




STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

March 5, 2004

MEMORANDUM TO: Mr. H. Allen Pope, P.E.
Division 3 Engineer

FROM:  Philip S. Harris, III, P.E., Manager
Office of the Natural Environment
Project Development and
Environmental Analysis Branch

SUBJECT: Onslow County, Replace Bridge Number 21 over Bear creek on
SR 1503; Work Order Number 8.2261001; TIP Number B-3217

Attached are the U. S. Army Corps of Engineers Nationwide Permit Numbers 23 and 33 (Approved Categorical Exclusion and Temporary Construction, Access and Dewatering), CAMA Major Development Permits, and the general conditions for the DWQ 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

PSH/eah

Attachment

cc: Mr. Art McMillan, P.E.
Mr. Omar Sultan
Mr. Jay Bennett, P.E.
Mr. David Chang, P.E.
Mr. Randy Garris, P.E.
Mr. Greg Perfetti, P.E.
Mr. Mark Staley
Mr. Mr. John F. Sullivan, III, FHWA
Mr. Mason Herndon, Division 3 Environmental Officer

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

TELEPHONE: 919-733-3141
FAX: 919-733-9794
WEBSITE: WWW.DOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Permit Class
NEW

Permit Number
24-04

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

Permit

for

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

Excavation and/or filling pursuant to NCGS 113-229

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

Authorizing development in Onslow County at Bear Creek on SR 1503, Bridge No. 21

, as requested in the permittee's application dated 7/23/03, including the
attached workplan drawings (7): 5 dated 5/1/03; 1 dated 6/2/03; and 1 dated 6/12/03.

This permit, issued on 2/6/04, 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.

B-3217, Bridge Replacement

- 1) No in-water work shall be conducted from February 15th to September 30th of any year without prior approval of the NC Division of Coastal Management (DCM), in consultation with the NC Division of Marine Fisheries and the U.S. Army Corps of Engineers (USACE). For the purposes of this moratorium, in-water is defined as those areas that are inundated at normal high water.
- 2) Debris resulting from demolition of the existing bridge and the temporary bridge, including deck components, shall not enter wetlands or waters of the United States, even temporarily.

NOTE: If suitable material is available from the bridge demolition, the permittee is encouraged to contact the DMF Artificial Reef Coordinator at (252) 726-7021 to determine if this material can be beneficially used on North Carolina's artificial reefs.

(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.

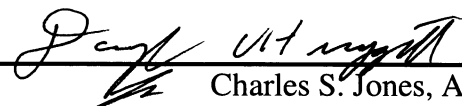
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

No expiration date, pursuant to GS 136-44.7B

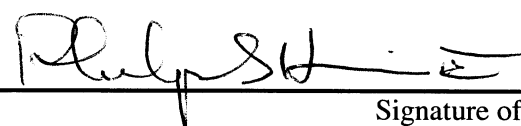
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

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



Charles S. Jones, Acting Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 3) Turbidity curtains shall be used to isolate all work areas from the stream at Bear Creek, including pile or casement installation, placement of riprap, excavation or filling. The turbidity curtains shall be installed parallel to the stream banks on each side of the stream. The turbidity curtains shall extend past the construction limits and attach to the silt fences containing the work site. The turbidity curtains shall not encircle a work area or extend across the streams. The turbidity curtains are to be properly maintained and retained in the water until construction is complete and all of the work area contained by the turbidity curtains has been stabilized by vegetation or other means. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.
- 4) All materials and debris associated with the removal of the existing bridge will be disposed of on an approved upland site.
- 5) The permanent and temporary bridges will be constructed using top down construction methodologies.
- 6) In accordance with an e-mail from NCDOT dated 9/10/03, the permanent and temporary bridges shall be constructed with driven piles. Jetting in of piles is not authorized. Should jetting of any bridge piles become necessary, a modification to this permit will be required.
- 7) Placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap and associated fill material must be clean and free from loose dirt or any pollutant except in trace quantities. It must be of a size sufficient to prevent its movement from the site by wave or current action. The riprap material must consist of clean rock or masonry materials such as, but not limited to, granite or broken concrete.
- 8) Live concrete shall not be allowed to contact Waters of the United States.
- 9) No excavation shall occur within waters or wetlands of the United States.
- 10) All excavated materials will be confined above normal high water 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.
- 11) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized, with the exception of that fill necessary for the construction of the temporary detour bridge/causeway. This condition also applies to the removal of the existing bridge structure.
- 12) No fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area indicated on the workplan drawings.
- 13) All fill material must be clean and free of any pollutants, except in trace quantities.
- 14) If the permittee determines that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM will be required.

ADDITIONAL CONDITIONS

Temporary Detour

- 15) All temporary fill must be placed on geo-textile fabric to facilitate the total removal upon the completion of the project.
- 16) Erosion control structures must be installed on the outboard edge of the temporary fill in or adjacent to wetlands to prevent sediment from entering the adjacent wetlands or watercourses.
- 17) The temporary detour shall be constructed using 3:1 fill slopes or steeper.
- 18) The temporary work bridge and all temporary fill in wetland areas added to construct the temporary detour shall be removed and the detour site shall be re-graded to its pre-project elevation within 90 days of project completion. The temporarily impacted wetland areas will be re-planted with native wetland vegetation within one year of project completion.

NOTE: Any undercut material resulting from excavation of the existing topsoil and organic matter before the temporary detour causeway is constructed should be used to restore the temporary detour fill area to its original elevation after the temporary detour causeway is removed. Chances of a more natural recovery from the impacts of the temporary detour would be significantly increased with the replacement of this material in horizons similar to the natural conditions.

Sedimentation and Erosion Control

- 19) This project is in a High Quality Water Zone, and must comply with the Design Standards in Sensitive Watersheds, 15A NCAC 4B .0124.
- 20) The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.
- 21) This project must conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Land Resources.
- 22) Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).
- 23) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.
- 24) In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.

ADDITIONAL CONDITIONS**Mitigation**

NOTE: This project will directly impact 1.16 acres of jurisdictional wetlands. Permanent wetland impacts are 0.45 acres: 0.31 acres due to fill for the permanent bridge; and 0.14 acres due to mechanized clearing for the permanent bridge. Temporary wetland impacts are 0.71 acres: 0.53 acres due to fill for the temporary detour causeway; and 0.18 acres due to mechanized clearing for the temporary detour. The wetland community directly impacted by this project is estuarine-coastal fringe evergreen forest.

