



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 11, 2013

U.S. Fish and Wildlife Service
Pea Island National Wildlife Refuge
PO Box 1969
Manteo, NC 27954

ATTN: Mr. Mike Bryant
Refuge Manager

SUBJECT: **Application for Special Use Permit** for Field Investigations for a Proposed Bridge for the Phase II B portion of the NC 12 long term improvements in Dare County; TIP Project B-2500 (Phase II B); Federal Aid Project BRNH-0012 (56), WBS Element: 32635.1.6

Dear Sir,

As part of the NEPA alternative analysis process for the Phase II B section of the project, the North Carolina Department of Transportation (NCDOT) is planning limited survey investigations to gather information for the preliminary design of the above-referenced structure. The investigations will take place within the sound alternative alignment, depicted as red dashed lines on the attached figures.

Geotechnical Sub-surface Investigations:

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, however 5 borings are proposed on Refuge property, and 2 of which will occur in the 100' NC 12 Transportation Easement.

Borings will be performed with a rubber tired drill rig or low ground pressure tracked drill rig. These borings will be 3-inch to 8-inch in diameter. Any disturbance from the borings should be limited to a 2-foot radius of the boring location.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT & ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-707-6000
FAX: 919-212-5785

WEBSITE: NCDOT.GOV

LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

Survey and Photogrammetry Investigations:

The NCDOT Locations & Surveys Unit and Photogrammetry Unit will be updating relevant project data and collecting boring elevations by utilizing global positioning station (GPS) and total station equipment.

Also, aerial panels and traverse points will be temporarily installed while the project is flown for aerial photography. The panels are constructed of plastic in the shape of an arrow. It is estimated that panels will be in place for a week, weather depending for the project to be flown. They will be removed immediately after the project is successfully flown.

None of the panels will be placed in wetlands.

Regulatory Approvals:

We are hereby requesting a Special Use Permit from the Pea Island National Wildlife Refuge for these activities.

The NCDOT has received a Nationwide Permit No. 6 from the US Army Corps of Engineers for borings occurring in the sound.

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>

Sincerely,


for

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

cc:

Tracey Wheeler, USACE

Charles W. Brown, PE, PLS, NCDOT- Locations & Surveys Unit

John L. Pilipchuk, LG, PE, NCDOT-Geotechnical Engineering Unit

Rob Allen, PE, PLS, NCDOT-Photogrammetry Unit

United States Department of the Interior
U.S. Fish and Wildlife Service
**National Wildlife Refuge System
General Special Use
Application and Permit**

OMB Control Number 1018-0102
Expiration Date: 06/30/2014

Name of Refuge Pea Island NWR
Address PO Box 1969 Manteo, NC 27954
Attn: (Refuge Official) Mike Bryant
Phone # 252-987-1118 E-mail Mike_Bryant@fws.gov

Application

(To be filled out by applicant. Note: Not all information is required for each use. See instructions at the end of the notice.)

1) New Renewal Modification Other _____

Applicant Information

2) Full Name: North Carolina Department of Transportation 6) Phone #: 919-707-6157
3) Organization: North Carolina Department of Transportation 7) Fax #: 919-212-5785
4) Address: 1020 Birch Ridge Road 8) E-mail: maturchy@ncdot.gov
5) City/State/Zip: Raleigh, NC 27699

9) Assistants/Subcontractors/Subpermittees: (List full names, addresses and phone #'s and specifically describe services provided if subcontractors are used.)

Terracon Consultants, Inc., 2401 Brentwood Road, Suite 107, Raleigh, NC 27604; Ph: 919-8732211 (GEOTECHNICAL ENGINEERS AND DRILLERS)
NCDOT Location and Surveys, 1300 Highway 64 West, Plymouth, NC 27962; Ph: 252-791-0295 (SURVEYORS)

Activity Information

10) Activity type: Event Wood Cutting Group Visit Cabin/Subsistence Cabin Educational Activity
 Other Geotechnical Subsurface Investigation and Conventional Surveys

11) Describe Activity: (Specifically identify timing, frequency, and how the event is expected to proceed.)

