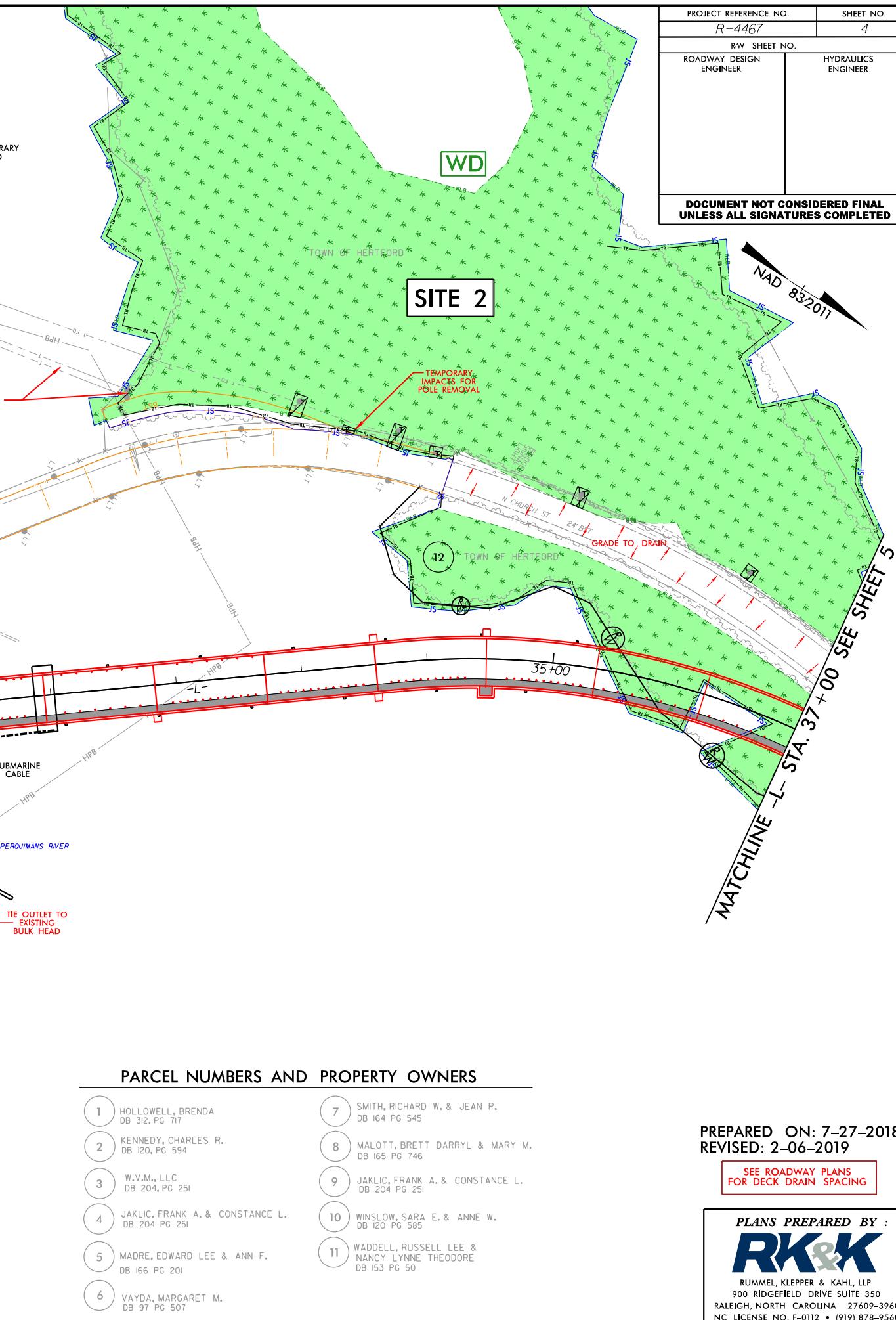


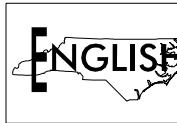
UTILITY
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SHEET 2 OF 8

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SCALE



PERQUIMANS RIVER
DENOTES TEMPORARY
FILL IN WETLAND

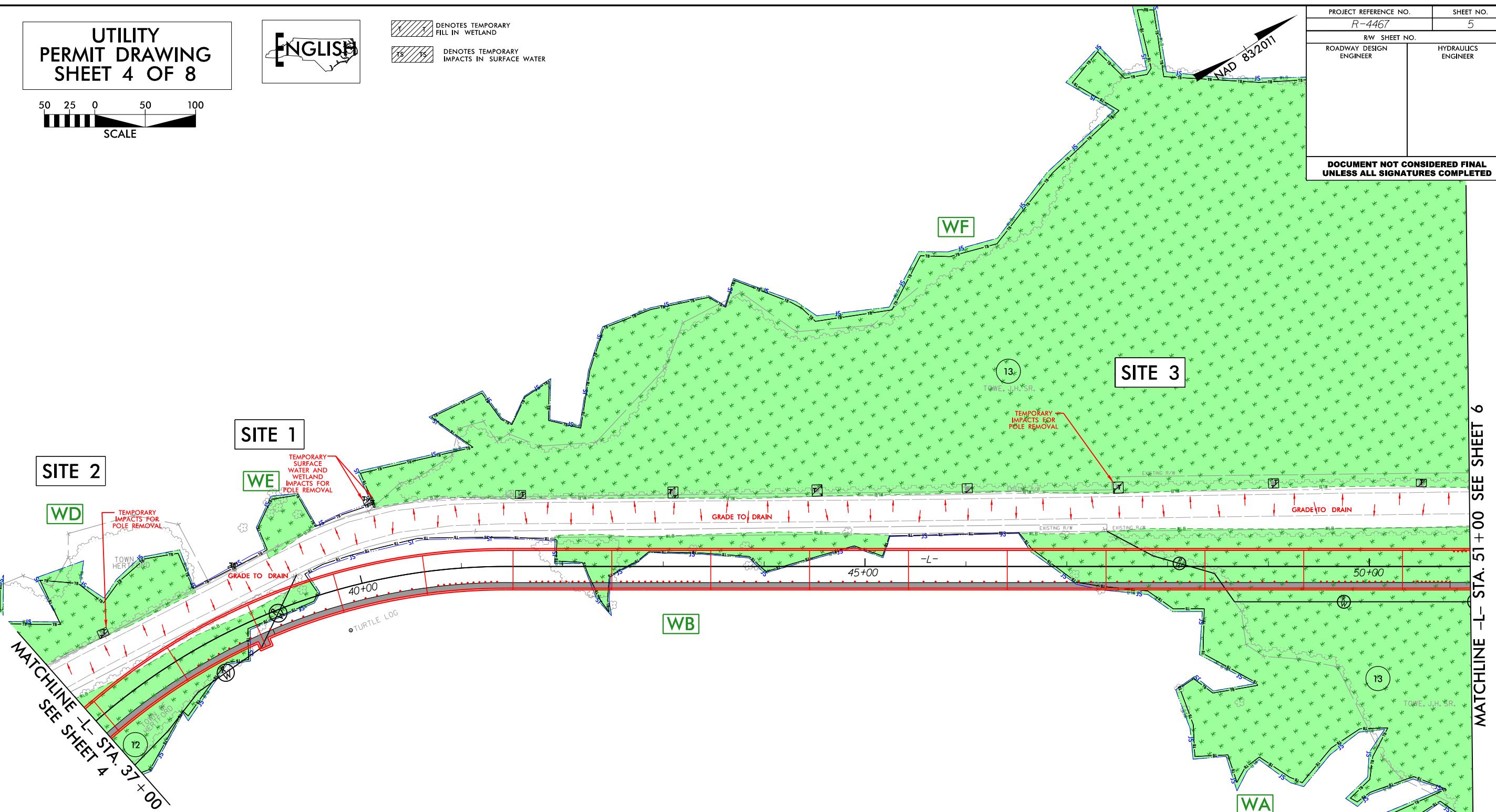


UTILITY
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SHEET 4 OF 8

DENOTES TEMPORARY
FILL IN WETLAND
 TS TS DENOTES TEMPORARY
IMPACTS IN SURFACE WATER

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SCALE

PROJECT REFERENCE NO.	SHEET NO.
R-4467	5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

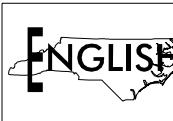
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PREPARED ON: 7-27-2018
REVISED: 9-11-2018

