



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE  
GOVERNOR

EUGENE CONTI  
SECRETARY

June 30, 2009

MEMORANDUM TO: Mr. H. Allen Pope, PE  
Division Three Engineer

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

A handwritten signature in black ink, appearing to read "P. S. Harris, III".

SUBJECT: Brunswick County, Replace Bridge No.9 on NC 130 over Bear Branch;T.I.P.  
Number B-4030; Federal Aid Project No. BRSTP-130(3); WBS No. 33397.1.1

Please find attached the Amended CAMA Permit. This replaces the previously issued CAMA permit. Additionally, permit drawing sheet 13 of 14 was not included with the previous permit distribution. A copy of this sheet is also attached. All other permits remain valid.

PSH/gyb

Attachment

Cc: W/attachment  
Mr. Randy Garris, P.E. State Contract Officer  
Mr. Mason Herndon, Division Env. Officer

Cc: W/o attachment (see website for attachments)  
Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design  
Dr. David Chang, P.E., Hydraulics  
Mr. Art McMillan, P.E., Highway Design  
Mr. Tom Koch, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. John F. Sullivan, FHWA  
Mr. Ron Hancock, P.E., State Roadway Construction Engineer  
Mr. Mike Robinson, P.E., State Bridge Construction Engineer  
Mr. Rob Hanson, P.E., PDEA Eastern Region Unit Head  
Ms. Beth Harmon, EEP

## PROJECT COMMITMENTS

Brunswick County  
Bridge No. 9 on NC 130  
Over Bear Branch  
Federal Aid Project BRSTP-130(3)  
WBS No. 33397.1.1  
TIP No. B-4030

### **Commitments Developed Through Planning**

#### Coastal Area Management Act (CAMA)

The North Carolina Division of Coastal Management (DCM) lists Brunswick County, NC as a CAMA County. Therefore, a CAMA permit would be required for impacts to Waters of the United States, including wetlands.

*A CAMA Major permit has been obtained by the NCDOT.*

#### State Stormwater Management Permit

Since the proposed project is in a coastal county and would require a CAMA permit, a State Stormwater Management permit will also be required.

*A State Stormwater Management permit has been obtained by the NCDOT.*

### **Commitments Developed Through Permitting**

#### ***Division 3 Construction***

All work must be performed in strict compliance with the submitted plans dated April 22, 2009 and May 14, 2009 received via email. Any modification to the authorized permit plans must be approved by the USACE prior to implementation.

The subaqueous utility line shall be placed a minimum of two feet below the deepest point of the channel of Bear Branch.

The temporary detour bridge shall have a minimum vertical navigational clearance of four feet over the waters of Bear Branch, as measured from the normal water level to the lowest portion of the temporary bridge superstructure.

#### ***Division 3 Construction & Roadside Environmental Unit***

All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands. The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

***Division 3 Construction & Roadside Environmental Unit***

Special care should be taken while removing the temporary causeway. Although the restoration plan calls for tree planting, a temporary ground cover should be installed to avoid any movement of unconsolidated soil into the abutting watercourse.

***Natural Environment Unit***

Compensatory mitigation for the unavoidable impacts to 0.45 acres of riparian wetlands associated with the proposed project will be debited from NC EEP at a 2:1 ratio.

*A copy of the EEP acceptance letter was emailed to the USACE on 5/14/09.*

***Natural Environment Unit, Roadside Environmental Unit, Division 3 Construction***

The temporary detour area must be restored to its former condition with multiple year monitoring showing that the wetlands have successfully recovered. The approved restoration plan (received via email on May 14, 2009) must be implemented.

Upon removal of all temporary wetland fill, restoration of 0.41 acres of riparian wetlands shall be carried out in accordance with the restoration plan dated as received on 5/14/09. If existing wetlands temporarily impacted during construction do not re-attain their pre-project wetland functions within 3 years, then the temporary impacts shall be reclassified as permanent impacts. To mitigate for additional permanent impacts, the restoration plan shall be revised or a revised EEP acceptance letter shall be provided to NCDOT for approval.