Five borings will be advanced within the Refuge boundaries on land to collect data for preliminary bridge foundation design. The borings are on high ground adjacent to the existing NCDOT right-of-way, and 2 of which are within the 100' NC 12 Transportation Easement. The borings will be 3" to 8" in diameter, and, depending on the location, will be performed with rubber tire drill rigs or low ground pressure tracked drill rigs. Disturbance should be limited to a 2-foot radius of the boring location. Also, the NCDOT Location and Surveys Unit will be updating project data and collecting boring elevations by utilizing global positioning station and total station equipment. Aerial panels and traverse points installed within Refuge boundaries will be removed after NCDOT Photogrammetry Unit flies over the site to collect aerial photos. The panels are constructed of plastic in the shape of an arrow. It is estimated that panels will be in place for a week, weather depending for

12) Activity/site occupancy timeline: (Specifically identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events.)

Work will likely be commences once the permit is approved. It is anticipated the borings will take 3 weeks depending on weather conditions. We will gladly notify USFWS Refuge staff prior to the start of activities for this project (please provide us with a preferred time frame for advance notification).

(Depending on the activity for which you are requesting a permit, we may ask you for the following activity information. Please contact the specific refuge where the activity is being conducted to determine what activity information is required.)

13) Expected number of participants:
Children _____ Adults 9-11 Total 9-11

14) Grade level of educational group:
Grade _____ N/A

15) Will staff time/assistance be required?
 Yes No N/A

16a) Plan of Operation required? Yes No N/A

16b) Plan of Operation attached? Yes No

17) Location: (Specifically identify location; GPS location preferred.)

Within Pea Island Refuge North of Rodanthe, NC. See maps for boring locations and survey area.

18a) Is map of location(s) required?

Yes No N/A

18b) Is map of location(s) attached?

Yes No

Insurance Coverage/Certifications/Permits

19a) Is insurance required?

Yes No N/A

19b) Insurance: (Provided carrier, type and policy number)

all contractors carry NCDOT-required insurance

20) Other licenses/certifications/permits required: (Specifically identify licenses, certifications, and permits.)

None.

Logistics and Transportation

21) Does activity require personnel to stay overnight onsite? Yes No

22) Personnel involved:

Borings on Pea Island: 3-4 Terracon staff, but no one onsite overnight. 6-7 NCDOT, Location and Surveys personnel, but no one onsite overnight.

23) Specifically describe all equipment/gear and materials used:

Either a rubber tired ATV drill rig or track-mounted drill rig, Steel casings for borings. One support truck, Water and SW 101 drilling mud. GPS receiver and total station equipment

24) Transportation description(s) and license number(s) to access refuge(s): [Provide description of and specific auto license/boat/plane registration number(s).]

Borings (Terracon, 3-4 people): 1 lowboy w/tractor (will park at 23500 NC 12 Hwy), 1 support truck, 1 small truck; Survey (NCDOT, Location and Surveys, 6-7 people): 4 trucks

25) Specifically describe onsite work and/or living accommodations:

Equipment will be staged at 23500 NC 12 Hwy as needed. Staff will be off-site overnight during the land borings.

26) Specifically describe onsite hazardous material storage or other onsite material storage space:

Limited amounts of fuel will be necessary for running the equipment.

27) Signature of Applicant

E. L. Fuehr for Richard W. Hancock, PE

Date of Application:

Dec 11, 2013

Sign, date, and print this form and return it to the refuge for processing.

Do not fill out information below this page.

PRINT FORM

For Official Use Only (This section to be filled out by refuge personnel only.)

Special Use Permit

Permit #: _____

1) Date: _____ 2) Permit Approved Permit Denied 3) Station #: _____

4) Additional special conditions required: (Special conditions may include activity reports, before and after photographs, and other conditions.)

