

## STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 2, 2013

U. S. Army Corps of EngineersWashington Regulatory Field Office2407 West 5th StreetWashington, North Carolina 27889

ATTN: Ms. Tracey Wheeler

**NCDOT Coordinator** 

SUBJECT: Application for Section 10 and Section 404 Nationwide Permit 6 for Geotechnical Field

Investigations for an alternate of the proposed Phase II B portion of the NC 12 long term improvements in Dare County; TIP Project B-2500 (Phase II B); Federal Aid Project

BRNHF-0012 (56), WBS Element: 32635.1.6

Dear Madam,

As part of the NEPA alternative analysis process for the Phase II B section of the project, the North Carolina Department of Transportation (NCDOT) Geotechnical Engineering Unit is planning a limited subsurface investigation to gather information for the foundation design of the above-referenced structure. The investigation will take place within the sound alternative alignment.

A Pre-Construction Notification is required for this activity due to Wilmington Regional condition #2.2 as the Pamlico Sound is designated as a High Quality Water.

A private engineering firm will be selected to conduct the investigation for up to 30 soil test borings. The 30 borings will be performed within the corridor shown on the attached site map. The majority of the borings will be located in the Pamlico Sound.

The borings in the sound will be advanced from a jack-up barge, and will consist of turning or driving 3-inch to 8-inch diameter steel casing into the sound bottom creating minimal disturbance. Other drilling tools will be used to sample the sediments and advance the hole within the steel casing. The steel casing will be removed upon completing the boring.

Any borings drilled on land or in shallow water in the sound will be performed with a rubber tired drill rig or low ground pressure tracked drill rig, respectively. These borings will be 3-inch to 8-inch in diameter. Any disturbance from the borings should be limited to within a 2-foot radius of the boring location.

## **NEPA Document Status**

The NC 12 Transportation Management Plan will guide the study and implementation of future phases of action in the project area through 2060. Future phases of the project likely will require a similar list of agency permits and approvals as Phases I and IIa.

## **Regulatory Approvals**

The NCDOT anticipates that these activities will be authorized by a Nationwide Permit No. 6. NCDOT will follow the conditions set by a NCDWR Water Quality Certification #3687, and are therefore not requesting written approval.

A Special Use Permit Application will be submitted to Pea Island National Wildlife Refuge under separate cover due to proposed activities on Refuge lands.

If you have any questions or would like additional information, please contact Michael Turchy at maturchy@ncdot.gov or (919) 707-6157. A copy of this application will be posted at: https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx

Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Unit

cc:

NCDOT Permit Application Standard Distribution List





	Pre-Construction Notification (PCN) Form					
A.	Applicant Information					
1.	Processing					
1a.	Type(s) of approval sought from Corps:	the	Section 404 Permit Secti	on 10 Permit		
1b.	Specify Nationwide Permit (NWP	) number: 6	or General Permit (GP) num	ber:		
1c.	Has the NWP or GP number bee	n verified b	y the Corps?	☐ Yes	⊠ No	
1d.	Type(s) of approval sought from	the DWQ (d	check all that apply):			
	☐ 401 Water Quality Certificatio	n – Regula	Non-404 Jurisdictiona	al General Permit	t	
	☐ 401 Water Quality Certification	n – Expres	Riparian Buffer Autho	orization		
1e.	Is this notification solely for the rebecause written approval is not r		For the record only for DWQ 401 Certification:	For the record o	only for Corps Permit:	
1f.	Is payment into a mitigation bank or in-lieu fee program proposed for mitigation of impacts? If so, attach the acceptance letter from mitigation bank or in-lieu fee program.					
1g.	lg. Is the project located in any of NC's twenty coastal counties. If yes, answer 1h					
1h.	Is the project located within a NC	DCM Area	of Environmental Concern (AEC)?	⊠ Yes	☐ No	
2.	Project Information					
2a.	Name of project:		hase II B) - Geotechnical Investigation ternative 3, Sound Alternative.	ons for the Long	Term Improvements to	
2b.	County:	Dare				
2c.	Nearest municipality / town:	Rodanthe				
2d.	Subdivision name:	n/a				
2e.	NCDOT only, T.I.P. or state project no:	B-2500 (P	hase II B)			
3.	Owner Information					
3a.	Name(s) on Recorded Deed:	North Car	olina Department of Transportation			
3b.	Deed Book and Page No.					
3c.	Responsible Party (for LLC if applicable):					
3d.	Street address:	1598 Mail	Service Center			
3e.	City, state, zip:	Raleigh, N	IC 27699-1598			
3f.	Telephone no.:	919-707-6	3157			
3g.	Fax no.:	919-212-5	5785			
3h.	Email address:	maturchy	@ncdot.gov			

