



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE
GOVERNOR

EUGENE CONTI
SECRETARY

August 23, 2011

MEMORANDUM TO: Mr. Jerry Jennings, PE
Division 1 Engineer

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

SUBJECT: Currituck County, Replacement of Bridge No. 3 on SR
1232 (Poyners Road) over Tulls Creek; Federal Aid Project
No. BRZ-1232(4); W.B.S. No. 33730.1.1;
T.I.P. No. B-4494

Attached are the Section 404 General Permit 31, Section 401 Water Quality Certification and the Division of Coastal Management Coastal Area Management Act permit for the above-referenced project. All environmental permits have been received for construction of this project.

A copy of this permit package will be posted on the NCDOT website at:
<http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html>

Cc W/o attachment (see website for attachments):

Mr. Randy Garris, P.E. State Contract Officer
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design Unit
Mr. Dewayne Sykes, P.E. Utilities Unit
Dr. David Chang, P.E., Hydraulics Unit
Mr. Art McMillan, P.E., Highway Design Branch
Mr. Tom Koch, P.E., Structure Design Unit
Mr. Mark Staley, Roadside Environmental Unit
Mr. Ron Hancock, P.E., State Roadway Construction Engineer
Mr. Mike Robinson, P.E., State Bridge Construction Engineer
Ms. Bill Goodwin, P.E., PDEA Bridge Unit Head
Mr. Clay Willis, Division Environmental Officer
Ms. Beth Harmon, EEP
Mr. Phillip Ayscue, NCDOT External Audit Branch

PROJECT COMMITMENTS

T.I.P. No. B-4494
Bridge No. 3 on SR 1232 (Poyners Road) over Tulls Creek in Currituck County
Federal Aid Project No. BRZ-1232(4)
W.B.S. No. 33730.1.1

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

All Design Groups/Division Resident Construction Engineer

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

A moratorium on in-water construction will be in place from February 15 to June 15 of any given year.

This is further defined as waters within Tulls Creek and its adjacent wetlands that during periods of inundation have an active connection to Tulls Creek.

Division Resident Construction Engineer

Compliance with the USFWS's Precautions for General Construction in Areas Which May be Used by the West Indian Manatee in North Carolina (USFWS, July 2, 1996) will be implemented in the construction of this project.

The current version of this document, "Guidelines for Avoiding Impacts to the West Indian Manatee-Precautionary Measures for Construction Activities in North Carolina Waters" will be adhered to.

Design Branch, Division Office

The Director of School Transportation has requested a temporary bus turn around located south of the existing bridge. This can be included as part of the special provisions of the construction contract.

COMMITMENTS FROM PERMITTING

Project Development & Environmental Analysis-NEU

Compensatory mitigation for the unavoidable impacts to 0.06 acres of coastal wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated May 12, 2011 from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010 between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 0.12 acres of restoration equivalent coastal wetlands in the Pasquotank River Basin (Hydrologic Cataloging Unit 03010205 in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration."

Project Development & Environmental Analysis-NEU & Roadside Environmental

Due to the possibility that hand clearing and/or other site alterations might prevent the temporary Coastal Wetland impact areas from re-attaining pre-project wetland functions, the permittee shall provide an annual update on the Coastal Wetland areas temporarily impacted by this project. This annual update shall consist of photographs and a brief written report on the progress of these temporarily impacted areas in re-attaining their pre-project wetland functions. Within three years after project completion, the permittee shall hold an agency field meeting with the N.C. Division of Coastal Management (DCM) to determine if the Coastal Wetland areas temporarily impacted by this project have re-attained pre-project wetland functions. If at the end of three years DCM determines that the Coastal Wetland areas temporarily impacted by the project have not re-attained pre-project wetland functions, DCM will determine whether compensatory wetland mitigation shall be required.

Division 1 Construction & Hydraulics Unit

The use of deck drains shall require additional authorization from DCM.

Division 1 Construction

The bridge shall be constructed using top down construction methodologies with an off site detour. Any other construction method may require additional authorization from DCM.

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

Action ID: SAW-2008-00600

County: Currituck

USGS Quad: Currituck, NC

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: Dr. Gregory J. Thorpe, Ph.D

Address: Environmental Management Director, PDEA
N.C. Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Telephone No.: 919) 431-6696

Size and location of property (water body, road name/number, town, etc.): The project is located at Bridge # 3 on NCSR 1232 (Poyner Road) approximately 1mile north of the intersection of NCSR 1132 and NC Highway 168, adjacent to and crossing Tulls Creek. TIP # B-4494.

Description of projects area and activity: Replace an existing functionally obsolete 90' long X 24' wide bridge with a new 120' long X 33' wide triple span cored slab bridge utilizing an off site detour and top down construction permanently impacting 0.08 acres of wetlands and 0.22 acres of open waters (stream). Additionally 0.10 acres of temporary wetland impacts for hand clearing vegetation are authorized for construction purposes and erosion control devices. Additionally 10 square feet of wetlands will be excavated (temporary impacts for directional bore tie ins) for the relocation of an underground telephone cable that will be directionally bored.
SEE ADDITIONAL SPECIAL CONDITIONS.

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

Authorization: Regional General Permit Number: 198200031
Nationalwide Permit Number: _____

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, 2012. 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.

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 .

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 Bill Biddlecome at (910) 251-4558 .

Corps Regulatory Official BIDDLECOME.WILLI
AM.JJR.1228726504

Digitally signed by
BIDDLECOME.WILLIAM.JJR.1228726504
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA,
cn=BIDDLECOME.WILLIAM.JJR.1228726504
Date: 2011.06.28 11:51:06 -0400

Date: 06/28/2011

Expiration Date of Verification: 10/31/2013

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://regulatory.usacesurvey.com/> to complete the survey online.

Determination of Jurisdiction:

- 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).
- 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.
- 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.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued _____. Action ID _____

Basis of Jurisdictional Determination: **This site exhibits criteria as described in the 1987 Corps Wetland Delineation Manual and the November 2010 Atlantic and Gulf Coastal Plain Regional Supplement and is part of a broad continuum of wetlands connected to Tulls Creek, a tributary to the North Landing River.**

Appeals Information (This information applies only to approved jurisdictional determinations.)

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 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 following address:

District Engineer, Wilmington Regulatory Division
Attn: William Biddlecome, Project Manager,
Washington Regulatory Field Office
P.O. Box 1000
Washington, North Carolina 27889

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 District 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 N/A.

****It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: _____

Date **06/28/2011**

Expiration Date **N/A**

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

Manley, Chris

From: Biddlecome, William J SAW <William.J.Biddlecome@usace.army.mil>
Sent: Wednesday, October 12, 2011 7:56 AM
To: Manley, Chris; Brittingham, Cathy; Lane, Stephen; Wainwright, David
Subject: RE: B-4494 BRIDGE 3 OVER TULLS CREEK ON SR 1232 (UNCLASSIFIED)

Categories: Green Category, Yellow Category

Classification: UNCLASSIFIED

Caveats: NONE

This e-mail acts as authorization for the additional temporary fill/wetland impacts of < 0.02 acres due to the installation of sediment and erosion control devices in the previously authorized 0.1 acres of hand cleared areas for TIP # B-4494, Bridge # 3 over Tulls Creek on NCSR 1232, Corps action ID # 2008-00600. All the original permit conditions and Additional Special Conditions remain in effect for this permit. Please retain a copy of this e-mail with the permit at the project site.

Bill Biddlecome
Regulatory Project Manager
Washington Regulatory Field Office
P.O. Box 1000
Washington, North Carolina 27889
(910) 251-4558
william.j.biddlecome@usace.army.mil

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers. We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:

<http://per2.nwp.usace.army.mil/survey.html>

Thank you for taking the time to visit this site and complete the survey.

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

From: Manley, Chris [mailto:cdmanley@ncdot.gov]
Sent: Tuesday, October 11, 2011 5:34 PM
To: Biddlecome, William J SAW; Brittingham, Cathy; Lane, Stephen; Wainwright, David
Subject: B-4494 BRIDGE 3 OVER TULLS CREEK ON SR 1232

Cathy, Bill, Stephen, and David,

We received a permit for B-4494, Bridge 3 over Tulls Creek on SR 1232, from the NCDWM (90-11), USACE (2008-00600), and NCDWQ (20110462). Recently it was noticed that the Temporary Fill Impacts for the Sediment and Erosion Control was left out of the summary sheet impacts, therefore, it was not mentioned anywhere else in the permit application.

By way of this email NCDOT is requesting a Permit Modification for B-4494 for the temporary impacts of <0.01 acre of fill in the hand clearing areas of the 404 wetlands and 0.01 acre of temporary fill in the hand clearing areas of the CAMA wetlands for the installation of erosion control measures, including temporary silt fence and/or special sediment control fence. For the total of

0.02 acre of temporary fill in hand clearing areas NCDOT is not proposing mitigation, and there is no change in the permit drawings.

If there are any questions please contact Chris Manley at 919-707-6135 or cdmanley@ncdot.gov.

Thank you,

Chris Manley
NCDOT, NEU

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Classification: UNCLASSIFIED

Caveats: NONE

Action ID Number: SAW-2008-00600

County: Currituck

Permittee: NCDOT, Greg Thorpe, Ph. D.

Date Verification Issued: 06/28/2011

Project Manager: Biddlecome

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
WILMINGTON REGULATORY FIELD OFFICE
POST OFFICE BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

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

Additional Special Conditions

Action I.D. # SAW-2008-00600 - NCDOT, Bridge Replacement No. 3 on NCSR 1232 (Poyner Road), Currituck County, NC, TIP # B-4494

- a) All excavated materials will be confined above normal high water and landward of regularly or irregularly flooded wetlands behind adequate dikes or retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fills, 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.
- c) The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and any Corps approved modifications shall be available at the project site during construction and maintenance of this project.
- d) To avoid adverse impacts to spawning populations of fish species at this project site, no in-water work will be conducted between February 15 and June 15. For the purpose of this moratorium, in water is defined as those waters within Tulls Creek and its adjacent wetlands that during periods of inundation have an active connection to Tulls Creek.
- e) The permittee will follow NCDOT adopted anadromous fish stream crossing guidelines.
- f) Temporary BMP's will be utilized to minimize erosion and sedimentation from ground disturbing activities. Remove all temporary structures (cofferdams, erosion control devices, turbidity curtains) upon completion of the project.
- g) All work authorized by this permit must be performed in strict compliance with the plans which were submitted with the permit application and are considered part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.
- h) Compensatory mitigation for the unavoidable impacts to 0.06 acres

of coastal wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated May 12, 2011 from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010 between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 0.12 acres of restoration equivalent coastal wetlands in the Pasquotank River Basin (Hydrologic Cataloging Unit 03010205 in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration.”

- i) Any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act must be reported in writing to the Wilmington District, U.S. Army Corps of Engineers, within 24 hours of the violation.
- j) All measures will be taken to avoid any temporary fill from entering into Tulls 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.
- k) No bridge demolition debris or excavated or fill material will be placed at any time, in any wetlands or surrounding waters, outside of the alignment of the fill area indicated on the work plans.
- l) 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 (b) 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 condition b. 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.
- m) To protect the West Indian Manatee, NCDOT will follow the “Guidelines for Avoiding Impacts to the West Indian Manatee, Precautionary Measures for

Construction Activities in North Carolina Waters,” prepared by the U.S. Fish and Wildlife Service. A copy of these guidelines is attached to the permit conditions.

- n) Failure to institute and carry out the details of special conditions a. - m., above, may result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with TIP No. B-4494, or such other remedy as the District Engineer or his authorized representatives may seek.

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Regional General Permit No. 198200031
Name of Permittee: General Public
Effective Date: November 1, 2008
Expiration Date: October 31, 2013

**DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT**

A regional general permit (RGP) to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and re-issued by authority of the Secretary of the Army by the

District Engineer
U.S. Army Engineer District, Wilmington
Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

TO AUTHORIZE THE DISCHARGE OF DREDGED OR FILL MATERIAL IN WATERS OF THE UNITED STATES, INCLUDING WETLANDS, ASSOCIATED WITH THE CONSTRUCTION, MAINTENANCE AND REPAIR OF BRIDGES, INCLUDING COFFERDAMS, ABUTMENTS, FOUNDATION SEALS, PIERS, APPROACH FILLS, DETOUR FILLS, BOX CULVERT INSTALLATION AND TEMPORARY CONSTRUCTION AND ACCESS FILLS, IN WATERS OF THE UNITED STATES AS PART OF WORK CONDUCTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) OR OTHER STATE, FEDERAL OR LOCAL GOVERNMENTAL ENTITY, IN THE STATE OF NORTH CAROLINA.