SEE ROADWAY PLANS
FOR DECK DRAIN SPACING

PLANS PREPARED BY:
RK&K
 RUMMEL, KLEPPER & KAHL, LLP
 900 RIDGEFIELD DRIVE SUITE 350
 RALEIGH, NORTH CAROLINA 27609-3960
 NC LICENSE NO. F-0112 • (919) 878-9560

UTILITY
PERMIT DRAWING
SHEET 5 OF 8



PROJECT REFERENCE NO.	SHEET NO.
R-4467	5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

**DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED**

MATCHLINE -L- STA. 51 + 00 SEE SHEET 6

PREPARED ON: 7-27-2018
REVISED: 9-11-2018

**SEE ROADWAY PLANS
FOR DECK DRAIN SPACING**

PLANS PREPARED BY :

PLANS PREPARED BY:
RK&K
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10 RIDGEFIELD DRIVE SUITE 350
B, NORTH CAROLINA 27609-3939
PHONE NO. F-0112 • (919) 878-9511

WETLAND AND SURFACE WATER IMPACTS SUMMARY FROM UTILITIES

*Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

FEBRUARY 2019

PERQUIMANS

R-4467

35748.3.2

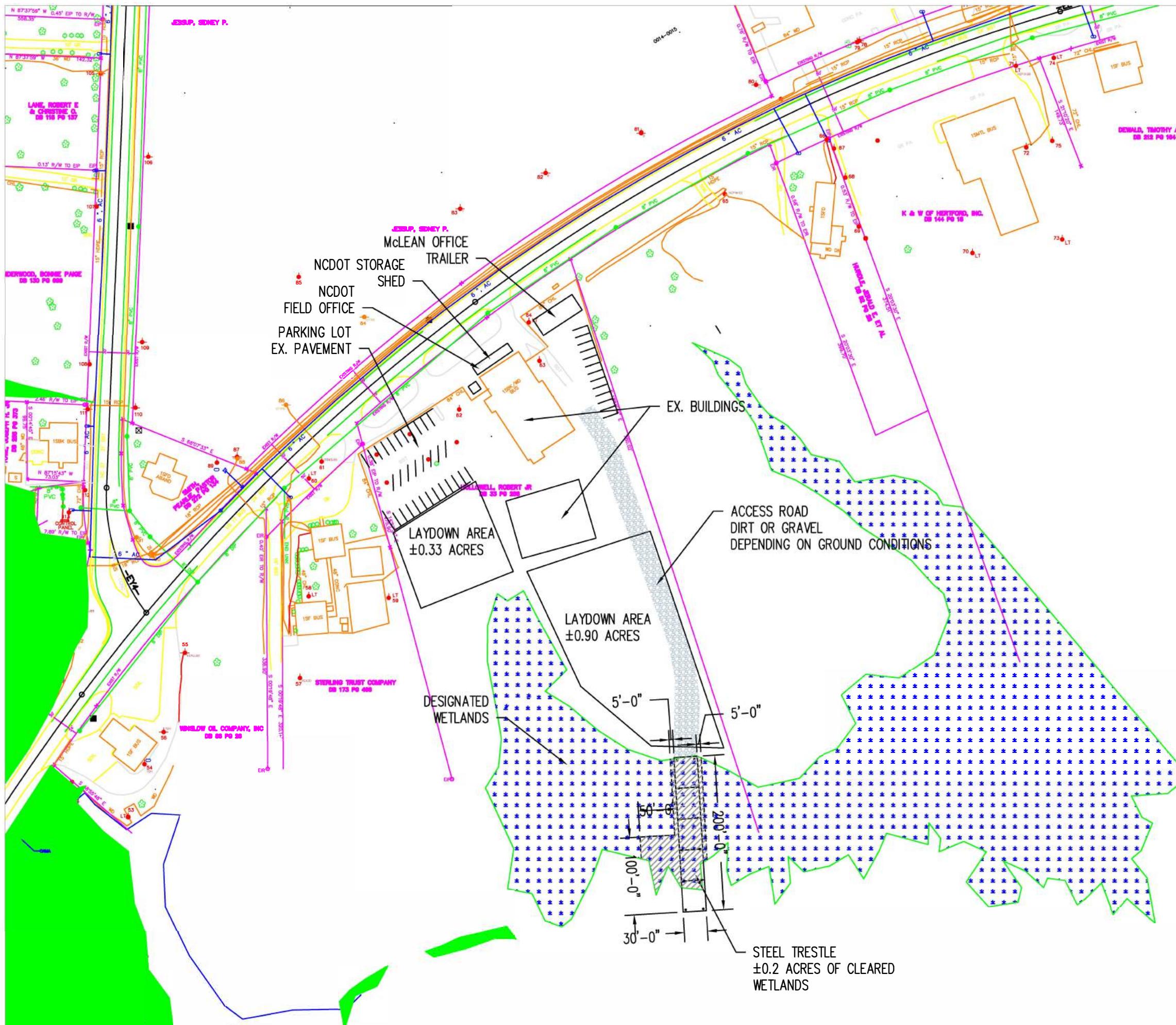


Figure 1

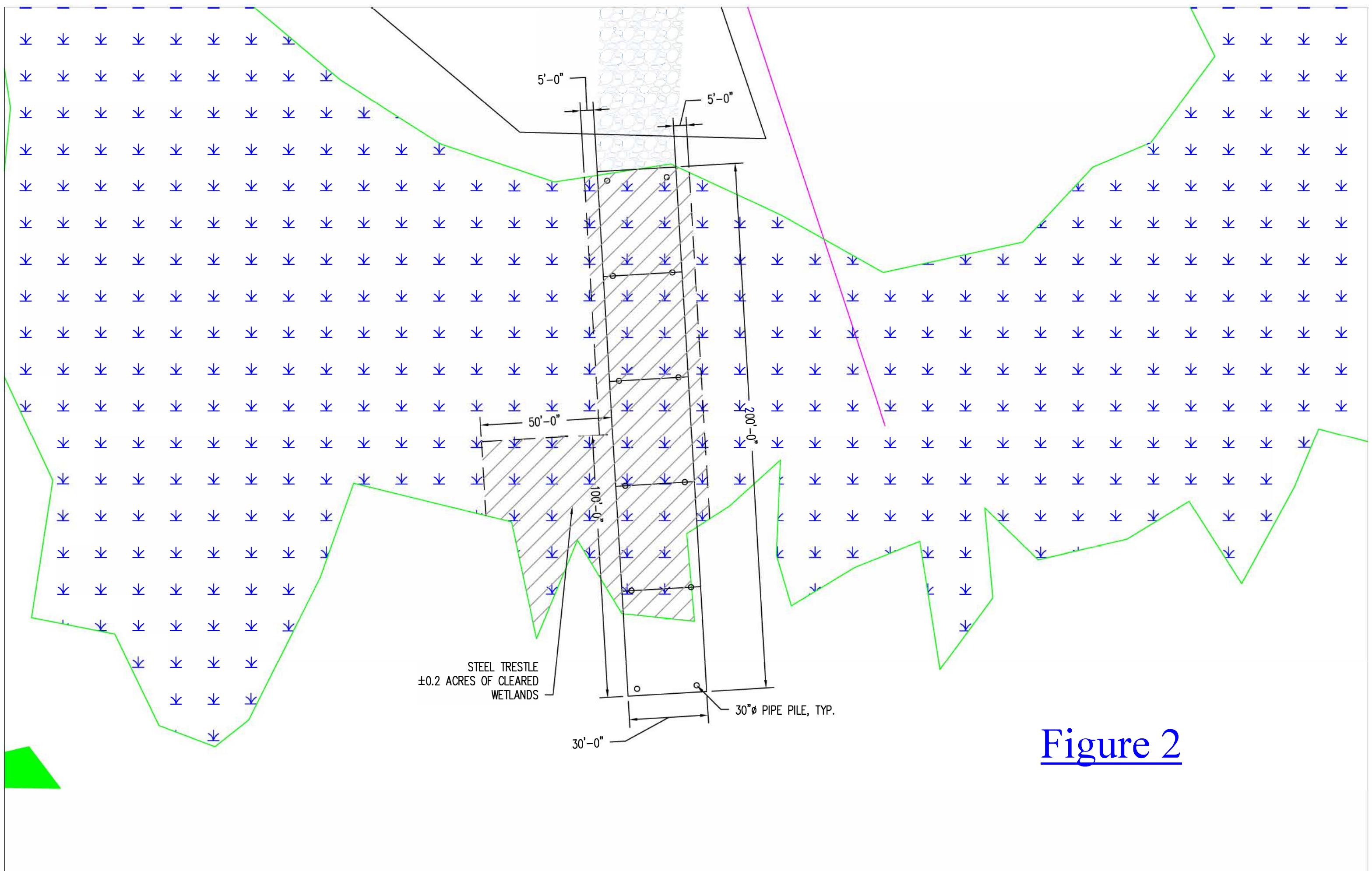
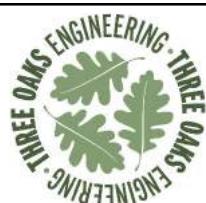


