

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 **NCDOT/NC Turnpike Authority, 1599 Mail Service Center, Raleigh, NC 27699-1599**

Authorizing development in **Currituck/Dare** County at **Currituck Sound and unnamed tributary to Jean Guite Creek, US 158 & NC 12, as requested** in the permittee's application dated 9/18/24, 11/9/24 (MP forms), and 11/12/24 (additional information), including the attached drawings (193), as referenced in Condition No. 1 of this permit.

This permit, issued on **September 19, 2025**, is subject to compliance with the application (where consistent with the permit), all applicable regulations and special conditions 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-2576, Mid-Currituck Bridge Project**

1) Unless specifically altered herein, all work authorized by this permit shall be carried out in accordance with the following attached workplan drawings (193). [07J .0202(c)]:

Wetland and Surface Water Impact Drawings (96 sheets): 50 dated 4/23/24; 2 dated 4/24/24; 7 dated 6/13/24; 4 dated 11/4/24; 2 dated 11/1/24; 2 dated 6/24/24; 24 dated as received 9/18/24; and 4 dated 4/30/24; and Impacts Summary Table dated as received 7/31/25.

Utility Drawings (7 sheets): 7 dated 2/5/24.

Right-of-Way Plans (77 sheets): 1 dated as received 9/18/24; and 76 dated 6/17/24.

SAV Impact Drawings (13 sheets): 1 dated 6/7/24; and 12 dated as received 9/18/24.

**(See attached sheets for Additional Notes and 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.



for Tancred Miller, Director  
Division of Coastal Management

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

This permit and its conditions are hereby accepted.

**No expiration date, pursuant to GS 136-44.7B**

Signature of Permittee

**ADDITIONAL NOTES AND CONDITIONS****NOTE:**

The complete project includes construction of a controlled-access two-lane toll road that extends from US 158 near Coinjock/Aydlett to NC 12 near Corolla, including a bridge approximately 1.5-miles long over Maple Swamp; a bridge approximately 4.66-miles long over Currituck Sound; a two-lane highway for approximately 1,717 linear feet between the Maple Swamp Bridge and the Currituck Sound Bridge; an interchange where the new road connects with US 158, including the associated toll plaza and related facilities/improvements; improvements to US 158, Aydlett Road, and Waterlily Road on the mainland; improvements to US 158 east of the Wright Memorial Bridge in Southern Shores; improvements to NC 12, Albacore Street, Aydlett Street, North/South Harbor View Street and Ocean Forest Court on the Outer Banks; approximately 342 linear feet of shoreline stabilization; and reversal of the US 158 center turn lane for hurricane evacuation for approximately 5 miles between the US 158/Mid-Currituck Bridge interchange and NC 168 at Barco.

- 2) If additional permanent and/or temporary impacts, or any changes in the authorized project, are proposed that are not shown on the attached workplan drawings or described in the authorized permit application, contact a representative of the N.C. Division of Coastal Management (DCM) prior to commencement of any such activity to determine if additional authorization from DCM is required. [07J .0201; 07J .0405(a)].
- 3) Unless specifically altered herein, any mitigative measures or environmental commitments specifically made by the permittee in the CAMA permit application, the Reevaluation of Final Environmental Impact Statement (FEIS) dated 3/7/19, and the Record of Decision (ROD) dated 3/6/19, shall be implemented, regardless of whether or not such commitments are addressed by individual conditions of this permit. In accordance with Section 6.0 of the ROD (page 20-21), any changes to measures to minimize harm shall be completed in conjunction and coordination with the appropriate state and federal environmental resource and regulatory agencies. [07J .0209; 07H .0208(a)(3); 07J .0202(c)].

**Currituck Sound and Jean Guite Creek**

- 4) There shall be no permanent or temporary impacts to Coastal Wetlands CAMA AECs without permit modification. [07J .0201; 07H .0208(a)(2)(A); 07H .0205; 07J .0405(a)].
- 5) No excavation, including dredging, shall occur within the Estuarine and Public Trust Areas CAMA AECs, either by conventional methods or by prop wash “kicking” with boat propellers. This condition does not apply to the authorized shoreline stabilization footprint. [07H .0208(b)(1); 07J .0201; 07J .0202(c)].
- 6) No filling shall take place at any time in any Estuarine Waters and Public Trust Areas CAMA AECs outside of the alignment of the areas indicated on the attached workplan drawings, without permit modification. [G.S 113A-120(b); 07J .0209(a); 07J .0405(a)].
- 7) All fill material shall be clean and free of any pollutants except in trace quantities. [07H .0208(a)(2)(A); 07H .0209(d)(3)].
- 8) The temporary placement and/or double handling of any excavated or fill material within Estuarine and Public Trust Areas CAMA AECs is not authorized, with the exception of the temporary work trestle pilings. [07J .0201; 07J .0202(c); 07H .0208(b)(1)(B); 07H .0208(b)(1)(C)].

