

**Reverification , Electronically Transmitted**  
**Previous verifications 7/14/2014, 3/30/2015, 9/16/2015**

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

Action Id. **SAW-2007-03641**

County: **Brunswick**

U.S.G.S. Quad: **Wilmington**

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Permittee:	<b><u>NC DOT</u></b>	Agent:	<b><u>NC DOT</u></b>
	<b><u>attn: Mr. Richard Hancock, P.E.</u></b>		<b><u>attn: Mr. Tyler Stanton</u></b>
Address:	<b><u>Manager, PDEA</u></b>		<b><u>PDEA-Natural Environment Section</u></b>
	<b><u>1548 Mail Service Center</u></b>		<b><u>1548 Mail Service Center</u></b>
	<b><u>Raleigh, NC 27699</u></b>		<b><u>Raleigh, NC 27699</u></b>
Size (miles)	<b><u>2+</u></b>	Nearest Town	<b><u>Leland</u></b>
Nearest Waterway	<b><u>Brunswick River/Alligator Creek</u></b>	River Basin	<b><u>Cape Fear</u></b>
USGS HUC	<b><u>03030005</u></b>	Coordinates	Latitude: <b><u>34.2344</u></b>
			Longitude: <b><u>-77.9795</u></b>

Location description: **The project area is along US 17/74/76 from the NC 133/SR 1472 interchange to the US 421/NC 133 interchange crossing Brunswick River and Alligator Creek near the Cape Fear River floodplain in Brunswick County.**

Description of projects area and activity: **The NCDOT propose to widen the aforementioned stretch of road from four to six lanes which also involves the replacement of bridges over the Brunswick River and Alligator Creek. Additionally, the northbound bridge will be the start of an additional seventh lane that will continue on US 17 into Wilmington. This reverfication covers 0.05 of an acre of temporary fill in wetlands and 0.11 of an acre of hand clearing in wetlands to accommodate a temporary work bridge (10' wide expansion) to construct permanent structure # 107 at site # 10.**

**The temporary fill area should be restored to its former elevation and appropriately stabilized with a riparian seed mix when the temporary bridge is removed.**

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: **NWP 23.**

**SEE ATTACHED RGP or NWP GENERAL, REGIONAL 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, modified Nationwide 23 request dated September 21, 2015. 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 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management in Morehead City, NC, at (252) 808-2808.

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 **Brad Shaver at 910-251-4611 or Brad.E.Shaver@usace.army.mil.**

### 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 10/6/2008 and 2/24/2010. Action ID: **SAW-2007 3641.**

**Basis For Determination:** The subject area exhibited both an ordinary high water and had characteristics of wetlands as described in the 1987 Corps Delineation Manual and both resources are abutting or drain to the Cape Fear River, Brunswick River, or Alligator Creek, all of which are traditionally navigable water bodies that are subject to the ebb and flood of tides.

**Remarks:** The updated permit drawings are numbered 28 (revised 9/20/2015) , 29 (revised 9/20/2015) , and 44 (revised 9/21/2015) of 44.

**All conditions from previous verifications remain valid.**

Corps Regulatory Official:  Digitally signed by SHAVER.BRAD.E.1276601756  
DN: cn=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA, cn=SHAVER.BRAD.E.1276601756  
Date: 2015.09.29 08:47:55 -0400 Date: **9/29/2015**  
Expiration Date of Verification: **03/18/2017**

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 our customer Satisfaction Survey online at <http://per2.nwp.usace.army.mil/survey.html> .

Copy furnished (electronic):

NCDENR-DWR, Mr. Mason Herndon  
NCDOT-NES, Mr. Chris Rivenbark  
NCDENR-DCM, Mr. Stephen Lane  
NCDENR-DCM, Ms. Cathy Brittingham  
NCDOT-Div 3, Mr. Stonewall Mathis

Action ID Number: SAW-2007-03641-010

County: Brunswick

Permittee: NCDOT - PDEA

Project Name: NCDOT/R-3601/US 17-74-76/Division 3

Date Verification Issued: Reverification dated 9/29/2015

Project Manager: Brad Shaver

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: Brad Shaver  
69 Darlington Ave  
Wilmington, NC 28403

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.