- 25) In accordance with the Nationwide Permit Number 23 that was issued by the U.S. Army Corps of Engineers (USACE) for this project on 10/10/03, and in accordance with the 7/22/03 Memorandum of Agreement (MOA) between the N.C. Department of Transportation (NCDOT), N.C. Department of Environment and Natural Resources (DENR) and the U.S. Army Corps of Engineers (USACE), compensatory mitigation for 0.45 acres of permanent wetland impacts associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP). The EEP will provide 0.9 acres of restoration of brackish marsh at the Sturgeon City Mitigation Site in the White Oak River Basin (Cataloguing Unit 03020106).
- 26) Due to the possibility that compaction, mechanized clearing and/or other site alterations might prevent the temporary wetland impact area from re-attaining wetland jurisdictional status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, DCM and the above listed agencies shall determine whether additional compensatory wetland mitigation will be required.

General

- 27) Any relocation of utility lines that is not already depicted on the attached workplan drawings, or described within the attached permit application, will require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.
- 28) The authorized activity will not cause an unacceptable interference with navigation.
- 29) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.
- 30) The N.C. Division of Water Quality approved this project under stormwater management rules of the Environmental Management Commission under Stormwater Permit No. SW8 030230 on 4/30/03. Any violation of the permit approved by the DWQ will be considered a violation of this CAMA permit.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 23 (COE Action ID No. 200300491), which was issued on 10/10/03.

ADDITIONAL CONDITIONS

NOTE:

The N.C. Division of Water Quality authorized the proposed project on 11/18/03 (DWQ Project No. 03-1246) under General Water Quality Certification No. 3400.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

July 23, 2003

N.C. Department of Environment and Natural Resources
Division of Coastal Management
151-B Hwy 24
Hestron Plaza II
Morehead City, NC 28557

RECEIVED

JUL 24 2003

ATTENTION: Mr. Bill Arrington
District Manager

**DIV. OF COASTAL MANAGEMENT
RALEIGH**

Dear Mr. Arrington

Subject: Onslow County, CAMA Major Development Permit Application for the replacement of Bridge No. 21 over Bear Creek on SR 1503, NCDOT Division 3, Federal Aid Project No. BRZ-1503(1), State Project No. 8.2261001, TIP Project No. B-3217. WBS Element 32938.1.1. \$400.00 Debit work order 8.2261001, WBS Element 32938.1.1

Please find enclosed copies of the Coastal Area Management Act (CAMA) permit application, Categorical Exclusion (CE), permit drawings, stormwater permit and half size plans. Work Order No. 8.2261001 will be debited for \$400.00 for the application fee for the above referenced project. Bridge No. 21 will be replaced on the existing alignment with a new bridge approximately 105 feet (ft) [32.0 meters (m)] in length and 45 ft (13.7 m) in width. The existing roadway approaches, which consist of two 12 ft lanes, will be replaced with two 12 ft lanes with 8 ft shoulders, 4 ft paved and 4 ft turf. During construction, traffic will be maintained on a temporary on-site detour east (downstream) of the existing bridge. The length of the temporary detour bridge will be approximately 100 ft (30.5 m). Impacts to wetlands associated with the replacement of Bridge No. 21 will include temporary fill due to the temporary detour and permanent fill and mechanized clearing (Method III) for the permanent bridge.

Bear Creek is located in the White Oak River Basin. It is classified by Division of Water Quality as SA HQW waters (DWQ index No. 19-41-11). Class SA waters are suitable for commercial shellfishing and all other tidal saltwater uses. Class HQW waters are waters possessing special qualities including excellent water quality, Native or

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PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
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TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

Special Trout Waters, Critical Habitat areas, or WS-I and WS-II water supplies. The North Carolina Division of Marine Fisheries designates Bear Creek as a Primary Nursery Area. Therefore, NCDOT will strictly adhere to "Design Standards in Sensitive Watersheds" (15A NCAC 04B .0024) (High Quality Water Standards) throughout design and construction of this project.

Temporary Bridge Information: A temporary bridge will be located east of the existing bridge. Fabric will be in place underneath the fill for the detour structure and mostly likely H-piles will be used for the temporary bridge. The resulting temporary fill in wetlands associated with the temporary detour bridge is 0.53 acre (0.21 hectare) and approximately 0.18 acre (0.07 hectare) in mechanized clearing.

Shading Effects: The existing bridge is 24 ft wide and the proposed bridge will be 45 ft wide. The increase in width of the bridge will shade approximately 0.053 ac of coastal wetlands and 0.008 ac of open water.

Restoration Plan: Upon completion of the new bridge, the temporary bridge will be removed. The approach fill will be removed to natural grade and replanted with appropriate native wetland species. Temporary bents will either be pulled up or cut off and left in place.

Minimization: Embankment fill slopes are 3:1, steeper slopes were not feasible for this project because the sandy soils in this area cannot support a 2:1 slope. The southern end bent of the detour bridge was lengthened by 50 feet from the original design to minimize impacts to wetlands.

Mitigation: Based upon the agreements stipulated in the "Memorandum of Agreement Among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U.S. Army Corps of Engineers, Wilmington District" (MOA), it is understood that the North Carolina Department of Environment and Natural Resources Ecosystem Enhancement Program (EEP), will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for NCDOT projects that are listed in Exhibit 1 of the subject MOA during the EEP transition period which ends on June 30, 2005.

Since the subject project is listed in Exhibit 1, the necessary compensatory mitigation to offset unavoidable impacts to waters that are jurisdictional under the federal Clean Water Act will be provided by the EEP. The offsetting mitigation will derive from an inventory of assets already in existence within the same 8-digit cataloguing unit. The Department has avoided and minimized impacts to jurisdictional resources to the greatest extent possible as described above. The remaining, unavoidable permanent impacts to 0.45 acres of jurisdictional wetlands will be offset by compensatory mitigation provided by the EEP program if the US Army Corps of Engineers requires such mitigation.

Schedule: The project schedule calls for a November 18, 2003 let date with an availability date approximately six weeks after. It is expected that the contractor will choose to start construction of the temporary detour bridge shortly after the availability

date. The temporary bridge will be removed within 90 days upon completion of the project.

Disposal: After the temporary bridge is no longer needed, the contractor will use roadway building equipment to remove the concrete deck and riprap. All temporary bridge material will become the property of the contractor. The contractor will be required to submit a reclamation plan for removal and disposal of all material off-site.