**ADDITIONAL NOTES AND CONDITIONS**

9) All construction access for the bridge over Currituck Sound shall be through use of the partially constructed new bridge, temporary work trestles, barges, and/or existing high ground areas. [07J .0202(c)].

**NOTE:** The authorized project includes the use of temporary work trestles during construction of the Currituck Sound Bridge, including open (i.e. beams only to support a crane) trestles on the east side of Currituck Sound to minimize potential SAV shading impacts, and closed deck trestles on the west side of Currituck Sound. Barges shall be used in the middle sections (approximately 2.6 miles) where the water is deeper than approximately 5-7 feet.

10) The installation and removal of the piles and temporary work trestles shall be accomplished by pile driving, vibratory hammer and/or static pull. Should the permittee and/or their contractor propose to utilize another type of installation or removal, such as jetting or drilled shaft construction, additional authorization from DCM shall be required. [07J .0202(c); 07J .0405(a)].

11) All reasonable efforts shall be made to contain all debris and excess materials associated with the authorized activities, with the intent that materials/debris do not enter Estuarine Waters and Public Trust Areas CAMA AECs, even temporarily. [07H .0208(a)(2)(A); 07J .0209].

12) Uncured concrete or water that has been in contact with uncured concrete shall not be allowed to contact Estuarine Waters and Public Trust Areas CAMA AECs, or water that will enter Estuarine Waters and Public Trust Areas CAMA AECs. [07H .0208(a)(2)(B); 07J .0209].

13) Construction staging areas shall be located only in upland areas, not in the Coastal Wetlands, Estuarine Waters and Public Trust Areas CAMA AECs, and shall be located no less than 30 feet from the normal water level. This condition does not apply to the authorized temporary work trestles. [07H .0209(d)(10); 07J .0201].

**NOTE:** Any waste materials or debris generated in the construction of the new bridge and roadway, and/or construction and removal of the temporary work trestles, shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations are obtained from any relevant state, federal, or local authorities.

14) The permittee and/or their contractor shall provide for proper storage and handling of all oils, chemicals, etc., necessary to carry out the project. [G.S. 113A-120(b); 07H .0208(a)(2)(A); 07H .0208(a)(2)(B)].

15) All mechanized equipment shall be regularly inspected and maintained to prevent contamination of Estuarine Waters and Public Trust Areas CAMA AECs from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the National Response Center at (800) 424-8802 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act shall be followed. [07H .0208(a)(2)(A); 07H .0208(a)(2)(B); G.S. 113A-120(b); 07J .0209(a)].

16) 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 water. [07J .0201].

**ADDITIONAL NOTES AND CONDITIONS**

- 17) In accordance with commitments made by the permittee in the Attachment 04 Construction Narrative Clarification dated as received on 6/2/25, no barge activity shall be associated with the 560-foot long open construction trestle on the north side and east end of the Currituck Sound bridge due to the shallow water depths and SAV habitat near this trestle. [07J .0202(c)].
- 18) In accordance with commitments made by the permittee in the Record of Decision (page 24), marine industry standard pans shall be placed under construction equipment operating on the open trestles to capture any accidental spills of oil and lubricants. [07J .0202(c)].
- 19) The temporary work trestles, including piles, shall be removed in their entirety. In the event that a piling breaks during removal and cannot be removed in its entirety, it may be cut off no higher than the bed of the water body, and DCM shall be notified of each occurrence within one working day. The pilings shall be removed as soon as practicable after they are no longer needed and disposed of at an approved high ground site. However, if this timeframe occurs while the moratorium required by this permit is in effect, then the permittee shall consult with DCM and the appropriate resource agencies to determine if in-water work to remove these structures may occur. [07J .0209; 07H .0208(a)(2)].
- 20) The permittee shall submit final plans to DCM for review and approval of any new mooring points and/or breasting lines prior to their installation. Adjacent riparian property owner notification may be required. [07J .0201; 07J .0405(a); 07H .0208(b)(10)(F)].