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Signature of Permittee

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Date

# North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

September 24, 2015  
Brunswick County  
NCDWR Project No. 13-0472 v.7  
Widening of US 17-74-76/NC 133  
TIP Project No. R-3601

## MODIFICATION to APPROVAL of 401 WATER QUALITY CERTIFICATION, with ADDITIONAL CONDITIONS

Mr. Colin Mellor, Group Leader  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1598

Dear Mr. Mellor:

You have our approval, in accordance with the conditions listed below, for the following modified impacts for the purpose of widening of US 17-74-76/NC 133 from NC 133 (River Road)/SR 1472 (Village Road) Interchange to the US 421/NC 133 Interchange in Brunswick County:

### Wetland Impacts in the Cape Fear River Basin (riparian)

Station	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Excavation (temporary) (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)
Approved impacts at Site 10 (Sta. - LLT- 111+79 to 113+14 RT -LRT- 112+37 to 114+59)	0.14	0.05	0.01	0	0	0.15	0.35
Additional impacts with this approval at Site 10 (Sta. -LLT- 111+79 to 113+14 RT -LRT- 112+37 to 114+59)	0	0.03	0	0	0	0.07	0.10
<b>Revised Total</b>	0.14	0.08	0.01	0	0	0.22	0.45

**Total Revised Wetland Impacts for Site 10: 0.45 acres.**

The project shall be constructed in accordance with your modification request dated September 21, 2015. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 3891. This certification corresponds to the Nationwide Permit 23 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

1617 Mail Service Center, Raleigh, North Carolina 27699-1617  
Phone: 919-807-6300 \ Internet: www.ncdenr.gov

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(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 NCDWR 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 and any additional conditions listed below.

**Condition(s) of Certification:**

**Project Specific Conditions**

1. All of the authorized activities and written conditions of the certification associated with the original Water Quality Certification dated May 16, 2013 and subsequent modification dated July 14, 2014; March 27, 2015 and September 15, 2015 still apply except where superseded by this certification.
2. Temporary fill placed in wetlands at Site 10 shall be placed on geotextile fabric, removed in its entirety and the natural grade restored upon completion of the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DENR as follows:

Mr. Sam M. Hayes, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Mason Herndon at (910) 308-4021 or [mason.herndon@ncdenr.gov](mailto:mason.herndon@ncdenr.gov).

Sincerely,



S. Jay Zimmerman, Director  
Division of Water Resources

Electronic copy only distribution:

Brad Shaver, US Army Corps of Engineers, Wilmington Field Office  
Stoney Mathis, Division 3 Environmental Unit  
Chris Rivenbark, NC Department of Transportation  
Travis Wilson, NC Wildlife Resources Commission  
Dr. Cynthia Van Der Wiele, US Environmental Protection Agency  
NC Division of Water Resources Raleigh Central Office  
File Copy

# North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

NCDWR 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 Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR 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 \_\_\_\_\_

# North Carolina Department of Environmental Quality

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

October 2, 2015

Mr. Richard Hancock, P.E., Manager  
Project Development and Environmental Analysis Unit  
N.C. Dept. of Transportation  
1598 Mail Service Center  
Raleigh, N.C. 27699-1598

RE: Refinement of CAMA Major Development Permit No. 89-13 (TIP No. R-3601),  
Widening of US 17-74-76/NC 133, Brunswick County.

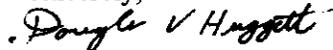
Dear Mr. Hancock:

This letter is in response to your letter dated September 21, 2015, including two (2) revised drawings dated September 20, 2015. The letter requests authorization to revise the construction plans for the above referenced project to allow expansion of the authorized work bridge adjacent to Structure 107 by ten additional feet to the south. The letter also indicates that the N.C. Department of Transportation (NCDOT) proposes to place an additional 0.03 acres of temporary fill in Section 404 Wetlands to expand the authorized causeway for work bridge access at Site 10. The letter also indicates that approximately 0.07 acres of additional hand clearing in Section 404 Wetlands will be required for construction of the work bridge.

Please be advised that through this **Letter of Refinement** the N.C. Division of Coastal Management (DCM) conveys its determination that the proposed revisions are consistent with existing State rules and regulations and are in keeping with the original purpose and intent of CAMA Major Permit No. 89-13. This letter shall be attached to the original CAMA Permit No. 89-13 which was issued on August 2, 2013, as well as all subsequent modifications and letters of refinement, and all documents shall be readily available on site when a DCM representative inspects the project for compliance. All conditions and stipulations of the active permit remain in force unless altered herein. This approval does not eliminate the need to obtain any additional permits, approvals, or authorizations that may be required.

