



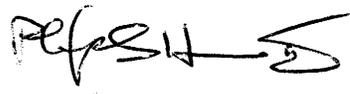
STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

May 31, 2006

MEMORANDUM TO: Mr. C. E. Lassiter, Jr., PE
Division Two Engineer

FROM: Philip S. Harris, III, P.E., Unit Head 
Natural Environment Unit
Project Development and Environmental Analysis Branch

SUBJECT: Beaufort & Pitt Counties, Replace Bridge No.90 on SR
1414 / SR 1556 over Tranters Creek; T.I.P. Number B-
4022; Federal Aid Project BRZ-1414(2); State Project No.
8.2151001

Attached is the U. S. Army Corps of Engineers 404 Nationwide Permit Number 23, the general conditions for the 401 Water Quality Certification and CAMA permit from Division Coastal Management for the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design
Dr. David Chang, P.E., Hydraulics
Mr. Randy Garris, P.E. State Contract Officer
Mr. Art McMillan, P.E., Highway Design
Mr. Greg Perfetti, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. John F. Sullivan, FHWA
Mr. Rob Hanson, P.E., PDEA Eastern Region Unit Head
Mr. Jay B. Johnson, Division Environmental Officer

PROJECT COMMITMENTS

Beaufort & Pitt Counties
Bridge No. 90 on SR 1414 / SR 1556 over Tranters Creek
Federal Project No. BRZ-1414(2)
State Project No. 8. 2151001
TIP No. B-4022

In addition to the Nationwide Permit 23 Conditions, the General Nationwide Permit Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, CAMA General Permit Conditions, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, NCDOT's Best Management Practices for Protection of Surface Waters, General Certification Conditions, Section 401 Conditions of Certification, and Tar-Pamlico River Basin Buffer Authorization Conditions, the following special commitments have been agreed to by NCDOT:

Division 2 Construction Engineer, Roadway Design Unit

A moratorium on "in-water" work will be enforced from **February 15 to June 15** of any given year.

Stream Crossing Guidelines for Anadromous Fish Passage will be implemented in the design and construction of this project.

Project Development and Environmental Analysis Branch

There should be no fill resulting from the demolition of Bridge No. 90.

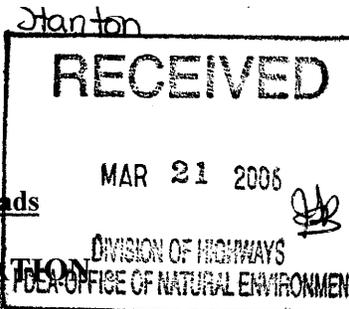
Action: The bridge can be removed without dropping components into Waters of the United States during construction.

Project Development and Environmental Analysis Branch

Habitat is present for rough-leaved loosestrife. If the project does not let to construction by June 2009 a re-survey will be required.

Action: The let date for this project is January 16, 2007.

B-4022



**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action ID. 200610578

County: Beaufort/Pitt

USGS Quad: Leggetts Crossroads

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: North Carolina Department of Transportation

Address: attn: Gregory Thorpe
1548 Mail Service Center
Raleigh, NC 27699-1548

Telephone No.: 919-733-3141

Size and location of property (water body, road name/number, town, etc.): Bridge no. 90 on NCSRs 1414 / 1556 over Tranters Creek at the Beaufort and Pitt county line, southwest of Leggetts Crossroads and the Voice of America site.

Description of projects area and activity: Replace the existing bridge (175 feet long and 24 feet wide) with a new bridge structure (220 feet long and 30 feet wide) at the same location. Off-site detours will be utilized during construction. The permanent impact to Section 404 wetlands for this project will be 0.04 acres.

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

Authorization: Regional General Permit Number: _____
 Nationwide Permit Number: 23

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

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all new and/or modified terms and conditions. The District Engineer may, at any time, exercise his discretionary authority to modify, suspend, or revoke a case specific activity's authorization under any NWP.

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 Quality (telephone (919) 733-1786) 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 Washington, NC, at (252) 946-6481.

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 William Wescott at 252-975-1616 extension 31.

Corps Regulatory Official William Wescott, P.W.S. Date: 03/09/2006

Expiration Date of Verification: 03/18/2007

Determination of Jurisdiction:

- A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. 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 and Section 404 of the Clean Water Act. 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.
- C. There are waters of the US and/or wetlands within the above described project area 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.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 7/3/2003. Action ID 200310729

Basis of Jurisdictional Determination: Areas exhibit the three parameters specified in the 1987 USACE Wetland Delineation Manual and are adjacent to Tranters Creek which connects to the Tar River.

Appeals Information: (This information does not apply to preliminary determinations as indicated by paragraph A. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. 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 South Atlantic Division, Division Office at the Following address:

Mr. Michael F. Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

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 5/7/2006.

****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: William Wescot, P.W.S.

Date 03/09/2006

Copy Furnished:
NCDOT, Division 2 Environmental Officer
NCDWQ, John Hennessy, Wetlands/401 Unit

Additional Special Conditions

Action I.D. # 200610578 - NCDOT, Division 2, NCSR 1414 / 1556 (Bridge # 90)

a) All measures will be taken to avoid any temporary fill from entering into wetlands and Tranters Creek from bridge demolition. Bridge demolition shall follow NCDOT best management practices for construction and maintenance activities dated August 2003 and incorporate NCDOT policy entitled "Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

b) All in-water work must be completed outside an in-water work moratorium from February 15 through September 30.

c) The permittee will follow NCDOT adopted anadromous fish stream crossing guidelines.

Pre-Construction

d) Prior to commencing construction within jurisdictional waters of the United States, the permittee shall forward the latest version of project construction drawings to the USACE, Washington Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings are acceptable.

e) The permittee shall schedule an environmental preconstruction meeting between its representatives, the contractor's representatives, and the USACE, Washington Regulatory Field Office NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE, Washington Regulatory Field Office NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the environmental preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the USACE and NCDWQ Project Managers a minimum of four weeks in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

f) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or any activities that cause the degradation of waters or wetlands, except as authorized by this

permit, or any modification to this permit. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional waters or wetlands associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities connected with this project.

g) To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. The permittee shall ensure that all such areas comply with condition (f) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the preceding condition (f). All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

Mitigation

h) The unavoidable impacts to 0.04 acres of riparian cypress-gum swamp associated with this project shall be mitigated by NCDOT by providing 0.08 acres of restoration equivalent riparian wetlands in the Tar-Pamlico River basin (Hydrologic Cataloging Unit 03020103). For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration. It is recommended that NCDOT provide this mitigation in accordance with the procedures suggested in our letter dated 1 September 13, 2004 from Mr. Ken Jolly to Dr. Gregory J. Thorpe

Action ID Number: 200610578

County: Beaufort

Permittee: NCDOT

Date Permit Issued: 3/9/2006

Project Manager: William Wescott

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
WASHINGTON REGULATORY FIELD OFFICE
Post Office Box 1000
Washington, NC 27889

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

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

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NCDOT	File Number: 200610578	Date: 3/9/2006
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
US Army Corps of Engineers
attn: William Wescott
Post Office Box 1000
Washington, NC 27889

If you only have questions regarding the appeal process you may also contact:
Mr. Michael F. Bell, Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<hr/> Signature of appellant or agent.	Date:	Telephone number:
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DIVISION ENGINEER:
Commander
U.S. Army Engineer Division, South Atlantic
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-3490

RECEIVED

MAR 21 2006

DIVISION OF HIGHWAYS
PDEA-OFFICE OF NATURAL ENVIRONMENT

NATIONWIDE PERMIT 23
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 18, 2002

Approved Categorical Exclusions: Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 et seq.), that the activity, work, or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Before to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit. (Sections 10 and 404)

a. In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

b. For NWP 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species.

a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS the District Engineer may add species-specific regional endangered species conditions to the NWPs.

b. Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the USFWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; 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. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

4. For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

5. For NWP 7 (Cutfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

6. For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

7. For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

8. For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

9. For NWP 29 (Single-Family Housing), the PCN must also include:

i. Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

ii. A statement that the single-family housing activity is for a personal residence of the permittee;

iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring $\frac{1}{4}$ -acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than

15. For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

16. For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

17. For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

18. For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

d. District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the

concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

f. Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than $\frac{1}{4}$ -acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

- a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
- b. A statement that any required mitigation was completed in accordance with the permit conditions; and
- c. The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the US for the total project cannot exceed $\frac{1}{3}$ -acre) .

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash,

open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment or, a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

g. Compensatory mitigation proposals submitted with the " notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes

floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of a NWP.
2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or nonstructural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts, which remain, after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWPs.

Non-tidal Wetland: An area that, during a year with normal patterns of precipitation has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for the most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the

for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to openwaters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement or preservation of aquatic habitats to ensure that activities authorized by NWP result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT

1. Waters Excluded from NWP or Subject to Additional Notification Requirements:

a. The Corps identified waters that will be excluded from use of this NWP. These waters are:

1. 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 area are prohibited during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

2. Discharges into Waters of the United States designated as sturgeon spawning areas are prohibited during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).

b. The Corps identified waters that will be subject to additional notification requirements for activities authorized by this NWP. These waters are:

1. Prior to the use of any NWP in any of the following North Carolina *designated waters*, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant must furnish a written statement of compliance with all of the conditions of the applicable Nationwide Permit. The North Carolina *designated waters* that require additional notification requirements are “Outstanding Resource Waters” (ORW) and “High Quality

location of work, a delineation of wetlands, a discussion of alternatives to working in the Mountain Trout Waters, why other alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the Mountain Trout Waters. To facilitate coordination with the NCWRC, the proponent may provide a copy of the notification to the NCWRC concurrent with the notification to the District Engineer. The NCWRC will respond both to the proponent and directly to the Corps of Engineers.

The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery	Yancey
Buncombe	Burke	Caldwell	Wilkes
Cherokee	Clay	Graham	Swain
Haywood	Henderson	Jackson	Surry
Macon	Madison	McDowell	Stokes
Mitchell	Polk	Rutherford	
Transylvania	Watauga		

6. Applicants shall notify the NCDENR 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 of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the 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. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

2. List of Final Corps Regional Modifications and Conditions for All Nationwide Permits

a. Individual or multiple NWP's may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

b. Prior to the use of any NWP (except 13, 27, and 39) for any activity that has more than a total of 150 total linear feet of perennial streambed impacts or intermittent streambed impacts (if the intermittent stream has important aquatic function), the applicant must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Compensatory mitigation is typically required for any impact that requires such notification. [Note: The Corps uses the Intermittent Channel Evaluation Form, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of the intermittent channel stream status. Also, NWP's 13, 27 and 39 have specific reporting requirements.]

c. For all Nationwide Permits which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the traveling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II;

5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;

8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;

9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

Subject: RE: B-4022 Beaufort County

Date: Wed, 24 May 2006 14:12:44 -0400

From: "Wescott, William G SAW" <William.G.Wescott@saw02.usace.army.mil>

To: "Chris Rivenbark" <crivenbark@dot.state.nc.us>,
"Tyler P. Stanton" <tstanton@dot.state.nc.us>

CC: "Brian Wrenn" <Brian.Wrenn@ncmail.net>, "smtp-Sechler, Ron" <ron.sechler@noaa.gov>

Tyler and Chris,

Since National Marine Fisheries Service has changed the recommended moratorium from an ending date of September 30 to June 15, NCDOT may consider the special condition for USACE permit action ID 200610578 effectively changed. This change will be consistent with NCDWQ permit special condition which has a moratorium ending date of June 15.