1. Special Conditions.

a. Written confirmation that the proposed work complies with this RGP must be received from the Wilmington District Engineer prior to the commencement of any work. To enable this determination to be made, the permittee must furnish the Wilmington District Engineer a pre-construction notification with the following information:

(1) A map indicating the location of the work.

(2) Plans of the proposed work showing all pertinent structures, elevations, dimensions and quantities of materials and locations of all structures and/or fill in wetlands or waterward of the normal/high water elevation contours.

(3) A brief discussion of the affected aquatic resources, including streams and wetlands. The discussion shall include the identification and types of vegetation present.

(4) Approximate commencement and completion dates.

(5) A description of methods to be employed to avoid and/or minimize permanent and temporary impacts to aquatic resources caused by the proposed work.

(6) Plans, including timetables and techniques, for construction, stabilization and removal of all unavoidable temporary fills.

(7) Names and addresses of adjoining property owners.

b. In the case of fills of one acre or less, including permanent approach fills, detour fills and fills associated with culvert installation, the Corps of Engineers' Project Manager will determine, after appropriate onsite visits and review of plans, if the impacts on aquatic resources, including streams and wetlands, are likely to be such as to require review by Federal and State agencies. If it is determined that impacts are minimal or can be made minimal by changes agreed to by the applicant, a letter of authorization to proceed will be provided. If it is determined that review by Federal and State agencies is necessary to fully evaluate impacts, copies of all plans and materials will be forwarded to the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the U.S. Environmental Protection Agency (EPA) and the North Carolina Department of Environment and Natural Resources (NCDENR). These agencies will furnish comments to the Wilmington District Engineer within thirty (30) days.

c. In cases of fills greater than one acre, copies of all plans and materials will be forwarded to the USFWS, the NMFS, the EPA and the NCDENR. These agencies will furnish comments to the Wilmington District Engineer in thirty (30) days. In cases of land disturbing activities comprising more than one acre, a Sedimentation/Erosion Control Plan will be filed with the North Carolina Division of Land Resources, Land Quality Section, thirty (30) days prior to commencing work.

d. Where work is proposed within the twenty (20) coastal counties, as defined by the North Carolina Division of Coastal Management, the applicant shall forward a copy of the pre-construction notification to:

**National Marine Fisheries Service
101 Pivers Island Road**

Beaufort, North Carolina 28516

The counties in which this condition applies are:

Bertie	Carteret	Dare	Hyde	Pender
Beaufort	Chowan	Gates	Onslow	Perquimans
Brunswick	Craven	New Hanover	Pamlico	Tyrrell
Camden	Currituck	Hertford	Pasquotank	Washington

e. In the event that any Federal agency maintains an objection or any required State authorization is outstanding, no notice to proceed will be given until objections are resolved and State authorizations are issued.

f. No work will proceed until after the applicant has received written notice to proceed from the Wilmington District Engineer. This notice may include additional conditions and/or restrictions. Copies of the notice to proceed will be furnished to the USFWS, the NMFS, the EPA and the NCDENR with a brief description of the work, including the area of wetlands affected and the quantity of fill material.

g. Upon completion of any work authorized by this RGP, all temporary fills will be completely removed and the area reestablished as a wetland by restoring natural hydrology and native vegetation. Stream contours and riparian vegetation will be reestablished upon the removal of temporary culverts. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition j. below.

h. Appropriate soil and erosion control measures must be established and maintained during construction. All fills, temporary and permanent, must be adequately stabilized at the earliest practicable date to prevent erosion of fill material into adjacent waters or wetlands.

i. In cases where new alignment approaches are to be constructed and the existing wetland approach fill is to be abandoned and no longer to be maintained as a roadway, the abandoned fill shall be removed and the area reestablished as a wetland. In such instances, a restoration plan will be submitted to the Wilmington District Engineer for approval. Information in the restoration plan will be in accordance with special condition j. below.

j. Discharges of dredged or fill material into waters of the United States, including wetlands, must be minimized or avoided to the maximum extent practicable. In reviewing an activity, the Wilmington District Engineer will first determine whether the activity will result in more than minimal adverse environmental affects. For activities that are determined to have more than minimal impacts, compensatory mitigation will be required. To expedite the process, the applicant will provide a mitigation plan with the request for authorization. Site specific mitigation proposals will include, but are not necessarily limited to, a description of work, a schedule of work and a monitoring plan, and they will be in accordance with currently approved

Wilmington District and/or Corps-wide mitigation guidelines. The applicant may propose other forms of mitigation, such as mitigation bank credits or in-lieu fee mitigation with the notification, which in some situations and at the discretion of the Wilmington District, may be considered acceptable mitigation.

k. Activities in any North Carolina designated "Mountain Trout Waters" must comply with all pH, temperature and turbidity criteria established for such waters by the North Carolina Wildlife Resources Commission (NCWRC) and/or the North Carolina Division of Water Quality (NCDWQ). Work that may result in the sedimentation of trout waters will generally be prohibited from October 15 to April 15, of any year, to avoid impacts on trout spawning.

l. Before discharging dredged or fill material into waters of the United States, including wetlands, in the twenty-five (25) mountain counties of North Carolina that contain trout waters, the applicant will obtain and provide a letter of comments and recommendations from the NCWRC on the proposed activities. A discussion of alternatives to working in the mountain trout waters and why alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the mountain trout waters shall also be submitted with the letter from NCWRC. 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 applicant should contact NCWRC in the following NC Trout Counties at:

Mr. Ron Linville Western Piedmont Region Coordinator 3855 Idlewild Road Kernersville, NC 27284-9180 Telephone: (336) 769-9453	Counties		
	Alleghany	Caldwell	Watauga
	Ashe	Mitchell	Wilkes
	Avery	Stokes	
	Burke	Surry	

Mr. Dave McHenry Mountain Region Coordinator 20830 Great Smoky Mtn. Expressway Waynesville, NC 28786 Telephone: (828) 452-2546 Fax: (828) 452-7772	Counties		
	Buncombe	Henderson	Polk
	Cherokee	Jackson	Rutherford
	Clay	Macon	Swain
	Graham	Madison	Transylvania
	Haywood	McDowell	Yancey

m. This permit does not authorize the use of culverts in areas designated as anadromous fish spawning areas by the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC).

n. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the 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. Discharges into waters of the United States designated by NCDMF as primary nursery areas and discharges into waters of the United States designated by NCWRC as inland nursery areas shall be coordinated with NCDMF and NCWRC prior to being authorized by this RGP. Coordination with NCDMF and NCWRC may result in a required construction moratorium during periods of significant biological productivity or critical life stages.

The Applicant should contact:

**NC Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557
Telephone 252-726-7021
or 800-682-2632**

**North Carolina Wildlife Resources Commission
Habitat Conservation Program Manager
1721 Mail Service Center
Raleigh, NC 27699-1721
Telephone (919) 733-7638**

o. No activity may result in substantial permanent disruption of the movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening should be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gage data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

p. This permit generally allows the permanent installation of culverts to 100 feet in length. For culverts longer than 100 feet, the proposed application will be closely evaluated to determine if unacceptable impacts on movement of aquatic organisms would result. In such cases, approval may not be provided.

q. If the project is located within the twenty (20) counties of North Carolina designated as coastal counties by the Coastal Area Management Act (CAMA), then all pipe and culvert inverts will be buried at least one foot below normal bed elevation when they are placed within the Public Trust Area of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by CAMA, and/or all streams appearing as blue lines on United States Geological Survey (USGS) quad sheets. If the project is not located within the twenty (20) counties of North Carolina designated as coastal counties by CAMA, then culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. Culverts 48 inches in diameter or less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain the existing channel slope. The potential for destabilization of the channel and head cutting upstream should

be considered in the placement of the culvert. A waiver from the depth specifications in this condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this condition would result in more adverse impacts to the aquatic environment. Culverts placed in wetlands do not have to be buried.

r. All activities authorized by this RGP shall, to the extent practicable, be conducted "in the dry", with barriers installed between work areas and aquatic habitat to protect that habitat from cement or other pollutants. Where concrete is utilized, 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. Water in the work area will be pumped to holding and settling ponds as practicable, and water will not be allowed to re-enter the water column until decanted.

s. If the project authorized by this RGP is proposed by a Federal or State agency, and is located within the twenty (20) counties of North Carolina designated as coastal counties by the CAMA, then prior to project initiation the proponent must obtain a consistency concurrence that the proposed project would be consistent with the state's coastal management program from the N.C. Division of Coastal Management (DCM). A copy of the state's consistency approval must be provided to the appropriate Wilmington District Regulatory Office at the following address:

Wilmington Regulatory Field Office
P.O. Box 1890
Wilmington, NC 28402

Washington Regulatory Field Office
P.O. Box 1000
Washington, NC 27889

The state's consistency approval will be conveyed in the form of a CAMA permit if the project is located within a designated CAMA Area of Environmental Concern (AEC), and will be conveyed in the form of a Consistency concurrence letter from DCM if the project is not located within a designated CAMA AEC.

t. No work shall be authorized by the RGP within the twenty coastal counties, as defined by the North Carolina Division of Coastal Management, without prior consultation with NOAA Fisheries. For each activity reviewed by the Corps of Engineers where it is determined that the activity may affect Essential Fish Habitat (EFH) for Federally managed species, an EFH Assessment shall be prepared by the applicant and forwarded to the Corps of Engineers and NOAA Fisheries for review and comment prior to authorization of work.

u. All work will comply with Water Quality Certification No. 3404, issued by the NCDWQ on 30 September 2008.

v. 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 and the structure or discharge of dredged or fill material must withstand expected high flows

2. General Conditions.

a. All activities authorized by this RGP that involve the discharge of dredged or fill material in waters of the United States will be consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pre-treatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344) and applicable State and local law. If the proposed activity involves the discharge of dredged or fill material in waters of the United States, prior to the commencement of any work, the applicant will satisfy the NCDWQ regarding the need for a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

b. All activities authorized by this RGP that involve 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.

c. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

d. All activities authorized by this RGP that involve the use of riprap material for bank stabilization, the following measures shall be applied:

(1) Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

(2) The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

(3) The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities that would not have an adverse environmental effect.

(4) It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

(5) The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

(6) A waiver from the specifications in this general condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional condition would result in greater adverse impacts to the aquatic environment.

e. There will be no unreasonable interference with navigation or the right of the public to riparian access by the existence or use of activities authorized by this RGP.

f. The activity must comply with applicable FEMA approved state or local floodplain management requirements.

g. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

h. A permittee, upon receipt of written notice from the Wilmington District Engineer of failure to comply with the terms or conditions of this RGP, will, within 60 days, without expense to the U.S. Government, and in such manner as the Wilmington District Engineer may direct, affect compliance with the terms and conditions or return the worksite to a pre-work condition.

i. The permittee must make every reasonable effort to perform the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife and natural environmental values.

j. The permittee must perform the work authorized herein in a manner so as to minimize any degradation of water quality. The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the water body is 50 NTU's or less in all rivers not designated as trout waters by the North Carolina Division of Environmental Management (NCDDEM), 25 NTU's or less in all saltwater classes and in all lakes and reservoirs, and 10 NTU's or less in trout waters, are not considered significant.

k. The permittee will permit the Wilmington District Engineer or his representative to make periodic inspections at any time deemed necessary in order to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

l. This RGP **does not** convey any rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein. These may include, but are not necessarily limited to, a Dredge and/or Fill Permit (N.C.G.S. 113-229), a CAMA Permit (N.C.G.S. 113A-118), an Easement to Fill (N.C.G.S. 146-12) and a Water Quality Certification pursuant to Section 401 of the Clean Water Act.

m. Authorization provided by this RGP may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting on behalf of the Secretary of the Army, determines that such action would be in the best public interest. Unless subject to modification, suspension or revocation, the term of this RGP shall be five years. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the U.S. Government.

n. This RGP does not authorize the interference with any existing or proposed Federal project and the permittee will not be entitled to compensation for damages or injury to the structures or work authorized herein which may be caused by or results from existing or future operations undertaken by the United States in the public interest.

o. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines that the proposed activity would significantly affect the quality of the human environment and determines that an Environmental Impact Statement (EIS) must be prepared.

p. This RGP will not be applicable to proposed construction when the Wilmington District Engineer determines, after any necessary investigations, that the proposed activity would adversely affect areas that possess historic, cultural, scenic, conservation or recreational values. Application of this exemption applies to:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by State and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 as amended, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

(4) Endangered or threatened species or habitat of such species as determined by the Secretaries of Interior or Commerce and concerned in accordance with the Endangered Species Act (16 U.S.C. 1531).