Figure 2



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
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Prepared For:



US 17 Business / NC 37
Replacement of Bridge No. 8
TIP No. R-4467
Laydown Yard Location Analysis
Perquimans County, North Carolina

Date: July 2019
Scale: 0 500 1,000 Feet
Job No.: 17-107
Drawn By: NMS Checked By: MGW

Figure
3



16591
31 DEC 2019

Mr. Jason Dilday
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Mr. Dilday:

Enclosed is Coast Guard Bridge Permit (6-19-5) dated December 31, 2019, approving the proposed construction of the highway drawbridge – Bridge No. 8 (US 17 BUS/NC 37) across Perquimans River, mile 12.0, at Hertford, Perquimans County, NC. The following stipulations shall be adhered to:

- a. The contractor shall submit the plans and schedule of operation for approval at least 45 days prior to commencement of work in the waterway. One copy of such information shall be submitted concurrently to this office at the address above and Commander, U. S. Coast Guard Sector North Carolina, 721 Medical Center Drive, Wilmington, NC 28401-7596. The information shall include a sketch of the waterway; the bridge; the location of any restrictions that will be placed in the waterway such as barges, anchors, and anchor lines; the location and height above mean high water and detailed description of any scaffolding or netting; and a detailed description indicating the placement, type and dimension of any cofferdams, if used. The schedule should also include the hours of operation and whether the equipment will be moved at night. No deviation from the approved plans and schedule of operation may be made unless the modification has previously been submitted to and approved by the Coast Guard. The contractor shall submit to this office a copy of all correspondence with the Coast Guard concerning this project.
- b. The contractor shall comply with all provisions of the Navigation Rules International - Inland, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.
- c. At no time during the work will the waterway be closed to navigation without prior approval from the Coast Guard. The bridge owner or contractor is required to maintain close and regular contact with Coast Guard Sector North Carolina at (910) 772-2230 or Brittany.S.Akers@uscg.mil to keep them informed of activities on the waterway.
- d. Barges that are used in the waterway during the project must be marked. Enclosure (2) outlines temporary marking and lighting requirements for barges and structures not part of the bridge that will be used during construction. If barge or float anchor lines are used, they must be marked by buoys, which should be lighted. If you should have any questions, regarding lights on the barges or work floats, please contact the Chief, Waterways Management Section, at (757) 398-6230. Floating equipment shall have a radiotelephone capable of operation from its main

control station in accordance with Part 26 of Title 33, Code of Federal Regulations and shall be monitored during all periods the floating equipment is on station.

e. During the progress of work, while the channel is in operation, should any material, machinery or equipment be lost, dumped, thrown overboard, sunk or misplaced which may be dangerous to or obstruct navigation, immediate notice shall be given to the Coast Guard and the object removed with the utmost dispatch. Until removal can be effected, the objects shall be properly marked in order to protect navigation. Notice to the Coast Guard shall give a description and location of any such object and the action taken or being taken to protect navigation. Except as shown on the plans, no dredging, excavation, filling, rip-rap, or other work affecting the bottoms, shall be done in conjunction with this work.

f. If during the periods of construction, permanent lighting cannot be maintained operable, the fenders of each pier shall be marked with a battery or power operated white light of not less than 60 flashes per minute and visible for a range of 2,000 yards on 90% of the nights of the year. Generally, a lamp of 20-candle power will meet these requirements. If necessary to obtain the coverage required, a light or lights on the upstream and downstream sides shall be installed. The piers shall be so marked until the construction has been completed and permanent navigational lighting has been installed and determined to be operating satisfactorily. Written approval from the Coast Guard of temporary lighting during periods of construction is required. No existing bridge navigation lights shall be impaired or blocked during darkness or periods of reduced visibility.

g. Compliance with the requirements stated herein does not relieve the bridge owner or contractor of the obligation or responsibility for compliance with the provisions of any other law or regulation, as may be under the jurisdiction of any other federal, state or local authority having cognizance over any aspect of the location, construction or maintenance of the authorized structure. The Coast Guard can levy monetary civil penalties for violations of bridge statutes and regulations.

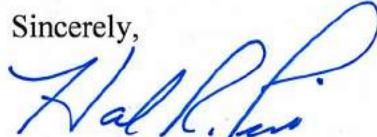
h. In accordance with Title 33 Code of Federal Regulations Part 118.25 – Application procedure, approval of lights and other signals required shall be obtained prior to construction. Application shall be by letter accompanied by duplicate sets of drawings showing (1) the plan and elevation of the structure showing lights and signals proposed, and (2) a small scale vicinity chart showing the proposed bridge and all other bridges within 1,000 feet above or below the proposed bridge.

i. Upon completion of the proposed project, an inspection of the waterway bottom shall be performed to ensure that all construction waste materials have been completely removed. Certification will be required in writing by a licensed engineer or licensed surveyor that the waterways have not been impaired and that all construction related debris has been cleared from it. The certification shall include the actual method(s) used to conduct the inspection. The contractor shall remove any bridge related debris, resulting from the current or prior work or occurrences, discovered during this survey.

j. Upon completion of the bridgework, a responsible official of the bridge owner or a licensed surveyor or registered professional engineer shall submit to this office certified as-built drawings or certification of the following:

- (1) Bridge name
- (2) Action type (new construction, modification, relocation, (fixed/draw), etc.)
- (3) Dates (commenced and completed)
- (4) Location (latitude and longitude at bridge center and centerline of channel, statute miles above mouth of waterway, and bridge or causeway orientation or geographic positions of approaches)
- (5) Type of bridge (fixed, vertical lift, bascule, suspension, swing, trestle, pontoon, etc.)
- (6) Navigation clearances (vertical at mean high water and horizontal)
(Moveable – vertical at mean high water in open and closed positions)
- (7) Whether or not the bridge is fitted with clearance gauges
- (8) Whether or not the bridge has pier protection and/or fender system.
- (9) Type of land traffic (highway, railroad, pedestrian, pipeline, etc.)

This office shall be notified immediately upon completion of the project. If you should have any questions regarding this matter, please contact Mr. Hal R. Pitts, project officer, at the above listed address or telephone number.

Sincerely,


HAL R. PITTS
Bridge Program Manager
By direction

Encl: (1) Bridge Permit (6-19-5) dated December 31, 2019
(2) Coast Guard Bridge Lighting & Other Signals

Copy: Commander, Fifth Coast Guard District (dpw)
Commander, Coast Guard Sector North Carolina, Waterways Management
Sladjana Maksimovic, National Ocean Service (NOS)
U. S. Army Corps of Engineers, Wilmington District
Federal Highway Administration, Raleigh, NC Division

LIGHTING REQUIREMENTS FOR BARGES AND STRUCTURES NOT PART OF A BRIDGE OR APPROACH STRUCTURE

33 CFR 83.30 Lights on barges.

(h) The following barges shall display at night and if practicable in periods of restricted visibility the lights described in paragraph (b) of this section:

- (1) Every barge projecting into a buoied or restricted channel.
- (2) Every barge so moored that it reduces the available navigable width of any channel to less than 80 meters.
- (3) Barges moored in groups more than two barges wide or to a maximum width of over 25 meters.
- (4) Every barge not moored parallel to the bank or dock.

(i) Barges described in paragraph (h) of this section shall carry two unobstructed all-round white lights of an intensity to be visible for at least 1 nautical mile and meeting the technical requirements as prescribed in Annex I (33 CFR part 84).

(j) A barge or group of barges at anchor or made fast to one or more mooring buoys or other similar device, in lieu of the provisions of Inland Navigation Rule 30, may carry unobstructed all-round white lights of an intensity to be visible for at least 1 nautical mile that meet the requirements of Annex I (33 CFR part 84) and shall be arranged as follows:

- (i) Any barge that projects from a group formation shall be lighted on its outboard corners.
- (ii) On a single barge moored in water where other vessels normally navigate on both sides of the barge, lights shall be placed to mark the corner extremities of the barge.
- (iii) On barges moored in group formation, moored in water where other vessels normally navigate on both sides of the group, lights shall be placed to mark the corner extremities of the group.

