

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

Action Id. SAW-1993-03077 County: Dare U.S.G.S. Quad: Oregon Inlet, NC

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: Dr. Gregory J. Thorpe, Ph.D
Environmental Management Director, **Agent:** _____
PDEA _____
Address: N.C. Department of Transportation **Address:** _____
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 area is located adjacent to and west of the current Bonner Bridge in between proposed new bridge bents 23 and 24 approximately 1,250 feet south of the existing bridge navigational zone. The project is adjacent to Oregon Inlet/Atlantic Ocean/Pamlico Sound. TIP # B-2500 Latitude: 35.77271 Longitude: -75.53754

Description of projects area and activity: Install one 36" primary test pile, three total 36" and 54" indicator test piles , and eight to twelve 18" pipe piles (part of test pile frame used for the equipment which will install test piles) in accordance with project description temporarily impacting < 0.01 acres of open waters and ocean bottom substrate. 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 or Nationwide Permit Number: NW # 6

SEE ATTACHED NATIONWIDE AND SPECIAL CONDITIONS.

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated July 25, 2012. 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 will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

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 _____ Date: 8/15/2012

Expiration Date of Verification: 8/15/2014

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 attached customer Satisfaction Survey or visit <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

Copy Furnished:

Determination of Jurisdiction:

- A. Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C. There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D. The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued March 17, 2011. Action ID SAW-2011-00492 and 200411695.

Basis For Determination

This area exhibits a High Tide Line as indicated by physical markings on structures and is part of the Pamlico Sound/Atlantic Ocean.

Remarks. _____

Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B and C above).

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A.

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

Corps Regulatory Official: _____

Date: 8/15/2012

Expiration Date: 3/17/2016

Copy furnished: _____

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: NCDOT	File Number: N/A	Date: 8/15/2012
Attached is: Appeals Not Applicable for this Action		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)		B
<input type="checkbox"/> PERMIT DENIAL		C
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION		D
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION		E

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

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

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

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

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

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

ADDITIONAL SPECIAL CONDITIONS

Action I.D. # SAW-1993-03077 – NCDOT, Survey Activity/Test Piles for TIP # B-2500, Dare County, NC

- a) The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with this direction, the Secretary or his representative may restore the waterway, by contract or otherwise, and recover the cost from the permittee.
- b) The authorized structure and associated activity must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will 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 for reason other than safety.
- c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration. The permittee shall notify NOAA/NATIONAL OCEAN SERVICE Chief Source Data Unit N CS261, 1315 E West HWY- RM 7316, Silver Spring, MD 20910-3282 at least two weeks prior to beginning work and upon completion of work.
- d) All work authorized by this permit must be performed in strict compliance with the details specified in the permit application. All work will be performed in the "test area" as depicted on the site map included in the permit application. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.
- e) 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 or its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

Action ID Number: SAW-1993-03077

County: Dare

Permittee: NCDOT

Date Permit Issued: August 15, 2012

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**

**Attn: Bill Biddlecome
Washington Regulatory Field Office
2407 West 5th Street
Washington, North Carolina 27889**

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

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

PRIVATE AIDS TO NAVIGATION APPLICATION
(See attached instructions and copy of Code of Fed. Reg., Title 33, Chap. 1, Part 66)

Form Approved
OMB-1625-0011

NO PRIVATE AID TO NAVIGATION MAY BE AUTHORIZED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED (14 U.S.C. 183; 33 C.F.R. 166.01-5)

1. ACTION REQUESTED FOR PRIVATE AIDS TO NAVIGATION: A. ESTABLISH AND MAINTAIN B. DISCONTINUE C. CHANGE D. TRANSFER OWNERSHIP

2. DATE ACTION TO START
11/12/12

3. AIDS WILL BE OPERATED: A. THROUGHOUT THE YEAR B. TEMPORARILY UNTIL 1/18/13 C. ANNUALLY _____ TO _____

4. NECESSITY FOR AID (Continue in Block 8)
Construction Apparatus

5. GENERAL LOCALITY
Oregon Inlet

6. CORPS OF ENGINEERS AUTHORIZED THIS STRUCTURE OR BUOY BY
 PERMIT OR LETTER (file and date) Nationwide Permit #SAW-1993-03077