William Wescott

-----Original Message-----

From: Ron Sechler [mailto:ron.sechler@noaa.gov]

Sent: Thursday, March 30, 2006 2:19 PM

To: Chris Rivenbark

Cc: Wescott, William G SAW; Brian Wrenn; Bill Arrington; Tyler P. Stanton

Subject: Re: B-4022 Beaufort County

Chris,

Based on our conversation regarding the in water work moratorium for B-4402, I agree that a no work in water moratorium between February 15 and June 15 of any year should be adequate to protect anadromous fishery resource at this site. Spring spawning activity should be over and out migration of juveniles should not be disrupted by the limited level of work associated with this bridge replacement so long as the "Stream Guidelines for Anadromous Fish Passage" are followed.
Sincerely,

Ron Sechler
National Marine Fisheries Service
Habitat Conservation Division
101 Pivers Island Road
Beaufort, North Carolina 28516

Phone: 252-728-5090
Fax: 252-728-8728
Email: ron.sechler@noaa.gov

Chris Rivenbark wrote:

> B-4022 Beaufort County
> Bridge No. 90 over Tranter's Creek on SR 1414
>
> USACE Action I.D. #200610578
> CAMA General Permit #44779C
>
> Ron,
> I just wanted to follow up to our phone conversation this
> morning. The Categorical Exclusion document for this project
> included a commitment that an in-water moratorium would be
> enforced from February 16 to September 30 of any given year.
> During our conversation you felt that a in-water moratorium of
> February 15 to June 15 of any given year would be adequate for
> this stream. Additionally, NCDOT will follow "Stream Guidelines
> for Anadromous Fish Passage".



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

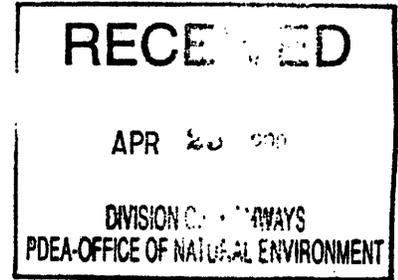
Alan W. Klimek, P.E. Director
Division of Water Quality

B-4022 Stanton

April 17, 2006
Beaufort & Pitt Counties
DWQ Project No. 20060284

APPROVAL of 401 WATER QUALITY CERTIFICATION and TAR PAMLICO RIVER BUFFER RULES with ADDITIONAL CONDITIONS

Dr. Gregory J. Thorpe, PhD., Manager
Planning & Environmental Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548



Dear Dr. Thorpe:

You have our approval, in accordance with the attached conditions and those listed below, for the following impacts:

Site Number	Wetlands (acres)		Buffer Zone 1 (square ft)	Buffer Zone 2 (square ft)	Streams (square ft)
	Fill	Mechanized Clearing			
Site 1	0.006	0.034	5,917	4,108	42.48
Net Total Impacts	0.040 acres		10,025 ft ² (0.23 acres)		42.48 ft ²

The project shall be constructed in accordance with your application dated received February 22, 2006 for the purpose of replacing Bridge 90 over Tranter's Creek on SR 1414 / SR 1556 in Beaufort and Pitt Counties. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3403. This certification corresponds to the Nationwide Permit 23 issued by the Corps of Engineers. This approval is also valid for the Tar Pamlico River Buffer Rules (15A NCAC 2B .0259). 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 issued by the US Army Corps of Engineers (this supercedes Condition 10 of General Certification 3403 issued March, 2003).

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 DWQ 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 total impacts to streams or buffers (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

- 1.) Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
- 2.) 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.

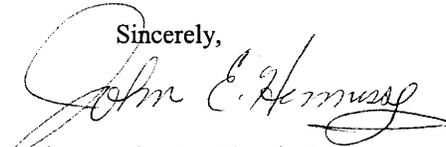
- 3.) Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- 4.) All work shall be performed during low or normal flow conditions.
- 5.) The outside buffer, wetland or water boundary located within the construction corridor approved 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.
- 6.) Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
- 7.) There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
- 8.) All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.
- 9.) 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.
- 10.) The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
- 11.) Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
- 12.) Pursuant to NCAC 15A 2B .0259 (6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar Pamlico River Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
- 13.) Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation, operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 14.) Heavy equipment must be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into the stream.
- 15.) No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened
- 16.) The presence of equipment in the channels must be minimized. Under no circumstances must rock, sand or other materials be dredged from the wetted stream channel under authorization of this permit, except in the immediate vicinity of the culverts.

- 17.) All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1.
- 18.) All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.
- 19.) The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species is required.
- 20.) If the old bridge is removed, no discharge of bridge material into surface waters is preferred. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.
- 21.) No in-water work is permitted between February 15 and June 15 of any year, without prior approval from the NC Division of Water Quality and the NC Wildlife Resources Commission. In addition, NCDOT shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
- 22.) A copy of this Water Quality Certification shall be posted 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.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252) 948-3922.

Sincerely,



for Alan W. Klimek, P.E.

Attachment

cc: Wilmington District Corps of Engineers
Mr. William Wescott, US Army Corps of Engineers, Washington Field Office
Mr. Jay Johnson, Division 2 Environmental Officer, NCDOT
Wanda Gooden, DCM, 1367 US 17 S. Elizabeth City, NC 27909
Cathy Brittingham, DCM, 1638 Mail Service Center, Raleigh, NC 27699
Mr. Rob Ridings, NCDWQ, Wetlands/401 Unit
Mr. Garcy Ward, NCDWQ, Washington Regional Office
Central Files

WQC #3404

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 14 (ROAD CROSSINGS) AND REGIONAL GENERAL PERMIT 198200031 (WORK ASSOCIATED WITH BRIDGE CONSTRUCTION, MAINTENANCE OR REPAIR CONDUCTED BY NCDOT OR OTHER GOVERNMENT AGENCIES) AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES)

This General Certification 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 Division of Water Quality (DWQ) Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and adjacent wetland areas or to wetland areas that are not a part of the surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated wetlands) as described in 33 CFR 330 Appendix A (B) (14) of the Corps of Engineers regulations (Nationwide Permit No. 14 and Regional General Permit 198200031) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. The category of activities shall include any fill activity for road crossings and is limited to fill less than one-third acre in tidal waters and less than one-half acre in non-tidal waters. This Certification replaces Water Quality Certification Number 2177 issued on November 5, 1987, Water Quality Certification Number 2666 issued on January 21, 1992, Water Quality Certification Number 2732 issued on May 1, 1992, Water Quality Certification Number 3103 issued on February 11, 1997, Water Quality Certification Number 3289 issued on June 1, 2000 and Water Quality Certification Number 3375 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 14 or Regional General Permit 198200031 or when deemed appropriate by the Director of DWQ.

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.

Conditions of Certification:

1. Enumerating and Reporting of Impacts:

- Streams - Impacts to streams as determined by the Division of Water Quality shall be measured as length of the centerline of the normal flow channel. Permanent and/or temporary stream impacts shall be enumerated on the entire project for all impacts regardless of which 404 Nationwide Permits are used. Stream relocations and stream bed and/or bank hardening are considered to be permanent stream impacts. Any activity that results in a loss of use of stream functions including but not limited to filling, relocating, flooding, dredging and complete shading shall be considered stream impacts. Enumeration of impacts to streams shall include streams enclosed by bottomless culverts, bottomless arches or other spanning structures when a 404 Permit is used anywhere in a project unless the entire structure (including construction impacts) spans the entire bed and both banks of the stream, is only used for a road, driveway or path crossing, and is not mitered to follow the stream pattern. Impacts for dam footprints and flooding will count toward the threshold for stream impacts, but flooding upstream of the dam will not (as long as no filling, excavation, relocation or other modification of the existing stream dimension, pattern or profile occurs) count towards mitigation requirements.
- Wetlands - Impacts to wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary wetland impacts shall be enumerated on the entire project for all impacts regardless of which 404 Nationwide Permits are used. Any activity that results in a loss of use of wetland functions including but not limited to filling, draining, and flooding shall be considered wetland impacts. Enumeration of impacts to wetlands shall include activities that change the hydrology of a wetland when a 404 Permit is used anywhere in a project.
- Lakes and Ponds – Lake and Pond Impacts Enumeration- Impacts to waters other than streams and wetlands as determined by the Division of Water Quality shall be measured as area. Permanent and/or temporary water impacts shall be enumerated on the entire project for all impacts proposed regardless of which 404 Nationwide Permits are used. Any activity that results in a loss of use of aquatic functions including but not limited to filling and dredging shall be considered waters impacts;

2. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires application to and prior written concurrence from the Division of Water Quality;

WQC #3404

3. Application to and payment of a fee to DWQ is not required for construction of a driveway to a single family lot as long as the driveway impacts less than 25 feet of stream channel including any in-stream stabilization needed for the crossing;
4. Impacts to any stream length in the Neuse, Tar-Pamlico or Randleman River Basins (or any other major river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence for this Certification from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse and Tar-Pamlico River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;
5. Irrespective of other application thresholds in this General Certification, all impacts to perennial waters and their associated buffers require written approval from DWQ since such impacts are allowable as provided in 15A NCAC 2B. 0212 (WS-I), 2B .0213 (WS-II), 2B .0214 (WS-III) and 2B .0215 (WS-IV). Only water dependent activities, public projects and structures with diminimus increases in impervious surfaces will be allowed as outlined in those rules. All other activities require a variance from the delegated local government and/or the NC Environmental Management Commission before the 401 Water Quality Certification can be processed. In addition, a 30 foot wide vegetative buffer for low density development or a 100 foot wide vegetative buffer for high density development must be maintained adjacent to all perennial waters except for allowances as provided under the Water Supply Watershed Protection Rules. For the purposes of this condition, perennial waters are defined as those shown as perennial waters on the most recent USGS 1:24,000 topographic map or as otherwise determined by local government studies;
6. Additional site-specific stormwater management requirements may be added to this Certification at DWQ's discretion on a case by case basis for projects that have or are anticipated to have impervious cover of greater than 30 percent. Site-specific stormwater management shall be designed to remove 85% TSS according to the latest version of DWQ's Stormwater Best Management Practices manual at a minimum.