(k) The following are exempt from the requirements of this Rule:

- (1) A barge or group of barges moored in a slip or slough used primarily for mooring purposes.
- (2) A barge or group of barges moored behind a pier head.
- (3) A barge less than 20 meters in length when moored in a special anchorage area designated in accordance with §109.10 of this chapter.

33 CFR 118.95 Lights on structures not part of a bridge or approach structure.

Lights on sheer booms, isolated piers, obstructions, and other structures not part of a bridge or approach structure must meet the requirements for aids to navigation in Subpart 66.01 of Part 66 of this chapter.



31 DEC 2019

BRIDGE PERMIT

(6-19-5)

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. §§ 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Homeland Security has delegated the authority of Section 502(b) of that act to the Commandant, U.S. Coast Guard by Department of Homeland Security Delegation Number: 0170.1;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the - **STATE OF NORTH CAROLINA** - has submitted for approval the location and plans of a bridge to be constructed across the Perquimans River at Hertford, North Carolina;

NOW THEREFORE, This is to certify that the location and plans dated 8 November 2019 are hereby approved by the Commandant, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commandant.

2. The construction of falsework, pilings, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the Commander, Fifth Coast Guard District, prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 180 days after the bridge has been opened to traffic.

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or

regulation as may be under the jurisdiction of the U.S. Department of the Interior, Fish and Wildlife Service; State of North Carolina, Department of Environmental Quality: Division of Coastal Resources; or any other Federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

4. The bridge protective system shall be constructed and maintained as shown on the approved plan sheets 1, 2, 3, 4, and 9 (of 9) dated 8 November 2019 for the safety of navigation.

5. Clearance gauges shall be installed and maintained in a good and legible condition by and at the expense of the owner of the bridge. The type of gauges and the locations in which they are to be installed will be submitted to the District Commander for approval.

6. All parts of the existing to-be-replaced Bridge No. 8 (US 17 Business/NC 37) Bridge across the Perquimans River, mile 12.0, not utilized in the new bridge shall be removed in their entirety. If piles cannot be completely removed because they break apart during extraction, they shall be removed to a depth of four feet below the existing mud line or natural ground line. The waterway shall be cleared to the satisfaction of the District Commander. A period of 180 days subsequent to the opening to traffic of the new bridge, mile 12.0, will be allowed for such removal and clearance.

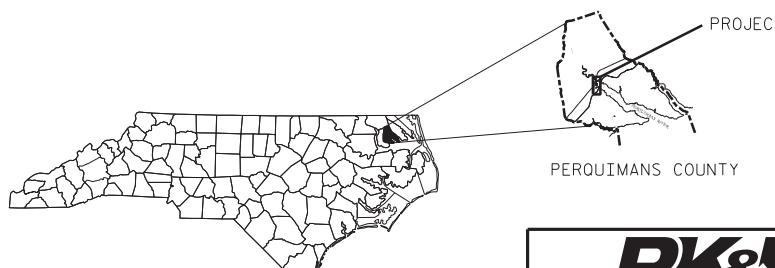
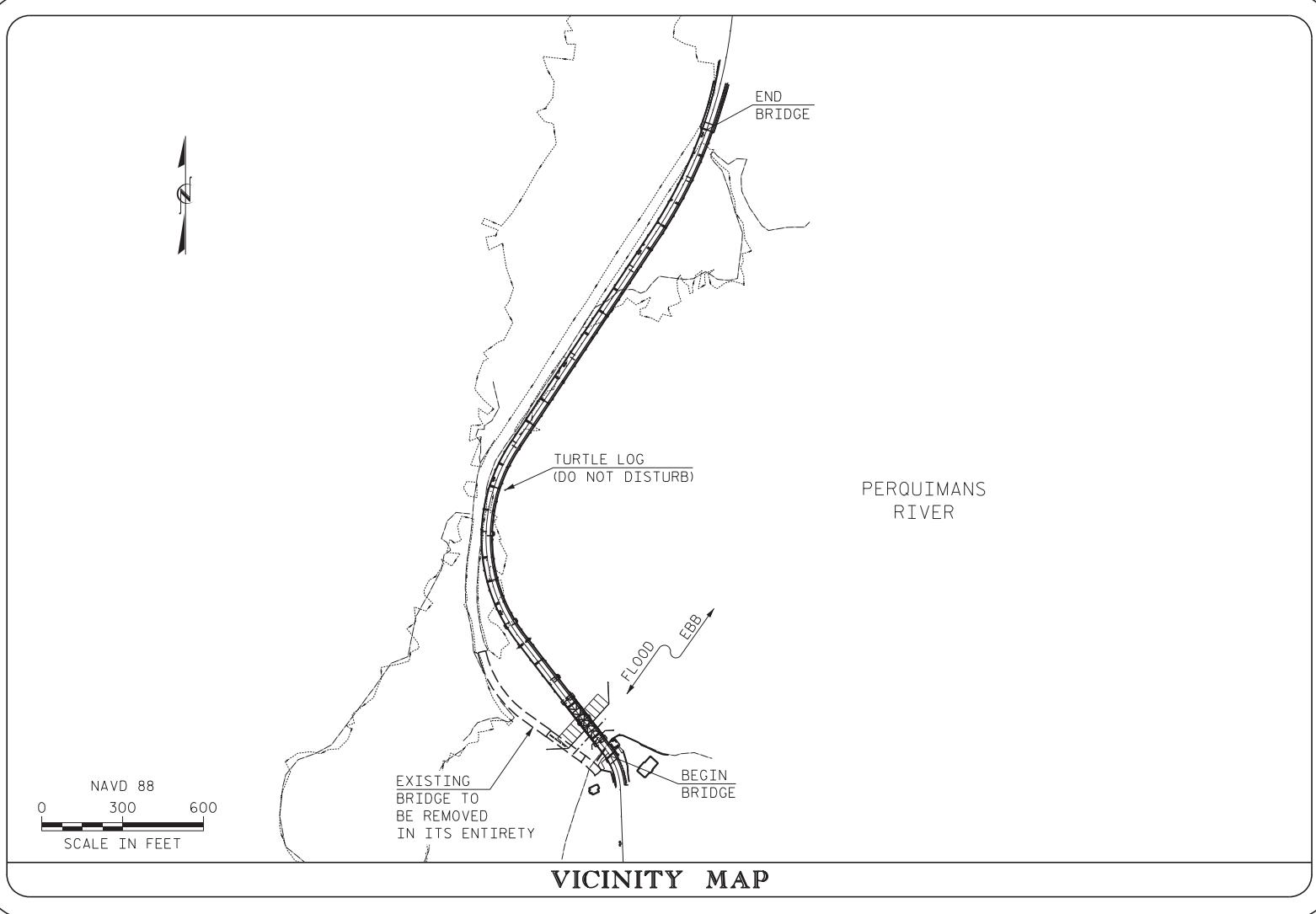
7. In-water construction activities associated with this project shall cease in their entirety from February 15 to June 30 of each year that work on the project continues. Once cofferdams and/or caissons are installed, activities can occur inside the cofferdams/caissons at any time. This moratorium is intended to preclude disruption of fish migration and to keep fishery resource harms and losses to a minimum.

8. When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

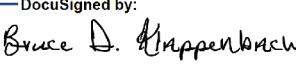
9. The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.