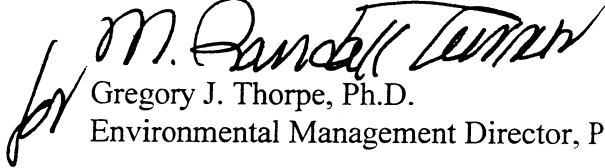
Bridge Demolition: The bridge has an asphalt surface on a reinforced concrete floor on timber joists. The bridge has timber cap and pile bents and end bents. The asphalt wearing surface will be removed prior to demolition without dropping into the water. Both the bridge rail and substructure will be removed without dropping components into Waters of the United States. This project is classified as a Case 2 bridge demolition, allowing no work at all in the water during moratorium periods associated with fish migration, spawning, and larval recruitment into nursery areas (March 1 to September 30). During construction, Best Management Practices for Bridge Demolition and Removal will be followed. Due to the potential sedimentation concerns resulting from demolition of the bridge, a turbidity curtain will be used to contain and minimize sedimentation in the stream.

Threatened and Endangered Species: As of March 7, 2002, the U.S. Fish and Wildlife Service (USFWS) lists 12 federally protected species for Onslow County. Since the completion of the CE document bald eagle (*Haliaeetus leucocephalus*) and golden sedge (*Carex lutea*) were added to the federally protected species list for Onslow County. The NCDOT evaluation of the original ten species in June 1999 and September 2000 resulted in Biological Conclusions of "No Effect" for all of these species. Surveys for golden sedge and bald eagle were conducted along with resurveys for rough-leaved loosestrife (*Lysimachia asperulaefolia*) and Cooley's meadowrue (*Thalictrum cooleyi*) in May 2003. Poor habitat exists for rough-leaved loosestrife and Cooley's meadowrue. No habitat exists for golden sedge and bald eagle. No specimens were found, therefore, Biological Conclusions for rough-leaved loosestrife and Cooley's meadowrue remain valid and Biological Conclusions of "No Effect" are determined for golden sedge and bald eagle. A review of the NC Natural Heritage Program database of rare species and unique habitats on June 10, 2003 revealed that no known occurrences of any federally protected species occur within one mile of the project area.

NCDOT requests that the proposed work be authorized under a Coastal Area Management Act Major Development Permit. Copies of the green cards will be forwarded as soon as they are available. NCDOT will also be applying for issuance of a United States Army Corps of Engineers NWP 23 and NWP 33 and a 401 Water Quality Certification from the North Carolina Division of Water Quality.

If you have any questions or need additional information, please contact Rachelle Beaugard at (919) 715-1383.

Sincerely,


Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA

Cc: Mr. David Franklin, USACE, Wilmington
Mr. David Timpy, USACE, Wilmington
Mr. John Dorney, NCDWQ
Mr. Rick Monaghan, NCDMF, Morehead City
Mr. Ron Sechler, DMF, Beaufort
Mr. Gary Jordan, USFWS
Mr. Travis Wilson, NCWRC
Mr. Omar Sultan, Programming and TIP
Ms. Debbie Barbour, P.E., Highway Design
Mr. Jay Bennett, P.E., Roadway Design
Mr. Greg Perfetti, P.E., Structure Design
Mr. Dennis Pipkin, P.E., Project Planning Engineer
Mr. David Chang, P.E., Hydraulics
Mr. H. Allen Pope, P.E., Division 3 Engineer
Mr. Mason Herndon, Division 3 Environmental Officer
Mr. Mark Staley, Roadside Environmental Unit

APPLICATION

(To be completed by all applicants)

1. APPLICANT

a. Landowner:

Name NCDOT

Address _____

City _____ State _____

Zip _____ Day Phone _____

Fax _____

b. Authorized Agent:

Name Gregory J. Thorpe, Ph.D.

North Carolina Dept. of Transportation

Address 1548 Mail Service Center

City Raleigh State N.C.

Zip 27699-1548 Day Phone 919-733-3141

Fax 919-733-9794

c. Project name (if any) B-3217

NOTE: Permit will be issued in name of landowner(s), and/or project name.

2. LOCATION OF PROPOSED PROJECT

a. County Onslow

b. City, town, community or landmark
Hubert

c. Street address or secondary road number
SR 1503

d. Is proposed work within city limits or planning jurisdiction? Yes No

e. Name of body of water nearest project (e.g. river, creek, sound, bay) Bear Creek

3. DESCRIPTION AND PLANNED USE OF PROPOSED PROJECT

a. List all development activities you propose (e.g. building a home, motel, marina, bulkhead, pier, and excavation and/or filling activities).

Replace existing bridge with 105 foot bridge and a temporary detour bridge will be used.

b. Is the proposed activity maintenance of an existing project, new work, or both? New work

c. Will the project be for public, private or commercial use? public

d. Give a brief description of purpose, use, methods of construction and daily operations of proposed project. If more space is needed, please attach additional pages. Replace existing bridge with a new bridge over Bear Creek. Detour bridge will be in place during construction.

4. LAND AND WATER CHARACTERISTICS

- a. Size of entire tract 2.0 ac
- b. Size of individual lot(s) N/A
- c. Approximate elevation of tract above MHW or NWL MHW 3.5 ft
- d. Soil type(s) and texture(s) of tract
Wando fine sand, Bohicket silty clay loam, Muckalee loam, Bymeade fine sand and Norfolk loamy fine sand.
- e. Vegetation on tract Estuarine-coastal fringe evergreen forest, Brackish marsh, Mesic pine-hardwood flatwoods, Mantained/disturbed communities; Pinus taeda, Pinus palustris, Acer rubrum, Liquidambar styraciflua, Persea borbonia, Juncusroemerianus, Typha sp., Spartina cynosuroides, Cladium jamiacense
- f. Man-made features now on tract stormwater ditches, road shoulders and a residential lawn
- g. What is the CAMA Land Use Plan land classification of the site? *(Consult the local land use plan.)*
X Conservation Transitional
 Developed Community
 Rural Other
- h. How is the tract zoned by local government?
Rural
- i. Is the proposed project consistent with the applicable zoning? X Yes No
(Attach zoning compliance certificate, if applicable)
- j. Has a professional archaeological assessment been done for the tract? X Yes No
If yes, by whom? NCDOT and Camp Lejeune
- k. Is the project located in a National Registered Historic District or does it involve a National Register listed or eligible property?
 Yes X No
- l. Are there wetlands on the site? X Yes No
Coastal (marsh) X Other X (404)
If yes, has a delineation been conducted? yes

(Attach documentation, if available)

- m. Describe existing wastewater treatment facilities.
none
- n. Describe location and type of discharges to waters of the state. (For example, surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges.) surface runoff at 2 grated inlets located at beginning and end of proposed bridge
- o. Describe existing drinking water supply source.
waterline

5. ADDITIONAL INFORMATION

In addition to the completed application form, the following items must be submitted:

- **A copy of the deed** (with state application only) or other instrument under which the applicant claims title to the affected properties. If the applicant is not claiming to be the owner of said property, then forward a copy of the deed or other instrument under which the owner claims title, plus written permission from the owner to carry out the project.