4.	Applicant Information (if different from owner)						
4a.	Applicant is:	Agent Other, specify:					
4b.	Name:						
4c.	Business name (if applicable):						
4d.	Street address:						
4e.	City, state, zip:						
4f.	Telephone no.:						
4g.	Fax no.:						
4h.	Email address:						
5.	Agent/Consultant Information	ı (if applicable)					
5a.	Name:						
5b.	Business name (if applicable):						
5c.	Street address:						
5d.	City, state, zip:						
5e.	Telephone no.:						
5f.	Fax no.:						
5g.	Email address:						

В.	B. Project Information and Prior Project History						
1.							
	Property identification no. (tax PIN or parcel ID):						
	Site coordinates (in decimal degrees):	Latitude: 35.61171 Longitude: - 75.46664 (DD.DDDDDD) (-DD.DDDDDD)					
1c.	Property size:	200 acres					
2.	Surface Waters						
2a.	Name of nearest body of water (stream, river, etc.) to proposed project:	Pamlico Sound					
2b.	Water Quality Classification of nearest receiving water:	SA HQW					
2c.	River basin:	Pasquotank					
3.	Project Description						
3a.	Describe the existing conditions on the site and the general lar application:						
	Natural barrier island system, with recreation in Pea Island National Seashore.	ional Wildlife Refuge and Cape Hatteras National					
3b.	List the total estimated acreage of all existing wetlands on the	property:					
	Most of the corridor is either in wetland or open water, approxi	mately 200 acres.					
3c.	List the total estimated linear feet of all existing streams (interm n/a	ittent and perennial) on the property:					
3d.	Explain the purpose of the proposed project:  To perform subsurface investigations to determine for foundations.	on design for the above mentioned project.					
3e.	Describe the overall project in detail, including the type of equi Please see cover letter for description of work to be performed low ground pressure tracked rigs.						
4.	Jurisdictional Determinations						
4a.	Have jurisdictional wetland or stream determinations by the Corps or State been requested or obtained for this property / project (including all prior phases) in the past?  Comments:	⊠ Yes □ No □ Unknown					
4b.	If the Corps made the jurisdictional determination, what type of determination was made?	☐ Preliminary ⊠ Final					
4c.	If yes, who delineated the jurisdictional areas? Name (if known): Sam Cooper	Agency/Consultant Company: CZR Inc. Other:					
4d.	4d. If yes, list the dates of the Corps jurisdictional determinations or State determinations and attach documentation.  May 4, 2012, Action ID SAW-2012-00715. The Division of Coastal Management concurred with CAMA mapping on May 30, 2012						
5.	Project History						
5a.	Have permits or certifications been requested or obtained for this project (including all prior phases) in the past?	☐ Yes ☐ No ☐ Unknown					
	If yes, explain in detail according to "help file" instructions. ase see attached cover letter.						
6.	Future Project Plans						
6a.	Is this a phased project?	☐ Yes ☐ No See Attached Cover Letter					
6b.	If yes, explain.						