Yes No N/A

Additional sheets attached:

Yes No

5) Other licenses/permits required:

Yes No N/A

Verification of other licenses/permits, type:

6) Insurance/certifications required:

Yes No N/A

Verification of insurance/certification, type:

7) Record of Payments: Exempt Partial Full

Amount of payment: _____ Record of partial payment: _____

8) Bond posted: Yes No

This permit is issued by the U.S. Fish and Wildlife Service and accepted by the applicant signed below, subject to the terms, covenants, obligations, and reservations, expressed or implied herein, and to the notice, conditions, and requirements included or attached. A copy of this permit should be kept on hand so that it may be shown at any time to any refuge staff.

Permit approved and issued by (Signature and title):

_____ Date: _____

Permit accepted by (Signature of applicant):

_____ Date: _____

Notice

In accordance with the Privacy Act (5 U.S. C. 552a) and the Paperwork Reduction Act (44 U.S. C. 3501), please note the following information:

1. The issuance of a permit and collection of fees on lands of the National Wildlife Refuge System are authorized by the National Wildlife Refuge System Administration Act (16 U.S. C. 668dd-ee) as amended, and the Refuge Recreation Act (16 U.S. C. 460k-460k-4).
2. The information that you provide is voluntary; however submission of requested information is required to evaluate the qualifications, determine eligibility, and document permit applicants under the above Acts. It is our policy not to use your name for any other purpose. The information is maintained in accordance with the Privacy Act. All information you provide will be considered in reviewing this application. False, fictitious, or fraudulent statements or representations made in the application may be grounds for revocation of the Special Use Permit and may be punishable by fine or imprisonment (18 U.S.C. 1001). Failure to provide all required information is sufficient cause for the U.S. Fish and Wildlife Service to deny a permit.
3. No Members of Congress or Resident Commissioner shall participate in any part of this contract or to any benefit that may arise from it, but this provision shall not pertain to this contract if made with a corporation for its general benefit.
4. The Permittee agrees to be bound by the equal opportunity "nondiscrimination in employment" clause of Executive Order 11246.
5. Routine use disclosures may also be made: (a) to the U.S. Department of Justice when related to litigation or anticipated litigation; (b) of information indicating a violation or potential violation of a statute, rule, order, or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (c) from the record of the individual in response to an inquiry from a Congressional office made at the request of the individual (42 FR 19083; April 11, 1977); and (d) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal Claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the Department (48 FR 54716; December 6, 1983).
6. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This information collection has been approved by OMB and assigned control number 1018-0102. The public reporting burden for this information collection varies based on the specific refuge use being requested. The relevant public reporting burden for the General Use Special Use Permit Application form is estimated to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Comments on this form should be mailed to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS 2042-PDM, Arlington, Virginia, 22203.