FOR DISTRICT COMMANDERS ONLY		7. APPLICANT WILL FILL IN APPLICABLE REMAINING COLUMNS										
LIGHT LIST NUMBER OR PAGE	NAME OF AID	NO. OR LTR. (7a)	LIGHT			POSITION (7e)	DEPTH OF WATER (7f)	CAN-DLE POWER (7g)	HT. ABOVE WATER (7h)	STRUCTURE		REMARKS (See Instructions) (7i)
			PER. (7b)	FLASH LGTH. (7c)	COLOR (7d)					TYPE, COLOR, AND HEIGHT ABOVE GROUND (7i)		
(8454)	Oregon Inlet test pile light	A	2	0.3s	W	Template corners	30	25	21	Steel members		Lights will be synced, set at 10 candela
						35°46'13.5700"N 75°32'08.5700"W		10				
(8465)	Oregon Inlet test pile light	B			W	35°46'13.1300"N 75°32'08.0800"W		10				

8. ADDITIONAL COMMENTS


9a. NAME AND ADDRESS OF PERSON IN DIRECT CHARGE OF AID
Matt Persing
801 Corporate Center Drive

10a. NAME AND ADDRESS OF PERSON OR CORPORATION AT WHOSE EXPENSE
PCL Civil Constructors, Inc.
801 Corporate Center Drive
Raleigh, NC 27607

10b. THE APPLICANT AGREES TO SAVE THE COAST GUARD HARMLESS WITH RESPECT TO ANY CLAIM OR CLAIMS THAT MAY RESULT ARISING FROM THE ALLEGED NEGLIGENCE OF THE MAINTENANCE OR OPERATION OF THE APPROVED AID(S).

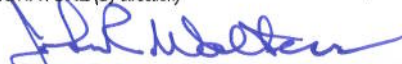
9b. TELEPHONE NO.
(919) 859-5210

10c. DATE
9/28/12

10d. SIGNATURE AND TITLE OF OFFICIAL SIGNING
Sr. Project Manager 

FOR USE BY DISTRICT COMMANDER
SERIAL NO. (10011796****)
CLASSIFICATION OF AIDS II

RECD.
CHART 12205
L. N. M.

DATE APPROVED 10/26/2012
SIGNATURE (By direction) 

Willis, Thomas C

From: Biddlecome, William J SAW <William.J.Biddlecome@usace.army.mil>
Sent: Thursday, October 25, 2012 5:15 PM
To: Willis, Thomas C; Dennis_Stewart@fws.gov; Ward, Garcy; Williams, Paul C
Cc: john.jamison@hdrinc.com; Turchy, Michael A
Subject: RE: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Clay,

I have reviewed the nationwide for this and have determined PCL can use the piles and the temporary mooring as you describe under this same authorization as long as you've obtained all other authorizations or approvals from other State and Federal agencies.

Bill

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

From: Willis, Thomas C [<mailto:tcwillis@ncdot.gov>]
Sent: Tuesday, October 23, 2012 5:31 PM
To: [Dennis Stewart@fws.gov](mailto:Dennis_Stewart@fws.gov); Biddlecome, William J SAW; Ward, Garcy; Williams, Paul C
Cc: john.jamison@hdrinc.com; Turchy, Michael A
Subject: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

Dennis, Bill, Garcy and Paul,

I received a request today from PCL (Bonner Bridge Contractor), requesting authorization to use the temporary work barge mooring site on Pea Island. This temporary mooring site has been installed and is being utilized by American Bridge, who is currently making repairs (Gabion Mats/Crutch Bent) to Bonner Bridge.

PCL proposes to purchase the two mooring piles from American Bridge. PCL would then coordinate with American Bridge beginning November 12th to utilize the site as a mooring/transport location for personnel involved with the Bonner Bridge Test Pile operation.

PCL will use the temporary mooring site as permitted with no modifications. The arrangement would include the 2 installed mooring piles a work barge and access gangway, as currently is in use.

PCL's work schedule has them completing the Test Pile operation by the middle of January 2013. At the end of this operation, PCL has committed to removing the gangway, work barge and two mooring piles as required by the permits. This removal can be done by January 31st, 2013.

One item that I see needing to be addressed is the expiration of the Special Use Permit, which is December 31, 2012. NCDOT would like to request Special Use Permit # 2012-001 be extended to January 31st, 2013.

Dennis ▮ let me know how you want to handle this item. I can bring a copy by your office for change or scan/email.