Please contact Stephen Lane at (252) 808-2808 ext. 208 or Cathy Brittingham at (919) 707-9149 if you have any questions or concerns.

Sincerely,



Doug Huggett  
Major Permits and Consistency Coordinator

cc: Brad Shaver, USACE  
Mason Herndon, NCDWR  
Stoney Mathis, NCDOT  
Chris Rivenbark, NCDOT  
Stephen Lane, NCDCM  
Cathy Brittingham, NCDCM

400 Commerce Ave., Morehead City, NC 28557  
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: [www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)

PROJECT REFERENCE NO. R-3601	SHEET NO. 9
R/W SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION	

**Stantec**  
 Stantec Consulting Services Inc.  
 301 Jones Franklin Road  
 Suite 300  
 Raleigh, NC 27606  
 Tel. (919) 851-8365  
 Fax. (919) 851-7024  
 www.stantec.com  
 License No. P-3872

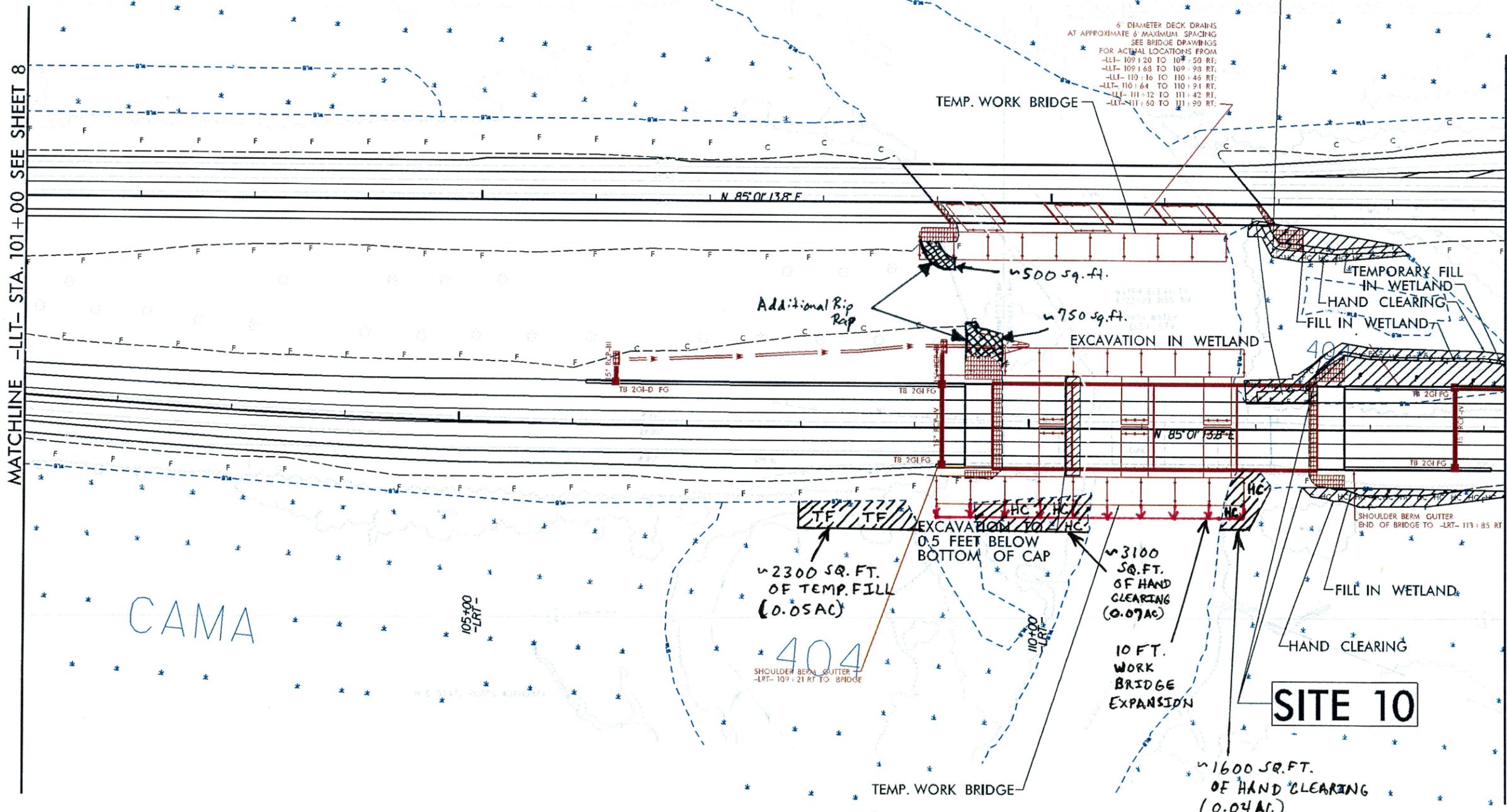
**PERMIT DRAWING**  
**SHEET 28 OF 44**

3/11/2015

Revised  
 9/20/15  
 sdm

- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND
- DENOTES TEMPORARY FILL IN WETLANDS