(5) NOAA designated marine sanctuaries, National Estuarine Research Reserves, and coral reefs.

q. Permittees are advised that activities in or near a floodway may be subject to the National Flood Insurance Program, which prohibits any activities, including fill within a floodway that results in any increase in base flood elevations.

r. At his discretion, the Wilmington District Engineer may determine that this RGP will not be applicable to a specific construction proposal. In such case, the procedure for processing an individual permit in accordance with 33 CFR 325 will be available.

s. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

t. The discharge of dredged or fill material shall consist of suitable material free from toxic pollutants in toxic amounts.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



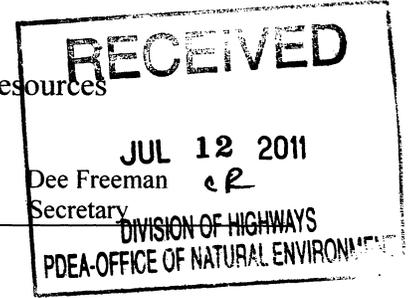
Jefferson M. Ryscavage.
Colonel, Corps of Engineers
District Commander



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director



July 7, 2011
Currituck County
DWQ Project No. 20110462
Bridge 3 over Tull Creek
TIP B-4494

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Dr. Gregory Thorpe, Ph.D., Environmental Management Director
Project Development and Environmental Analysis 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 conditions listed below, for the following impacts for the purpose of replacing Bridge Number 3 over Tull Creek on SR 1232 (Poyner Road) in Currituck County:

Wetland Impacts in the Pasquotank Basin

Site Number	Wetlands Fill (ac)	Wetlands Hand Clearing (ac)	Stream Fill (ac)
Currituck 3	0.08	0.10	0.22
Net Total Impacts	0.18		0.22

The project shall be constructed in accordance with your application dated received May 16, 2011. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3820. This certification corresponds to the General Permit 198200031 issued by the Corps of Engineers. 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.

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 of total impacts to streams (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.

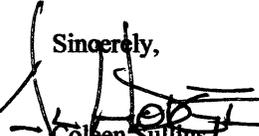
1. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

2. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification.
3. The Permittee shall ensure that the final design drawings adhere to the certification and to the drawings submitted for approval.
4. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) prescribed by the NC Wildlife Resources Commission and NC Division of Marine Fisheries. 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, the permittee shall conform with the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
5. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
6. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
7. 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.
8. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
9. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
10. 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.
11. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
12. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
13. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
14. The outside buffer, wetland or water boundary located within the construction corridor approved by this certification 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.
15. Native riparian vegetation (ex. list trees and shrubs native to your geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.

16. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this certification without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
17. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and 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.
18. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.
19. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
20. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from NCDWQ.
21. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water.
22. All pile driving or drilling activities shall be enclosed in turbidity curtains unless otherwise approved by NCDWQ in this certification.
23. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
24. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
25. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
26. Upon completion of the project (including any impacts at associated borrow or waste site), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.

27. A copy of this Water Quality Certification shall be maintained on site at 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, 6714 Mail Service Center, Raleigh, N.C. 27699. 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 Colleen Sullins

Attachments (General Certification and Certificate of Completion form)

cc: Clay Willis, DOT Division 1 Environmental Officer
Bill Biddlecome, US Army Corps of Engineers, Washington Field Office
Stephen Lane, DCM, Morehead City
Sonia Carrillo, NC DWQ, 401/Wetlands Unit
File Copy



North Carolina Department of Environment and Natural Resources

Division of Water Quality
Coleen H. Sullins
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

North Carolina Division of Water Quality
Transportation Permitting Unit

In-Field Minor 401 Water Quality Certification, Buffer Certification and Isolated Waters Permit
Modification

Project Name/TIP Project No.: B-4494 Br. #3 over Tulls Cr. on SR 1232 Date: November 16, 2011

DOT Division: 1 County: Currituck DWQ Project No./Permit Type: 20110462 / GC 3820 ^(GP 178200031)

DOT Staff: Greg Thorpe DWQ Staff: David Wainwright

ACE Staff: _____ DWQ Regional Office: Central Office

Modification Description:

0.01 acres temporary fill in hand cleared area of 404 wetlands at site 2
0.01 acres temporary fill in hand cleared areas of CAMA wetlands at site 1

Modification Sketch:

See attached

Transportation and Permitting Unit
1650 Mail Service Center, Raleigh, North Carolina 27699-1650
Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604
Phone: 919-733-1786 \ FAX: 919-733-6893
Internet: <http://h2o.enr.state.nc.us/ncwetlands/>



This in-field modification is required for the following reason(s):

The information contained in the application or presented in support thereof is incorrect in the following manner:

Conditions under which the original certification was issued have changed in the following manner:

Additional temporary fill impacts to hand cleared areas associated with erosion control measures

This in-field modification is valid only if issued by an authorized agent of the NC Division of Water Quality, Transportation Permitting Unit¹.

This in-field modification authorizes the NCDOT to

place <0.02 acres of temporary fill in hand cleared areas of 404 and CAMA wetlands

in Carrington County. The project shall be constructed as described in the Modification Description and Sketch on Page 1 of this document dated _____ to improve/construct the section of _____ that extends from replace NCDOT bridge #3 to over Tulls Creek. The approved design is that described in the Modification Description and Modification Sketch on Page 1 of this document dated _____. Any further changes to the original Water Quality Certification dated July 7, 2011 may require a formal written modification request.

The description of the proposed action provides adequate assurance that the proposed action in the Pasquotank River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth. Should your project change, you are required to 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. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Modification Approval shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Modification Approval:

1. As-built drawings of the proposed action shall be submitted to the NC DWQ Transportation Permitting Unit within 30-days of the completion of the action.
2. All the authorized activities and conditions of the certification associated with the original Water Quality Certification dated July 7, 2011 and all other corresponding modifications still apply except where superseded by this certification.

3. Additional Conditions:

Temporarily impacted areas shall be restored and stabilized once disturbance is complete

Failure to construct the proposed action as described in the Modification Description and Sketch on Page 1 of this document and/or violations of any condition herein set forth may result in revocation of this modification approval and may result in criminal and/or civil penalties. This modification approval shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. If the Corps of Engineers requires a formal written modification to the 404 permit for the proposed action, then NC DWQ must require a formal written modification to the 401 WQC, and therefore, this in-field modification is invalid. If additional (**wetland, stream, buffer**) impacts for this project (now or in the future) exceed (**one acre, 150 linear feet, or one-third of an acre/150 linear feet, respectively**), or if mitigation is required above and beyond the current mitigation requirements for this project, this in-field modification is invalid and a formal written modification is required.

This in-field modification is effective upon the date the last party signs this document. This in-field modification is made upon mutual agreement between DOT and DWQ as indicated by the signatures below and is, therefore, not subject to appeal by either party. Appeals by third parties must be made within sixty (60) days of notification pursuant to the contested case provisions of the Administrative Procedure Act, N.C. Gen. Stat. § 150B-23 et seq.

DWQ Staff Signature: [Signature]

Date: November 16, 2011

DOT Staff Signature: [Signature]

Date: 11/16/2011

Staff Signature: _____

Date: _____

¹ – An authorized agent of the Transportation Permitting Unit is defined as DWQ staff that are DOT-funded and review and issue 401 Water Quality Certifications for DOT projects. These staff include Central Office and Regional Office personnel.

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

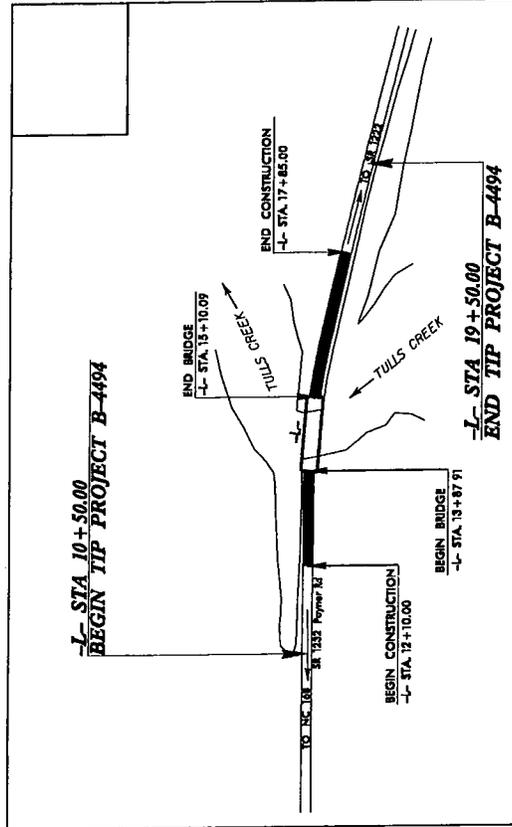
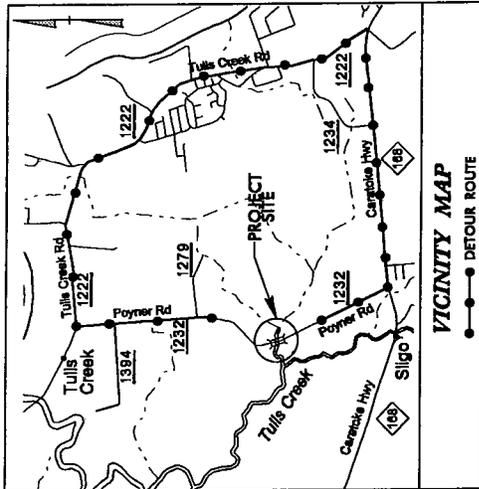
CURRITUCK COUNTY

LOCATION: BRIDGE NO. 3 OVER TULLS CREEK ON SR 1232 (POYNER RD)

TYPE OF WORK: GRADING, DRAINAGE, PAVING, AND STRUCTURE

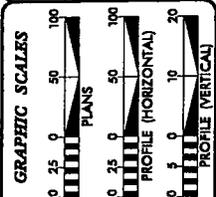
Permit Drawing
Sheet 6 of 6

STATE	N.C.	PROJECT NUMBER	B-4494	DATE	I
PROJECT NAME		DESIGNER	PE		
33730.1.1		BRZ-1232(A)			
33730.2.1		BRZ-1232(A)			
		RAW & UTIL.			



WETLANDS & STREAM IMPACTS

NOTE:
1. THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.
2. CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.



DESIGN DATA

ADT 2012	=	1275
ADT 2032	=	1970
DIV	=	10 %
D	=	60 %
T	=	3 %
V	=	50 MPH
FUNC. CLASS = RURAL LOCAL		
SUB-REGIONAL TIER		
* TTST 1% DUAL 2%		

PROJECT LENGTH

LENGTH OF ROADWAY TIP PROJECT B-4494	=	0.148 MILES
LENGTH OF STRUCTURE TIP PROJECT B-4494	=	0.023 MILES
TOTAL LENGTH OF TIP PROJECT B-4494	=	0.171 MILES

Prepared in the Office of:
DIVISION OF HIGHWAYS
1000 Birch Ridge Dr., Raleigh, NC, 27618

RIGHT OF WAY DATE: JANUARY 21, 2011
LETTING DATE: JANUARY 17, 2012

GARY R. LOVERING, PE PROJECT ARCHITECT	ANTHONY C. WEST PROJECT DESIGN ENGINEER
---	--

HYDRAULICS ENGINEER

STRUCTURE

ROADWAY DESIGN ENGINEER

DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA

STATE ROADWAY DESIGN ENGINEER

TIP PROJECT: B-4494

CONTRACT:

*****SYTIME*****
*****USERNAME*****

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting 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: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer 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 _____

Water Quality Certification N^o. 3820

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 14 (LINEAR TRANSPORTATION PROJECTS) 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)

Water Quality Certification Number 3820 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 (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 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.