If you guys do not have any issues with the request, I can make copies of all the permits associated with the temporary work barge mooring site and provide those to PCL. For convenience, I included a copy of the mooring diagram provided with the Bonner repair request.

Let me know if you have any questions.

Thanks,

Clay

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

Willis, Thomas C

From: Ward, Garcy
Sent: Friday, October 26, 2012 4:51 PM
To: Willis, Thomas C; Dennis_Stewart@fws.gov; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil); Williams, Paul C
Cc: john.jamison@hdrinc.com; Turchy, Michael A
Subject: RE: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

Clay,

DWQ does not object to your request provided there are no additional impacts and all work can be performed prior to the expiration of the 401. Let me know if you have any questions. Thanks.

Garcy Ward
Environmental Senior Specialist
North Carolina Division of Water Quality
Washington Regional Office

From: Willis, Thomas C
Sent: Tuesday, October 23, 2012 5:31 PM
To: Dennis_Stewart@fws.gov; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil); Ward, Garcy; Williams, Paul C
Cc: john.jamison@hdrinc.com; Turchy, Michael A
Subject: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

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Let me know if you have any questions.

Thanks,
Clay

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Willis, Thomas C

From: Williams, Paul C
Sent: Wednesday, October 24, 2012 3:51 PM
To: Willis, Thomas C; Dennis_Stewart@fws.gov; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil); Ward, Garcy
Cc: john.jamison@hdrinc.com; Turchy, Michael A; Brittingham, Cathy
Subject: RE: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

DCM has no objections to this proposal. This email will serve as authorization for PCL to use the temporary pilings as proposed.

If you have any further questions, please give me a call.

Thanks,

Paul C. Williams, Jr.

DOT Project Field Representative
N.C. Dept. of Environment & Natural Resources
Division of Coastal Management
1367 U.S. 17 South
Elizabeth City, NC 27909
Office: (252)264-3901
Mobile: (252)506-5494
Fax: (252)264-3723
paul.williams@ncdenr.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Willis, Thomas C
Sent: Tuesday, October 23, 2012 5:31 PM
To: Dennis_Stewart@fws.gov; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil); Ward, Garcy; Williams, Paul C
Cc: john.jamison@hdrinc.com; Turchy, Michael A
Subject: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

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Let me know if you have any questions.

Thanks,
Clay

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Willis, Thomas C

From: Dennis_Stewart@fws.gov
Sent: Thursday, October 25, 2012 9:17 AM
To: Willis, Thomas C
Cc: Ward, Garcy; john.jamison@hdrinc.com; Turchy, Michael A; Williams, Paul C; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil)
Subject: Re: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation
Attachments: 2Piles_ferry_ramp.pdf

Clay,

The Refuge does not have any additional permitting requirements for the project as proposed. If work continues past the existing permit expiration date we will need to amend that date. Let me know if there are any changes.

Dennis Stewart
Refuge Biologist
Alligator River National Wildlife Refuge
Pea Island National Wildlife Refuge
(252) 473-1131 x231 (252) 475-0962 (cell)

"Willis, Thomas C" <tcwillis@ncdot.gov>

10/23/2012 05:31 PM

To "Dennis_Stewart@fws.gov" <Dennis_Stewart@fws.gov>, "Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil)" <William.J.Biddlecome@usace.army.mil>, "Ward, Garcy" <garcy.ward@ncdenr.gov>, "Williams, Paul C" <paul.williams@ncdenr.gov>
cc "john.jamison@hdrinc.com" <john.jamison@hdrinc.com>, "Turchy, Michael A" <maturchy@ncdot.gov>

Subject: Bonner Bridge Repair (Gabion Mats/Crutch Bent) - Bonner Test Pile Operation

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One item that I see needing to be addressed is the expiration of the Special Use Permit, which is December 31, 2012. NCDOT would like to request Special Use Permit # 2012-001 be extended to January 31st, 2013.

Dennis – let me know how you want to handle this item. I can bring a copy by your office for change or scan/email.

If you guys do not have any issues with the request, I can make copies of all the permits associated with the temporary work barge mooring site and provide those to PCL. For convenience, I included a copy of the mooring diagram provided with the Bonner repair request.

Let me know if you have any questions.

Thanks,
Clay

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To: Dennis_Stewart@fws.gov; Biddlecome, William J SAW (William.J.Biddlecome@usace.army.mil); Ward, Garcy; Williams, Paul C
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Clay