- **An accurate, dated work plat** (including plan view and cross-sectional drawings) drawn to scale in black ink on an 8 1/2" by 11" white paper. (Refer to Coastal Resources Commission Rule 7J.0203 for a detailed description.)

Please note that original drawings are preferred and only high quality copies will be accepted. Blue-line prints or other larger plats are acceptable only if an adequate number of quality copies are provided by applicant. (Contact the U.S. Army Corps of Engineers regarding that agency's use of larger drawings.) A site or location map is a part of plat requirements and it must be sufficiently detailed to guide agency personnel unfamiliar with the area to

Form DCM-MP-1

the site. Include highway or secondary road (SR) numbers, landmarks, and the like.

- A Stormwater Certification, if one is necessary.
- A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management. Upon signing this form, the applicant further certifies that such notice has been provided.

Name see permit drawing sheet (10 of 10)
 Address _____
 Phone _____

Name _____
 Address _____
 Phone _____

Name _____
 Address _____
 Phone _____

- A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.
- _____

- A check for \$250 made payable to the Department of Environment, Health, and Natural Resources (DEHNR) to cover the costs of processing the application.
- A signed AEC hazard notice for projects in oceanfront and inlet areas.
- A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A - 1 to 10) If the project involves the expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

6. CERTIFICATION AND PERMISSION TO ENTER ON LAND

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to conditions and restrictions contained in the permit.

I certify that to the best of my knowledge, the proposed activity complies with the State of North Carolina's approved Coastal Management Program and will be conducted in a manner consistent with such program.

I certify that I am authorized to grant, and do in fact, grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

This is the 23 day July, 2003

Print Name for Gregory J. Thorpe, Ph.D.

Signature *Gregory J. Thorpe*
Landowner or Authorized Agent

Please indicate attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information
- DCM MP-5 Bridges and Culverts
- DCM MP-6 Marina Development

NOTE: Please sign and date each attachment in the space provided at the bottom of each form.



BRIDGES AND CULVERTS

Attach this form to Joint Application for CAMA Major Permit, Form DCM-MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project.

1. BRIDGES

- a. Public Private
- b. Type of bridge (construction material)
RC floor timber joists and abutments; 5 spans
- c. Water body to be crossed by bridge
Bear Creek
- d. Water depth at the proposed crossing at MLW or NWL +/- 4.0 feet
- e. Will proposed bridge replace an existing bridge?
 Yes No
If yes,
 - (1) Length of existing bridge 87'
 - (2) Width of existing bridge 24'
 - (3) Navigation clearance underneath existing bridge +/- 5 ft
 - (4) Will all, or a part of, the existing bridge be removed? (Explain) all of the existing bridge will be removed
- f. Will proposed bridge replace an existing culvert(s)?
 Yes No
If yes;
 - (1) Length of existing culvert _____
 - (2) Width of existing culvert _____
 - (3) Height of the top of the existing culvert above the MHW or NWL _____
 - (4) Will all, or a part of, the existing culvert be removed? (Explain) _____

- g. Length of proposed bridge 105'
- h. Width of proposed bridge 45'
- i. Height of proposed bridge above wetlands
4.5 feet +/-
- j. Will the proposed bridge affect existing water flow?
 Yes No
If yes, explain _____
- k. Navigation clearance underneath proposed bridge
7.0 feet
- l. Will the proposed bridge affect navigation by reducing or increasing the existing navigable opening? Yes No
If yes, explain _____
- m. Will the proposed bridge cross wetlands containing no navigable waters? Yes No
If yes, explain will bridge all coastal wetlands
- n. Have you contacted the U.S. Coast Guard concerning their approval? (not required)
 Yes No
If yes, please provide record of their action.

2. CULVERTS N/A

- a. Water body in which culvert is to be placed
N/A
- b. Number of culverts proposed N/A

Form DCM-MP-5

c. Type of culvert (construction material, style) _____ N/A

d. Will proposed culvert replace an existing bridge? _____ Yes _____ No

- If yes, (1) Length of existing bridge _____ (2) Width of existing bridge _____ (3) Navigation clearance underneath existing bridge _____ (4) Will all, or a part of, the existing bridge be removed? (Explain) _____

e. Will proposed culvert replace an existing culvert? _____ Yes _____ No

- If yes, (1) Length of existing culvert _____ (2) Width of existing culvert _____ (3) Height of the top of the existing culvert above the MHW or NWL _____ (4) Will all, or a part of, the existing culvert be removed? (Explain) _____

f. Length of proposed culvert _____

g. Width of proposed culvert _____

h. Height of the top of the proposed culvert above the MHW or NWL _____

i. Will the proposed culvert affect existing water flow? _____ Yes _____ No If yes, explain _____

j. Will the proposed culvert affect existing navigation potential? _____ Yes _____ No If yes, explain _____

(4) Amount of material to be excavated in cubic yards _____

b. Will the placement of the proposed bridge or culvert require any excavation within: NO _____ Coastal Wetlands _____ SAVs _____ Other Wetlands

- If yes, (1) Length of area to be excavated _____ (2) Width of area to be excavated _____ (3) Amount of material to be excavated in cubic yards _____

c. Will the placement of the proposed bridge or culvert require any highground excavation? _____ Yes _____ X _____ No

- If yes, (1) Length of area to be excavated _____ (2) Width of area to be excavated _____ (3) Amount of material to be excavated in cubic yards _____

d. If the placement of the bridge or culvert involves any excavation, please complete the following:

- (1) Location of the spoil disposal area Approved upland disposal site (2) Dimensions of spoil disposal area Unknown at this time (3) Do you claim title to the disposal area? _____ Yes _____ X _____ No If no, attach a letter granting permission from the owner. (4) Will the disposal area be available for future maintenance? _____ Yes _____ X _____ No (5) Does the disposal area include any coastal wetlands (marsh), SAVs, or other wetlands? _____ Yes _____ X _____ No If yes, give dimensions if different from (2) above. (6) Does the disposal area include any area below the MHW or NWL? _____ Yes _____ X _____ No If yes, give dimension if different from No. 2 above.