**Shoreline Stabilization**

**NOTE:** A total of approximately 342 linear feet of shoreline stabilization will occur in two locations (230 linear feet near the western end of the Currituck Sound bridge, and 112 linear feet adjacent to NC Highway 12 near Sunburst Court and Ocean Forest Court).

- 21) The placement of riprap shall be limited to the areas as indicated on the attached workplan drawings. It shall be of a size sufficient to prevent its movement from the authorized alignment by wave or current action. If the riprap becomes dislodged from the approved alignment at any point in the future, the permittee shall immediately contact DCM to determine the appropriate course of action. The riprap material shall consist of clean rock or masonry materials such as but not limited to granite, marl, or broken concrete without exposed rebar, or other suitable materials approved by DCM. [07J .0202(c)].
- 22) The authorized alignment of the proposed riprap shall be staked by a representative of DCM within a maximum of 30 days prior to the start of constructing the shoreline stabilization. Failure to initiate construction within 30 days of the alignment being marked, or erosion of the shoreline by adverse weather conditions, shall require the alignment to be restaked by DCM within a maximum of 30 days prior to the new expected start of construction. [07J .0209; G.S. 113A-120(b); G.S. 113-229(e)].
- 23) In accordance with commitments made by the permittee, geotextile fabric shall be in place prior to the placement of any riprap and/or backfill. [07J .0202(c)].
- 24) All backfill material shall be obtained from a high ground source. No unconfined backfill shall be discharged into Estuarine Waters and Public Trust Areas CAMA AECs. The backfill material shall be clean and free of any pollutants except in trace quantities. [07J .0201; 07H .0208(a)(2)(A); 07H .0209(d)(3)].

## ADDITIONAL NOTES AND CONDITIONS

### Impacts to the Estuarine Waters and Public Trust Areas CAMA AECs, including Submerged Aquatic Vegetation (SAV), and Compensatory Mitigation

**NOTE:** This project will permanently impact approximately 0.187 acres of Estuarine Waters and Public Trust Areas CAMA AECs due to fill and will temporarily impact approximately 0.04 acres of Estuarine Waters and Public Trust Areas CAMA AECs due to fill. The SAV Beds within the project area are located within the Estuarine Waters and Public Trust Areas CAMA AECs.

**NOTE:** Based upon the 2023 results of NCDOT/NCTA's SAV monitoring program, it is estimated that the project would have approximately 0.064 acres of permanent SAV impacts due to the footprint of the new bridge pilings; and approximately 0.112 acres of temporary SAV impacts due to the footprint of the temporary work trestle pilings.

**NOTE:** Based upon the 2023 results of NCDOT/NCTA's SAV monitoring program, it is estimated that there are approximately 8.876 acres of existing SAV beds (not including the piling footprints) within the alignment of the permanent bridge, and approximately 0.777 acres of existing SAV beds (not including the piling footprints) within the alignment of the closed temporary work trestles.

**NOTE:** The final determination of permanent shading impacts will be made during the post-construction monitoring period, as described within the document titled "Mid-Currituck Bridge Submerged Aquatic Vegetation Monitoring Plan to Determine Mitigation" dated 8/15/25.

**NOTE:** In accordance with commitments made by the permittee (Page B-38 of the FEIS Reevaluation Study Report), the permittee shall resume the water quality monitoring program that was paused in 2020. The information gathered will be used in the future to determine the impacts of bridge construction and bridge deck stormwater runoff on water quality in Currituck Sound, as well as any additional mitigation needs.

25) In accordance with commitments made by the permittee during the Section 6002 Coordination Process to avoid and minimize SAV impacts and construction related fisheries impacts in the Currituck Sound, no in-water work within SAV habitat (including existing beds) shall be conducted during a moratorium period from February 15 to September 30. In-water work consists of bottom disturbing activities like temporary trestle pile placement and removal and driving of permanent piles. This commitment is documented on page 24 of the Record of Decision. The in-water work moratorium shall remain in effect every year unless relief is obtained from DCM, in consultation with the appropriate resource agencies. [07H .0208(a)(2); 07J .0202(c)].