Additionally, in watersheds within one mile and draining to 303(d) listed waters, as well as watersheds that are classified as nutrient sensitive waters (NSW), water supply waters (WS), trout waters (Tr), high quality waters (HQW), and outstanding resource waters (ORW), the Division shall require that extended detention wetlands, bio-retention areas, and ponds followed by forested filter strips (designed according to latest version of the NC DENR Stormwater Best Management Practices Manual) be constructed as part of the stormwater management plan when a site-specific stormwater management plan is required.

Alternative designs may be requested by the applicant and will be reviewed on a case-by-case basis by the Division of Water Quality.

Approval of stormwater management plans by the Division of Water Quality's other existing state stormwater programs including appropriate local programs are sufficient to satisfy this Condition as long as the stormwater management plans meet or exceed the design requirements specified in this condition. This condition applies unless more stringent requirements are in effect from other state water quality programs.

- Unless specified otherwise in the approval letter, the final, written stormwater management plan shall be approved in writing by the Division of Water Quality's Wetlands Unit before the impacts specified in this Certification occur.
- The facilities must be designed to treat the runoff from the entire project, unless otherwise explicitly approved by the Division of Water Quality.
- Also, before any permanent building or other structure is occupied at the subject site, the facilities (as approved by the Wetlands Unit) shall be constructed and operational, and the stormwater management plan (as approved by the Wetlands Unit) shall be implemented.

WQC #3404

- The structural stormwater practices as approved by the Wetlands Unit as well as drainage patterns must be maintained in perpetuity.
 - No changes to the structural stormwater practices shall be made without written authorization from the Division of Water Quality.
7. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;
 8. In accordance with North Carolina General Statute Section 143-215.3D(e), any application for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted through the Division of Coastal Management and will be the higher of the two fees;
 9. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. For linear public transportation projects, impacts equal to or exceeding 150 feet per stream may require mitigation. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur, unless otherwise specified in the approval letter. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public. Projects may also be implemented once payment is made to a private mitigation bank or other in-lieu fee program, as specified in the written concurrence of 401 Certification for a project. Please note that if a stream relocation is conducted as a stream restoration as defined in *The Internal Technical Guide for Stream Work in North Carolina*, April 2001, the restored length can be used as compensatory mitigation for the impacts resulting from the relocation;
 10. For any project involving re-alignment of streams, a stream relocation plan must be included with the 401 application for written DWQ approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel, to the maximum extent practical. The new channel should be constructed in the dry and water shall not be turned into the new channel until the banks are stabilized. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. If suitable stream mitigation is not practical on-site, then stream impact will need to be mitigated elsewhere;
 11. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts including open bottom or bottomless arch culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in aggradation, degradation or significant changes in hydrology of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested to do so in writing by DWQ. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in aggradation, degradation or significant changes in hydrology of streams or wetlands;

WQC #3404

12. That appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard;
13. All sediment and erosion control measures placed in wetlands and waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;
14. That additional site-specific conditions may be added to projects proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
15. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;
16. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse;
17. If this Certification is used to access building sites, all lots owned by the applicant must be buildable without additional fill beyond that explicitly allowed under other General Certifications. For road construction purposes, this Certification shall only be utilized from natural high ground to natural high ground;
18. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed;
19. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Nationwide Permit 14 or Regional General Permit 198200031, whichever is sooner.

Non-compliance with or violation of the conditions herein set forth by a specific fill project may result in revocation of this Certification for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for Individual Certification for any project in this category of activity that requires written concurrence under this certification, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: 28 March 2003

DIVISION OF WATER QUALITY
Signed By
Alan W. Klimek, P.E.
Director

Certification of Completion

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of Wetland Permit: _____

Certificate of Completion

Upon completion of all work approved within the **401 Water Quality Certification and Buffer Rules**, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ 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: _____

If this project was designed by a Certified Professional

I, _____, as a duly registered Professional _____ (i.e., Engineer, Landscape Architect, Surveyor, etc.) 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 _____



CAMA / DREDGE & FILL
GENERAL PERMIT

New Modification Complete Reissue Partial Reissue

Nº 44779

Previous permit # N/A
 Date previous permit issued N/A

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC 07H . 2300

Applicant Name NC DOT
 Address 1548 Mail Service Center
 City Raleigh State NC ZIP 27699-1548
 Phone # (919) 715-1439 Fax # ()
 Authorized Agent Gregory J. Thorpe / Tyler Stanton

Project Location: County Beaufort
 Street Address/ State Road/ Lot #(s) SR1414 at the
Beaufort/Pitt Co. Line. over Traversers Creek
 Subdivision _____
 City Leggets Crossroads ZIP _____
 Phone # () River Basin Tar/Pam
 Adj. Wtr. Body Tar River (nat/man/unkn)
 Closest Maj. Wtr. Body Emlico River

Affected CW EW PTA ES PPS
 AEC(s): OEA HHF IH UBA N/A
 PWS: _____ FC: _____
 ORW: yes / no PNA yes / no Crit. Hab. yes / no

Type of Project/ Activity Bridge Replacement (Scale: on Drawings)

Pier (dock) length _____
 Platform(s) _____
 Finger pier(s) _____
 Groin length _____
 number _____
 Bulkhead/ Riprap length _____
 avg distance offshore _____
 max distance offshore _____
 Basin, channel _____
 cubic yards _____
 Boat ramp _____
 Boathouse/ Boatlift _____
 Beach Bulldozing _____
 Other Bridge Replacement
 Shoreline Length _____
 SAV: not sure yes no
 Sandbags: not sure yes no
 Moratorium: n/a yes no
 Photos: yes no
 Waiver Attached: yes no

Replace Existing
 175' x 24' Bridge
 with
 220' x 30' Bridge
 on existing alignment
 as on drawings

A building permit may be required by: N/A See note on back regarding River Basin rules.

Notes/ Special Conditions No in water work Feb. 16 to Sept. 30

Gregory Thorpe / Tyler Stanton
 Agent or Applicant Printed Name
[Signature]
 Signature ** Please read compliance statement on back of permit **
100⁰⁰ debit to WBS 33389.1.1
 Application Fee(s) Check #

[Signature]
 Permit Officer's Signature
3/23/06
 Issuing Date
N/A (Beaufort Co.)
 Local Planning Jurisdiction
3/22/07
 Expiration Date
X031617A
 Rover File Name

Statement of Compliance and Consistency

This permit is subject to compliance with this application, site drawing and attached general and specific conditions. Any violation of these terms may subject the permittee to a fine or criminal or civil action; and may cause the permit to become null and void.

This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. The applicant certifies by signing this permit that 1) prior to undertaking any activities authorized by this permit, the applicant will confer with appropriate local authorities to confirm that this project is consistent with the local land use plan and all local ordinances, and 2) a written statement or certified mail return receipt has been obtained from the adjacent riparian landowner(s).

The State of North Carolina and the Division of Coastal Management, in issuing this permit under the best available information and belief, certify that this project is consistent with the North Carolina Coastal Management Program.

River Basin Rules Applicable To Your Project:

Tar - Pamlico River Basin Buffer Rules

Other: _____

Neuse River Basin Buffer Rules

If indicated on front of permit, your project is subject to the Environmental Management Commission's Buffer Rules for the River Basin checked above due to its location within that River Basin. These buffer rules are enforced by the NC Division of Water Quality. Contact the Division of Water Quality at the Washington Regional Office (252-946-6481) or the Wilmington Regional Office (910-796-7215) for more information on how to comply with these buffer rules.

Division of Coastal Management Offices

Central Office

Mailing Address:
1638 Mail Service Center
Raleigh, NC 27699-1638

Location:
Parker-Lincoln Building
2728 Capital Blvd.
Raleigh, NC 27604
919-733-2293
Fax: 919-733-1495

Elizabeth City District

1367 U.S. 17 South
Elizabeth City, NC 27909
252-264-3901
Fax: 252-264-3723
(Serves: Camden, Chowan, Currituck,
Dare, Gates, Pasquotank and Perquimans
Counties)

Morehead City District

400 Commerce Ave
Morehead City, NC 28557
202-808-2808/ 1-888-4RCAST
Fax: 252-247-3330
(Serves: Carteret, Craven, Onslow -above
New River Inlet- and Pamlico Counties)

Washington District

943 Washington Square Mall
Washington, NC 27889
252-946-6481
Fax: 252-948-0478
(Serves: Beaufort, Bertie, Hertford, Hyde,
Tyrrell and Washington Counties)

Wilmington District

127 Cardinal Drive Ext.
Wilmington, NC 28405-3845
910-796-7215
Fax: 910-395-3964
(Serves: Brunswick, New Hanover,
Onslow -below New River Inlet- and
Pender Counties)

Subject: Re: [Fwd: Re: B-4022 Beaufort County] Corrected]]

Date: Wed, 12 Apr 2006 12:20:10 -0400

From: Steve Sollod <Steve.Sollod@ncmail.net>

To: "Tyler P. Stanton" <tstanton@dot.state.nc.us>

CC: Terry Moore <Terry.Moore@ncmail.net>, Doug Huggett <Doug.Huggett@ncmail.net>, Chris Rivenbark <crivenbark@dot.state.nc.us>

This is in response to NCDOT's request to refine CAMA General Permit No. 44779 for the replacement of Bridge No. 90 over Tranter's Creek on SR 1414 (B-4022). The permit, issued on 3/23/06 contained a special condition requiring no in-water work between February 16 and September 30. Per NCDOT's consultation with the National Marine Fisheries Service via telephone and the subsequent e-mail of 3/30/06 (attached), the permit is hereby refined to reflect a change of the in-water work moratorium to between February 15 and June 15 of any year and compliance with NCDOT's "Stream Crossing Guidelines for Anadromous Fish Passage".

This refinement shall be attached to the original CAMA General Permit No. 44779 and all permit documents shall be readily available on site when a Division of Coastal Management (DCM) representative inspects the project for compliance.