NOTE: The USACE Section 404 permit authorized 0.05 ac of mechanized clearing associated with the temporary onsite detour as a temporary impact. The NCDWQ Water Quality Certification and the CAMA Major Development permit include this impact as permanent. If this 0.05 ac is restored to wetland status, it is likely NCDOT will request the appropriate permit modifications as well as a reduction in the amount compensatory mitigation provided by NCEEP.



B-4030

North Carolina Department of Environment and Natural Resources  
Division of Coastal Management

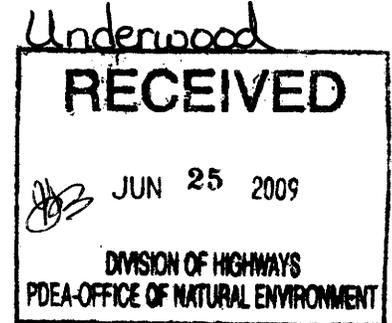
Beverly Eaves Perdue  
Governor

James H. Gregson  
Director

Dee Freeman  
Secretary

June 23, 2009

Gregory J. Thorpe, Ph.D.  
Environmental Manager Director  
Project Development and Environmental Analysis Branch  
NC Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina 27699-1598



Dear Dr. Thorpe:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit or any of the conditions, you may request a hearing pursuant to NCGS 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NCGS Chapter 150B with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27611-6714, (919) 733-2698 within twenty (20) days of this decision on your permit. You should also be aware that if another qualified party submits a valid objection to the issuance of this permit within twenty (20) days, the matter must be resolved prior to work initiation. The Coastal Resources Commission makes the final decision on any appeal.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance require additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Sincerely,

Douglas V. Huggett  
Major Permits and Consistency Manager

Enclosure

Permit Class  
**AMENDED**

Permit Number  
**68-09**

STATE OF NORTH CAROLINA  
Department of Environment and Natural Resources  
and  
Coastal Resources Commission

# Permit

for

Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1598 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in Brunswick County at Bear Branch, Bridge No. 9 on  
NC Hwy 130 as requested in the permittee's application dated 1/21/09 (MP-1),  
and revised 3/30/09 (MP-2, MP-5), and including the attached drawings as referenced in Condition No. 1 of this permit.

This permit, issued on 6/23/09, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### Bridge No. 9 Replacement (TIP No. B-4030)

- 1) Unless specifically altered herein, all work authorized by this permit shall be carried out in accordance with the following workplan drawings:  
  
½ size drawings: One (1) drawing dated 3/19/09, eleven (11) drawings dated 3/30/09, and sixteen (16) drawings dated 4/1/09.
- 2) Unless specifically altered herein, the NCDOT document "Best Management Practices for Bridge Demolition and Removal" (final 9/20/99) shall be followed during demolition and construction activities.

**(See attached sheets for Additional Conditions)**

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**No Expiration Date, pursuant to GS 136-44.7B**

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.

*Douglas V. Haggitt*

for James H. Gregson, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

*E. P. Luke* for Gregory J. Thompson, Ph.D.  
Signature of Permittee

**ADDITIONAL CONDITIONS**

- 3) The bridge and on-site temporary detour bridge shall be constructed using top down construction methodologies. Any other construction method shall require prior approval from DCM.
- 4) The temporary detour bridge shall have a minimum vertical navigational clearance of 4 feet over the waters of Bear Branch, as measured from the normal water level to the lowest portion of the temporary bridge superstructure.
- 5) Pilings from the existing bridge, as well as any remnant pilings from previous bridges, shall be removed in their entirety, except that in the event that a piling breaks during removal and cannot be removed in its entirety, the piling may be cut off flush with the bed of the water body and DCM shall be notified of each occurrence within one working day.
- 6) Debris resulting from demolition of the existing bridge and/or the temporary detour bridge, shall not enter wetlands or waters of the State, even temporarily.
- 7) Any waste materials or debris generated in the demolition and removal of the existing bridge and/or construction of the new bridge or roadway shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.
- 8) All fill material shall be clean and free of any pollutants except in trace quantities.
- 9) Excavated material may either be used in fill areas associated with the project or shall be removed from the site and taken to a high ground location.
- 10) No excavation or filling shall be allowed in any vegetated wetlands or surrounding waters outside of the alignment of the fill areas as indicated on the attached workplan drawings, without permit modification.
- 11) Live concrete shall not be allowed to contact waters of the State or water that will enter waters of the State.