C. Proposed In	npacts Inventory						
Impacts Summa	·						
· · · · · · · · · · · · · · · · · · ·	•	w for your project (che	ock all that appl	w):			
Wetlands	were completed below Streams - tri		Buffers	у).			
☐ Wetlands ☐ Open Waters	<del></del>	d Construction	Dulicis				
•		d Constitution					
2. Wetland Impacts		the cite than comple	to this guestion	for each wetland area in	mnaata	٨	
2a.	2b.	2c.	2d.	2e.	прасце	u. 2f.	
Wetland impact	20.	26.	zu.	Type of jurisdiction	n	۷۱.	
number –	Type of impact	Type of wetland	Forested	(Corps - 404, 10		Are	a of impact
Permanent (P) or	,	(if known)		DWQ - non-404, oth			(acres)
Temporary (T)							
W1 □ P □ T			Yes	Corps			
			□ No	DWQ			
W2 □ P □ T			Yes	Corps			
			∐ No	DWQ			
W3 □ P □ T			Yes	Corps			
			□ No	DWQ			
W4 □ P □ T			│	│			
			+= -				
W5 🗌 P 🗌 T			│	│			
			Yes	Corps	1		
W6 □ P □ T			□ res	DWQ			
2a Total watland in	naats		140				
2g. Total wetland in	ipacis						
2h. Comments:							
3. Stream Impacts	3						
		m impacts (including t	emporary impa	cts) proposed on the site	e, then	comp	lete this
question for all strea	-	T	1	T	ı		T _
3a.	3b.	3c.	3d.	3e.	3f.		3g.
Stream impact	Type of impact	Stream name	Perennial	Type of jurisdiction	Aver	_	Impact length
number - Permanent (P) or			(PER) or intermittent	(Corps - 404, 10 DWQ – non-404,	stre: wid		(linear
Temporary (T)			(INT)?	other)	(fee		feet)
			PER	Corps	(.50	/	
S1 P T			INT	DWQ			
			□ PER	Corps			
S2   P   T			☐ INT	DWQ			
00 U D U T			☐ PER	Corps			
S3 🗌 P 🗌 T			☐ INT	☐ DWQ			
			☐ PER	Corps			
S4 □ P □ T				□ DWQ			
05			☐ PER	☐ Corps			
S5   P   T			☐ INT	DWQ			
S6 □P□T			☐ PER	Corps			
30 L F L I				☐ DWQ			
3h. Total stream and	l tributary impacts						
3i. Comments:							1

4. Open Water Impacts  If there are proposed impacts to lakes, ponds, estuaries, tributaries, sounds, the Atlantic Ocean, or any other open water of the U.S. then individually list all open water impacts below.										
				4c.			4d.		4e.	
Open water			waterbody	<del>-10.</del>			ти.		70.	
impact nu			licable)	7	Type of imp	pact	Waterbo	dy type	Area of impa	act (acres)
Permanen										
Tempora									_	
01 🗌 P	T	Pamlic	o Sound	8" maximu	ım borings	x 20 borings	Open '	Water	<0.0	01
O2 🗌 P	' 🗌 T									
O3 🗌 P	Т									
04 🗌 P	Т									
4f. Total o	pen wate	er impacts							<0.01 (ter	mporary)
			t per boring	is 50 square	e inches	Actual total is 1	000 square	e inches (6	3.944 square fe	• • • • • • • • • • • • • • • • • • • •
				10 00 0quar	- 111011001	rotati total lo	,,ooo oquan	0 1101100 (0	7.0 1 1 0quai 0 10	
5. Pond	or Lake	Construct	ion							
If pond or		struction pr	oposed, the	n complete	the chart b	oelow.				
5a.	5b.			5c.			5d.			5e.
Pond ID	Propo	cod uco oi	r nurnoco	Wetla	ind Impact	s (acres)	Stream Impact			
number	Рюро	sed use or of pond			<u> </u>				T	(acres)
		o. po		Flooded	Filled	Excavated	Flooded	Filled	Excavated	Flooded
P1										
P2										
5f. Total										
5g. Comm	ents:				l .	1			•	
5h. Is a da	m high h	azard pern	nit required?							
	Ü	·	·		es	☐ No If	yes, permit	ID no:		
5i. Expec	ted pond	surface a	rea (acres):							
5j. Size o	f pond w	atershed (a	acres):							
5k. Metho	d of cons	struction:								
6. Buffer I	mpacts	(for DWQ)		, ,						
				uffor then	omplete ti	ho obort bolow	If you than	individua	lly list all buffor	impoete
						ne chart below. I out Section D			lly list all buffer	impacis
6a.	· · · · · · · · · · · · · · · · · · ·		uno magam	o,o y o c						
Project is i	n which <sub>l</sub>	orotected b	asin?			<ul><li>☐ Neuse</li><li>☐ Catawba</li></ul>	=	Pamlico dleman	Other:	
6b.		6c.	6d.			6e.	6f.		6g.	
Buffer in		D				D ((	74		70	·
numbe Permanen		Reason for	St	ream name		Buffer mitigation	Zone 1 (square		Zone 2 (square	
Tempora		impact	0.	icam name		required?	(Square	o icci)	(Square	o icci)
 B1		•				Yes				
БІ ЦР						☐ No				
B2	Пт					Yes				
						∐ No				
В3 □Р	Т					∐ Yes □ No				
				6	h Tatal h	uffer impacts				
6i. Comme	ante:				10141 0	arrer impacts	<u> </u>			
		ation and	Mitigation							