26) Any voids in shallow bottom and SAV Beds caused by removal of the temporary work trestles shall be restored to the elevation of the pre-existing conditions with suitable material. To facilitate compliance with this requirement, bottom substrate that is displaced by the hollow temporary work trestle pilings in Currituck Sound shall remain in place to the maximum extent practicable or shall be stored in an approved high ground area, a minimum of 30 feet landward of normal water level, to be used to restore temporary impacts to shallow bottom and SAV Beds. The permittee shall notify DCM's Transportation Field Representative to provide DCM with an opportunity to inspect the material for suitability prior to backfilling. [07H .0208(a)(3)].

### ADDITIONAL NOTES AND CONDITIONS

- 27) Unless specifically altered herein, monitoring and mitigation of SAV impacts shall be carried out as described in the document titled “Mid-Currituck Bridge Submerged Aquatic Vegetation Monitoring Plan to Determine Mitigation” dated 8/15/25. [07H .0208(a)(3); 07J .0202(c); 07H .0208(a)(2)(A)].
- 28) Additional authorization for construction of the SAV mitigation site(s) shall be required. The ability to permit potential mitigation options has not been determined and will depend on factors such as potential impacts of the mitigation to existing SAV, and other coastal resources such as public trust usage and shallow bottom habitat. Notification of adjacent riparian property owners may be required. [07J .0201].

#### Utility Impacts within CAMA AECs

**NOTE:** Construction of the new bridge will require relocation of electric, telecommunications, gas, water and sewer utilities.

- 29) 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 from DCM, either under the authority of this permit, or by the utility company obtaining separate authorization. [07J .0202(c); 07J .0201; 07J .0405(a)].
- 30) In accordance with the NCDOT/NCTA letter dated 11/12/24, NCDOT/NCTA shall ensure the buried electrical utility line in Currituck Sound that is crossed by the authorized project is avoided either by ensuring it is crossed between piers, or if that is not possible, utilizing straddle bents. [07J .0202(c)].

#### Sedimentation and Erosion Control within CAMA AECs

- 31) In accordance with commitments made by the permittee (Record of Decision page 25), turbidity curtains shall be used during pile installation (permanent and temporary work trestles) and pile removal (temporary work trestles). Turbidity curtains shall also be used during installation of the authorized shoreline stabilization. The turbidity curtains shall be sufficient to prevent a visible increase in the amount of suspended sediments in adjacent waters. The turbidity curtains shall be properly maintained and retained in the water until such a time as the areas have returned to ambient conditions. [07H .0208(a)(2); 07H .0209(d)(4); 07J .0202(c)].
- 32) In accordance with commitments made by the permittee in the permit application (MP-2), standard sedimentation and erosion control measures, as outlined in the NCDOT Erosion and Sedimentation Control Design and Construction Manual shall be followed. [07J .0202(c); 07H .0208(a)(2)].
- 33) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters. [07H .0209(d)(4); G.S. 113A-120(b); 07H .0208(a)(2)].

**NOTE:** This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation’s (NCDOT’s) Memorandum of Agreement with the N.C. Division of Energy, Mineral and Land Resources.

**ADDITIONAL NOTES AND CONDITIONS****Stormwater Management within CAMA AECs**

- 34) In accordance with commitments made by the permittee, and in order to avoid and minimize impacts to SAV, deck drains/scupper outlets were eliminated from the east end of the Currituck Sound bridge for approximately 670 feet, in-between the bridge terminus and STA 358+00 (Lt and Rt). Bridge deck drains/scupper outlets shall not be located over the waters of Currituck Sound where the deck drain/scupper outlet is less than 12 feet above normal water level. [07J .0202(c); 07H .0208(a)(2)(A)].
- 35) In accordance with commitments made by the permittee in the permit application (cover letter, page 13), NCDOT/NCTA shall implement an adaptive management approach in the context of the planned stormwater management. This approach involves making changes to stormwater strategies and facilities as needed as sea level rise gradually occurs over the project area over the next 20 years. [07J .0202(c)].

**NOTE:** In accordance with commitments made by the permittee (page B-21 of the FEIS Reevaluation Study Report), NCDOT/NCTA will continue developing the stormwater management plan in coordination with, and ultimately for the approval of DWR. Other resource and regulatory agencies will continue to have input as the stormwater management plan is finalized. The updated stormwater management plan shall include previous commitments as noted in the document “Approach for Stormwater Management” dated June 20, 2019, including but not limited to, a specific plan for bridge sweeping.