Any proposed fill or modification of wetlands and/or waters, including streams, under this General Certification requires application to, and written approval from the Division of Water Quality (the "Division") except for the single family lot exemption described below.

Application and written approval is *not required* for construction of a driveway to a single family lot as long as the driveway involves *less than 25 feet* of temporary and/or permanent stream channel impacts, including any in-stream stabilization needed for the crossing. This activity must meet all of the Conditions of Certification listed below. If any of these Conditions cannot be met, **or if the activity is associated with or in response to a Notice of Violation from the Division of Water Quality or the NC Division of Land Resources, then written approval from the Division is required.**

In accordance with North Carolina General Statute Section 143-215.3D(e), written approval for a 401 Water Quality General 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.

Conditions of Certification:

1. No Impacts Beyond those Authorized in the Written Approval or Beyond the Threshold for Use of this Certification

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts authorized in the written approval or beyond the thresholds for use of this Certification, including incidental impacts. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

2. Standard Erosion and Sediment Control Practices

Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices:

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- a. 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.
 - b. 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*.
 - c. Reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
 - d. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times, except for publicly funded linear transportation projects when materials can be accessed offsite in a timely manner.
 - e. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNA's), Trout (Tr), SA, WS-I, WS-II, High Quality (HQW), or Outstanding Resource (ORW) waters, then the sediment and erosion control requirements contained within *Design Standards in Sensitive Watersheds* (15A NCAC 04B .0124) supercede all other sediment and erosion control requirements.
3. No Sediment and Erosion Control Measures in Wetlands or Waters

Sediment and erosion control measures should not be placed in wetlands or waters outside of the permitted impact areas without prior approval by the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

4. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by the Division is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/su/Forms_Documents.htm.

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit.

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5. Work in the Dry

All work in or adjacent to stream waters shall be conducted in a dry work area. Approved best management practices from the most current version of the NC Sediment and Erosion Control Manual, or the NC DOT Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require submittal to, and approval by, the Division of Water Quality.

6. Construction Moratoriums and Coordination

If activities must occur during periods of high biological activity (i.e. sea turtle or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. This condition can be waived through written concurrence on a case-by-case basis upon reasonable justification.

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) to lessen impacts on trout, anadromous fish, larval/post-larval fishes and crustaceans, or other aquatic species of concern shall be implemented. This condition can be waived through written concurrence on a case-by-case basis upon reasonable justification.

Work within the twenty-five (25) designated trout counties or identified state or federal endangered or threatened species habitat shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

7. Riparian Area Protection (Buffer) Rules

Activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not), within the Neuse, Tar-Pamlico, Catawba, Randleman, and Jordan (or any other basin with buffer rules), shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0233, .0259, .0250, .0243, and .0267, and 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. All buffer rule requirements, including diffuse flow requirements, must be met.

8. Water Supply Watershed Buffers

The 100-foot wide vegetative buffer (high-density development) or the 30-foot wide vegetative buffer (low density development) shall be maintained adjacent to all perennial waters except for allowances as provided in the Water Supply Watershed Protection Rules [15A NCAC 2B .0212 through .0215].

9. If concrete is used during the construction, then a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life/fish kills.

10. Compensatory Mitigation

In accordance with 15A NCAC 2H .0506 (h), compensatory mitigation may be required for losses of 150 linear feet or more of streams (intermittent and perennial) and/or one (1) acre or more of wetlands. For linear, public transportation projects, impacts equal to or exceeding 150 linear feet per stream may require mitigation.

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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 Buffer Rules or require a variance under the Buffer Rules.

A determination of buffer, wetland and stream mitigation requirements shall be made by the Division for any application to use this Certification. Design and monitoring protocols shall follow the US Army Corps of Engineers Wilmington District *Stream Mitigation Guidelines* (April 2003), or its subsequent updates. Compensatory mitigation plans shall be submitted for written Division approval as required in those protocols. Alternatively, the Division will accept payment into an in-lieu fee program or credit purchase from a mitigation bank.

Finally, 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 public whenever practical or at the earliest reasonable time during the construction of the project. Proof of payment to an in-lieu fee program or mitigation bank must be provided to the Division to satisfy this requirement.

11. For all activities requiring re-alignment of streams, a stream relocation plan must be included for written Division approval. Relocated stream designs should include the same dimensions, patterns and profiles as the existing channel (or a stable reference reach if the existing channel is unstable), 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 permanent 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 appropriate erosion control matting materials and seedling establishment is allowable. Rip-rap, A-Jacks, concrete, gabions or other hard structures may be allowed if it is necessary to maintain the physical integrity of the stream, however, the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage. Please note that if the stream relocation is conducted as a stream restoration as defined in the US Army Corps of Engineers Wilmington District, April 2003 *Stream Mitigation Guidelines*, the restored length can be used as compensatory mitigation for the impacts resulting from the relocation.

12. Stormwater Management Plan Requirements

- A. Linear public transportation projects will be required to treat stormwater runoff to the Maximum Extent Practicable in accordance with the practices described in the NCDOT Best Management Practices (BMP) Manual.
- B. All other projects shall comply with the requirements set forth below. In addition, the applicants shall follow the procedures explained in the version of *Protocol for Stormwater Management Plan (SMP) Approval and Implementation* that is in place on the date of the submittal of the SMP.
 - i. **Project Density:** Projects with SMPs that require 401 Oversight/ Express Unit approval shall be classified as either Low or High Density according to the criteria described below.
 - a. **Low Density:** A development shall be considered Low Density if ALL of the following criteria are shown to have been met.
 1. The overall site plan, excluding ponds, lakes, rivers (as specified in North Carolina's Schedule of Classifications) and saltwater wetlands

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(SWL), must contain less than 24% impervious surface area considering both current and future development.

2. All stormwater from the entire site must be transported primarily via vegetated conveyances designed in accordance with the most recent version of the NC DWQ Stormwater BMP Manual.
3. The project must not include a stormwater collection system (such as piped conveyances) as defined in 15A NCAC 2B .0202(60).
4. If a portion of project has a density equal to or greater than 24%, then the higher density area must be located in an upland area and away from surface waters and drainageways to the maximum extent practicable.

b. **High Density:** Projects that do not meet all of the Low Density criteria described above are considered to be High Density, requiring the installation of appropriate BMPs as described below.

1. All stormwater runoff from the site must be treated by BMPs that are designed, at a *minimum*, to remove 85 percent of Total Suspended Solids (TSS).
2. Projects located in watersheds that drain directly to waters containing the following supplemental classifications shall meet these additional requirements:

<i>Water Quality Supplemental Classification</i>	<i>Stormwater BMP Requirement</i>
§303(d)	Project-specific conditions may be added by the Division to target the cause of the water quality impairment.
NSW	A minimum of 30 percent total phosphorus and 30 percent total nitrogen removal, or other applicable nutrient reduction goal for the watershed as codified in the 15A NCAC 2B .0200 rules.
Trout (Tr)	A minimum of 30 percent total phosphorus and 30 percent total nitrogen removal; BMPs should also be designed to minimize thermal pollution.

3. All BMPs must be designed in accordance with the version of the *NC Division of Water Quality Stormwater Best Management Practices Manual* that is in place on the date of the submittal of the SMP. Use of stormwater BMPs other than those listed in the *Manual* may be approved on a case-by-case basis if the applicant can demonstrate that these BMPs provide equivalent or higher pollutant removal and water quality protection.
- ii. **Vegetated Setback:** In areas that are not subject to a state Riparian Area Protection Rule, a 30-foot wide vegetated setback must be maintained adjacent to streams, rivers and tidal waters as specified below.
- a. The width of the setback shall be measured horizontally from:

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1. The normal pool elevation of impounded structures,
 2. The streambank of streams and rivers, and
 3. The mean high waterline of tidal waters, perpendicular to shoreline.
- b. The vegetated setback may be cleared or graded, but must be planted with and maintained in grass or other appropriate plant cover.
- c. The DWQ may, on a case-by-case basis, grant a minor variance from the vegetated setback requirements pursuant to the procedures set forth in 15A NCAC 02B .0233(9)(b).
- d. Vegetated setbacks and filters required by state rules or local governments may be met concurrently with this requirement and may contain coastal, isolated or 404 jurisdictional wetlands.
- iii. **Stormwater Flowing to Streams and Wetlands:** Stormwater conveyances that discharge to streams and wetlands must discharge at a non-erosive velocity prior to entering the stream or wetland during the peak flow from the ten-year storm.
- iv. **Projects Below Written Authorization Thresholds:** Projects that are below written authorization thresholds must comply with the version of *Protocol for Stormwater Management Plan (SMP) Review and Approval* that is in place on the date of the certification for the project.
- v. **Phased Projects:** The DWQ will allow SMPs to be phased on a case-by-case basis, with a final SMP required for the current phase and a conceptual SMP for the future phase(s). If the current phase meets the Low Density criteria, but future phase(s) do not meet the Low Density criteria, then the entire project shall be considered to be High Density.
13. If this Water Quality Certification is used to access building sites, all lots owned by the applicant must be buildable without additional fill. For road construction purposes, this General Water Quality Certification shall only be utilized from natural high ground to natural high ground.
14. Placement of Culverts and Other Structures in Waters and Wetlands

The application must include construction plans with cross-sectional details in order to indicate that the current stability of the stream will be maintained or enhanced (i.e., not result in head cuts).

Culverts required for this project shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. Existing stream dimensions (including the cross section dimensions, pattern, and longitudinal profile) must be maintained above and below locations of each culvert. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life unless otherwise justified and approved by the Division

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Installation of culverts in wetlands must ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. 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 destabilization of streams or wetlands.

Any rip rap required for normal pipe burial and stabilization shall be buried such that the original stream elevation is restored and maintained.

The establishment of native, woody vegetation and other soft stream bank stabilization techniques must be used where practicable instead of rip-rap or other bank hardening methods.

15. Additional site-specific conditions may be added to the written approval in order to ensure compliance with all applicable water quality and effluent standards.
16. If an environmental document is required under the National or State Environmental Policy Act (NEPA or SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse.
17. Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time of recording of the property, or of individual lots, whichever is appropriate. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at <http://portal.ncdenr.org/web/wq/swp/ws/401/certsandpermits/apply/forms>
The text of the sample deed notification may be modified as appropriate to suit to a specific project.
18. Certificate of Completion

When written authorization is required for use of this certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return the certificate of completion attached to the approval. One copy of the certificate shall be sent to the DWQ Central Office in Raleigh at 1650 Mail Service Center, Raleigh, NC, 27699-1650.
19. This General Certification shall expire three (3) years from the date of issuance of the written approval from the Division or on the same day as the expiration date of the corresponding Nationwide Permit 14 or Regional General Permit 198200031. In accordance with General Statute 136-44.7B, certifications issued to the NCDOT shall expire only upon expiration of the federal 404 Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. If the construction process for approved activities will overlap the expiration and renewal date of the corresponding 404 Permit and the Corps allows for continued use of the 404 Permit, then the General Certification shall also remain in effect without requiring re-application and re-approval to use this Certification for the specific impacts already approved.
20. The applicant/permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If the Division determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is

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being violated, or that further conditions are necessary to assure compliance, then the Division may reevaluate and modify this General Water Quality Certification.

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, if it is determined that the project is likely to have a significant adverse effect upon water quality including state or federally listed endangered or threatened aquatic species 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: April 6, 2010

DIVISION OF WATER QUALITY

By



Coleen H. Sullins

Director

History Note: Water Quality Certification (WQC) Number 3820 issued April 6, 2010 replaces WQC Number 3704 issued November 1, 2007, WQC Number 3627 issued March 2007, WQC Number 3404 issued March 2003, WQC Number 3375 issued March 18, 2002, WQC Number 3289 issued June 1, 2000, WQC Number 3103 issued on February 11, 1997, WQC Number 2732 issued May 1, 1992, WQC Number 2666 issued January 21, 1992, and WQC Number 2177 issued November 5, 1987. 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 the Division of Water Quality.