**NOTE:** The permittee is encouraged to minimize the need to cross wetlands in transporting equipment to the maximum extent practicable.

- 12) Construction mats shall be utilized, if necessary, to support equipment within wetland areas to minimize any additional temporary wetland impacts. These mats shall be removed immediately following project completion.
- 13) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 14) There shall be no clearing or grubbing of wetlands outside of the areas indicated on the attached workplan drawings without prior approval from the Division of Coastal Management.

**ADDITIONAL CONDITIONS**

- 15) Placement of riprap shall be limited to the areas as depicted on the attached work plan drawings. The riprap material shall be free from loose dirt or any pollutant. The riprap material shall consist of clean rock or masonry materials, such as but not limited to, granite, marl, or broken concrete.
- 16) The riprap at the embankment shall not extend waterward more than 5' from the normal water level at any point along its alignment.
- 17) Riprap shall be of sufficient size to prevent its movement from the authorized alignment by current action.
- 18) The permittee shall exercise all available precautions during the construction of the bridge to prevent waste and/or debris from entering the adjacent waters and wetlands.
- 19) All temporary fill shall be placed on geo-textile fabric to facilitate the total removal of fill upon completion of the project.
- 20) The temporary detour bridge and causeway shall be removed in their entirety within 90 days after it is no longer needed and saved for reuse, recycled, or disposed of at an approved high ground site.

**Sedimentation and Erosion Control**

- 21) This project shall conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Land Resources.
- 22) Unless specifically altered herein, the permittee shall follow "Best Management Practices for the Protection of Surface Waters (3/97)" and shall also implement sedimentation and erosion control measures sufficient to protect aquatic resources.
- 23) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, etc.).
- 24) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.

**Utilities Relocation**

- 25) The subaqueous utility line shall be placed a minimum of two feet below the deepest point of the channel of Bear Branch.
- 26) Any relocation of utility lines that is not already depicted on the attached work plan drawings, or described within the attached permit application, shall require additional approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

## ADDITIONAL CONDITIONS

### Stormwater Management

- 27) The Division of Water Quality (DWQ) approval of this project under stormwater management rules of the Environmental Management Commission is covered by way of Stormwater Project No. SW8080713, which was issued on 7/18/08. Any violation of the permit approved by the DWQ shall be considered a violation of this CAMA permit.

### Wetland Mitigation

- 28) Upon removal of all temporary wetland fill, restoration of 0.41 acres of riparian wetlands shall be carried out in accordance with the restoration plan dated as received on 5/14/09. If existing wetlands temporarily impacted during construction do not re-attain their pre-project wetland functions within 3 years, then the temporary impacts shall be reclassified as permanent impacts. To mitigate for additional permanent impacts, the restoration plan shall be revised or a revised EEP acceptance letter shall be provided to DCM for approval.
- 29) Any subsequent changes to the mitigation plan authorized by this CAMA permit shall require additional authorization from the N.C. Division of Coastal Management.

**NOTE:** The Ecosystem Enhancement Program (EEP) has agreed to provide compensatory mitigation (per 4/30/09 acceptance letter to NCDOT) for permanent impacts to 0.50 acres of riparian wetlands associated with the proposed project in accordance with Section X of Amendment No.2 of the Memorandum of Agreement between the NC Department of Transportation (NCDOT), the U.S. Army Corps of Engineers (USACE), and the NC Department of Environment and Natural Resources (NCDENR), executed on March 8, 2007.

### General

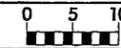
- 30) If it is determined that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM shall be required.
- 31) The N.C. Division of Water Quality (DWQ) authorized the proposed project (DWQ Project No. 20090072), on 5/6/09. Any violation of the Certification approved by the DWQ shall be considered a violation of this CAMA permit.

**NOTE:** The permittee and/or contractor are strongly encouraged to contact the DCM Transportation Field Representative in Morehead City to request a pre-construction conference prior to project initiation.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Numbers 23 and 33 (Action ID No. 2004422), which were issued on 5/15/09.