1. Avoidance and Minimization							
1a. Specifically describe measures taken to avoid or minimize the proposed impacts in designing project.							
Any borings drilled on land or in shallow water in the sound will be performed with a rubber tired drill rig or low ground							
pressure tracked drill rig respectively. All borings will be 3-inch to 8-inch in diameter. Borings were originally located in wetlands, but accommodations were made to shift borings outside of wetlands.							
1b. Specifically describe measures taken to avoid or minimize the proposed impacts through construction techniques.							
NCDOT will implement "Guidelines for Avoiding Impacts to the							
Construction Activities in North Carolina Waters," during work f	or this project.						
2. Compensatory Mitigation for Impacts to Waters of the	U.S. or Waters of the	State					
2a. Does the project require Compensatory Mitigation for impacts to Waters of the U.S. or Waters of the State?							
2b. If yes, mitigation is required by (check all that apply):	☐ DWQ ☐ C	orps					
	☐ Mitigation bank						
2c. If yes, which mitigation option will be used for this	Payment to in-lieu fee program						
project?	Permittee Responsible Mitigation						
3. Complete if Using a Mitigation Bank	Complete if Using a Mitigation Bank						
3a. Name of Mitigation Bank:							
3b. Credits Purchased (attach receipt and letter)	Туре	Quantity					
3c. Comments:							
4. Complete if Making a Payment to In-lieu Fee Program							
4a. Approval letter from in-lieu fee program is attached.	Yes						
4b. Stream mitigation requested:	linear feet						
4c. If using stream mitigation, stream temperature:	☐ warm ☐ co	ool					
4d. Buffer mitigation requested (DWQ only):	square feet						
4e. Riparian wetland mitigation requested:	acres						
4f. Non-riparian wetland mitigation requested:							
4g. Coastal (tidal) wetland mitigation requested:	lg. Coastal (tidal) wetland mitigation requested: acres						
4h. Comments:							
5. Complete if Using a Permittee Responsible Mitigation	Plan						
··		osed mitigation plan					
5a. If using a permittee responsible mitigation plan, provide a description of the proposed mitigation plan.							

6. Buffer l	5. Buffer Mitigation (State Regulated Riparian Buffer Rules) – required by DWQ								
6a. Will the project result in an impact within a protected riparian buffer that requires buffer mitigation? ☐ Yes ☐ No									
6b. If yes, then identify the square feet of impact to each zone of the riparian buffer that requires mitigation. Calculate the amount of mitigation required.									
	6c.	6d.		6e.					
Zone	Reason for impact	Total impact (square feet)	Multiplier	Required mitigation (square feet)					
		(Square reet)		(square reer)					
Zone 1			3 (2 for Catawba)						
Zone 2			1.5						
		6f. Total buffer	mitigation required:						
6g. If buffer mitigation is required, discuss what type of mitigation is proposed (e.g., payment to private mitigation bank, permittee responsible riparian buffer restoration, payment into an approved in-lieu fee fund).									
6h. Commei	6h. Comments:								

E.	Stormwater Management and Diffuse Flow Plan (required by DWQ)						
1.	Diffuse Flow Plan						
1a.	Does the project include or is it adjacent to protected riparian buffers identified within one of the NC Riparian Buffer Protection Rules?	☐ Yes	⊠ No				
1b.	If yes, then is a diffuse flow plan included? If no, explain why.  Comments: Temporary subsurface activity only.	☐ Yes	□No				
2.	Stormwater Management Plan						
2a.	What is the overall percent imperviousness of this project?	n/a %					
2b.	Does this project require a Stormwater Management Plan?	☐ Yes	⊠ No				
2c.	If this project DOES NOT require a Stormwater Management Plan, explain why: subs	urface exploratio	n only				
2d.	2d. If this project DOES require a Stormwater Management Plan, then provide a brief, narrative description of the plan: n/a						
2e.	Who will be responsible for the review of the Stormwater Management Plan?		cal Government water Program nit				
3.	Certified Local Government Stormwater Review						
3а.	In which local government's jurisdiction is this project?	n/a					
3b.	Which of the following locally-implemented stormwater management programs apply (check all that apply):	☐ Phase II ☐ NSW ☐ USMP ☐ Water Supp ☐ Other:	ly Watershed				
3c.	Has the approved Stormwater Management Plan with proof of approval been attached?	Yes	□No				
4.	DWQ Stormwater Program Review						
4a.	Which of the following state-implemented stormwater management programs apply (check all that apply):	Coastal could HQW ORW Session La	unties w 2006-246				
4b.	Has the approved Stormwater Management Plan with proof of approval been attached?	☐ Yes	□ No n/a				
5.	DWQ 401 Unit Stormwater Review						
5a.	Does the Stormwater Management Plan meet the appropriate requirements?	⊠ Yes	□No				
5b.	Have all of the 401 Unit submittal requirements been met?	⊠ Yes	□No				