North Carolina Department of Environment and Natural Resources

Division of Coastal Management

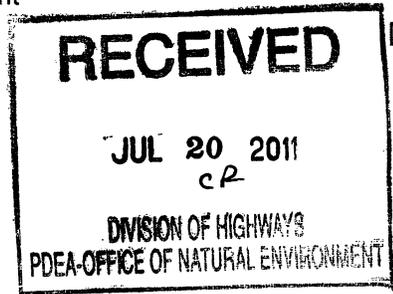
Beverly Eaves Perdue
Governor

James H. Gregson
Director

Dee Freeman
Secretary

July 19, 2011

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



Dear Sir or Madam:

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 requires 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
NEW

Permit Number
90-11

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

Permit

for

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

X Excavation and/or filling pursuant to NCGS 113-229

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

Authorizing development in Currituck County at Tulls Creek, Bridge #3 on SR 1232
, as requested in the permittee's application dated 5/12/11, including the
attached workplan drawings (10): 3 dated as received 5/16/11, 1 dated 12/16/10, and 6 dated 1/12/11.

This permit, issued on 7/19/11, 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.

TIP No. B-4494, Bridge Replacement

- 1) In order to protect anadromous fisheries resources, no in-water work shall be conducted between February 15 to June 15 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the N.C. Wildlife Resources Commission (WRC). For the purposes of this moratorium, in-water is defined as those areas within Tulls Creek and its adjacent wetlands that have an active connection to Tulls Creek during periods of inundation.
- 2) The permittee did not propose the use of deck drains in the permit application package. Any future proposal to utilize deck drains shall require additional authorization from DCM.
- 3) The bridge shall be constructed using top down construction methodologies with an off site detour. Any other construction method may require additional authorization from DCM.

(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.

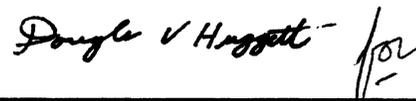
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

No expiration date, pursuant to GS 136-44.7B

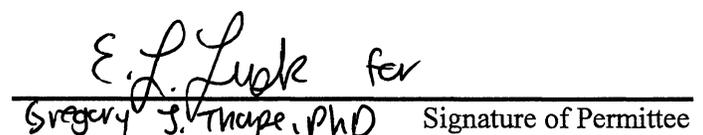
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

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



James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Gregory J. Thayer, PhD Signature of Permittee

ADDITIONAL CONDITIONS

- 4) In accordance with commitments made by the permittee, the following United States Fish and Wildlife Service document shall be followed: "Guidelines for Avoiding Impacts to the West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina".
- 5) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any wetlands or surrounding waters.
- 6) The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 7) No excavation or filling shall take place at any time in any vegetated wetlands or surrounding waters outside of the alignment of the areas indicated on the attached workplan drawings, without permit modification.
- 8) All fill material shall be clean and free of any pollutants except in trace quantities.
- 9) All fill material shall be obtained from an upland source.
- 10) Live concrete shall not be allowed to contact the water in or entering into Tulls Creek, or the adjacent wetlands.
- 11) Construction staging areas shall be located only in upland areas, and not in wetlands or Waters of the State. Construction staging areas shall also not prevent public usage of the boat ramp adjacent to the north end of the project.
- 12) Wetlands shall not be crossed in transporting equipment to the project site, without prior approval from DCM.
- 13) Unless specifically altered herein, NCDOT's document "Best Management Practices for Construction and Maintenance Activities" (August 2003) shall be followed during bridge removal and bridge construction procedures.
- 14) 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.
- 15) The installation of the piles for the bridge shall be accomplished by pile driving and/or the use of a vibratory hammer. Should the permittee and/or its contractor propose to utilize another type of pile installation, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.

ADDITIONAL CONDITIONS

- 16) All materials and debris associated with the removal and/or construction of the existing and/or new bridge, existing and/or new causeway, other existing structures within the Right-of-Way as authorized by the permit and associated materials shall not enter wetlands or Waters of the State, even temporarily. Any such material 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.

NOTE: The bridge demolition debris may be suitable for use as artificial reef material. The permittee is encouraged to contact the Artificial Reef Coordinator at the N.C. Division of Marine Fisheries Morehead City Office at (252) 726-7021 to coordinate review of the suitability of the material and arrangements for such use.

- 17) The placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities. The riprap material shall consist of clean rock or masonry materials such as, but not limited to, granite, marl or broken concrete.
- 18) Filter fabric shall be in place prior to the placement of any riprap.

Utility Impacts

NOTE: This bridge replacement project will also require the removal of existing telephone poles, the abandonment of existing underground telephone lines, and the installation of new underground telephone cables.

- 19) Any utility work associated with this project that is not specifically depicted on the attached workplan drawings, or described within the attached permit application, shall require approval from the N.C. Division of Coastal Management, either under the authority of this permit, or by the utility company obtaining separate authorization.
- 20) Subaqueous lines shall be placed a minimum of two feet below the bottom contour.
- 21) Telephone cables shall be installed using a horizontal directional bore drilling method. Entry and exit points of this activity, including disposal of material from the drilling activity, shall be outside of all wetlands and Waters of the State.

NOTE: Plans and specifications for the relocation and/or replacement of water mains must be submitted to the N.C. Division of Environmental Health Public Water Supply Plan Review Section for approval prior to construction. Final approval must be issued before water lines are placed into service.

NOTE: The permittee is advised to contact the Currituck County Water Department to determine precise locations and coordinate that construction does not affect utility piping or services to customers.

ADDITIONAL CONDITIONS

Impacts to Wetlands and Waters of the State and Compensatory Mitigation

NOTE: This project will permanently impact approximately 0.06 acres of Coastal Wetlands and approximately 0.02 acres of 404 wetlands due to fill. This project will temporarily impact approximately 0.01 acres of 404 wetlands due excavation. This project will temporarily impact approximately 0.09 acres of Coastal Wetlands and approximately 0.01 acres of 404 wetlands due to hand clearing. This project will permanently impact approximately 0.22 acres of surface waters.

- 22) Fill slopes in wetlands shall be 3:1 or steeper.
- 23) There shall be no clearing of wetlands outside of the areas indicated on the attached workplan drawings without prior approval from DCM.
- 24) Wetland areas to be temporarily impacted by clearing shall not be grubbed.
- 25) The areas of existing causeway fill material to be excavated underneath the new bridge shall be graded to the approximate elevation of the adjacent natural wetlands.

NOTE: In accordance with the Ecosystem Enhancement Program (EEP) letter dated 5/12/11, compensatory mitigation for permanent impacts of 0.06 acres of coastal marsh associated with the authorized project shall be provided by the EEP in accordance with the EEP In-Lieu Fee Instrument dated 7/28/10.

- 26) Due to the possibility that hand clearing and/or other site alterations might prevent the temporary Coastal Wetland impact areas from re-attaining pre-project wetland functions, the permittee shall provide an annual update on the Coastal Wetland areas temporarily impacted by this project. This annual update shall consist of photographs and a brief written report on the progress of these temporarily impacted areas in re-attaining their pre-project wetland functions. Within three years after project completion, the permittee shall hold an agency field meeting with the N.C. Division of Coastal Management (DCM) to determine if the Coastal Wetland areas temporarily impacted by this project have re-attained pre-project wetland functions. If at the end of three years DCM determines that the Coastal Wetland areas temporarily impacted by the project have not re-attained pre-project wetland functions, DCM will determine whether compensatory wetland mitigation shall be required.

Sedimentation and Erosion Control

- 27) Turbidity curtains shall be used at all times to isolate all work areas from the adjacent waters of Tulls Creek, including pile installation, pile removal, placement of riprap and fill material. The turbidity curtains shall be of sufficient length and effectiveness to prevent a visible increase in the amount of suspended sediments in adjacent waters. The turbidity curtains shall encircle the immediate work area, but, shall not impede navigation. The turbidity curtains shall be properly maintained and retained in the water until construction is complete and shall only be removed when turbidity within the curtains reaches ambient levels.

ADDITIONAL CONDITIONS

- 28) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and properties (e.g. silt fence, diversion swales or berms, etc.).
- 29) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation's (NCDOT's) Memorandum of Agreement with the Division of Land Resources.
- 30) The permittee shall follow "Best Management Practices for the Protection of Surface Waters".
- 31) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 32) The cut or filled slopes shall be at an angle that can be retained by vegetative or other appropriate cover.

General

- 33) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work following completion of construction activities.
- 34) During bridge construction, the permittee shall make every attempt to maintain the same navigation that is currently possible in Tulls Creek, upstream and downstream of the existing bridge.
- 35) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent waters and wetlands.
- 36) If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached workplan drawings or described in the authorized permit application, a permit modification and/or additional authorization from the N.C. Division of Coastal Management (DCM) shall be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 37) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities.
- 38) Development authorized by this permit shall only be conducted on lands owned by the N.C. Department of Transportation and/or its Right-of-Ways and/or easements.
- 39) The permittee and/or its contractor shall contact the DCM Transportation Field Representative in Morehead City at (252) 808-2808 to request a preconstruction conference prior to project initiation.
- 40) The N.C. Division of Water Quality (DWQ) authorized the proposed project on 7/7/11 (DWQ Project No. 20110462) under General Water Quality Certification No. 3820. Any violation of the Certification approved by DWQ shall be considered a violation of this CAMA permit.

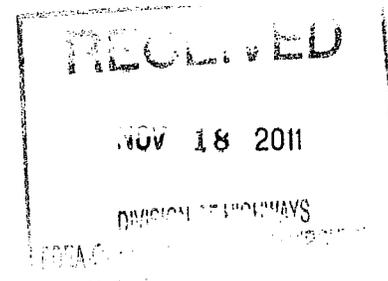
ADDITIONAL CONDITIONS

- 41) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes approval, if required, from the N.C. Division of Water Quality under stormwater management rules of the Environmental Management Commission.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Regional Permit Number 198200031 (COE Action ID No. SAW-2008-00600), which was issued on 6/28/2011.



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



Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 15, 2011

N.C. Department of Transportation
Project Development and Environmental Analysis
1598 Mail Service Center
Raleigh, NC 27699-1598

RE: Letter of Refinement, CAMA Major Development Permit No. 90-11, Replacement of Bridge No. 3 over Tulls Creek on SR 1232, Currituck County, TIP No. B-4494.

Dear Sir/Madam:

This letter is in response to the N.C. Department of Transportation's (NCDOT's) e-mail correspondence dated 10/11/11 requesting a modification of CAMA Major Permit No. 90-11. NCDOT is requesting authorization to place approximately 0.01 acres of temporary fill in 404 Wetlands and approximately 0.01 acres of temporary fill in Coastal Wetlands. The purpose of the temporary fill is for the installation of erosion control measures, including temporary silt fence and/or special sediment control fence. The temporary fill will be placed in areas that have already been authorized for impacts due to hand clearing.

Please be advised that through this **Letter of Refinement**, the Division of Coastal Management (DCM) conveys its determination that the above referenced request is consistent with existing State rules and regulations and is in keeping with the original purpose and intent of CAMA Permit No. 90-11 with the following conditions:

1. This Letter of Refinement does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
2. This Letter of Refinement shall be attached to the original of Permit No. 90-11, which was issued on July 19, 2011, and copies of both documents shall be readily available on site when a Division representative inspects the project for compliance.

3. All conditions and stipulations of the active permit remain in force under this Letter of Refinement unless altered herein.

Please contact Stephen Lane or Cathy Brittingham if you have any questions or concerns. Stephen can be reached at (252) 808-2808 x208 or via e-mail at Stephen.Lane@ncdenr.gov. Cathy can be reached at (919) 733-2293 x238 or via e-mail at Cathy.brittingham@ncdenr.gov.