Steve Sollod
Transportation Project Coordinator
NC Division of Coastal Management

Tyler P. Stanton wrote:

--

Tyler Stanton, Biologist
North Carolina Department of Transportation
PDEA, Natural Environment Unit
1598 Mail Service Center
Raleigh, NC 27699-1598
voice: (919) 715-1439 fax: (919) 715-5501

--

Chris Rivenbark
Eastern Regional Manager
Project Management Group
PDEA Natural Environment Unit
N.C. Department of Transportation
(919) 715-1460

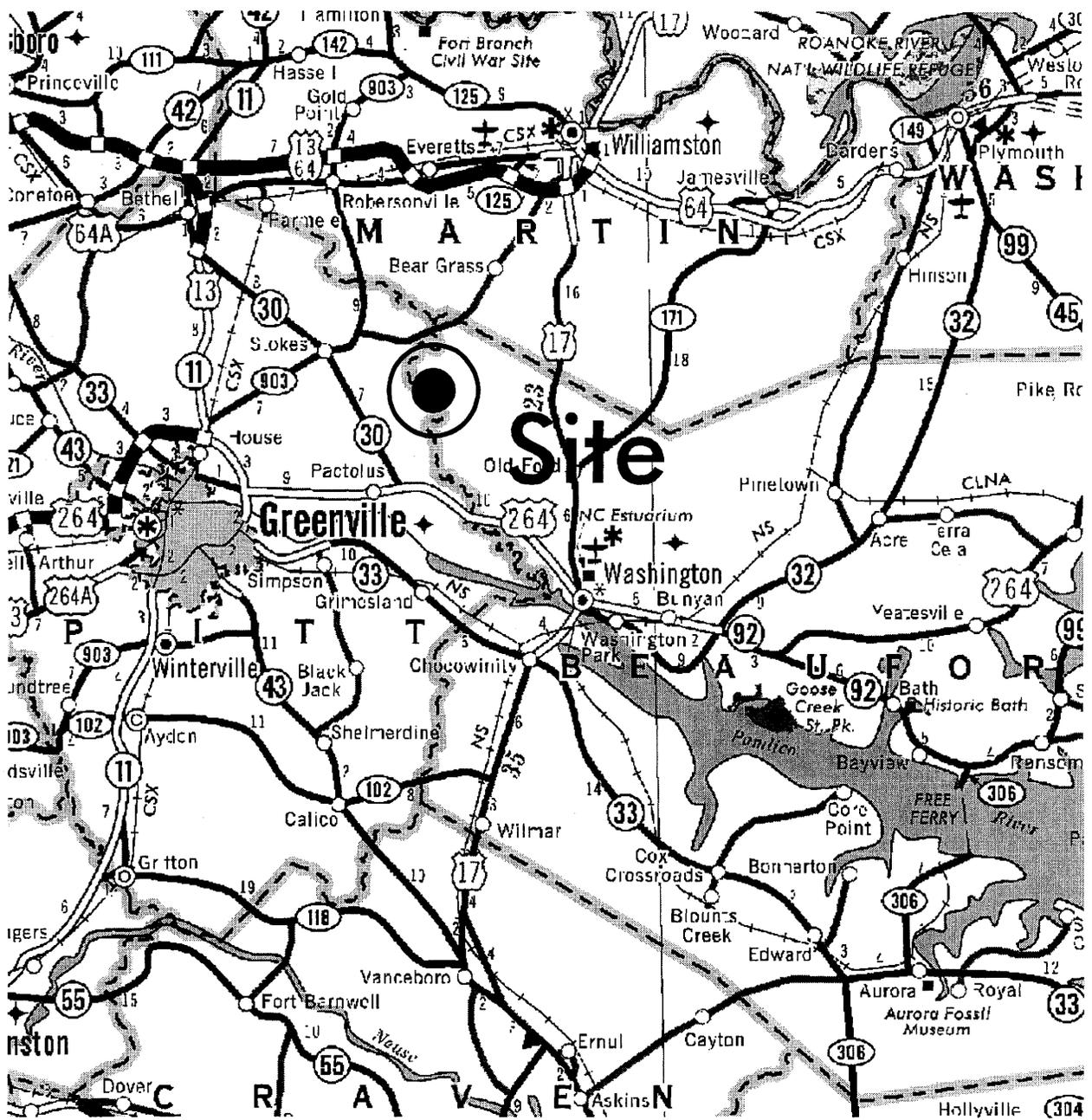
Chris,

Based on our conversation regarding the in water work moratorium for B-4022, I agree that a no work in water moratorium between February 15 and June 15 of any year should be adequate to protect anadromous fishery resource at this site. Spring spawning activity should be over and out migration of juveniles should not be disrupted by the limited level of work associated with this bridge replacement so long a the "Stream Guidelines for Anadromous Fish Passage" are followed.

Sincerely,

Ron Sechler
National Marine Fisheries Service
Habitat Conservation Division
101 Pivers Island Road
Beaufort, North Carolina 28516

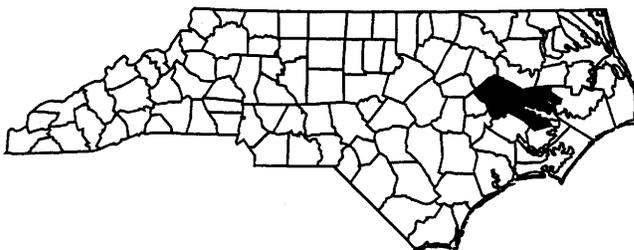
Phone: 252-728-5090
Fax: 252-728-8728
Email: ron.sechler@noaa.gov



Vicinity Map

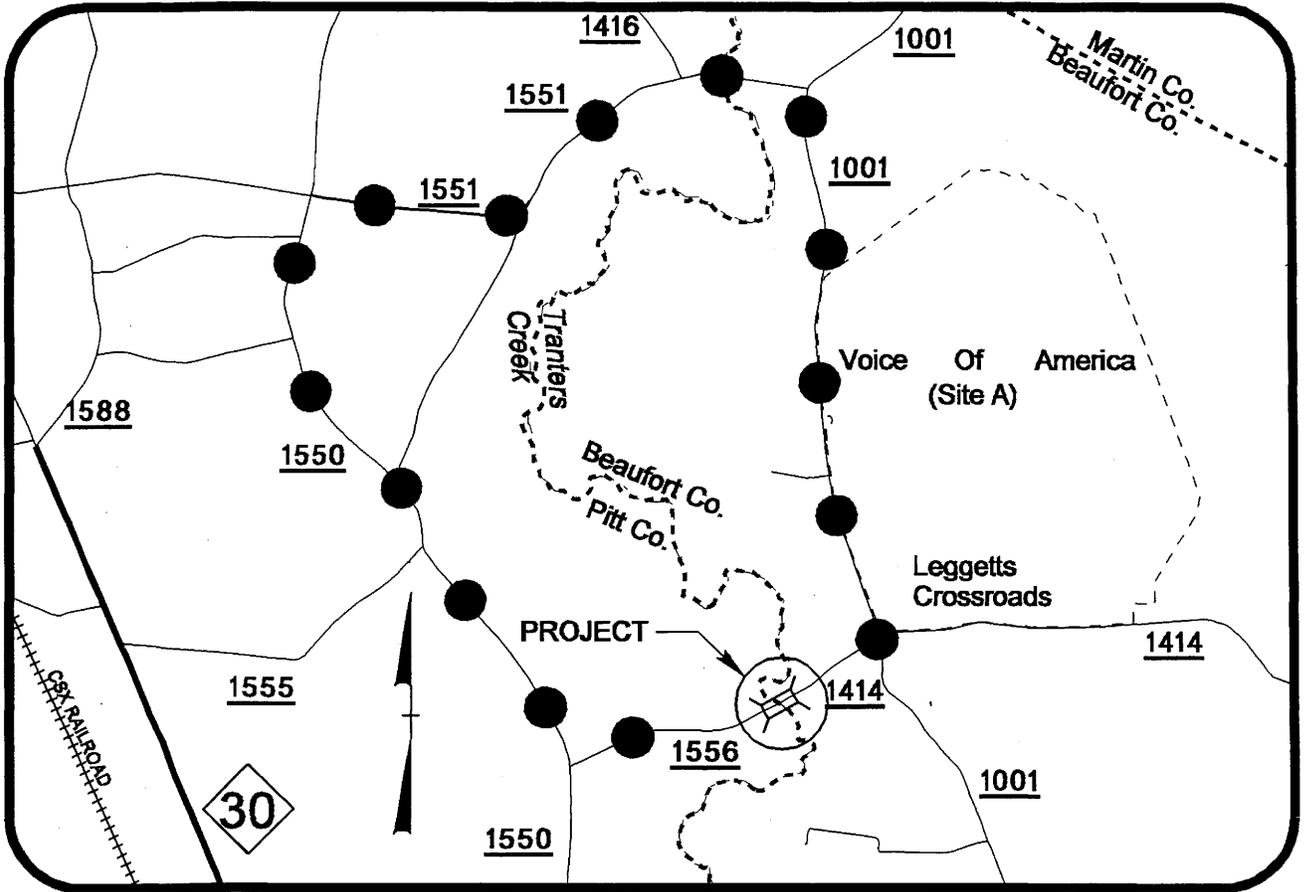
Wetland Impacts

NORTH CAROLINA



NCDOT

**DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: 33389.11 (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK**



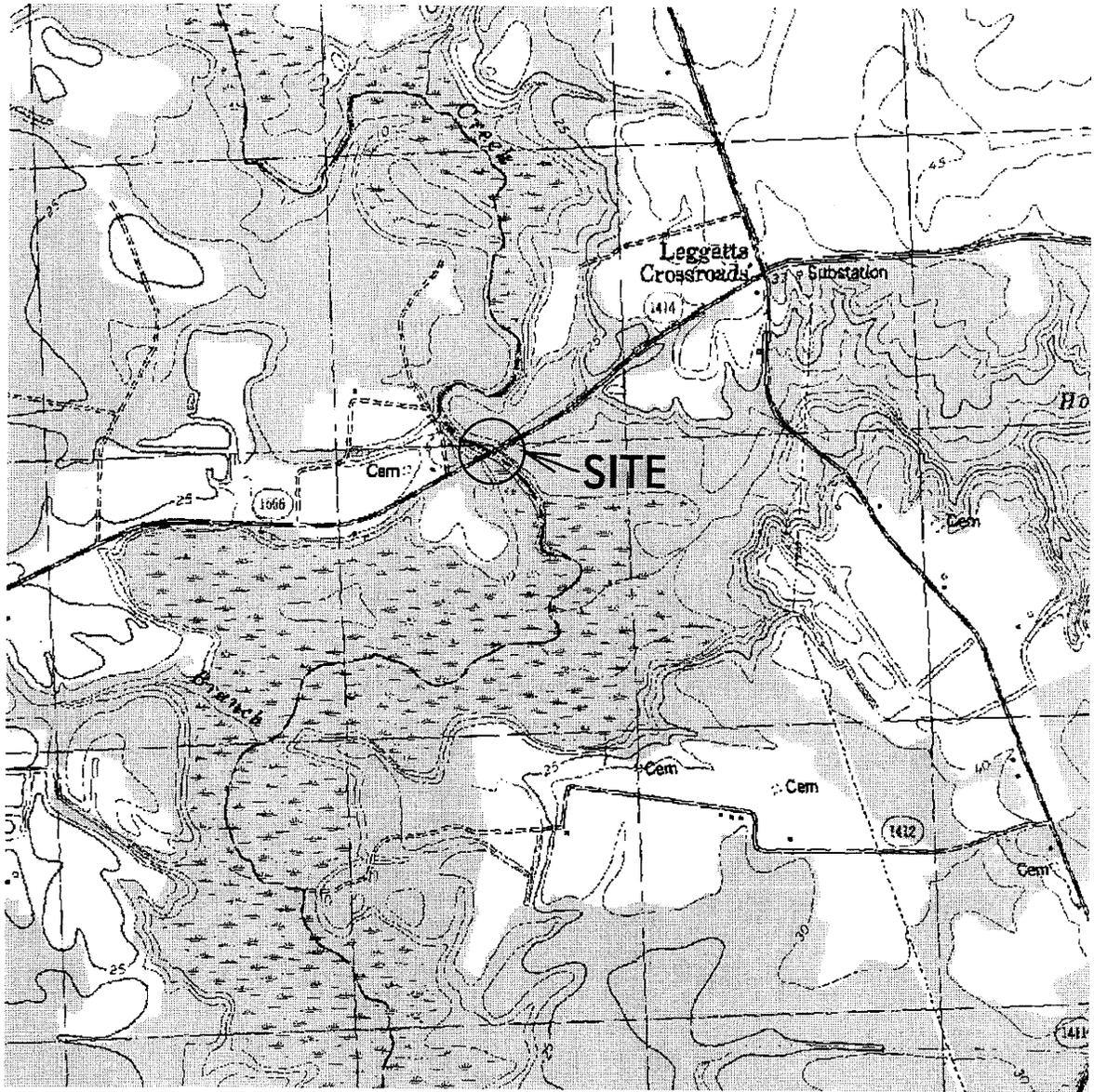
VICINITY MAP

Wetland Impacts

● DETOUR ROUTE



NCDOT
 DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: 33389.1.1 (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK



Leggett's Crossroads Quad Map

Wetland Impacts

500 0 1000 2000 3000 feet



NORTH CAROLINA



NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: 33389.1.1 (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414/SR1556
 OVER TRANTER'S CREEK

PROPERTY OWNERS

Annette Chauncey Radford
4287 Wards Bridge Rd. Greenville NC 27834

Gilbert Family Properties., LLC
108 Longmeadow Rd. Greenville NC 27834

Susan Edwards Bailey Thomas
4209 Glen Laurel Drive Raleigh NC 27612

NCDOT

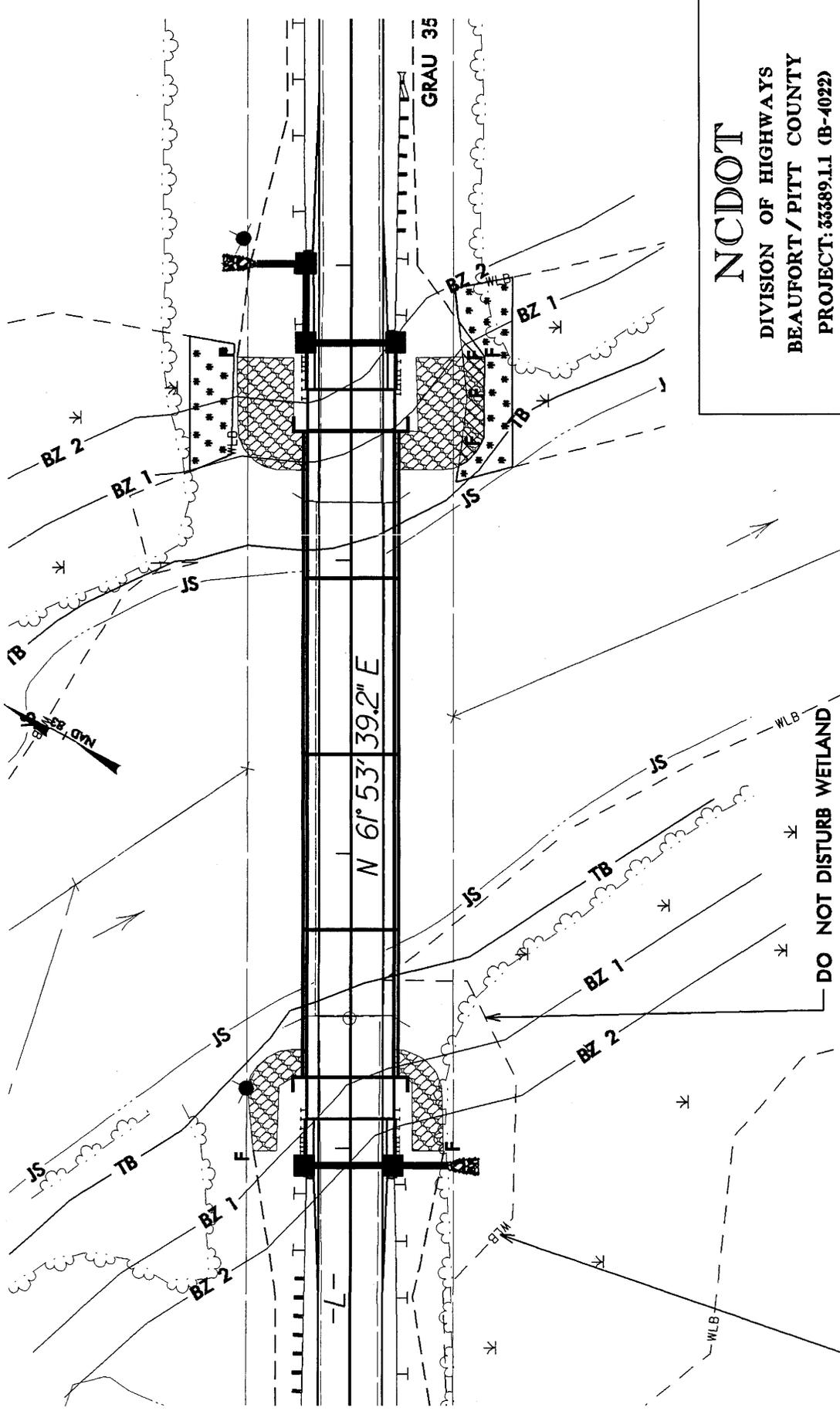
**DIVISION OF HIGHWAYS
BEAUFORT/PITT COUNTY**

PROJECT: 33389.1.1 (B-4022)

PERMIT DRAWINGS FOR

BRIDGE[#]90 ON SR1414

OVER TRANTER'S CREEK



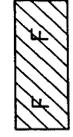
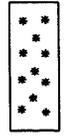
NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: 33389.1.1 (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK

SHEET 5 OF 9 10/07/05

 DENOTES MECHANIZED
 CLEARING IN WETLAND

F F
 DENOTES FILL IN
 WETLAND



DO NOT DISTURB WETLAND

WETLAND IMPACTS

N 61° 53' 39.2" E

GRAU 35

MAD 83.00

-L-

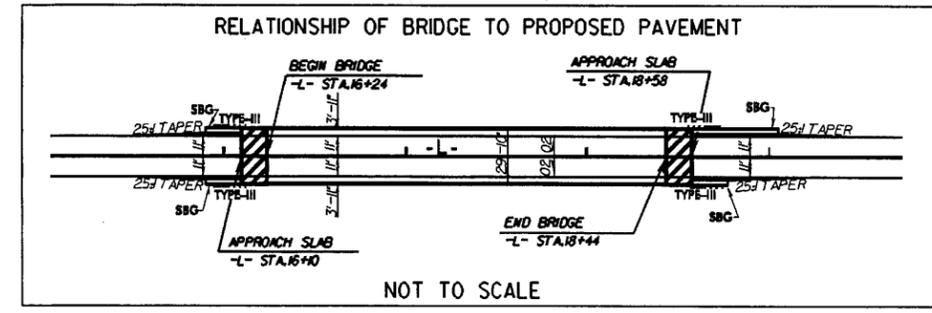
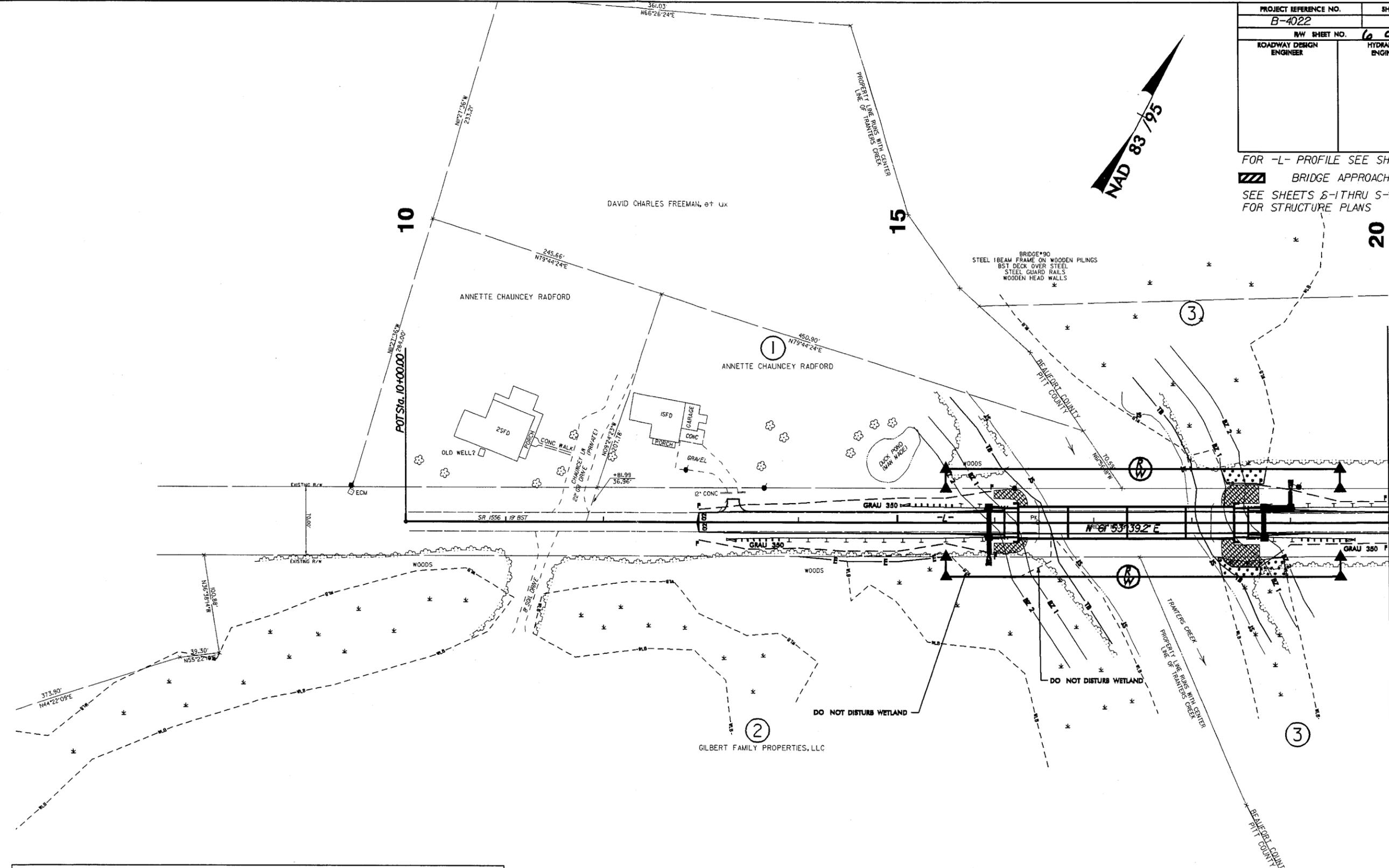
WLB