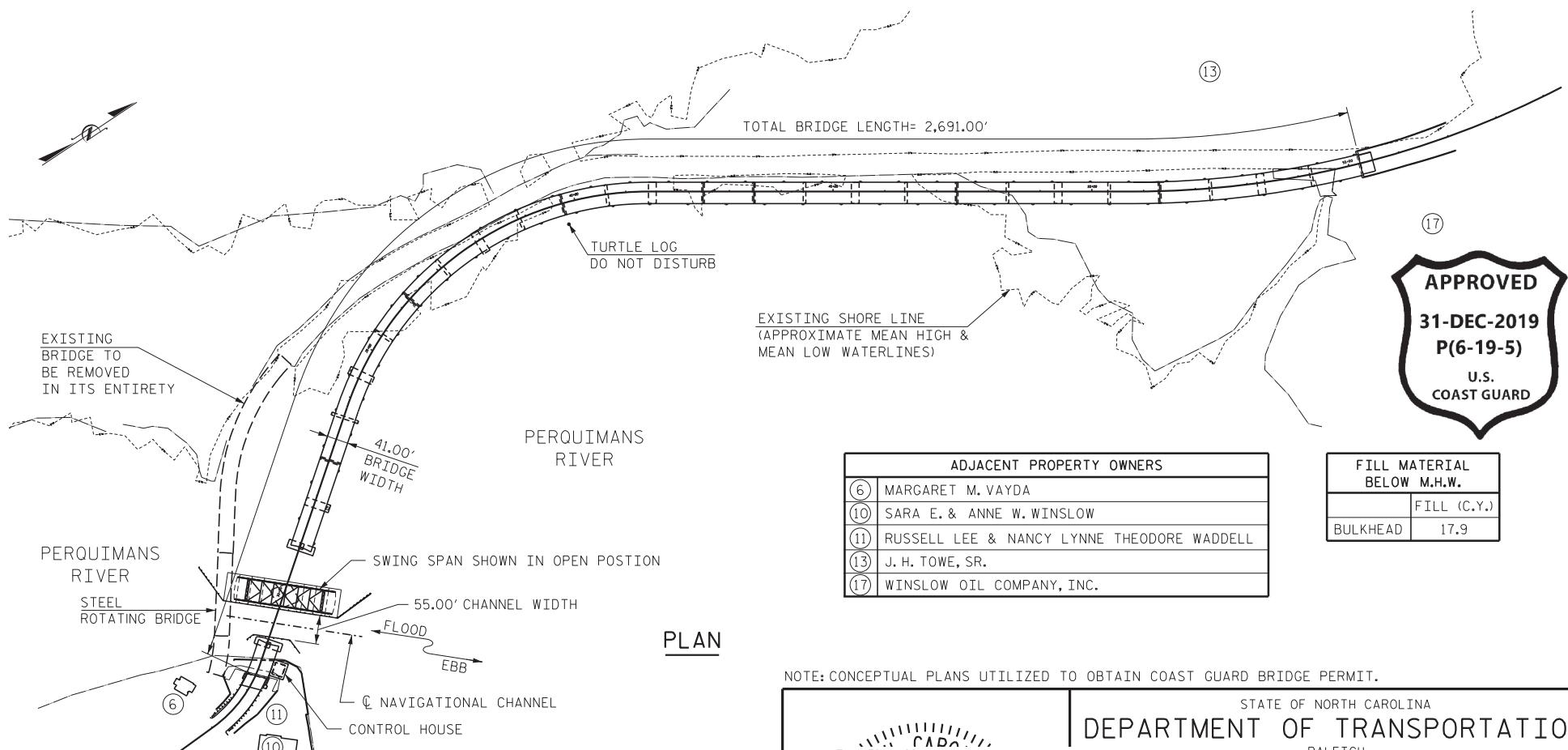
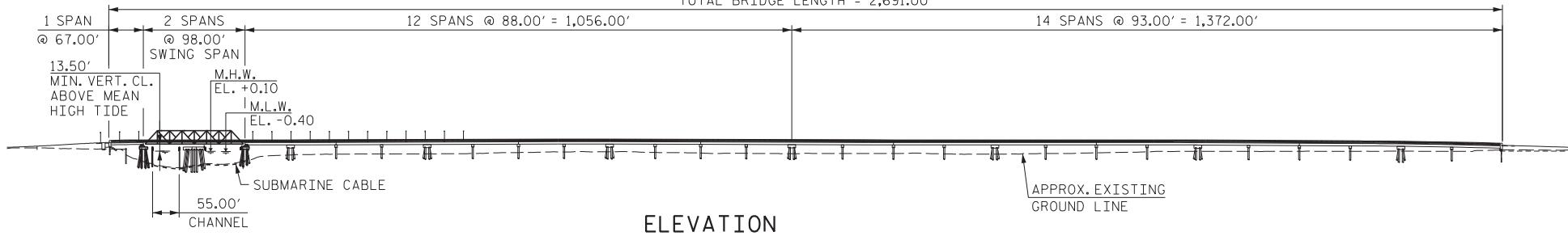
Brian L. Dunn
Chief, Office of Bridge Programs
U.S. Coast Guard
By direction of the Commandant



RK&K
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900 RIDGEFIELD DRIVE SUITE 350
RALEIGH, NC 27609-3960 (919) 878-9560
NC LICENSE NUMBER: F-0112

<p>NOTE: CONCEPTUAL PLANS UTILIZED TO OBTAIN COAST GUARD BRIDGE PERMIT.</p> <p>DocuSigned by:  B99E8616622640B... SEAL 15825 BRUCE D. KLAPPENBACH 11/8/2019</p>		<p>STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RALEIGH BRIDGE NO. 8 US 17 BUS/NC37 OVER PERQUIMANS RIVER AT HERTFORD, PERQUIMANS, NORTH CAROLINA LOCATED 12.0 MILES FROM MOUTH OF PERQUIMANS RIVER</p>
<p>VICINITY MAP</p> <p>DATE: 11/08/2019</p> <p>SHEET 1 OF 9</p>		

TOTAL BRIDGE LENGTH = 2,691.00'



ADJACENT PROPERTY OWNERS	
(6)	MARGARET M. VAYDA
(10)	SARA E. & ANNE W. WINSLOW
(11)	RUSSELL LEE & NANCY LYNNE THEODORE WADDELL
(13)	J. H. TOWE, SR.
(17)	WINSLOW OIL COMPANY, INC.

FILL MATERIAL BELOW M.H.W.	
BULKHEAD	FILL (C.Y.) 17.9

NOTE: CONCEPTUAL PLANS UTILIZED TO OBTAIN COAST GUARD BRIDGE PERMIT.

STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

RALEIGH

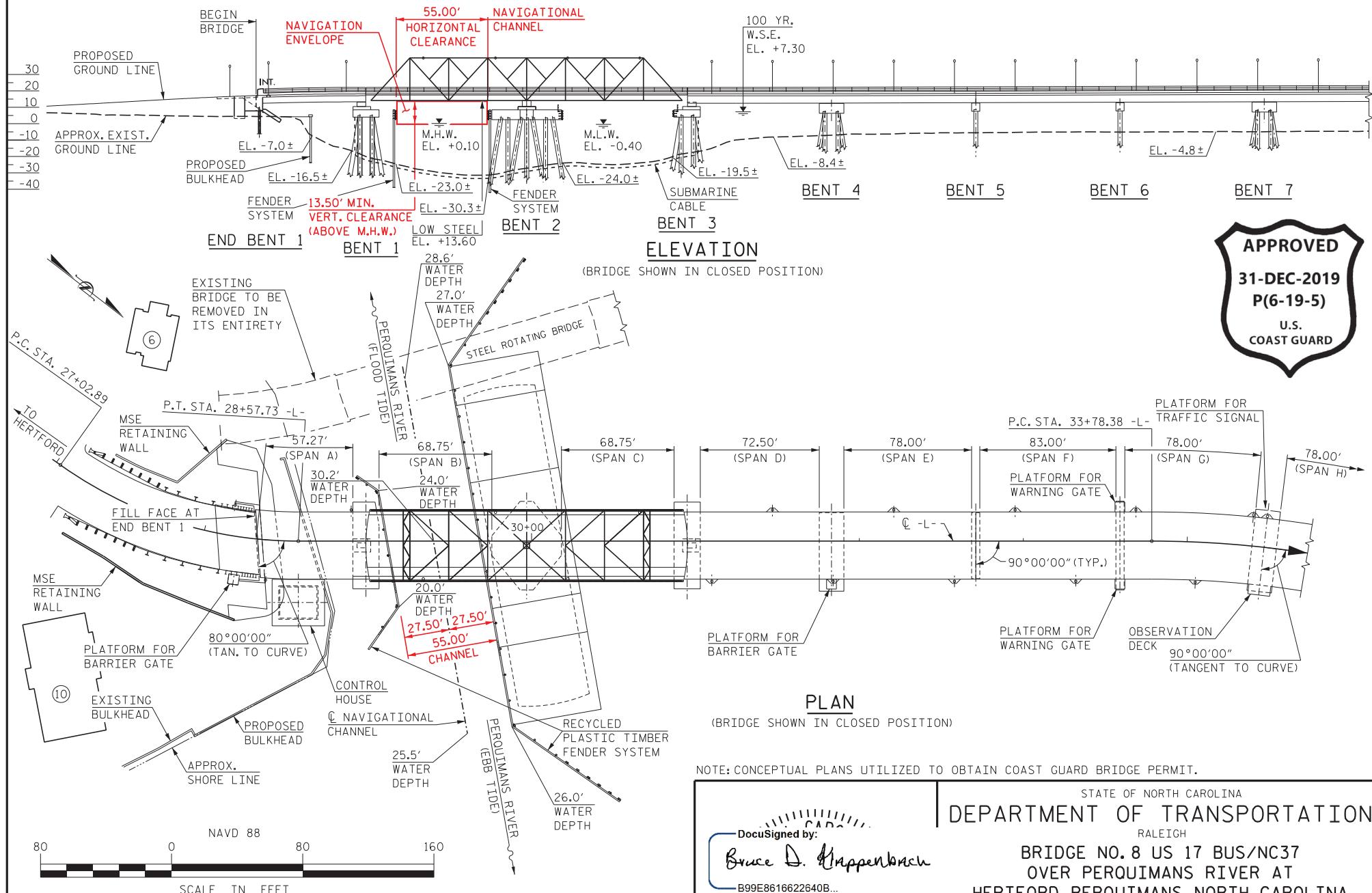
BRIDGE NO. 8 US 17 BUS/NC37
OVER PERQUIMANS RIVER AT
HERTFORD, PERQUIMANS, NORTH CAROLINA
LOCATED 12.0 MILES FROM
MOUTH OF PERQUIMANS RIVER