Sincerely,



Doug Huggett
Major Permits and Consistency Coordinator

Cc: Bill Biddlecome, USACE
Garcy Ward, DWQ
Stephen Lane, DCM
Cathy Brittingham, DCM

Brittingham, Cathy

From: Manley, Chris
Sent: Tuesday, October 11, 2011 5:34 PM
To: william.j.biddlecome@usace.army.mil; Brittingham, Cathy; Lane, Stephen; Wainwright, David
Subject: B-4494 BRIDGE 3 OVER TULLS CREEK ON SR 1232

Cathy, Bill, Stephen, and David,

We received a permit for B-4494, Bridge 3 over Tulls Creek on SR 1232, from the NCDOT (90-11), USACE (2008-00600), and NCDWQ (20110462). Recently it was noticed that the Temporary Fill Impacts for the Sediment and Erosion Control was left out of the summary sheet impacts, therefore, it was not mentioned anywhere else in the permit application.

By way of this email NCDOT is requesting a Permit Modification for B-4494 for the temporary impacts of <0.01 acre of fill in the hand clearing areas of the 404 wetlands and 0.01 acre of temporary fill in the hand clearing areas of the CAMA wetlands for the installation of erosion control measures, including temporary silt fence and/or special sediment control fence. For the total of 0.02 acre of temporary fill in hand clearing areas NCDOT is not proposing mitigation, and there is no change in the permit drawings.

If there are any questions please contact Chris Manley at 919-707-6135 or cdmanley@ncdot.gov.

Thank you,

Chris Manley
NCDOT, NEU

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE Precautionary Measures for Construction Activities in North Carolina Waters

The West Indian manatee (*Trichechus manatus*), also known as the Florida manatee, is a Federally-listed endangered aquatic mammal protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1461 *et seq.*). The manatee is also listed as endangered under the North Carolina Endangered Species Act of 1987 (Article 25 of Chapter 113 of the General Statutes). The U.S. Fish and Wildlife Service (Service) is the lead Federal agency responsible for the protection and recovery of the West Indian manatee under the provisions of the Endangered Species Act.

Adult manatees average 10 feet long and weigh about 2,200 pounds, although some individuals have been recorded at lengths greater than 13 feet and weighing as much as 3,500 pounds. Manatees are commonly found in fresh, brackish, or marine water habitats, including shallow coastal bays, lagoons, estuaries, and inland rivers of varying salinity extremes. Manatees spend much of their time underwater or partly submerged, making them difficult to detect even in shallow water. While the manatee's principal stronghold in the United States is Florida, the species is considered a seasonal inhabitant of North Carolina with most occurrences reported from June through October.

To protect manatees in North Carolina, the Service's Raleigh Field Office has prepared precautionary measures for general construction activities in waters used by the species. Implementation of these measure will allow in-water projects which do not require blasting to proceed without adverse impacts to manatees. In addition, inclusion of these guidelines as conservation measures in a Biological Assessment or Biological Evaluation, or as part of the determination of impacts on the manatee in an environmental document prepared pursuant to the National Environmental Policy Act, will expedite the Service's review of the document for the fulfillment of requirements under Section 7 of the Endangered Species Act. These measures include:

1. The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, and the need to avoid any harm to these endangered mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that

there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act and the Endangered Species Act.

3. If a manatee is seen within 100 yards of the active construction and/or dredging operation or vessel movement, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of moving equipment if a manatee comes within 50 feet of the operational area of the equipment. Activities will not resume until the manatee has departed the project area on its own volition (i.e., it may not be herded or harassed from the area).

4. Any collision with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service (ph. 919.856.4520 ext. 16), the National Marine Fisheries Service (ph. 252.728.8762), and the North Carolina Wildlife Resources Commission (ph. 252.448.1546).

5. A sign will be posted in all vessels associated with the project where it is clearly visible to the vessel operator. The sign should state:

CAUTION: The endangered manatee may occur in these waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All equipment must be shut down if a manatee comes within 50 feet of the vessel or operating equipment. A collision with and/or injury to the manatee must be reported immediately to the U.S. Fish and Wildlife Service (919-856-4520 ext. 16), the National Marine Fisheries Service (252.728.8762), and the North Carolina Wildlife Resources Commission (252.448.1546).

6. The contractor will maintain a log detailing sightings, collisions, and/or injuries to manatees during project activities. Upon completion of the action, the project manager will prepare a report which summarizes all information on manatees encountered and submit the report to the Service's Raleigh Field Office.

7. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

8. If siltation barriers must be placed in shallow water, these barriers will be: (a) made of material in which manatees cannot become entangled; (b) secured in a manner that they cannot break free and entangle manatees; and, (c) regularly monitored to ensure that manatees have not become entangled. Barriers will be placed in a manner to allow manatees entry to or exit from essential habitat.

Prepared by (rev. 06/2003):
U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726
919/856-4520

Figure 1. The whole body of the West Indian manatee may be visible in clear water; but in the dark and muddy waters of coastal North Carolina, one normally sees only a small part of the head when the manatee raises its nose to breathe.

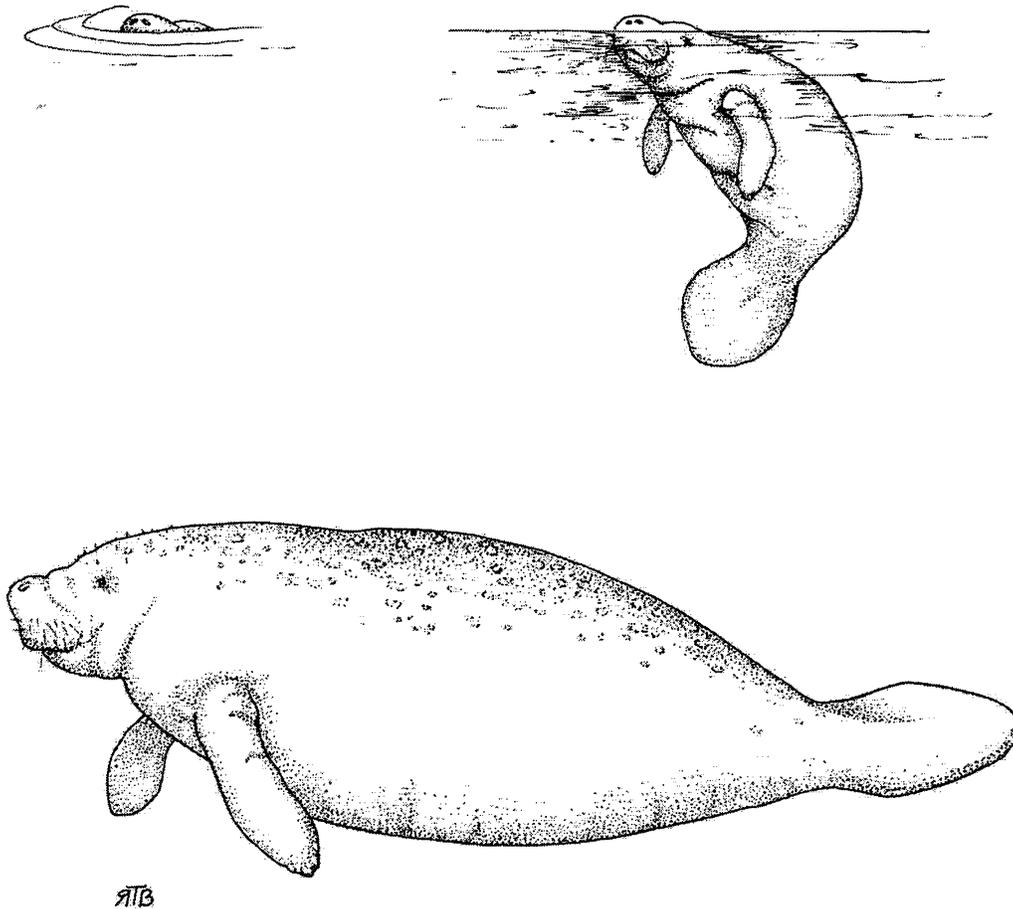
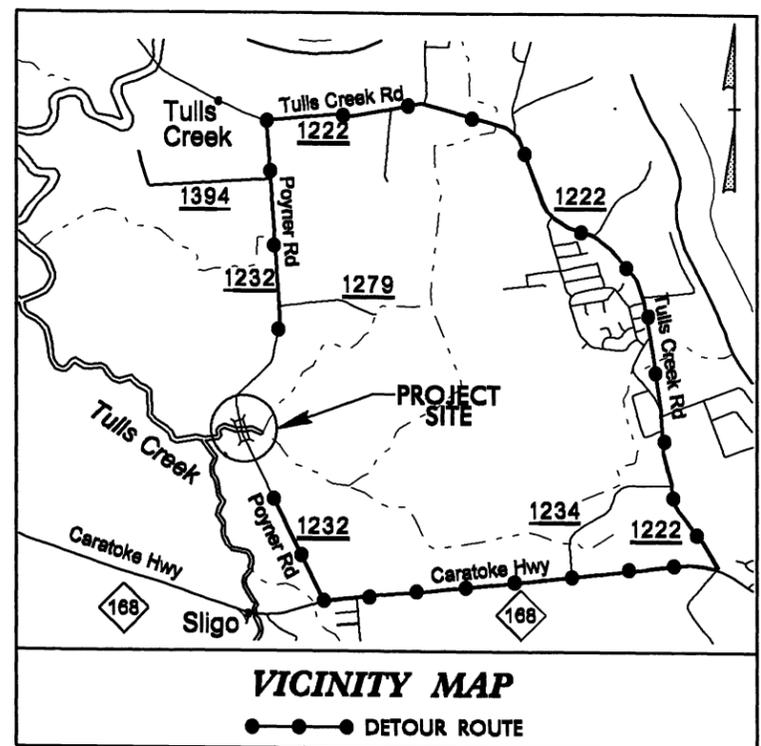


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I.
A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-
3. North Carolina State Museum of Natural Sciences. Raleigh, NC. pp. 52.

05/08/99

TIP PROJECT: B-4494



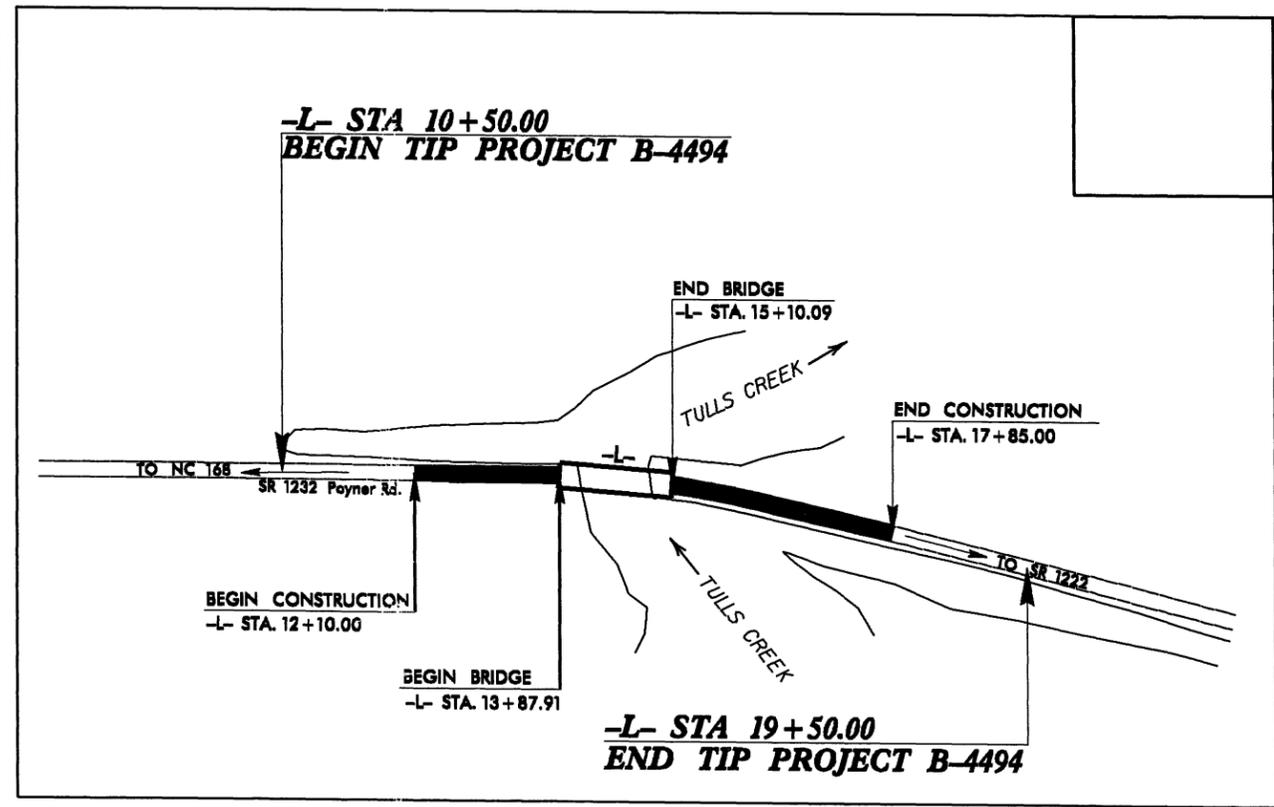
STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS
CURRITUCK COUNTY

LOCATION: BRIDGE NO.3 OVER TULLS CREEK ON SR 1232 (POYNER RD)

TYPE OF WORK: GRADING, DRAINAGE, PAVING, AND STRUCTURE

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-4494	1	
STATE PROJ. NO.	P.A. PROJ. NO.	DESCRIPTION	
33730.1.1	BRZ-1232(4)	PE	
33730.2.1	BRZ-1232(4)	RAW & UTIL.	