General Conditions and Requirements

1. Responsibility of Permittee: The permittee, by operating on the premises, shall be considered to have accepted these premises with all facilities, fixtures, or improvements in their existing condition as of the date of this permit. At the end of the period specified or upon earlier termination, the permittee shall give up the premises in as good order and condition as when received except for reasonable wear, tear, or damage occurring without fault or negligence. The permittee will fully repay the Service for any and all damage directly or indirectly resulting from negligence or failure on his/her part, and/or the part of anyone of his/her associates, to use reasonable care.
2. Operating Rules and Laws: The permittee shall keep the premises in a neat and orderly condition at all times, and shall comply with all municipal, county, and State laws applicable to the operations under the permit as well as all Federal laws, rules, and regulations governing national wildlife refuges and the area described in this permit. The permittee shall comply with all instructions applicable to this permit issued by the refuge official in charge. The permittee shall take all reasonable precautions to prevent the escape of fires and to suppress fires and shall render all reasonable assistance in the suppression of refuge fires.
3. Use Limitations: The permittee's use of the described premises is limited to the purposes herein specified and does not, unless provided for in this permit, allow him/her to restrict other authorized entry onto his/her area; and permits the Service to carry on whatever activities are necessary for: (1) protection and maintenance of the premises and adjacent lands administered by the Service; and (2) the management of wildlife and fish using the premises and other Service lands.
4. Transfer of Privileges: This permit is not transferable, and no privileges herein mentioned may be sublet or made available to any person or interest not mentioned in this permit. No interest hereunder may accrue through lien or be transferred to a third party without the approval of the Regional Director of the Service and the permit shall not be used for speculative purposes.
5. Compliance: The Service's failure to require strict compliance with any of this permit's terms, conditions, and requirements shall not constitute a waiver or be considered as a giving up of the Service's right to thereafter enforce any of the permit's terms or conditions.
6. Conditions of Permit not Fulfilled: If the permittee fails to fulfill any of the conditions and requirements set forth herein, all money paid under this permit shall be retained by the Government to be used to satisfy as much of the permittee's obligation as possible.
7. Payments: All payment shall be made on or before the due date to the local representative of the Service by a postal money order or check made payable to the U.S. Fish and Wildlife Service.
8. Termination Policy: At the termination of this permit the permittee shall immediately give up possession to the Service representative, reserving, however, the rights specified in paragraph 11. If he/she fails to do so, he/she will pay the government, as liquidated damages, an amount double the rate specified in this permit for the entire time possession is withheld. Upon yielding possession, the permittee will still be allowed to reenter as needed to remove his/her property as stated in paragraph 11. The acceptance of any fee for the liquidated damages or any other act of administration relating to the continued tenancy is not to be considered as an affirmation of the permittee's action nor shall it operate as a waiver of the Government's right to terminate or cancel the permit for the breach of any specified condition or requirement.
9. Revocation Policy: This permit may be revoked by the Regional Director of the Service without notice for noncompliance with the terms hereof or for violation of general and/or specific laws or regulations governing national wildlife refuges or for nonuse. It is at all times subject to discretionary revocation by the Director of the Service. Upon such revocation the Service, by and through any authorized representative, may take possession of the said premises for its own and sole use, and/or may enter and possess the premises as the agent of the permittee and for his/her account.

10. Damages: The United States shall not be responsible for any loss or damage to property including, but not limited to, growing crops, animals, and machinery or injury to the permittee or his/her relatives, or to the officers, agents, employees, or any other who are on the premises from instructions or by the suffrance of wildlife or employees or representatives of the Government carrying out their official responsibilities. The permittee agrees to save the United States or any of its agencies harmless from any and all claims for damages or losses that may arise to be incident to the flooding of the premises resulting from any associated Government river and harbor, flood control, reclamation, or Tennessee Valley Authority activity.

11. Removal of Permittee's Property: Upon the expiration or termination of this permit, if all rental charges and/or damage claims due to the Government have been paid, the permittee may, within a reasonable period as stated in the permit or as determined by the refuge official in charge, but not to exceed 60 days, remove all structures, machinery, and/or equipment, etc. from the premises for which he/she is responsible. Within this period the permittee must also remove any other of his/her property including his/her acknowledged share of products or crops grown, cut, harvested, stored, or stacked on the premises. Upon failure to remove any of the above items within the aforesaid period, they shall become the property of the United States.

Instructions for Completing Application

You may complete the application portion verbally, in person or electronically and submit to the refuge for review. Note: Please read instructions carefully as not all information is required for each activity. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

1. Identify if permit application is for new, renewal or modification of an existing permit. Permit renewals may not need all information requested. Contact the specific refuge headquarters office where the activity is going to be conducted if you have questions regarding the applicability of a particular item.

2-8. Provide full name, organization (if applicable), address, phone, fax, and e-mail.

9. Provide names and addresses of assistants, subcontractors or subpermittees. Names and address are only required if the assistants, subcontractors or subpermittees will be operating on the refuge without the permittee being present. Volunteers, assistants, subcontractors or subpermittees that are accompanied by the permittee need not be identified.