F.	Supplementary Information					
1.	Environmental Documentation (DWQ Requirement)					
1a.	Does the project involve an expenditure of public (federal/state/local) funds or the use of public (federal/state) land?	⊠ Yes	□No			
1b.	If you answered "yes" to the above, does the project require preparation of an environmental document pursuant to the requirements of the National or State (North Carolina) Environmental Policy Act (NEPA/SEPA)?	⊠ Yes	□No			
1c.	If you answered "yes" to the above, has the document review been finalized by the State Clearing House? (If so, attach a copy of the NEPA or SEPA final approval letter.)	⊠ Yes	□No			
	Comments: NEPA FEIS/EA/ROD for TIP B-2500					
2.	Violations (DWQ Requirement)					
2a.	Is the site in violation of DWQ Wetland Rules (15A NCAC 2H .0500), Isolated Wetland Rules (15A NCAC 2H .1300), DWQ Surface Water or Wetland Standards, or Riparian Buffer Rules (15A NCAC 2B .0200)?	☐ Yes	⊠ No			
2b.	Is this an after-the-fact permit application?	Yes	⊠ No			
2c.	If you answered "yes" to one or both of the above questions, provide an explanation of	of the violation(s):				
3.	Cumulative Impacts (DWQ Requirement)					
3a.	Will this project (based on past and reasonably anticipated future impacts) result in additional development, which could impact nearby downstream water quality?	☐ Yes	⊠ No			
3b.	Bb. If you answered "yes" to the above, submit a qualitative or quantitative cumulative impact analysis in accordance with the most recent DWQ policy. If you answered "no," provide a short narrative description.					
	This is a temporary subsurface geotechnical and design investigation. Cumulative effects of the overall project (B-2500) were thoroughly addressed in the EIS/EA/ROD.					
4.	Sewage Disposal (DWQ Requirement)					
4a.	Clearly detail the ultimate treatment methods and disposition (non-discharge or discharge the proposed project, or available capacity of the subject facility.	arge) of wastewat	er generated from			
	Not applicable.					

5.	Endangered Species and Designated Critical Habitat (Corps Requirement)						
5a.	Will this project occur in or near an area with federally protected species or habitat?	⊠ Yes	□No				
5b.	Have you checked with the USFWS concerning Endangered Species Act impacts?	⊠ Yes	□No				
5c.	If yes, indicate the USFWS Field Office you have contacted.	<ul><li>☑ Raleigh</li><li>☐ Asheville</li></ul>					
5d.	I. What data sources did you use to determine whether your site would impact Endangered Species or Designated Critical Habitat?						
	USFWS website and agency consultation; FEIS/ROD						
6.	Essential Fish Habitat (Corps Requirement)						
6a.	Will this project occur in or near an area designated as essential fish habitat?	⊠ Yes	□ No				
6b.	What data sources did you use to determine whether your site would impact Es	ssential Fish Habitat?					
	NMFS county index; FEIS/ROD						
7.	Historic or Prehistoric Cultural Resources (Corps Requirement)						
7a.	a. Will this project occur in or near an area that the state, federal or tribal governments have designated as having historic or cultural preservation status (e.g., National Historic Trust designation or properties significant in North Carolina history and archaeology)?						
7b.	What data sources did you use to determine whether your site would impact his	storic or archeological	resources?				
	NEPA documentation; FEIS/ROD						
8. F	Flood Zone Designation (Corps Requirement)						
8a.	Will this project occur in a FEMA-designated 100-year floodplain?	⊠ Yes	□ No				
8b.	8b. If yes, explain how project meets FEMA requirements: This temporary activity will not result in changes in permanent flood elevations.						
8c.	8c. What source(s) did you use to make the floodplain determination? approved NEPA documents						
R	Applicant/Agent's Printed Name  Applicant/Agent's Signature is valid only if an authorization provided is provided.		(2.5.13 Date				