**NOTE:** The permittee shall adhere to the provisions of the NCDOT’s National Pollutant Discharge Elimination (NPDES) Stormwater Permit NCS000250, including the application requirements of the NCG01000.

**Cumulative Effects to Coastal Resources**

**NOTE:** In accordance with G.S. 113A-120(a)(10), “Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity”.

**NOTE:** The project’s numerous environmental documents assess the potential for the proposed project to have cumulative effects. In addition, there are at least three stand-alone reports: the Cumulative Effects Report for Water Quality dated May 2024; the Cumulative Effects Report for Coastal Resources dated June 2021; and the Indirect and Cumulative Effects Technical Report dated November 2011, including an Addendum dated October 2012. Each report concludes that the proposed project would not result in significant adverse cumulative effects.

## ADDITIONAL NOTES AND CONDITIONS

### Historical, Cultural and Archaeological Resource Protection within CAMA AECs

**NOTE:**

There are four cemeteries within the Area of Potential Effect (APE) for the authorized project, all of which were assessed and found not to be eligible for the National Register of Historic Places. The Saunders Cemetery (31CK229) is located within the Estuarine Shoreline CAMA AEC. The Walker-Newbern-Morrisette Cemetery (31CK145); the Dempsey Burton Cemetery (31CK146); and the Rykewald Cemetery (31CK174) are located outside of CAMA AECs.

- 36) In accordance with commitments made by the permittee in a memorandum dated 7/1/25, and in an email dated 8/11/25, NCDOT/NCTA, in coordination with NCDOT Archaeology and the State Historic Preservation Office (SHPO)/Office of State Archaeology (OSA), shall conduct additional geophysical investigations within a 30-meter (100-ft) buffer around the known graves associated with the Saunders Cemetery (31CK229). The results shall be utilized as described in the NCDOT/NCTA memorandum dated 7/1/25. The permittee anticipates that the geophysical investigations will be completed by the Summer of 2026. The permittee shall notify DCM if additional time is required. [G.S. 113A-120(b); 07H .0208(a)(2)(C)].
- 37) If the permittee discovers any previously unknown historic or archaeological resources while accomplishing the authorized work, they shall immediately stop work and notify DCM to initiate the required coordination procedures. [G.S. 113A-120(b); 07H .0208(a)(2)(C)].

### Federal Consistency

**NOTE:**

The areas of the project that are not within CAMA AECs were reviewed by DCM under the federal consistency regulations (15 CFR Part 930) for the federal Coastal Zone Management Act. The regulations establish procedures to ensure that federal actions, including a federal permit and/or federal funding, are consistent with state coastal management programs.

- 38) DCM reviewed the information submitted by NCDOT/NCTA, as well as comments received from state agencies and public comments. Pursuant to the management objectives and enforceable policies of the N.C. Coastal Management Program, DCM finds that the proposed project is consistent, to the maximum extent practicable, with North Carolina's approved coastal management program, with the following conditions.
- 39) Development shall not cause irreversible damage to documented archaeological or historic resources as identified by the N.C. Department of Natural and Cultural Resources.
- 40) Should the proposed action be modified, a revised consistency determination could be necessary. This might take the form of either a supplemental consistency certification pursuant to 15 CFR 930.46, or a new consistency certification pursuant to 15 CFR 930.36. Likewise, if further project assessments reveal environmental effects not previously considered by the proposed development, a supplemental consistency certification may be required.

**NOTE:**

If NCDOT/NCTA discovers any previously unknown historic or archaeological resources while accomplishing the authorized work, they shall immediately stop work and notify DCM to initiate the required coordination procedures.

**ADDITIONAL NOTES AND CONDITIONS**

**NOTE:** In accordance with the N.C. Division of Mitigation Services (DMS) letter dated 11/6/23, compensatory mitigation for permanent impacts of 1.07 acres of non-riparian wetlands associated with the authorized project will be provided by DMS in accordance with the DMS In-Lieu Fee Instrument dated 7/28/10.

**NOTE:** Outside of CAMA AEC's, this project will permanently impact approximately 1.21 acres of non-riparian wetlands (1.18 acres due to fill and 0.03 acres due to mechanized clearing), and it will temporarily impact approximately 17.08 acres of non-riparian wetlands (4.72 acres due to fill and 12.36 acres due to hand clearing). In addition, utility relocations related to the project will temporarily impact approximately 0.075 acres of non-riparian wetlands (0.062 acres due to temporary fill and 0.013 acres due to hand clearing).