NAD 83/95



REFERENCE:  
 FOR -LLT- & -LRT- PROFILE VIEW, SEE SHEETS 19-20

PROJECT REFERENCE NO. R-3601	SHEET NO. 9
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>INCOMPLETE PLANS</b> DO NOT USE FOR R/W ACQUISITION	

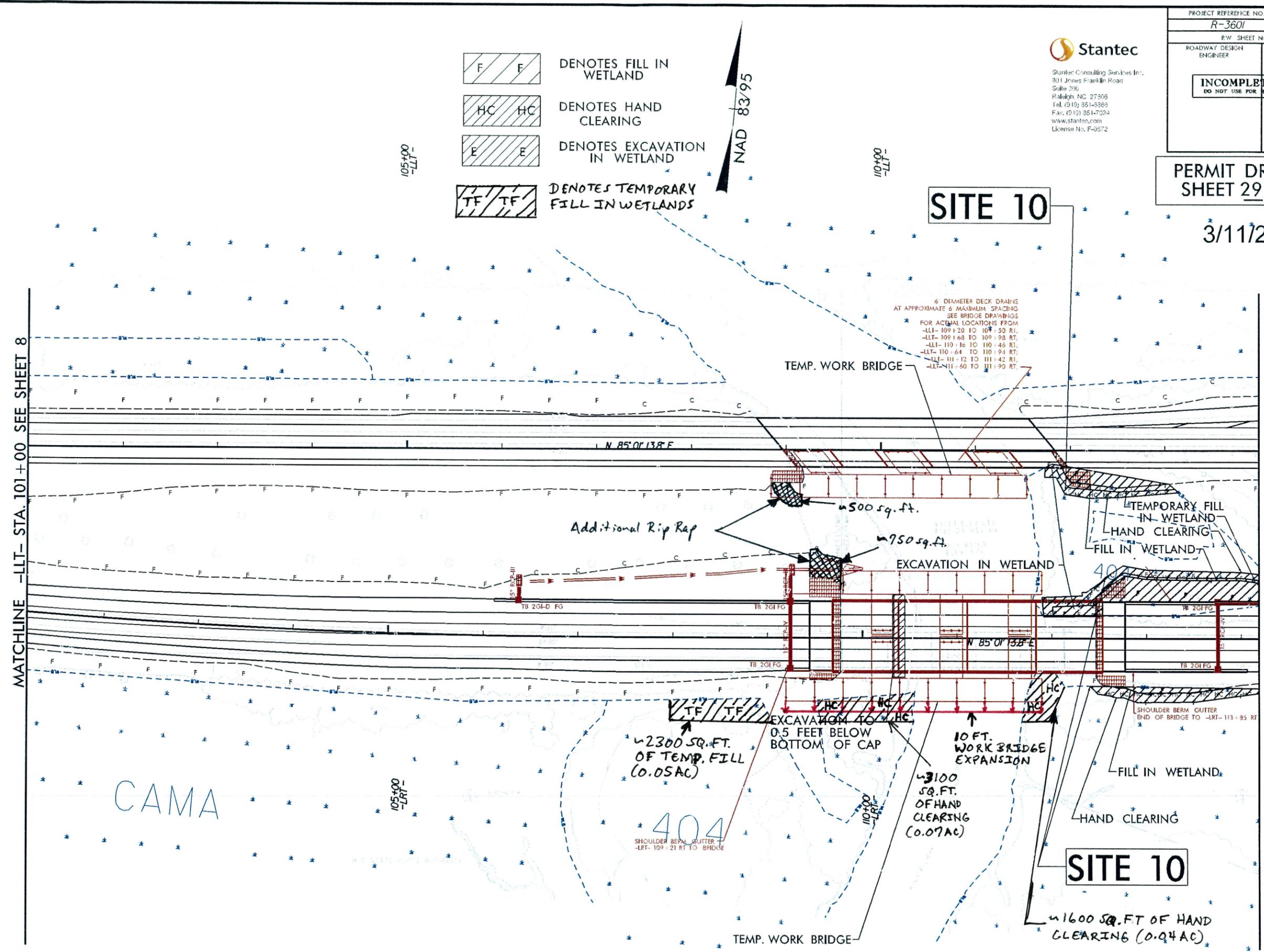
**Stantec**  
 Stantec Consulting Services Inc.  
 301 Jones Franklin Road  
 Suite 200  
 Raleigh, NC 27306  
 Tel: (919) 851-3366  
 Fax: (919) 851-7024  
 www.stantec.com  
 License No. F-0572