10. Activity type: check one of the following categories:

- a. Event;
- b. Wood cutting;
- c. Group visit;
- d. Cabin/Subsistence cabin;
- e. Educational activity; or
- f. Other—any other activity(s) not mentioned above. Please describe "other" activity.

11. Describe Activity: provide detailed information on the activity, including times, frequency and how the activity is expected to proceed, etc. Permit renewals may not need activity description, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity description for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity description is required.

12. Activity/site occupancy timeline: identify beginning and ending dates, site occupation timeline, hours, clean-up and other major events. Permit renewals may not need an activity/site occupancy timeline, if the activity is unchanged from previous permit. Most repetitive activities, such as group visits, do not require an activity/site occupancy timeline for each visit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if an activity/site occupancy timeline is required.

13-14 Expected number of participants: Provide an estimate of the number of adults, and children and grade level of group, if applicable.

15. Identify if onsite refuge staff will be required for group activities and anticipated time frame, if applicable.

16a-16b. Identify and attach Plan of Operation, if required. Most repetitive activities, such as group visits, do not require Plans of Operations for each visit. In addition, permit renewals may not require Plans of Operations if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a Plan of Operations is required.

17. Location: identify specific location (GPS coordinates preferred), if not a named facility. Most repetitive activities, such as group visits, do not require a location. In addition, permit renewals may not require a location if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a location is required.

18a-18b. Attach a map of location, if required and not conducted at a named facility. Most repetitive activities, such as group visits, do not require a map. In addition, permit renewals may not require a map if the activity is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a map is required.

19a-19b. Provide name, type and carrier of insurance, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if insurance and type of insurance are required.

20. Specifically identify types and numbers of other licenses, certifications or permits, if required. Contact the specific refuge headquarters office where the activity is going to be conducted to determine the types of licenses, certifications or permits required, and to coordinate the simultaneous application of several types of licenses, certifications or permits. This Special Use Permit (SUP) may be processed while other certifications are being obtained.

21-22. Provide name(s) of any personnel required to stay overnight, if applicable.

23. Identify all equipment and materials, which will be used, if required. Most repetitive events, such as group visits, do not require a list of equipment. In addition, permit renewals may not require a list of equipment if the event is essentially unchanged from the previous permit. Contact the specific refuge headquarters office where the activity is going to be conducted to determine if a list of equipment is required.
24. Describe and provide vehicle descriptions and license plate or identification numbers of all vehicles, including boats and airplanes, if required. Motor vehicle descriptions are only required for permittee vehicle, and/or if the vehicle will be operated on the refuge without the permittee being present. Motor vehicles that are accompanied by the permittee as part of a group (convoy) activity need not be identified if cleared in advance by refuge supervisor. Specifically describe ship-to-shore, intersite (between islands, camps, or other sites) and onsite transportation mechanisms, and license plate or identification numbers, if required.
25. Specifically describe onsite work and/or living accommodations, if applicable.
26. Specifically describe onsite hazardous material storage, or other onsite material storage space (including on and offsite fuel caches).
27. Sign, date, and print the application. Click on the Print button to print the application (if using the fillable version). The refuge official will review and, if approved, fill out the remaining information, sign, and return a copy to you for signature and acceptance.

The form is not valid as a permit unless it includes refuge approval, a station number, a refuge-assigned permit number, and is signed by a refuge official.