**NOTE:** In accordance with commitments made by NCDOT/NCTA (Attachment 22), the authorized project shall adhere to the "Non-Native Invasive Species Control Plan" dated 10/21/21.

**NOTE:** In accordance with commitments made by NCDOT/NCTA (Attachment 18 and page 14 of the cover letter), NCDOT/NCTA will contact landowners of landlocked parcels whose property, or a portion of their property, will be landlocked as a result of the project. If NCDOT/NCTA acquires any of the landlocked parcels, and if the sites contain wetlands, NCDOT/NCTA will preserve those wetlands as an additional measure that will not be proposed as a credit for compensatory mitigation.

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

**NOTE:** The NCDOT/NCTA shall adhere to the provisions of the NCDOT's National Pollutant Discharge Elimination (NPDES) Stormwater Permit NCS000250, including the application requirements of the NCG01000.

**NOTE:** Unless specifically altered herein, any mitigative measures or environmental commitments specifically made by NCDOT/NCTA shall be implemented, regardless of whether or not such commitments are addressed by individual conditions of this consistency concurrence. In accordance with Section 6.0 of the ROD (page 20-21), any changes to measures to minimize harm shall be completed in conjunction and coordination with the appropriate state and federal environmental resource and regulatory agencies.

**General**

**NOTE:** A CAMA/Dredge and Fill Permit is a determination that the proposed development meets the CAMA/Dredge and Fill laws and CRC's rules for coastal development. It is not a determination of private property ownership or an authorization to trespass onto property owned by someone other than the Permittee.

**ADDITIONAL NOTES AND CONDITIONS**

**NOTE:** This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. Any development authorized under this permit that occurs prior to the expiration of the twenty (20) day appeal period or completion of an appeal process, shall be done at the permittee's risk.

**NOTE:** The permittee is strongly advised to review and understand all additional permits, approvals or authorizations that may be required, including but not limited to any permits, approvals or authorizations provided by the N.C Division of Water Resources, U.S. Army Corps of Engineers, the U.S. Coast Guard, and other state and local regulatory agencies.

41) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters. [07H .0208(a)(2)(G)].

42) In accordance with the attached workplan drawings, all of the proposed work trestles within Currituck Sound shall provide no less than approximately 11 feet of vertical clearance above normal water level and approximately 38 feet of horizontal clearance, and they shall not extend into the federal navigational channel. [07J .0202(c); 07H .0208(a)(2)(G)].

43) In accordance with the attached workplan drawings, the permanent bridge across Currituck Sound shall provide approximately 16' of vertical clearance above normal water level under the majority of its length, however, it shall rise in the vicinity of the federal navigation channel to allow 22' of vertical clearance above normal water level. [07J .0202(c); 07H .0208(a)(2)(G)].

44) The permittee shall install and maintain at their expense any signal lights or signals prescribed by the U.S. Coast Guard and/or the N.C. Wildlife Resources Commission, through regulation or otherwise, on the authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office. 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. [07H .0208(a)(2)(G)].

**NOTE:** It is strongly recommended that the permittee exercise all available precautions in the construction, operation and maintenance of the authorized project to prevent waste from entering Estuarine Waters and Public Trust Areas CAMA AECs. Such discharge, either directly or indirectly, to adjacent waters could contravene state water quality standards, thereby violating state law.

**NOTE:** Development authorized by this permit shall only be conducted on lands owned by NCDOT/NCTA, appropriate utility entities, and/or their Right-of-Ways and/or easements.

**NOTE:** 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.

45) The permittee and/or their contractor shall contact the DCM Transportation Project Field Representative for NCDOT projects in Division One to request a preconstruction conference prior to project initiation. [G.S 113A-120(b); 07J .0209(a)].

#### ADDITIONAL NOTES AND CONDITIONS

**NOTE:** The N.C. Division of Water Resources (DWR) authorized the proposed project on 9/18/25 (DWR Project No. 20241262) under Water Quality Certification No. WQC008093. This certification expires at the same time as the USACE permit.

**NOTE:** The U.S. Army Corps of Engineers has assigned the proposed project COE Action ID No. SAW-1995-02242.

**NOTE:** This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes approval, if required, from the U.S. Army Corps of Engineers (USACE) and/or the U.S. Coast Guard.

**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 DWR.