



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 9, 2013

Washington Regulatory Field Office
U.S. Army Corps of Engineers
2407 West 5th Street
Washington, NC 27889

ATTN: Ms. Tracey Wheeler
NCDOT Coordinator

Subject: Request for Modification to Individual Section 404 & Section 10 Permit
for the Proposed Replacement of Bridge 11 over Oregon Inlet on NC 12 in Dare
County, North Carolina; TIP Project B-2500 (Phase I); Federal Aid Projects
BRNHF-0012 (48) and BRNHF-0012 (36); WBS Element: 32635.1.4

Reference: Section 404 & Section 10 Individual Permit signed August 20, 2013
(SAW-1993-03077)

Dear Madam,

The purpose of this letter is to request the following limited modifications to the above-referenced permit.

First, with respect to the project description and Special Condition "(m)", reference is made to 0.49 acre of wetland impacts though the permit application stated 0.51 total impacts, with 0.50 being mitigable. Additionally, there is no mention of the 1.09 ac. of temporary wetland impacts.

Second, with respect to Special Condition "(k)", NCDOT brings to your attention the fact that the Section 106 Programmatic Agreement referenced in that condition has been amended by the First Amendment to the Programmatic Agreement, which was executed on August 7, 2013. The First Amendment is included in Appendix E of the B-2500A Record of Decision, dated October 7, 2013. Additional amendments to the Programmatic Agreement are possible. Therefore, Special Condition "(k)" may be more appropriately phrased as follows: *"The Permittee shall fully implement the Programmatic Agreement between the Permittee, the North Carolina State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Federal Highway Administration, as originally executed on November 17, 2010 or as required by any subsequent amendments thereto. The terms and conditions of the Programmatic Agreement, as may be amended from time to time, are incorporated herein by reference."*

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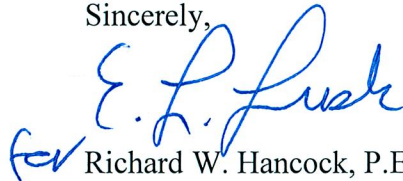
LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

Third, with respect to Special Condition "s", due to the dynamics of the Oregon Inlet, the permit application (pg. 15) proposed to not use turbidity curtains to avoid aquatic species entanglement and maximize worker safety, which is one of the items found in the "Bridge Demolition and Removal in Waters of the US", which subsequently has been replaced by "Best Management Practices for Construction and Maintenance Activities". Therefore, we would request that the Special Condition "s" be modified to a similar to the following: *"All measures will be taken to avoid any temporary fill from entering into Oregon Inlet and the Pamlico Sound from bridge demolition. Bridge demolition shall follow the NCDOT "Best Management Practices for Construction and Maintenance Activities" dated August 2003, with the exception of the use of turbidity curtains due to their ineffectiveness with the dynamics of Oregon Inlet, potential aquatic species entanglement, and worker safety."*

Lastly, with respect to the signature page, Dr. Gregory J. Thorpe, Ph.D is no longer an active employee of NCDOT. Dr. Thorpe's employment status changed only a short time prior to the execution of this permit, and the inclusion of his name within the permit escaped notice. Since that time, Dr. Thorpe has been replaced by Richard W. Hancock, P.E. Please substitute the name "Richard W. Hancock, P.E." as the designated NCDOT representative.

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Michael Turchy at 919-707-6157 or maturchy@ncdot.gov.

Sincerely,



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

cc (via email):

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Amy Chapman, NCDWR
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Cathy Brittingham, NCDOT
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