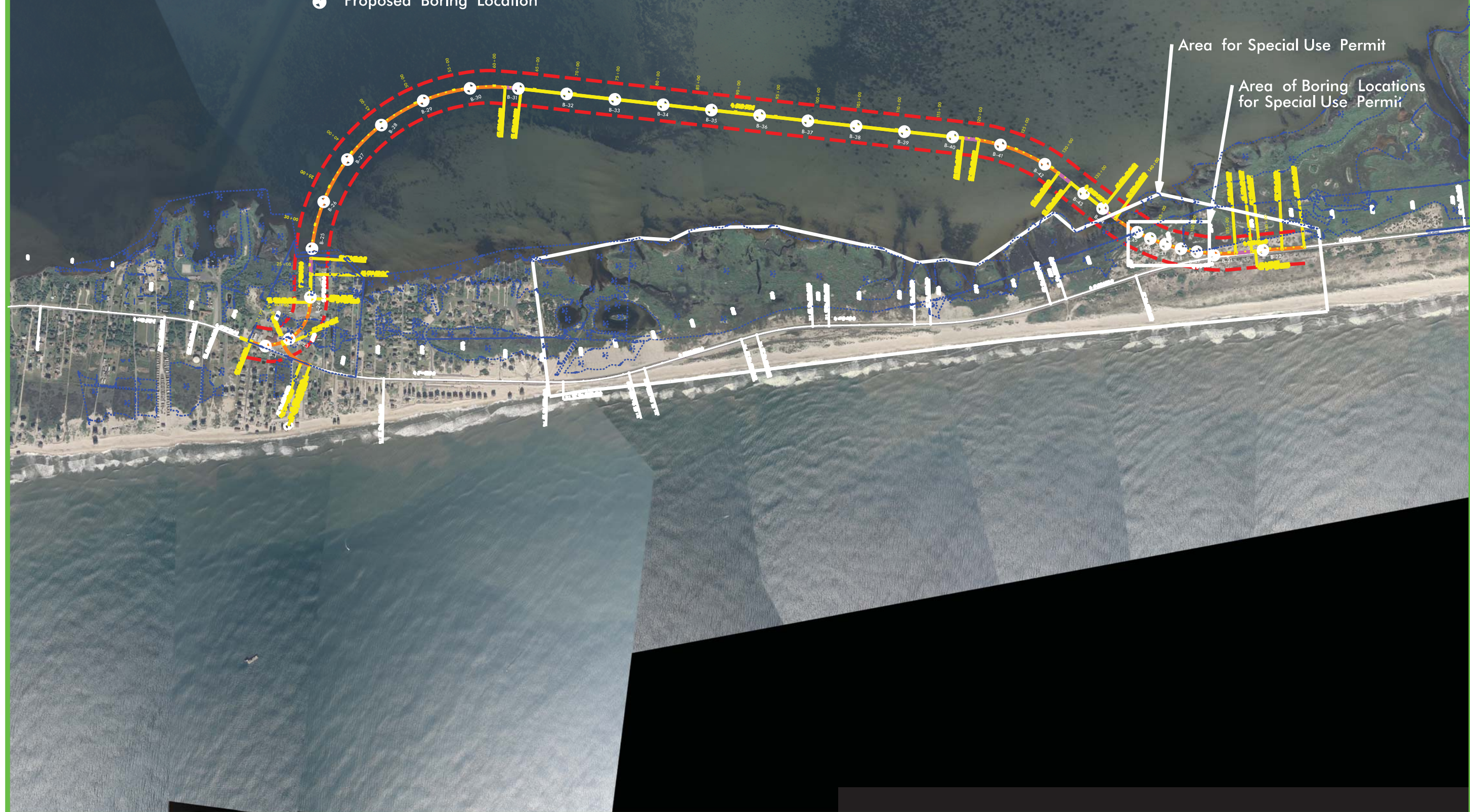
13201.1028025 (B-2500B), Village of Rodanthe, Dare County
 Design Build Alternate 3

- Proposed Drilling Corridor
- Proposed Boring Location



Area for Special Use Permit

Area of Boring Locations
for Special Use Permit



13201.1028025 (B-2500B), Village of Rodanthe, Dare County
Design Build Alternate 3

PROJECT REFERENCE NO.	SHEET
B-2500B	2
SITE PLAN	
0 50 100 FEET	

Proposed Drilling Corridor

Proposed Boring Location

145+00

150+00

155+00

B-45
N:701735
E:3048088

B-46
N:701901
E:3048157

B-47
N:702092
E:3048218

B-48
N:702287
E:3048261

B-49
N:702471
E:3048294

N 9° 51' 01.8" W