B.17/99

PROJECT REFERENCE NO. B-4022	SHEET NO. 4
R/W SHEET NO. 6 of 9	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

FOR -L- PROFILE SEE SHEET 6
 [Hatched Box] BRIDGE APPROACH SLAB
 SEE SHEETS 5-1 THRU 5-7
 FOR STRUCTURE PLANS

REVISIONS



WETLAND IMPACTS

- [Hatched Box] DENOTES FILL IN WETLAND
- [Dotted Box] DENOTES MECHANIZED CLEARING

07-OCT-2005 13:27
 r:\hydr\autoc\6-4922\hyd_wet_psh04.dgn
 smcgon

MATCHLINE -L- STA. 20+00.00 SEE SHEET NO. 5

5/14/99

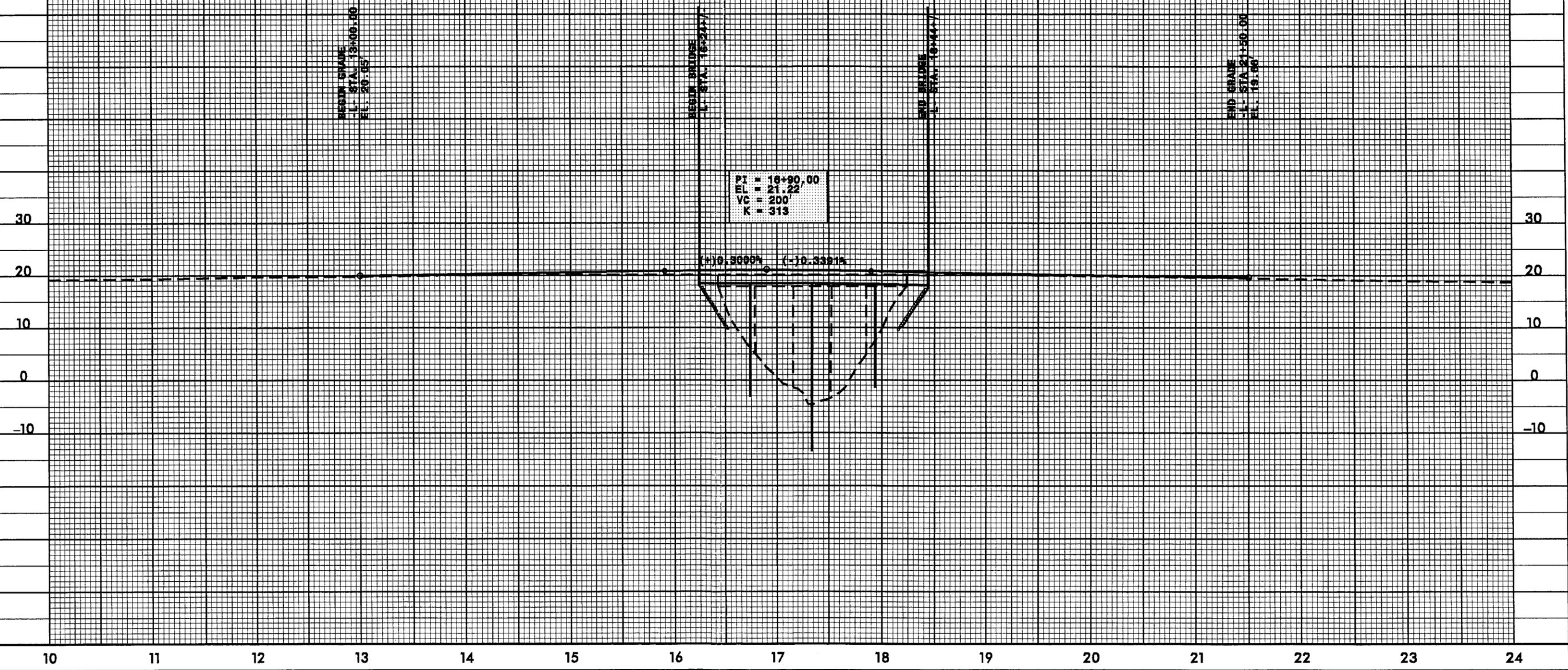
PROJECT REFERENCE NO. B-4022	SHEET NO. 6
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER 7/9
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

-I-

BM *RR SPIKE SET IN 36" OAK
92' RIGHT OF "L" STA 16+73
ELEV. = 1487'

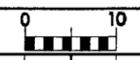
BRIDGE HYDRAULIC DATA	
DESIGN DISCHARGE	= 6400 CFS
DESIGN FREQUENCY	= 25 YRS
DESIGN HW ELEVATION	= 181 FT
BASE DISCHARGE	= 9300 CFS
BASE FREQUENCY	= 100 YRS
BASE HW ELEVATION	= 208 FT
OVERTOPPING DISCHARGE	= 7800 CFS
OVERTOPPING FREQUENCY	= 50 YRS
OVERTOPPING ELEVATION	= 195 FT
EST. NORM. W.S. ELEV.	= 105 FT
DATE OF SURVEY	= 02-20-03
W.S. ELEVATION AT DATE OF SURVEY	= 126 FT