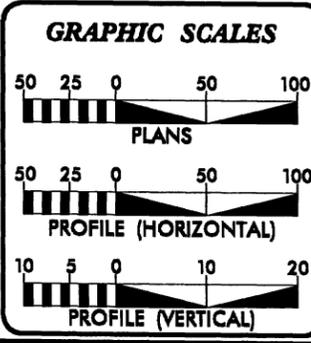
Permit Drawing Sheet 1 of 6



WETLANDS & STREAM IMPACTS

- NOTE:**
 1. THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.
 2. CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III.

CONTRACT:



DESIGN DATA

ADT 2012 =	1275
ADT 2032 =	1970
DHV =	10 %
D =	60 %
T =	3 % *
V =	50 MPH
FUNC. CLASS =	RURAL LOCAL
SUB-REGIONAL TIER	
* TTST 1% DUAL 2%	

PROJECT LENGTH

LENGTH OF ROADWAY TIP PROJECT B-4494 =	0.148 MILES
LENGTH OF STRUCTURE TIP PROJECT B-4494 =	0.023 MILES
TOTAL LENGTH OF TIP PROJECT B-4494 =	0.171 MILES

Prepared in the Office of:
DIVISION OF HIGHWAYS
1000 Birch Ridge Dr., Raleigh NC, 27610

2006 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE: JANUARY 21, 2011	GARY R. LOVERING, PE PROJECT ENGINEER
LETTING DATE: JANUARY 17, 2012	ANTHONY C. WEST PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

SIGNATURE _____ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE _____ P.E.

DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA

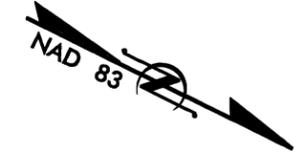
STATE HIGHWAY DESIGN ENGINEER

\$\$\$\$\$SYTIME\$\$\$\$\$
 \$\$\$CDGN\$\$\$\$\$
 \$\$\$USERNAME\$\$\$\$\$

8/17/99

PROJECT REFERENCE NO. B-4494	SHEET NO. 4
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

Permit Drawing
Sheet 2 of 6

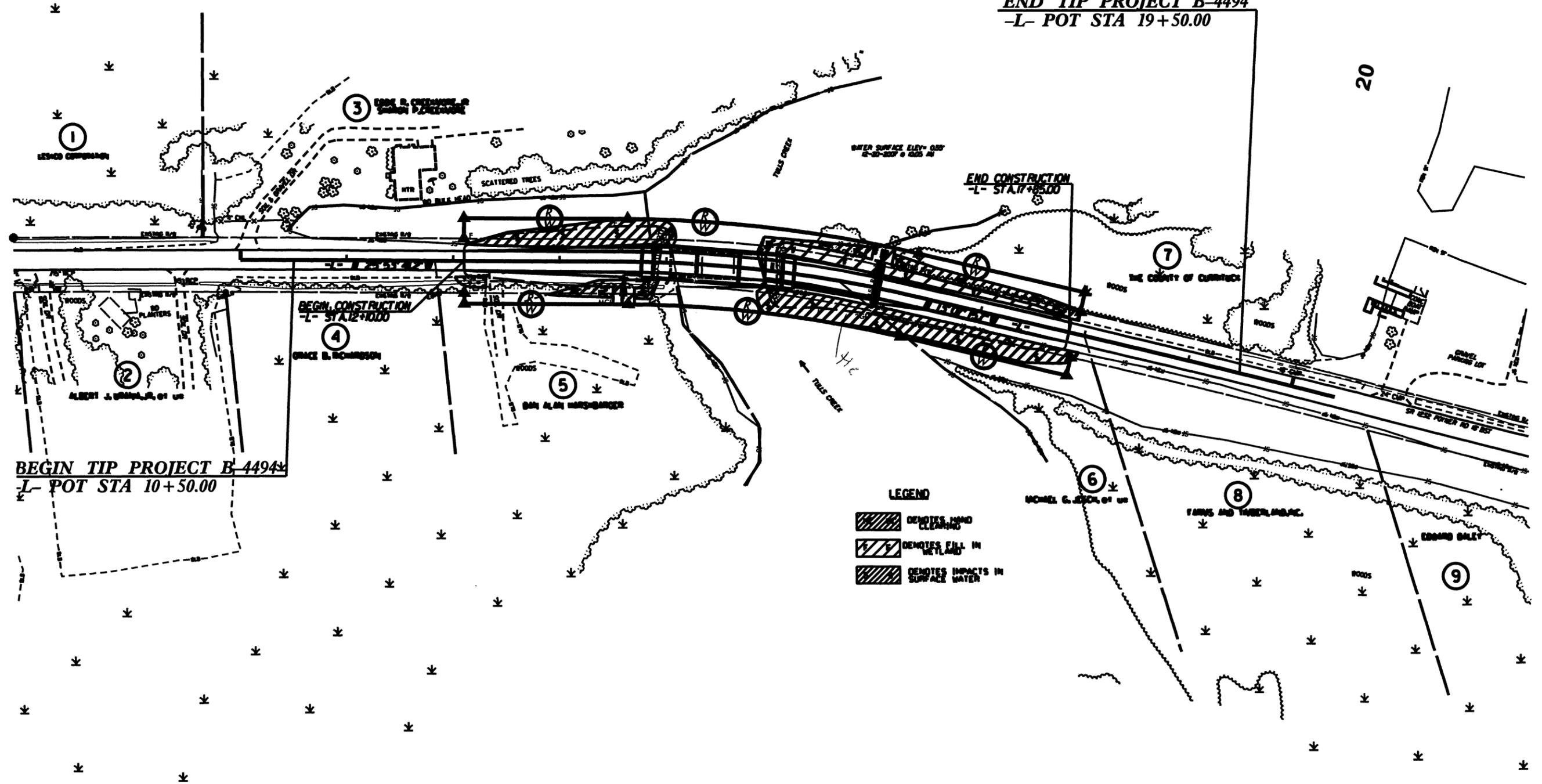


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END TIP PROJECT B-4494
-L- POT STA 19+50.00



BEGIN TIP PROJECT B-4494
-L- POT STA 10+50.00

END CONSTRUCTION
-L- STA 17+50.00

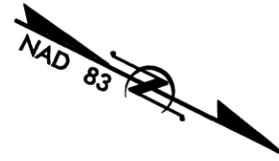
BEGIN CONSTRUCTION
-L- STA 12+10.00

- LEGEND**
- DENOTES ROAD CLEARING
 - DENOTES FILL IN WETLAND
 - DENOTES IMPACTS IN SURFACE WATER

*****SYSTEMTIME*****
 *****DGN*****
 *****NAME*****

PROJECT REFERENCE NO. B-4494		SHEET NO. 4	
RAW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	

Permit Drawing
Sheet 3 of 6



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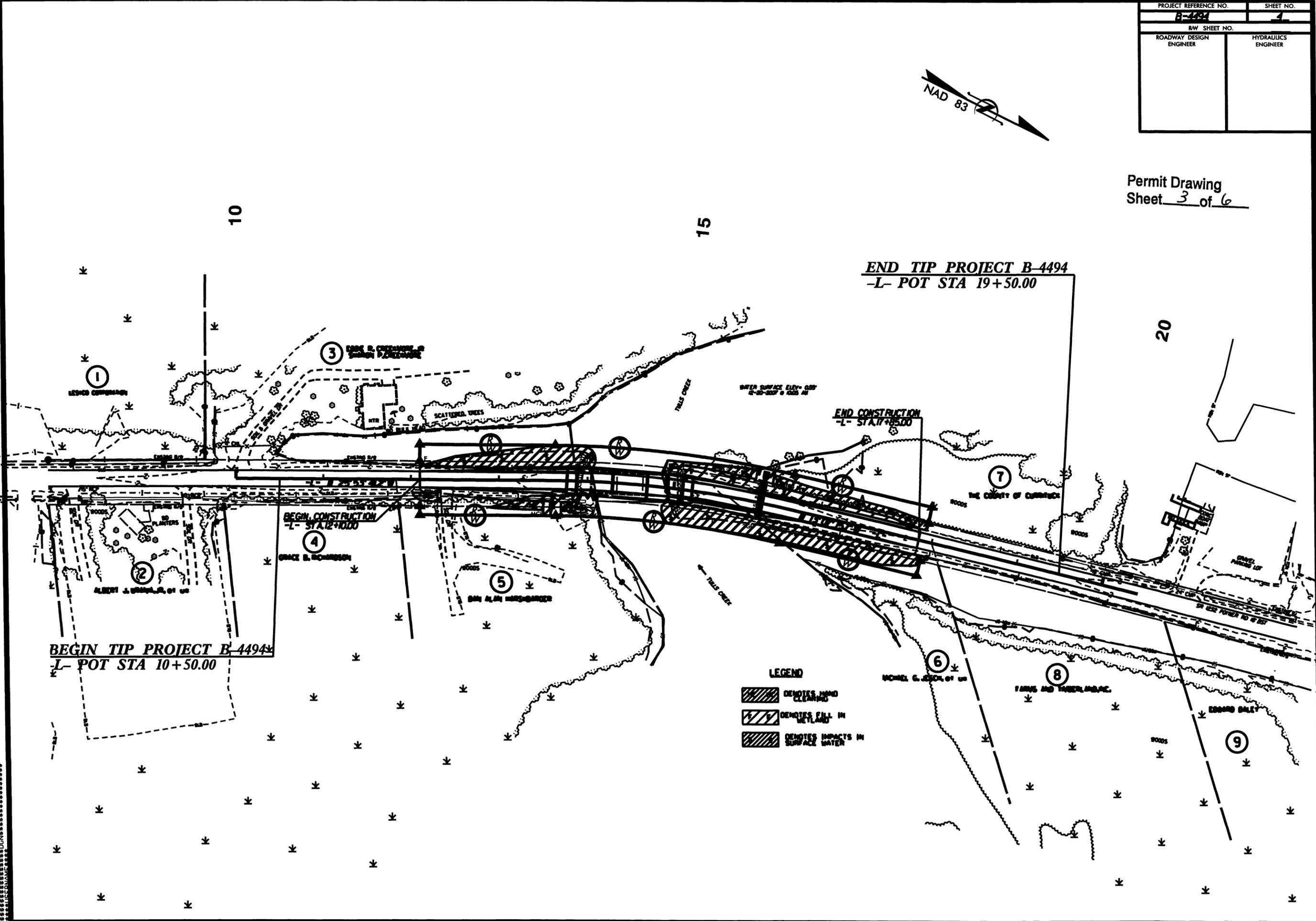
END TIP PROJECT B-4494
-L- POT STA 19+50.00