3. EXCAVATION AND FILL

a. Will the placement of the proposed bridge or culvert require any excavation below the MHW or NWL? _____ Yes _____ X _____ No

- If yes, (1) Length of area to be excavated _____ (2) Width of area to be excavated _____ (3) Depth of area to be excavated _____

e. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed below MHW or NWL? _____ Yes _____ X _____ No

- If yes, (1) Length of area to be filled _____ (2) Width of area to be filled _____ (3) Purpose of fill _____

Form DCM-MP-5

f. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed within:

___ Coastal Wetlands ___ SAVs X Other Wetlands
If yes, (see map)

- (1) Length of area to be filled total of 0.31 ac
- (2) Width of area to be filled _____
- (3) Purpose of fill fill at bridge abutment and along fill slopes

g. Will the placement of the proposed bridge or culvert result in any fill (other than excavated material described in Item d. above) to be placed on highground? X Yes ___ No

If yes,

- (1) Length of area to be filled _____
- (2) Width of area to be filled _____
- (3) Purpose of fill expanding the road shoulder

4. GENERAL

a. Will the proposed project involve any mitigation?

___ Yes X No

If yes, explain in detail _____

b. Will the proposed project require the relocation of any existing utility lines? ___ Yes X No

If yes, explain in detail _____

c. Will the proposed project require the construction of any temporary detour structures?

X Yes ___ No

If yes, explain in detail 100 feet temporary detour bridge to be built approximately 90 feet downstream of mainline bridge. The entire causeway is 1608ft

d. Will the proposed project require any work channels? ___ Yes X No

If yes, complete Form DCM-MP-2

e. How will excavated or fill material be kept on site and erosion controlled? NCDOT High Quality Waters Erosion Control Methods will be used

f. What type of construction equipment will be used (for example, dragline, backhoe or hydraulic dredge)? Heavy highway construction equipment

g. Will wetlands be crossed in transporting equipment to project site? ___ Yes X No

If yes, explain steps that will be taken to lessen environmental impacts. _____

h. Will the placement of the proposed bridge or culvert require any shoreline stabilization?

X Yes ___ No

If yes, explain in detail rip rap on plans

Applicant or Project Name

[Signature]

Signature

7-23-03

Date



North Carolina Department of Environment and Natural Resources
Division of Ecosystem Enhancement

Michael F. Easley, Governor

William G. Ross Jr., Secretary

August 29, 2003

Mr. Gregory J. Thorpe, Ph.D., Manager,
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

SEP 05 2003

Dear Dr. Thorpe:

Subject: Project: Bridge Replacement, Bear Creek, SR 1503
TIP#: B-3217, Onslow County

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide 0.90 acres of brackish marsh restoration at the Sturgeon City mitigation site in Jacksonville as compensatory mitigation for the subject project. The mitigation is located within the same cataloging unit as the impacts. Based on the information supplied by you to EEP in a letter dated July 23, 2003, the impacts requiring EEP mitigation are located in Cataloging Unit 03020106 of the White Oak River Basin in the Southern Outer Coastal Plain Eco-Region, and are summarized below.

Wetland Impacts: 0.45 acres

As stated in your letter, the subject project is listed in Exhibit 2 of the Memorandum of Agreement among the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, Wilmington District dated July 22, 2003.

If you have any questions or need additional information, please contact me at 919-715-2218.

Sincerely,

William D. Gilmore, P.E.
Transition Manager

cc: ✓ Dave Timpy, USACE-Wilmington
Bill Arrington, Division of Coastal Management
John Dorney, Division of Water Quality, Wetlands/401 Unit
File No. B-3217



ENVIRONMENTAL COMMITMENTS:

B-3217, Onslow County

Bridge No. 21, on SR 1503
Over Bear Creek
Federal Aid Project BRZ-1503(1)
State Project 8.2261001

JUL 24 2003

April 2003

1. Roadway Design Unit, Roadside Environmental Unit, Resident Engineer:

Revegetation: The temporary detour and approaches will be removed after the new bridge is completed, and the area will be revegetated with appropriate plant species.

2. Roadway Design Unit, Structure Design Unit, Project Development & Environmental Analysis Branch (Permits), Resident Engineer:

Coordination with Marine Corps Base Camp Lejeune:

The Base Environmental Management Division will be notified prior to any staking or flagging necessary on Marine Corps property. Notify Mr. Tom Barbee, phone (910) 451-1787.

Archeologic Site Coordination:

(1) There will be no disturbance to recorded archeological site No. 310N692, located just east of the bridge project. Detailed location data is available from Mr. Rick Richardson of MCB Camp Lejeune Environmental Management Division, phone (910) 451-1787.

(2) No portion of the archeological site east of the east edge of the temporary easement for the detour structure may be used as staging for heavy equipment.

(3) No soils may be removed from Camp Lejeune lands without first coordinating with MCB Camp Lejeune Environmental Management Division, phone (910) 451-1787.

Timber Removal:

If any portions of the project area on Camp Lejeune lands need to be cleared of any merchantable timber, MCB Camp Lejeune will be notified and allowed to remove the timber for its own uses. Notify Mr. Tom Barbee, phone (910) 451-1787.

Bridge Demolition:

(1) Existing Bridge: The existing bridge has an asphalt surface on a reinforced concrete floor on timber joists. The bridge has timber cap and pile bents and end bents. The asphalt wearing surface will be removed prior to demolition without dropping into the water. There is the potential for parts of the bridge deck to be dropped into the water during removal of this bridge. The resulting temporary fill into the waters of the United States will amount to a maximum of

approximately 34 cubic yards of material. **This project is classified as a Case 2 bridge demolition, allowing no work at all in the water during moratorium periods associated with fish migration, spawning, and larval recruitment into nursery areas.** During construction, Best Management Practices for Bridge Demolition and Removal will be followed. Due to the potential sedimentation concerns resulting from demolition of the bridge, a turbidity curtain will be used to contain and minimize sedimentation in the stream.

(2) Removal of temporary bridge: The temporary detour structure will be removed with minimal disturbance. Temporary bents will either be pulled up or cut off and left in place.