PROFILE VIEW

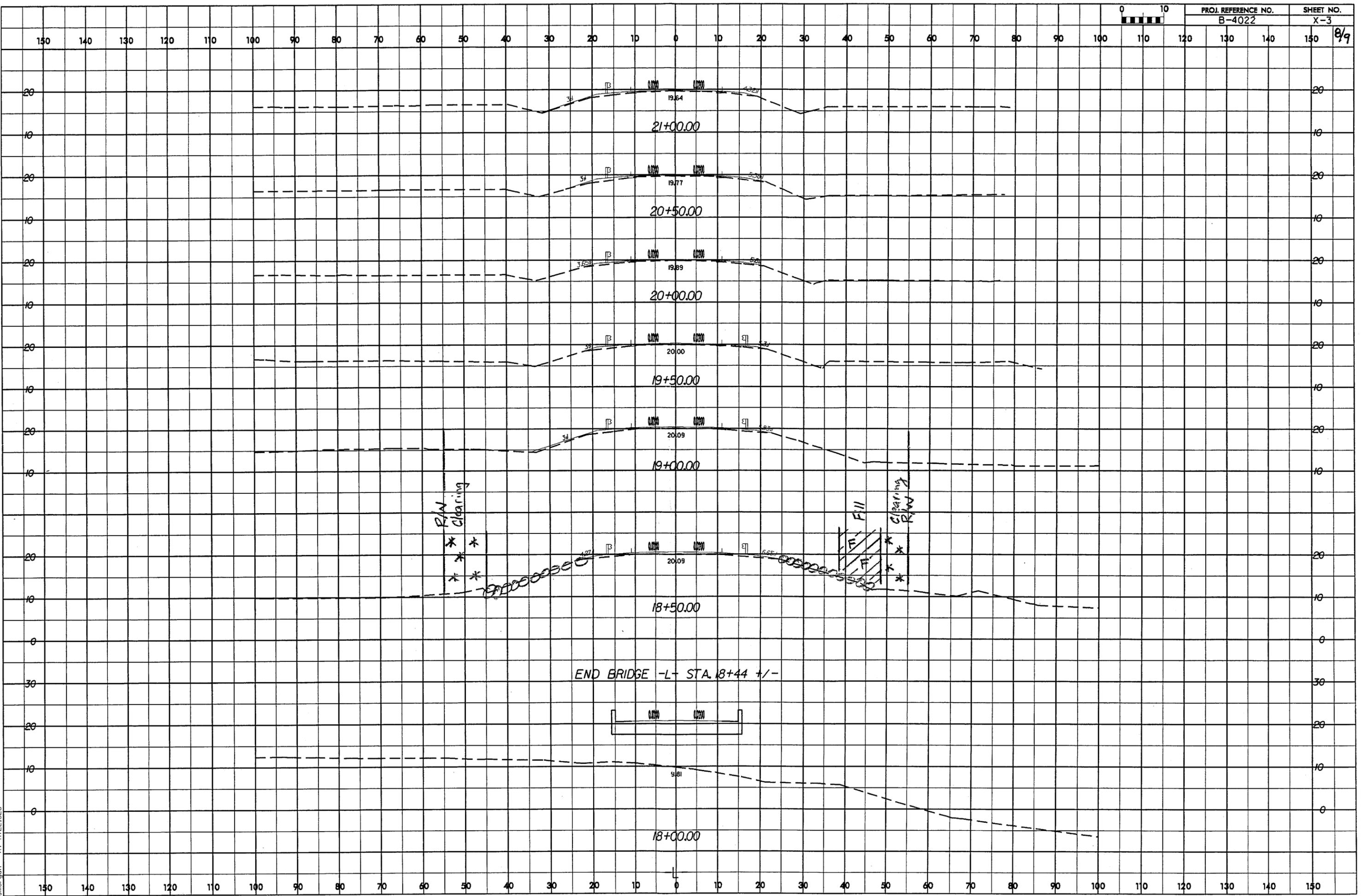


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8/23/99



PROJ. REFERENCE NO. B-4022
SHEET NO. X-3
8/9

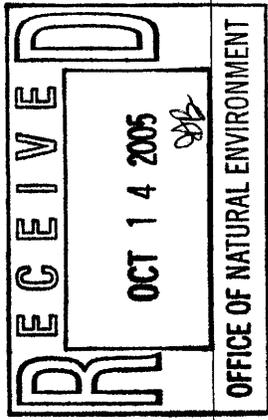


18-AUC-2005 15-53
PT:\hadr\city\B-4022\brid\wp1.dgn
smorgan AT HY221526

WETLAND PERMIT IMPACT SUMMARY

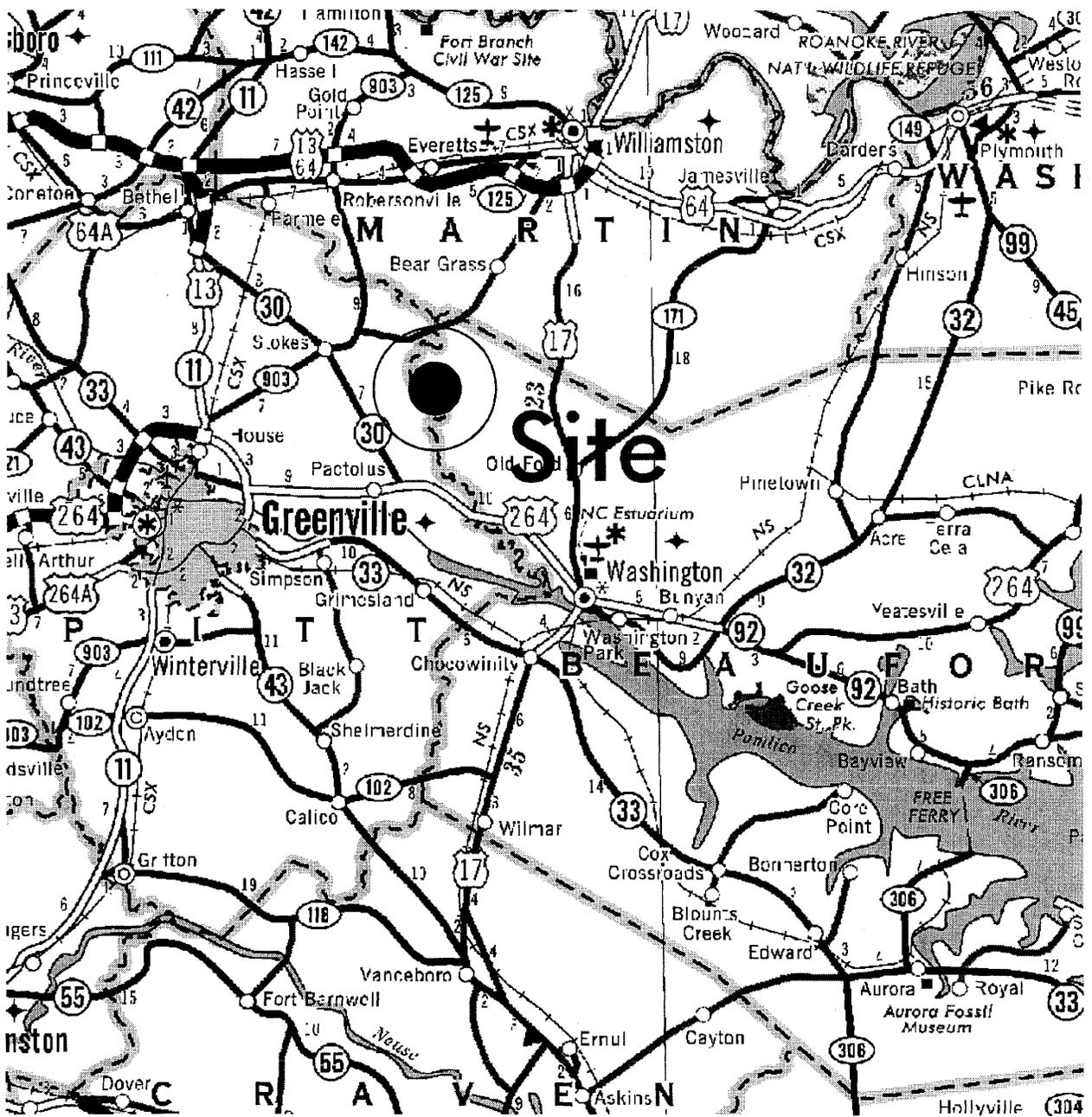
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				Natural Stream Design (ft)		
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)		Existing Channel Impacts Temp. (ft)	
1	16+24/18+43	220' BRIDGE	0.006			0.034							
TOTALS:			0.006			0.034							

Note: There is an overlap with buffer impacts as follows:
 232 sq. ft. fill in BZ1; 479 sq. ft. clearing in BZ1; 305 sq. ft. clearing in BZ2.



NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT/PITT
 PROJECT:33389.1.1 (B4022)

SHEET **9 of 9** 10/7/2005



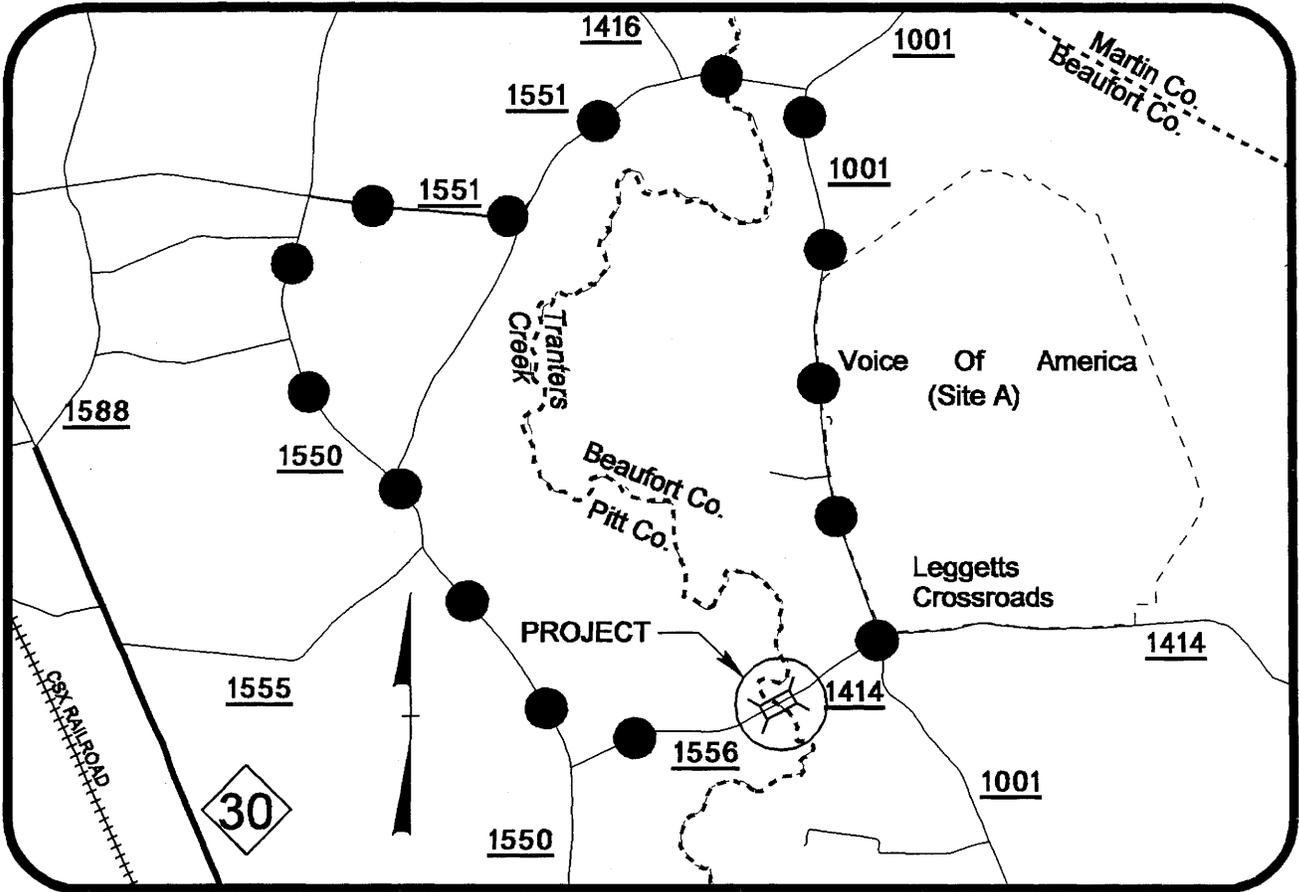
Vicinity Map

Buffer Impacts



NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT-~~8-2151001~~ ^{33389.1.1} (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK

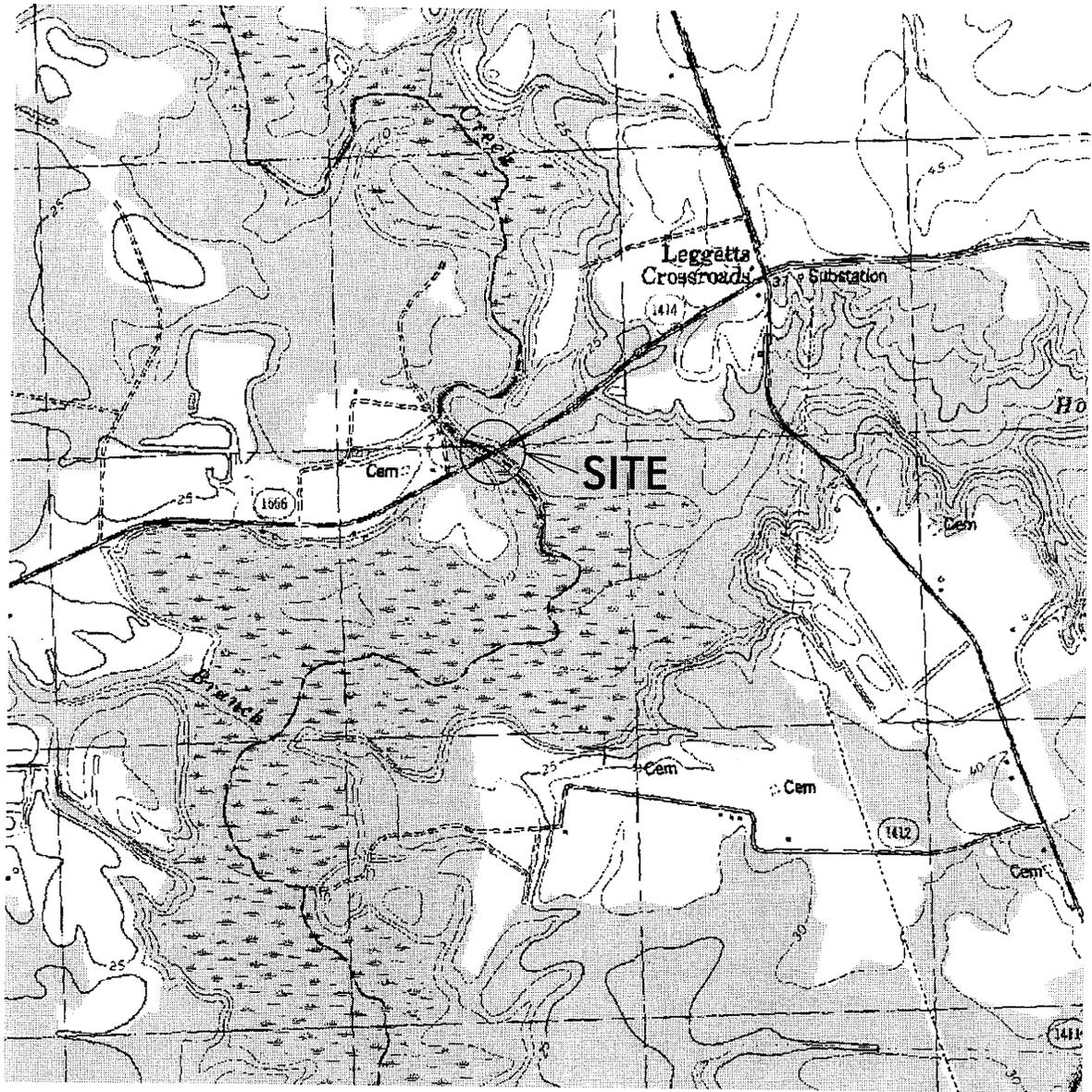


VICINITY MAP
Buffer Impacts

● DETOUR ROUTE

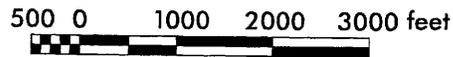


NCDOT
 DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT ^{23387.1.1} ~~8-2151001~~ (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK



Leggett's Crossroads Quad Map

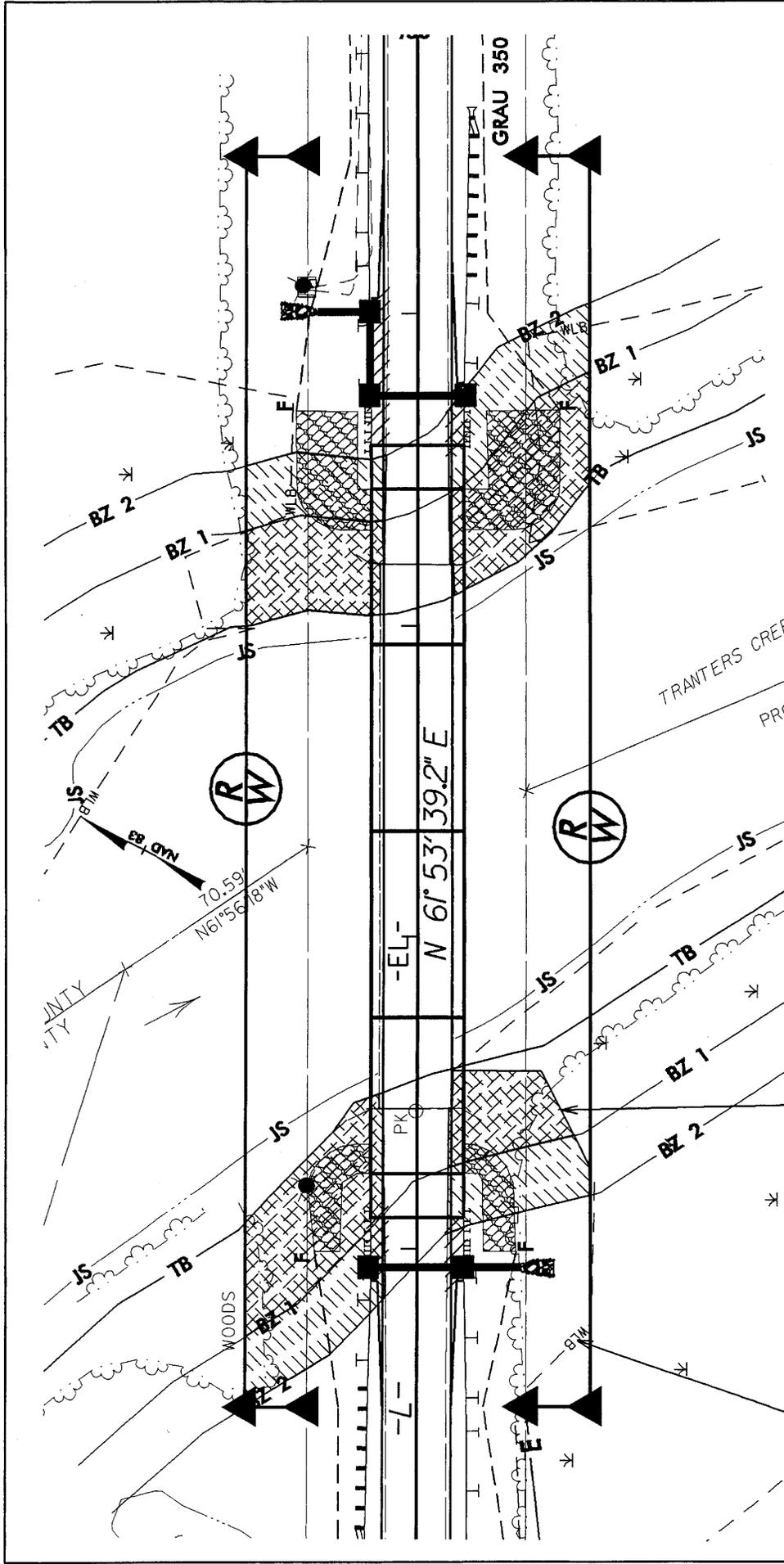
Buffer Impacts



NORTH CAROLINA

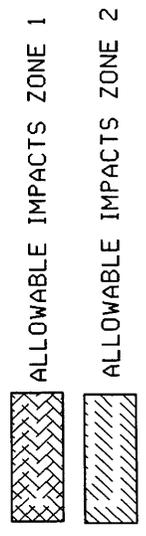
NCDOT

DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: ^{33389.1.1} ~~02151001~~ (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTER'S CREEK



NCDOT
 DIVISION OF HIGHWAYS
 BEAUFORT/PITT COUNTY
 PROJECT: 33389.1.1 (B-4022)
 PERMIT DRAWINGS FOR
 BRIDGE #90 ON SR1414
 OVER TRANTERS CREEK

SHEET 4 OF 6 09/27/05

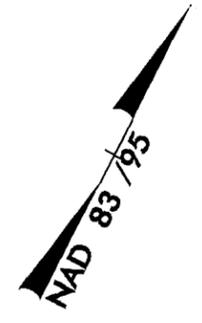


BUFFER IMPACTS

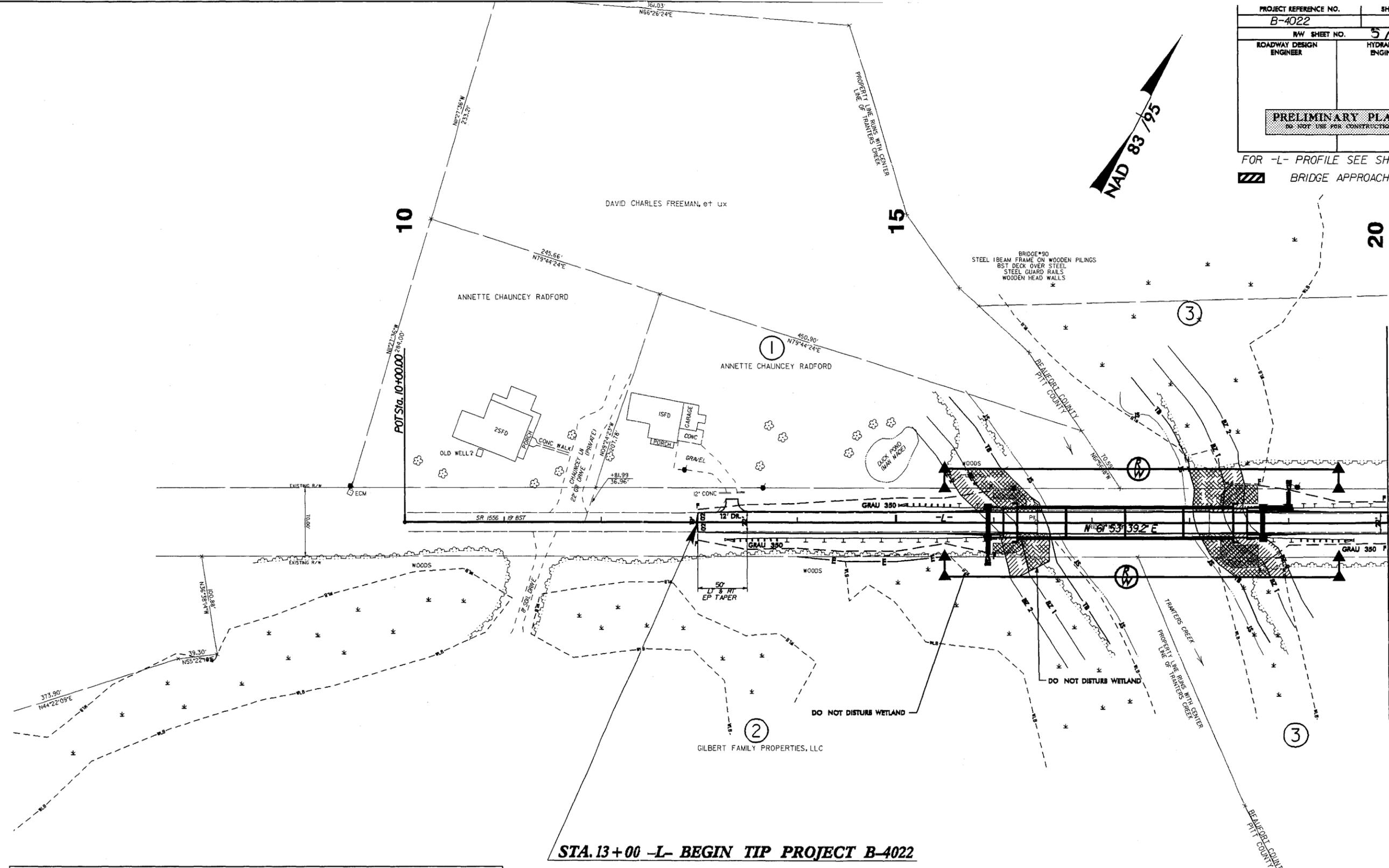
8/17/99

PROJECT REFERENCE NO. B-4022	SHEET NO. 4
R/W SHEET NO. 5/6	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION	

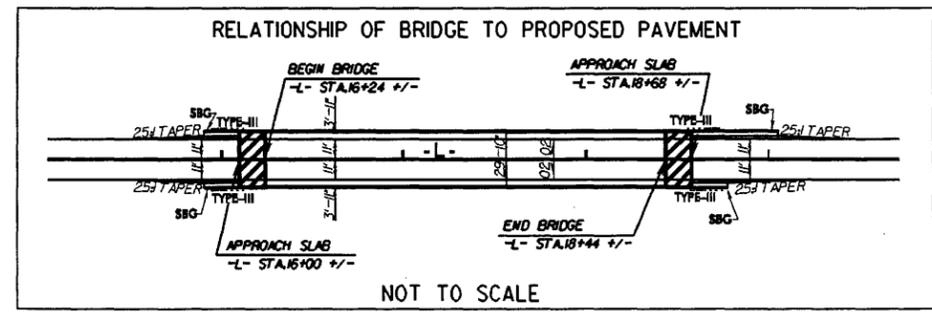
FOR -L- PROFILE SEE SHEET 6
 BRIDGE APPROACH SLAB



REVISIONS

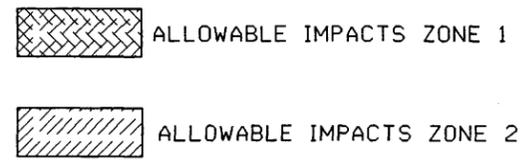


STA. 13+00 -L- BEGIN TIP PROJECT B-4022



NOT TO SCALE

BUFFER IMPACTS



29-SEP-2005 10:45 027 hyd.buf.f -pst04.dgn

MATCHLINE -L- STA. 20+00.00 SEE SHEET NO. 5