**PERMIT DRAWING**  
**SHEET 29 OF 44**

3/11/2015

Revised  
 9/20/15  
 sdm

- DENOTES FILL IN WETLAND
- DENOTES HAND CLEARING
- DENOTES EXCAVATION IN WETLAND
- DENOTES TEMPORARY FILL IN WETLANDS



MATCHLINE -LLT- STA. 101+00 SEE SHEET 8

MATCHLINE -LLT- STA. 114+00 SEE SHEET 10

REFERENCE:  
 FOR -LLT- & -LRT- PROFILE VIEW, SEE SHEETS 19-20

WETLAND PERMIT IMPACT SUMMARY														
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS							SURFACE WATER IMPACTS				
			CAMA Permanent Fill in Wetlands (ac)	404 Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Temp Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-Y2- 13+05	48" DRAINAGE PIPE								0.01	< 0.01	47	10	
2	-LMED- 54+37 TO 54+75 RT	24" DRAINAGE PIPE		< 0.01				< 0.01		0.02				
3	64+43 LT & *LMED 65+92 TO 66+26 LT	BRIDGE 24" DRAINAGE PIPE	0.03	< 0.01				< 0.01		0.04				
4	76+31 LT & -LMED- 74+99 TO 75+19 RT	ROADWAY FILL/36" DRAINAGE PIPE		0.04	< 0.01			< 0.01		0.16				
5	-LMED- 83+00 TO 83+21 RT	EXISTING DRAINAGE PIPE			< 0.01			< 0.01						
6	-LRT- 85+81 TO 87+69 RT	ROADWAY								0.01				
7	-LLT- 90+25 TO 90+74 LT & -LLT- 94+00 TO 94+21 LT	ROADWAY			< 0.01			< 0.01		< 0.01				
8	-LLT- 99+60 TO 99+97 LT	30" DRAINAGE PIPE		< 0.01						0.01				
9	-LRT- 101+06 TO 101+17 RT	EXISTING DRAINAGE PIPE								< 0.01				
10	-LLT- 111+79 TO 113+14 RT & -LRT- 112+37 TO 114+59	BRIDGE 108 & BRIDGE 107		0.14	0.08	0.01				0.22				
11	-LRT- 115+52 TO 118+61 RT & -LRT- 121+21 TO 121+77 RT	ROADWAY								0.03				
12	' -Y2- 20+65	ROADWAY/36" DRAINAGE PIPE		0.16					0.04					
13	-Y- 34+98 TO 36+55 LT	42" DRAINAGE PIPE								0.02	< 0.01	44	37	
13	-Y- 36+10 LT	BANK STABILIZATION								< 0.01		14		
14	-Y- 38+30 RT	ROADWAY								< 0.01				
TOTALS*:			0.03	0.34	0.09	0.01	0.02	0.04	0.5	0.03	< 0.01	105	47	0.00

\*Rounded totals are sum of actual impacts

NOTES:

1. Permanent bridge pier surface water impacts = 0.05 acres
2. Temporary bridge pier surface water impacts = 0.04 acres (Due to work bridges=0.02 acre; due to temporary excavation=0.02 acre)
3. There will be 0.38 acre of hand clearing on this project. Additionally, there will be 0.04 acre of temporary fill in wetlands for erosion control measures in hand clearing areas. There will also be a <0.01 acre (165 sq. ft.) of temporary fill in CAMA wetlands for erosion control measures in hand clearing areas.

Revised 9/21/2015

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 R-3601 3/06/2015  
 BRUNSWICK AND NEW HANOVER COUNTY  
 US 17-74-76 FROM NC 133/SR 1472 INTERCHANGE  
 TO US 421 / NC 133 INTERCHANGE  
 SHEET 44 OF 44