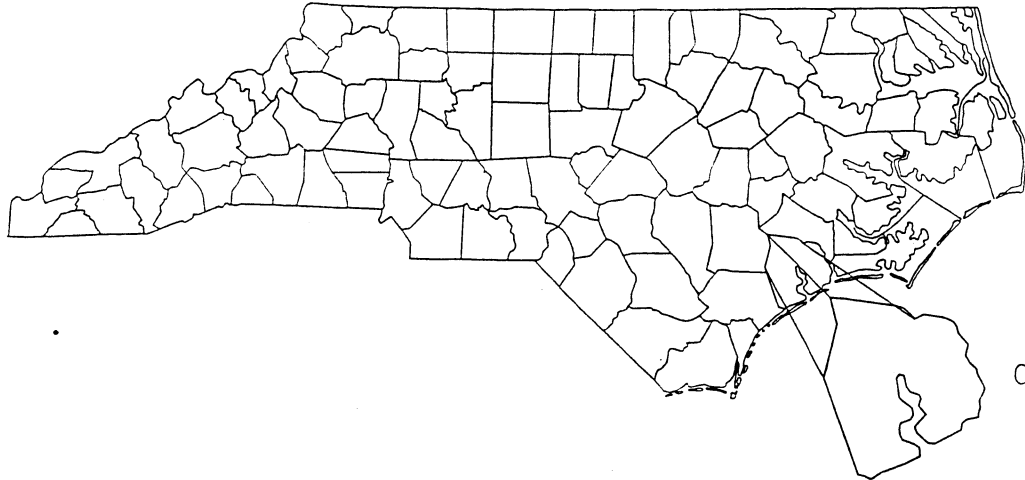
Construction Moratorium:

A moratorium on in-water construction activities will be observed from March 1 to September 30 of any construction year.

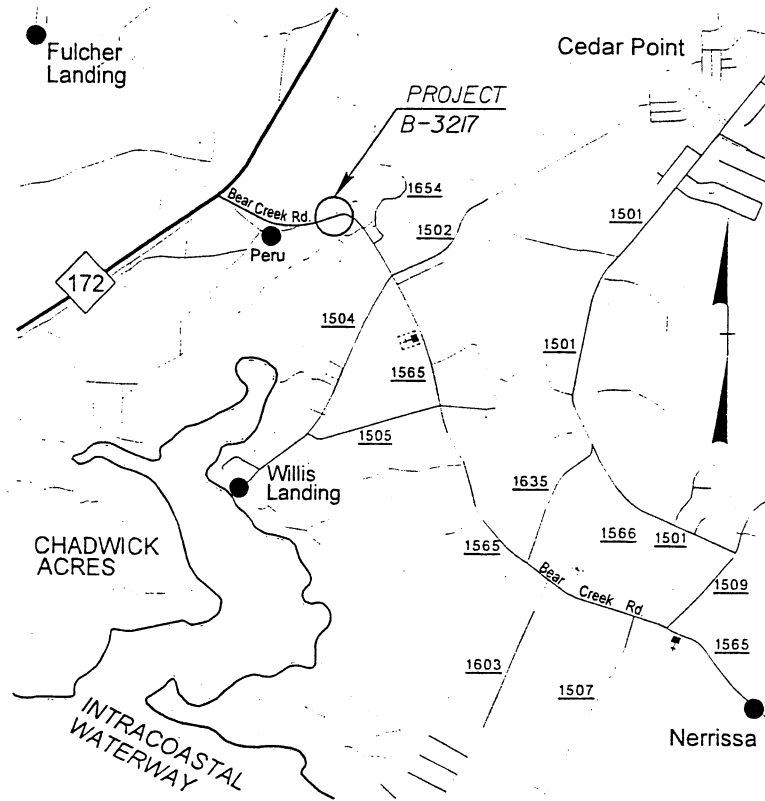
High Quality Waters:

Design Standards for Sensitive Watershed Sedimentation Control Guidelines will be implemented in addition to the standard Best Management Practices.