BEGIN TIP PROJECT B-4494
-L- POT STA 10+50.00

BEGIN CONSTRUCTION
-L- STA 12+10.00

END CONSTRUCTION
-L- STA 17+85.00

8/17/99
SYSTEMS
DGN
NAME

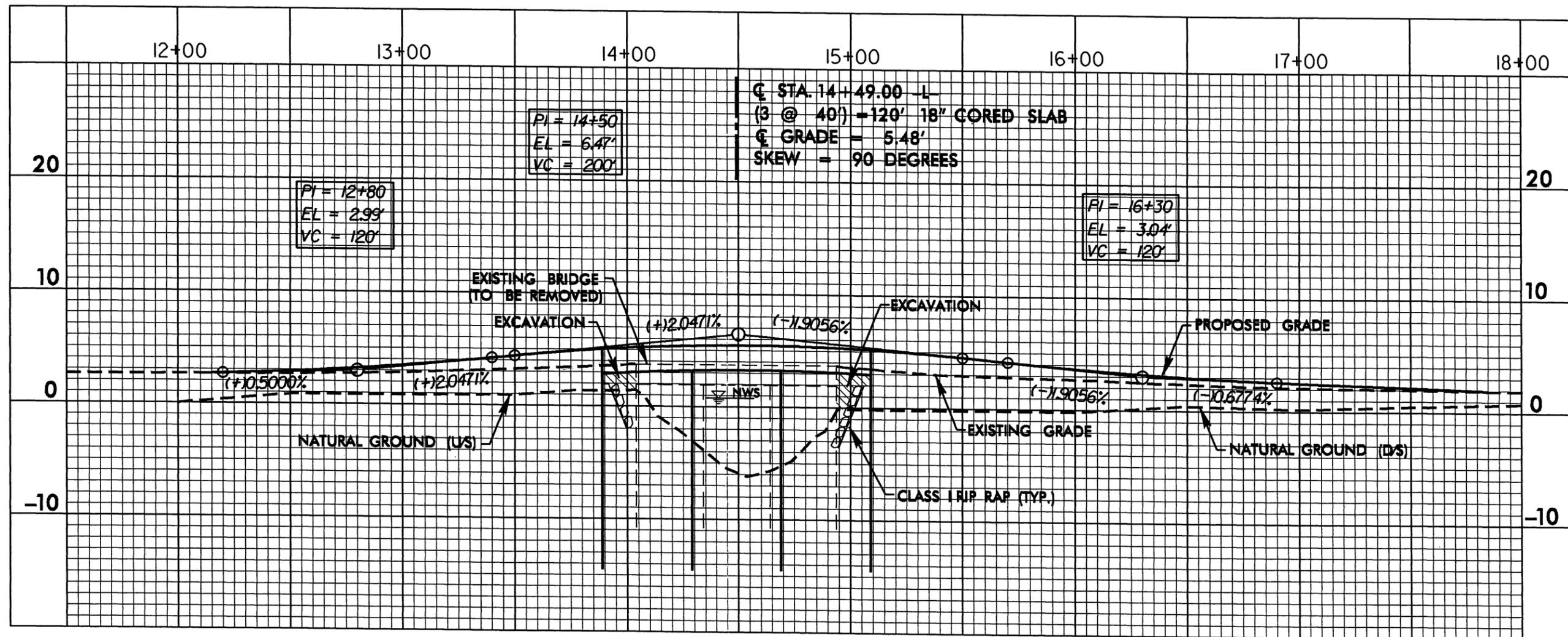


- LEGEND**
- DENOTES HAND CLEARING
 - DENOTES FILL IN WETLAND
 - DENOTES IMPACTS IN SURFACE WATER

8/17/99

PROJECT REFERENCE NO. B-4494		SHEET NO.	
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	

Permit Drawing
Sheet 4 of 6



PROFILE

SYSTEMS



Property Owner Contact Report

TIP # B-4494

Owner Last Name/ Business	Owner First Name	Address	City/Town	State	Zip Code	Contact/ Relationship	Home Phone	Contact By	Contact Date	How Contacted	Comments
Ciesieski	Karina J.	377 Poyners Road	Moyock	NC	27958						Inge Division Parcel 4 Revised
Creekmore, Jr.	Eddie R.	498 Poyners RD	Moyock	NC	27958						401 Pembroke LN Suffolk, VA 23434
Daley	John E.	373 Royners RD	Moyock	NC	27958						INGE Division Parcel 5 Revised Billing Address PO Box 128 Kill Devil Hills, NC 27948-0128
Farms & Timberland, INC		369 Poyners RD	Moyock	NC	27958						Parcel 6 INGE Division 2225 Spinnaker Circle, VA Beach VA 23451
Harshbarger	Dan Allan	2639 Cecilia Terrace	Chesapeake	VA	23323						
Jesch	Michael G. & Beverly H.	365 Poyners Road	Moyock	NC	27958						Parcel 7 INGE Division
Leskco Corp.		PO Box 154	FT. Ogden	FL	33842-0154						
Raymo	Ralph D.	517 Poyners RD	Moyock	NC	27958						Leskco Corp. Lot 4
Richardson	Grace B.	3830 White Chapel Arch	Chesapeake	VA	23321-4012						
The County of Currituck		458 Poyners RD (PO Box 39)	Moyock	NC	27958						Poyner RD Boating Access
Urania, Jr.	Albert J.	509 Poyners RD	Moyock	NC	27958						Leskco Corp. Lot 3



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

Utility Narrative

Existing Utilities:

- The existing overhead telephone lines above Tulls Creek on left/west side of roadway will be removed.
- The existing telephone poles adjacent to Tulls Creek on left/west side of roadway (inside Hydro permitted areas) will be removed.
- The existing underground telephone lines on left/west side of roadway (away from creek) will be abandoned.

Proposed Utilities:

- Proposed underground telephone cables will be installed on right/east side of roadway using a directional bore with entrance and exit locations outside of wetland boundaries.
- There will be less than 0.01 acre of impacts to wetlands due to the under road boring.

Utility Permit Drawing
Sheet 1 of 3

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

TELEPHONE: 919-707-6100
FAX: 919-212-5785
WEBSITE: WWW.NCDOT.ORG

LOCATION:
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610-4328

5/14/99

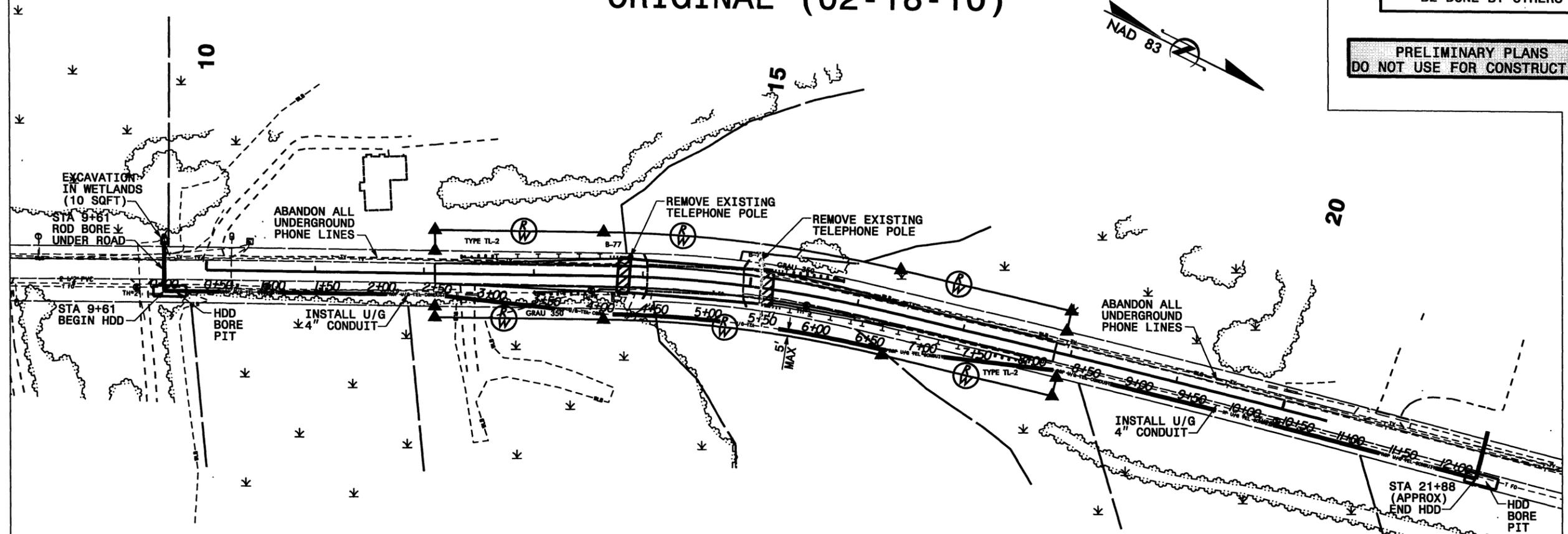
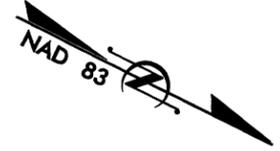
PROJECT REFERENCE NO. B-4494	SHEET NO. UO-1
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B-4494 NEU PERMIT DRAWING REVISED (12-15-10) ORIGINAL (02-18-10)

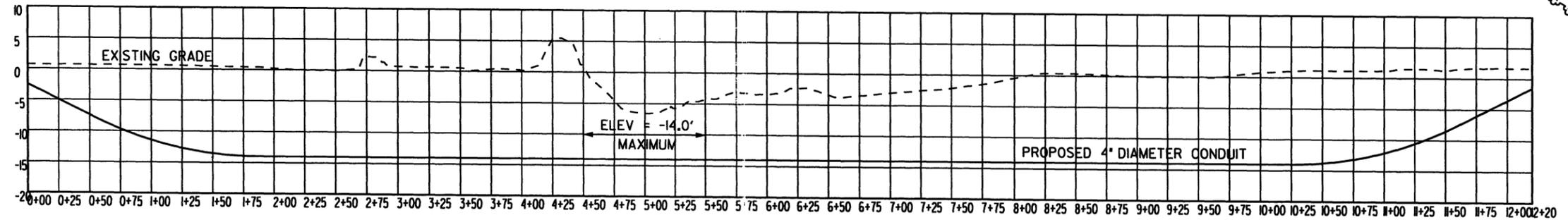
UTILITIES BY OTHERS

NOTE:
ALL PROPOSED UTILITY WORK
SHOWN ON THIS SHEET WILL
BE DONE BY OTHERS

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



PROPOSED U/G TELEPHONE PROFILE



NOTES TO UTILITY COMPANIES:

- (1) THIS PLAN IS FOR ENVIRONMENTAL PERMITTING ONLY.
- (2) PROPOSED HORIZONTAL ALIGNMENT IS FOR REFERENCE ONLY. HDD ENTRANCE AND EXIT PIT LOCATIONS ARE APPROXIMATE AND MAY BE ESTABLISHED AT ANOTHER LOCATION PROVIDED THAT IT IS NOT INSIDE ANY WETLAND BOUNDARY.
- (3) PROPOSED VERTICAL ALIGNMENT IS FOR REFERENCE ONLY. HDD BORE PATH ELEVATIONS ARE APPROXIMATE AND MAY BE ESTABLISHED AT ANOTHER ELEVATION PROVIDED THAT THE MAXIMUM ELEVATION OF BORE PATH DOES NOT EXCEED -14.0' BETWEEN PROFILE STATION 4+50 TO STATION 5+50.
- (4) NO DAMAGE IS ALLOWED TO THE WETLAND OR STREAM BY THE TRENCHLESS METHOD.
- (5) IT IS CONTRACTOR'S RESPONSIBILITY TO HAVE BORE PATHS DESIGNED AND SEALED BY A NORTH CAROLINA PROFESSIONAL ENGINEER.

NOTES TO NEU:

- (1) TELEPHONE POLE REMOVALS AT STA 13+88/12L AND STA 15+05/25L ARE INSIDE AREAS ALREADY PERMITTED BY HYDRO
- (2) TOTAL WETLAND IMPACTS = 10 SQFT (EXCAVATION IN WETLANDS)

SCALE: 1"=100'

Utility Permit Drawing
Sheet 3 of 3

16-DEC-2010 07:07
\\snp\share\proj\B-4494_eh.uo.master.dgn