PLAN AND ELEVATION

DATE: 11/08/2019

SHEET 2 OF 9

28+00 29+00 30+00 31+00 32+00 33+00 34+00 35+00



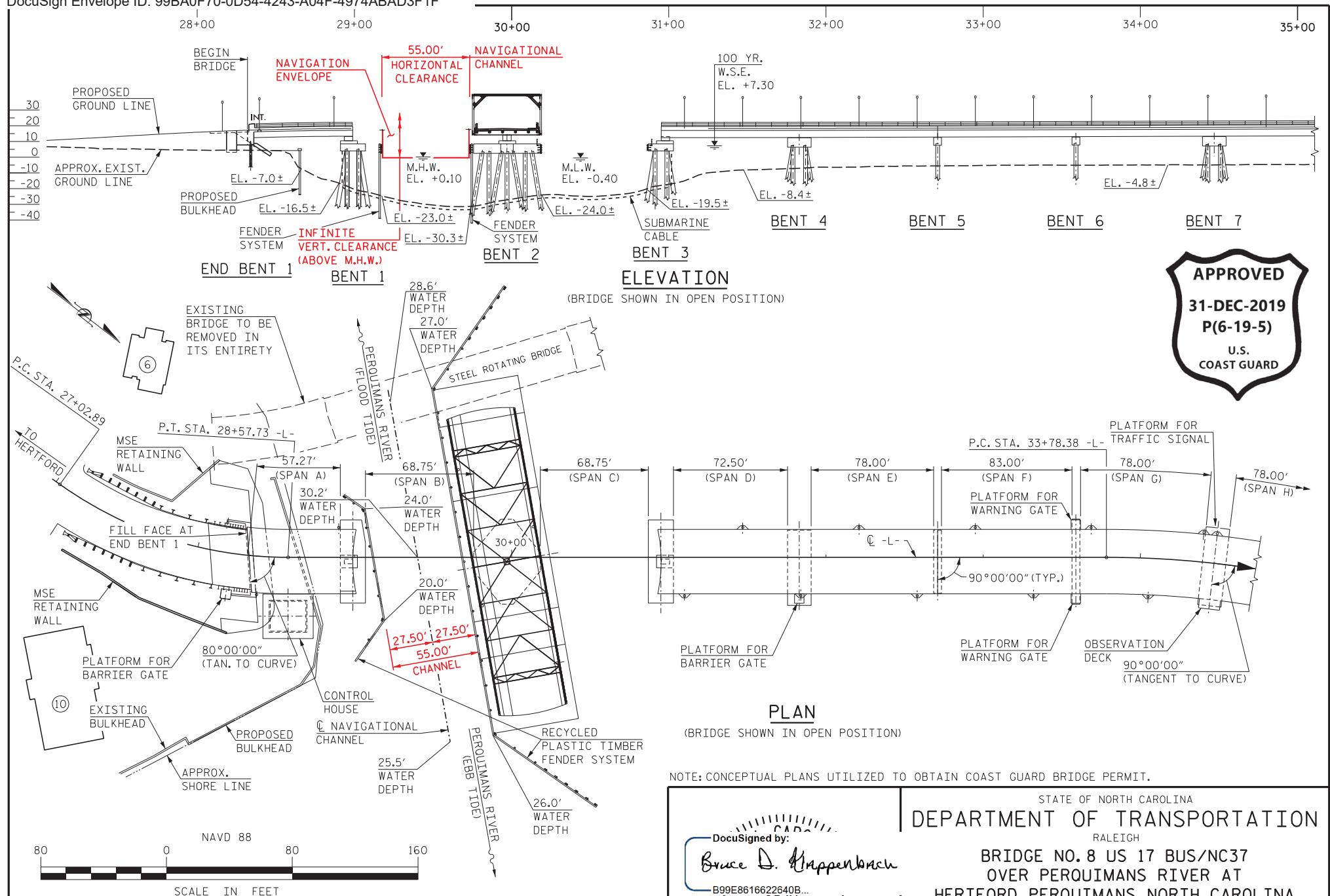
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BRUCE D. KLAPPENBACH
11/8/2019

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH

BRIDGE NO. 8 US 17 BUS/NC37
OVER PERQUIMANS RIVER AT
HERTFORD, PERQUIMANS, NORTH CAROLINA
LOCATED 12.0 MILES FROM
MOUTH OF PERQUIMANS RIVER

PARTIAL PLAN AND ELEVATION



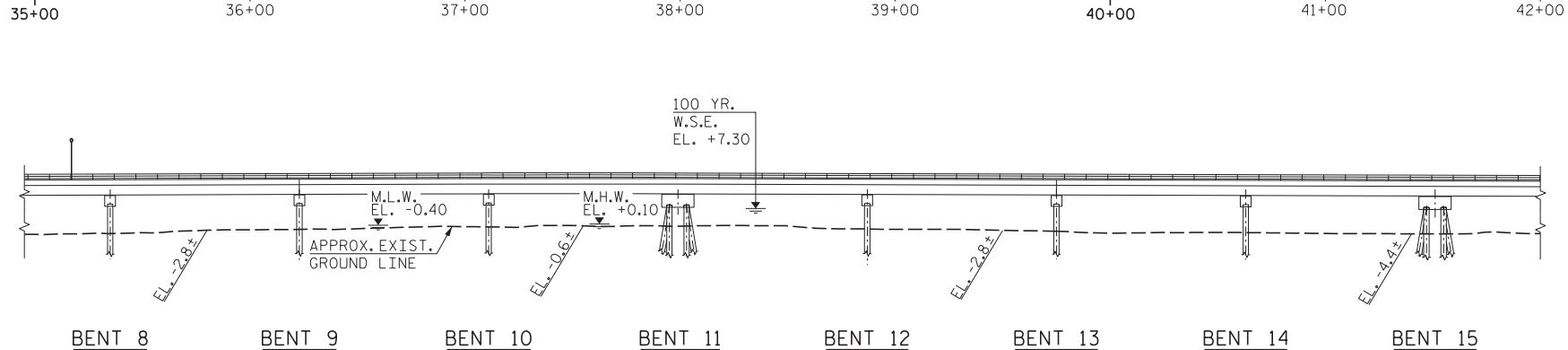
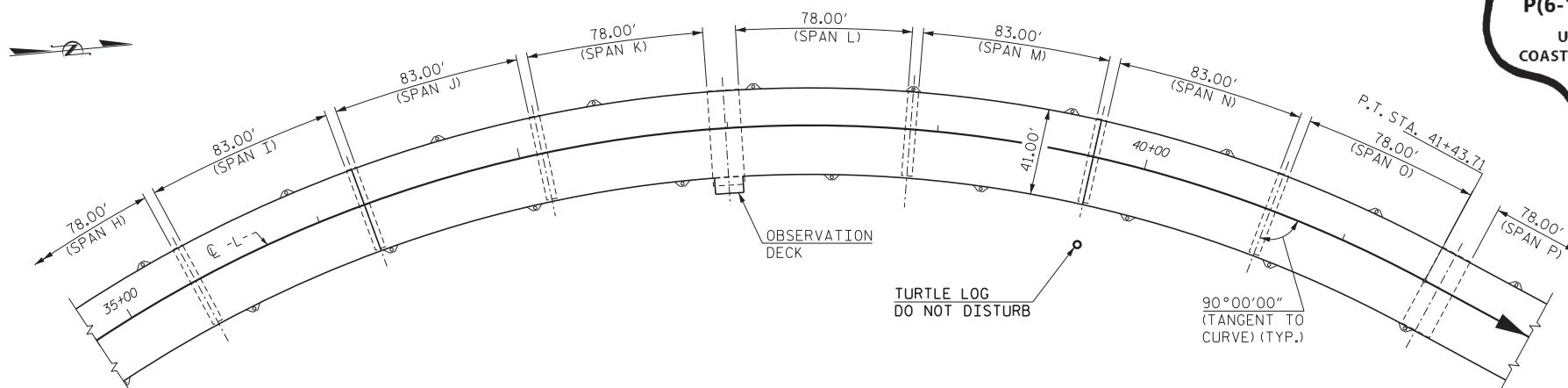
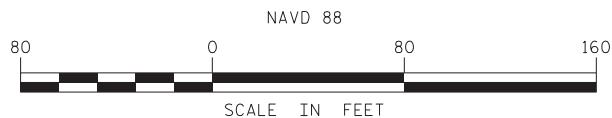
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ENGINEER
11/8/2019