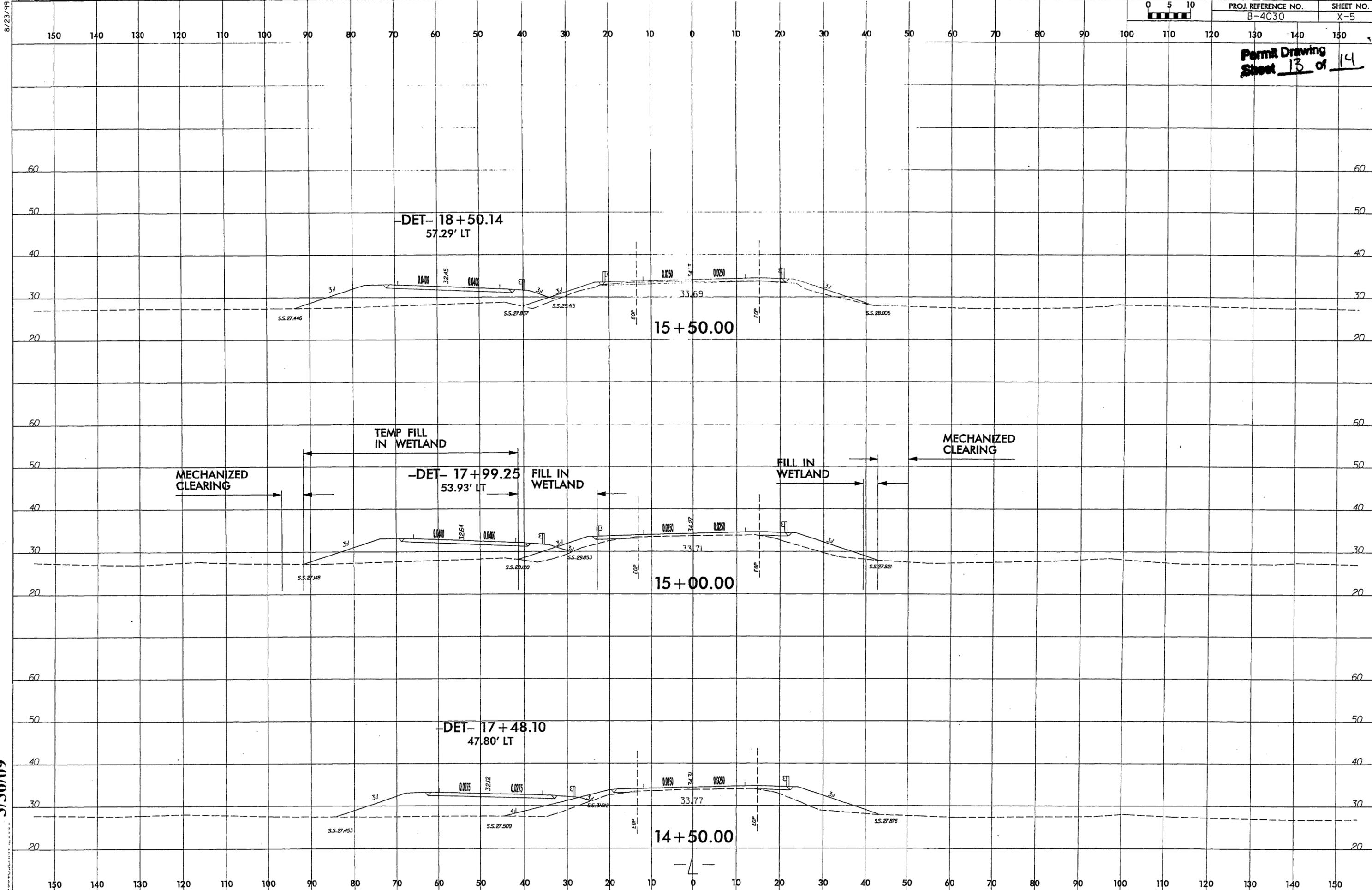
**NOTE:** This permit does not eliminate the need to obtain any additional state, federal, or local permits, approvals, or authorizations that may be required.

8/23/99



PROJ. REFERENCE NO. B-4030 SHEET NO. X-5

Permit Drawing Sheet 13 of 14



3/30/09