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

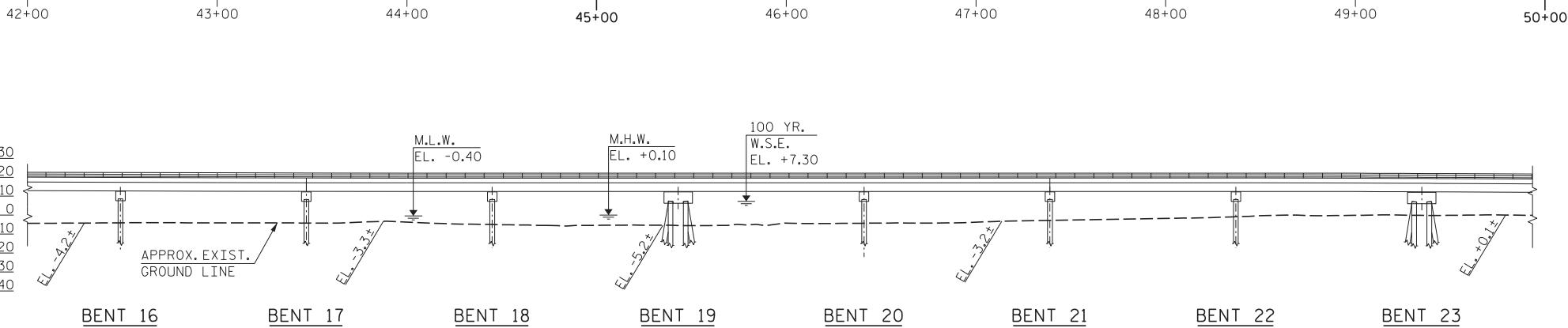
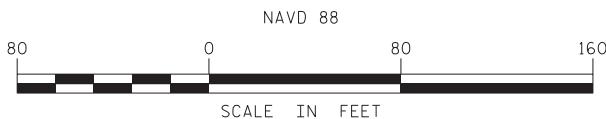
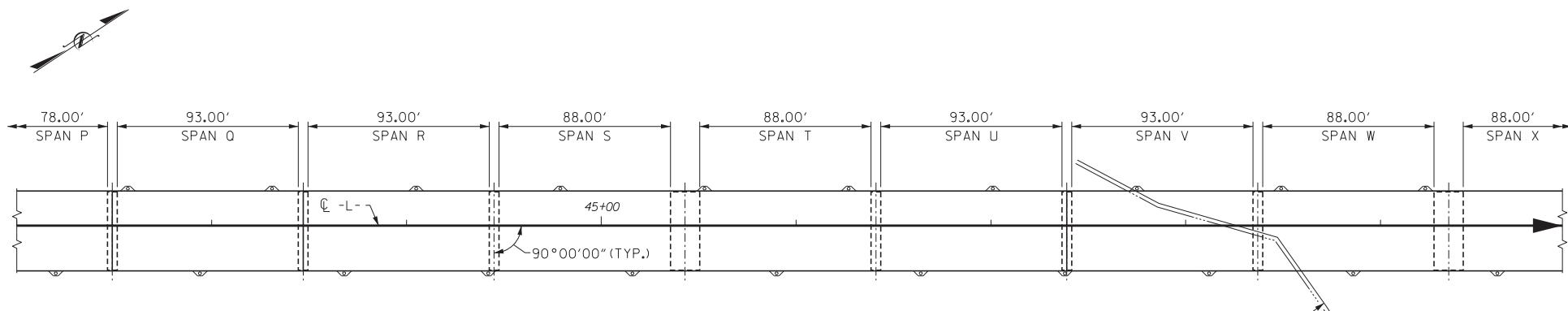
RALEIGH
BRIDGE NO. 8 US 17 BUS/NC37
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MOUTH OF PERQUIMANS RIVER

PARTIAL PLAN AND ELEVATION

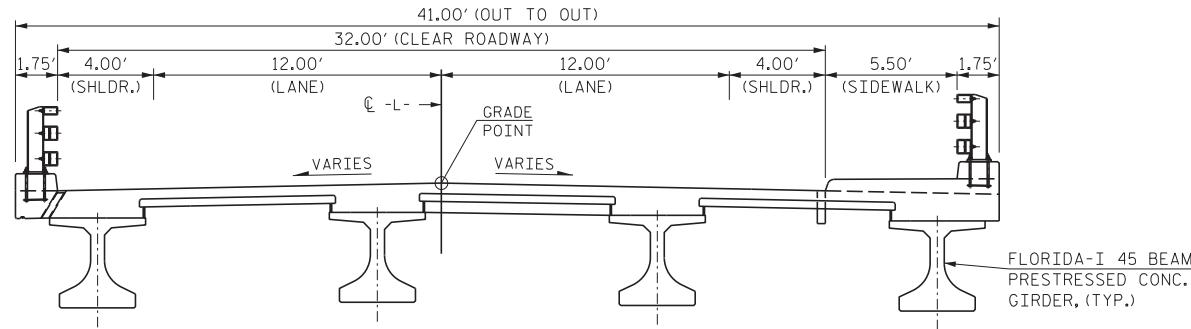
DATE: 11/08/2019

ELEVATIONPLAN

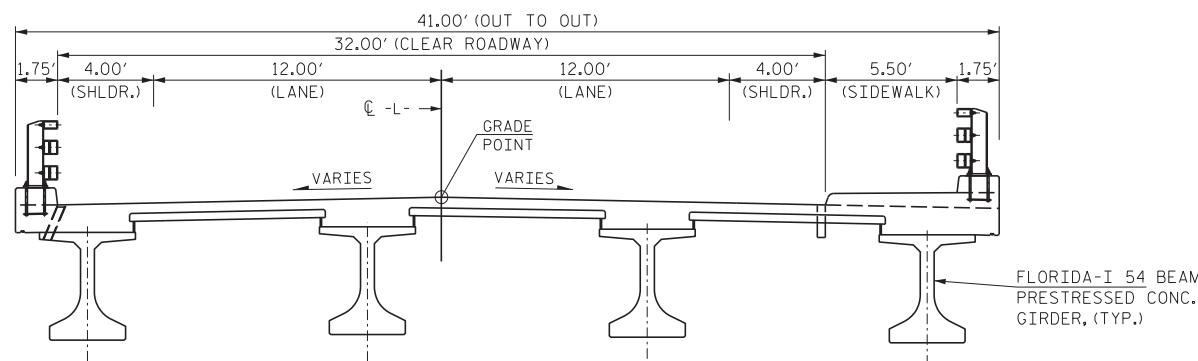
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<p>RK&K RUMMEL, KLEPPER & KAHL, LLP 900 RIDGEFIELD DRIVE SUITE 350 RALEIGH, NC 27609-3960 (919) 878-9560 NC LICENSE NUMBER: F-0112</p>		<p>PARTIAL PLAN AND ELEVATION DATE: 11/08/2019 SHEET 5 OF 9</p>

ELEVATIONPLAN

<p>NOTE: CONCEPTUAL PLANS UTILIZED TO OBTAIN COAST GUARD BRIDGE PERMIT.</p> <p>DocuSigned by: <i>Bruce D. Klappenebach</i> B99E8616622640B... SEAL 15825 BRUCE D. KLAPPENBACH 11/8/2019</p>		<p>STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RALEIGH BRIDGE NO. 8 US 17 BUS/NC37 OVER PERQUIMANS RIVER AT HERTFORD, PERQUIMANS, NORTH CAROLINA LOCATED 12.0 MILES FROM MOUTH OF PERQUIMANS RIVER</p>
<p>PARTIAL PLAN AND ELEVATION</p>		
<p>DATE: 11/08/2019</p>		
<p>SHEET 6 OF 9</p>		



TYPICAL SECTION - 45" GIRDERS



APPROVED

31-DEC-2019
P(6-19-5)U.S.
COAST GUARD

NAVD 88

1 0 1 2 3 4 5 6 7 8
 SCALE IN FEET

TYPICAL SECTION - 54" GIRDERS

NOTE: CONCEPTUAL PLANS UTILIZED TO OBTAIN COAST GUARD BRIDGE PERMIT.

STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

RALEIGH

BRIDGE NO. 8 US 17 BUS/NC37
OVER PERQUIMANS RIVER AT
HERTFORD, PERQUIMANS, NORTH CAROLINA
LOCATED 12.0 MILES FROM
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TYPICAL SECTIONS

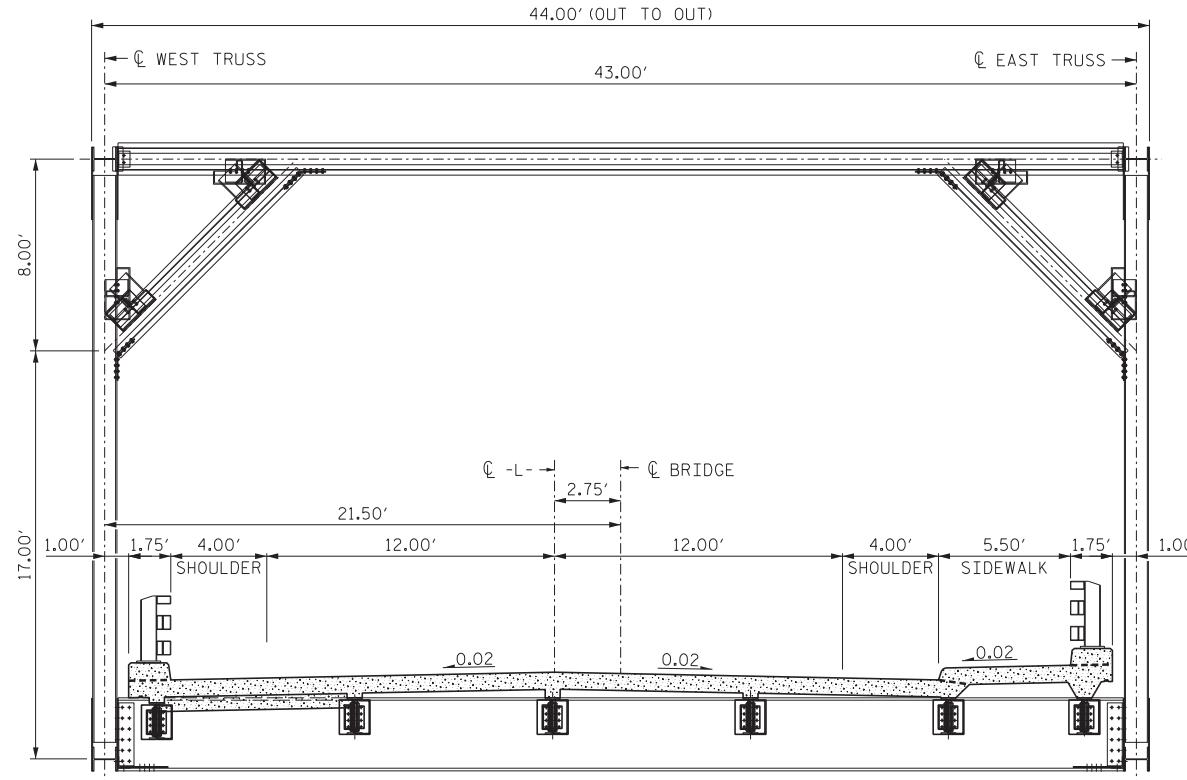
DATE: 11/08/2019

SHEET 7 OF 9

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 11/8/2019

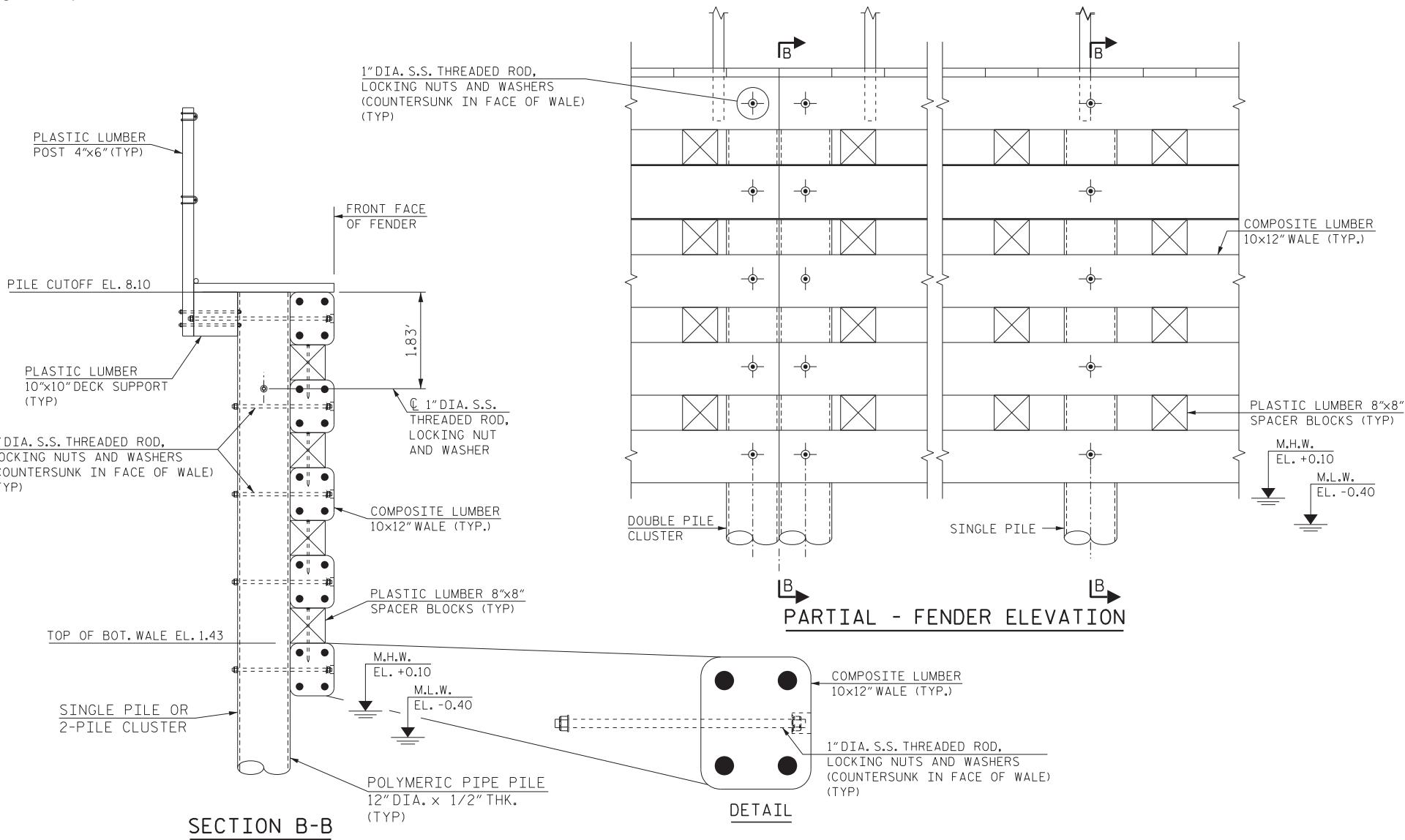


TYPICAL SECTION

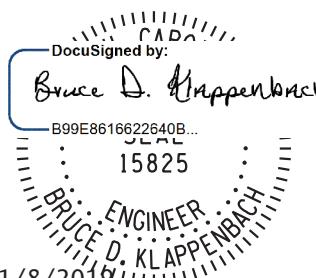
NAVD 88
1 0 1 2 3 4 5 6 7 8
SCALE IN FEET

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<p>TYPICAL SECTION - SWING SPAN</p>		
<p>DATE: 11/08/2019</p>		
<p>SHEET 8 OF 9</p>		



NOTE: CONCEPTUAL PLANS UTILIZED TO OBTAIN COAST GUARD BRIDGE PERMIT.

 DocuSigned by: Bruce D. Klappenbach B99E8616622640B... 15825 BRUCE D. KLAPPENBACH 11/8/2019		STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RALEIGH BRIDGE NO. 8 US 17 BUS/NC37 OVER PERQUIMANS RIVER AT HERTFORD, PERQUIMANS, NORTH CAROLINA LOCATED 12.0 MILES FROM MOUTH OF PERQUIMANS RIVER FENDER SYSTEM DETAILS DATE: 11/08/2019 SHEET 9 OF 9
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