NORTH CAROLINA



ONLOW
COUNTY

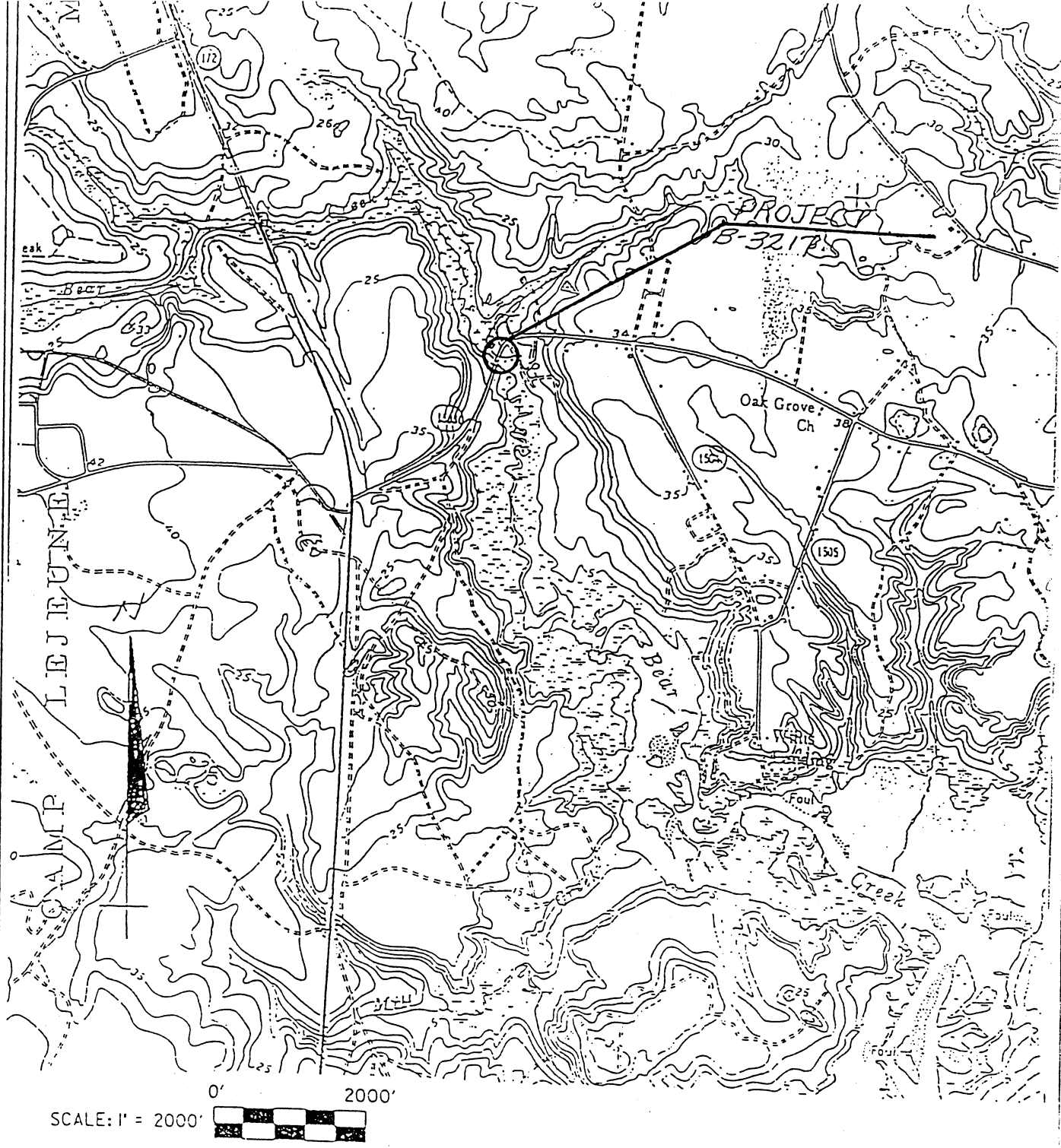


VICINITY MAP

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ONLOW COUNTY

PROJECT: 8.2261001 (B5217)
REPLACEMENT OF BRG #21
ON SR 1505 OVER
BEAR CREEK

SHEET 1 OF 10 5/01/03

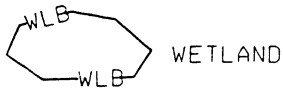


SITE
MAP

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 82261001 (B3217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1505 OVER
 BEAR CREEK
 SHEET 2 OF 10 5/01/03

LEGEND

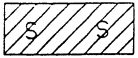
— WLB — WETLAND BOUNDARY
 — CWLB — COASTAL WETLAND BOUNDARY



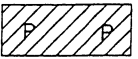
WETLAND



DENOTES FILL IN WETLAND



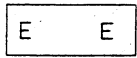
DENOTES FILL IN SURFACE WATER



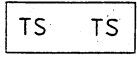
DENOTES FILL IN SURFACE WATER (POND)



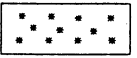
DENOTES TEMPORARY FILL IN WETLAND



DENOTES EXCAVATION IN WETLAND



DENOTES TEMPORARY FILL IN SURFACE WATER



DENOTES MECHANIZED CLEARING

— FLOW DIRECTION

— TB — TOP OF BANK

— WE — EDGE OF WATER

— C — PROP. LIMIT OF CUT

— F — PROP. LIMIT OF FILL

— ▲ — PROP. RIGHT OF WAY

— NG — NATURAL GROUND

— PL — PROPERTY LINE

— TDE — TEMP. DRAINAGE EASEMENT

— PDE — PERMANENT DRAINAGE EASEMENT

— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY

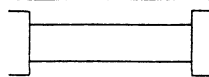
— EPB — EXIST. ENDANGERED PLANT BOUNDARY

— ····· — WATER SURFACE

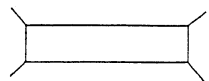
x x x
x x x
x x x
LIVE STAKES

~ ~
BOULDER

— — — — CORE FIBER ROLLS



PROPOSED BRIDGE



PROPOSED BOX CULVERT



PROPOSED PIPE CULVERT

(DASHED LINES DENOTE EXISTING STRUCTURES)

12"-48" PIPES

54" PIPES & ABOVE



SINGLE TREE



WOODS LINE



DRAINAGE INLET



ROOTWAD



RIP RAP



ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE

— BZ1 — BUFFER ZONE 1

— BZ2 — BUFFER ZONE 2

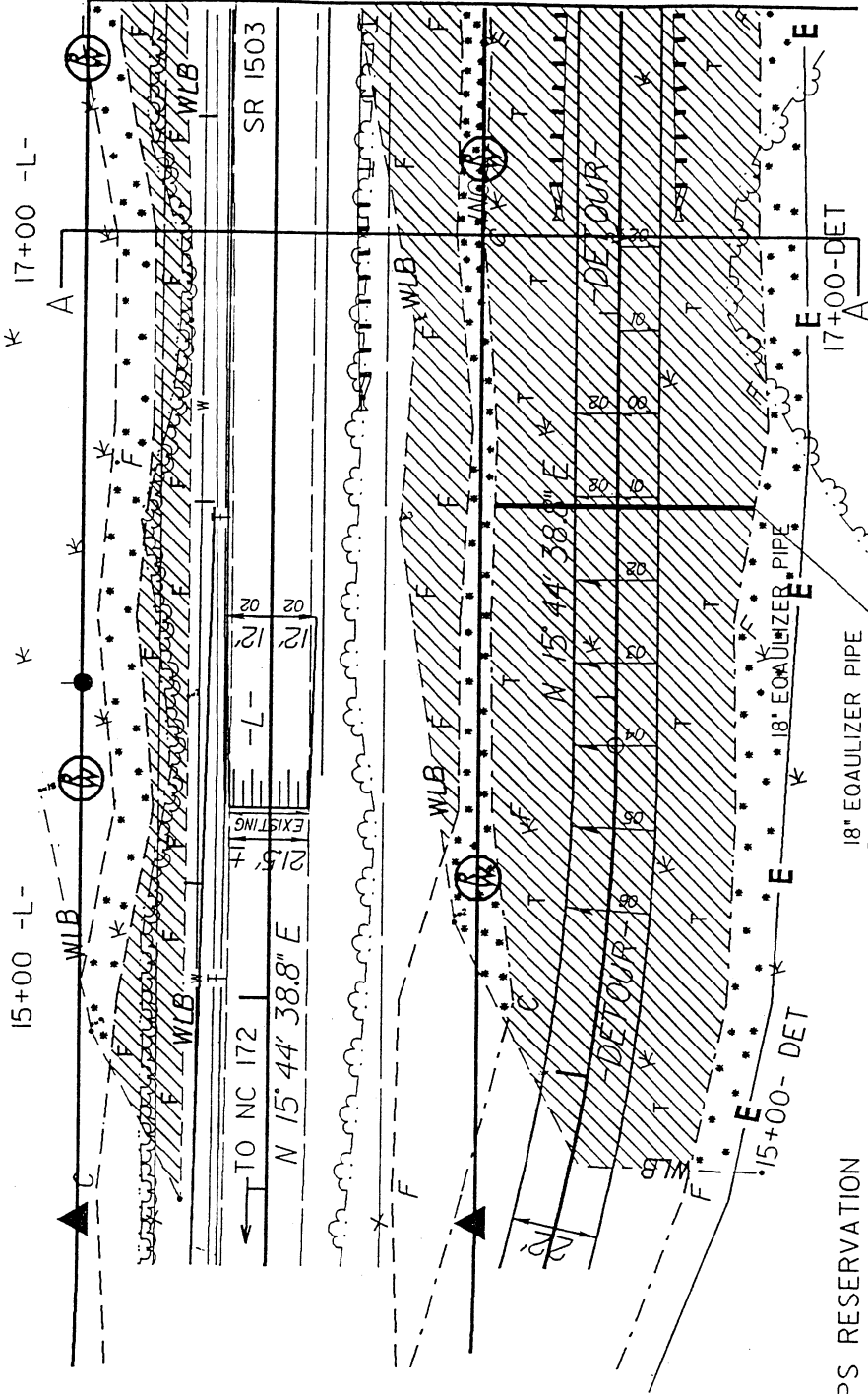
N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY

PROJECT: 8.2261001 (B3217)

REPLACEMENT OF BRG[#]21
 ON SR 1503 OVER
 BEAR CREEK

SHEET 3 OF 10 5 / 01 / 03

WOODS / CUTOVER



21.5'	EXISTING	12'	02
-L-			
TO NC 172			
N 15° 44' 38.8" E			

NCDOT

DIVISION OF HIGHWAYS
ONSLOW COUNTY

PROJECT: 8.2261001 (B-3217)
REPLACEMENT OF BRIDGE # 21
ON SR 1503 OVER
BEAR CREEK

PLAN VIEW

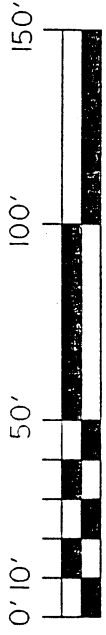
SITE 1

WOODS

CAMP LEJEUNE MARINE CORPS RESERVATION

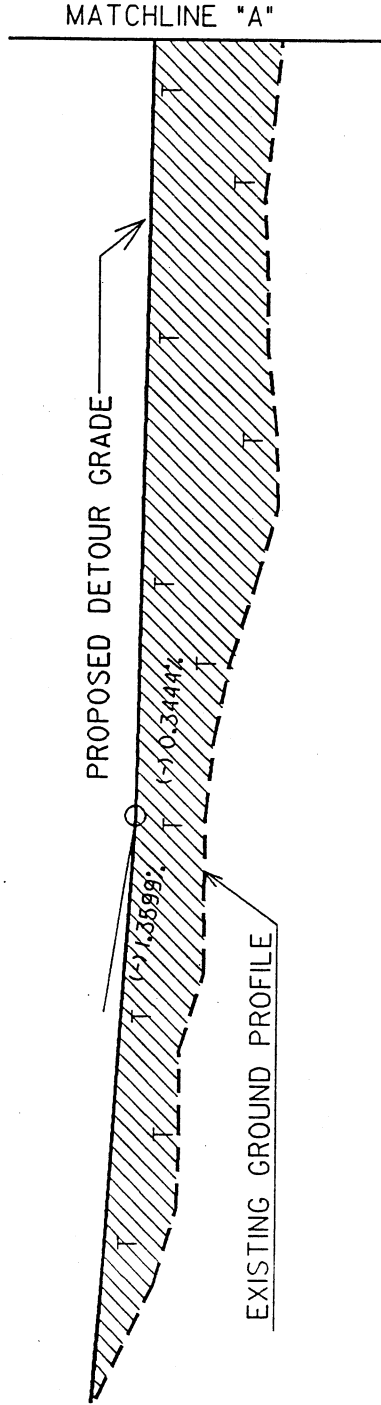
NO DEED

②



DETOUR

$PI = 16+00.00$
 $EL = 900'$
 $VC = 200'$
 $K = 180$



MATCHLINE "A"

PROPOSED DETOUR GRADE

EXISTING GROUND PROFILE

15 + 00 16 + 00 17 + 00 18 + 00

NCDOT
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B3217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

PROFILE

SCALE: 1" = 50' HORIZ.
 1" = 10' VERT.

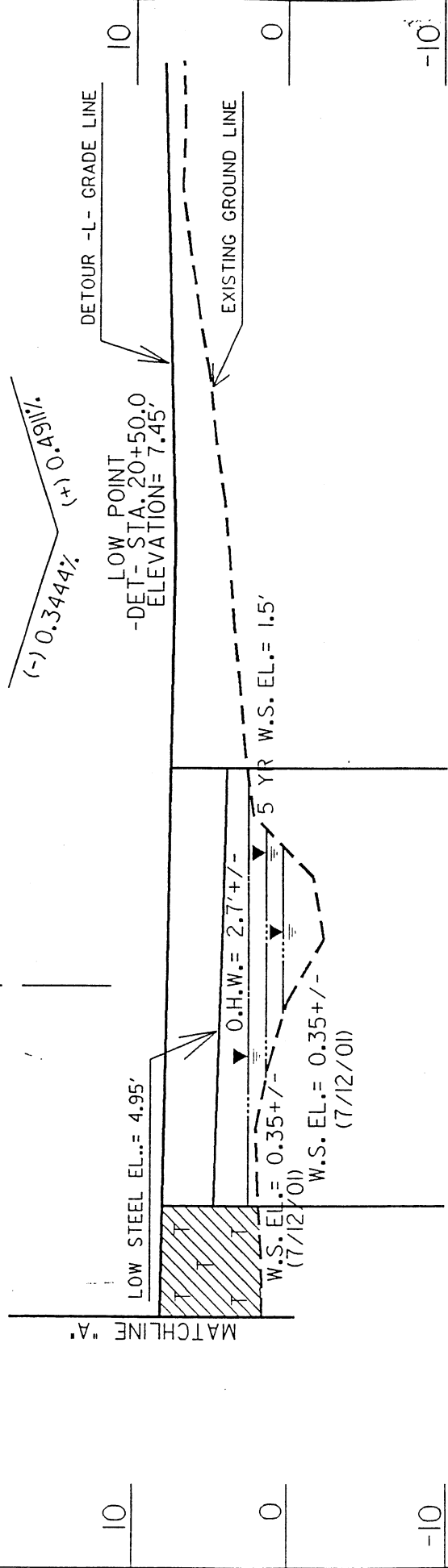
DETOUR

$PI = 20+50.0$
 $EL = 7.45'$
 $VC = 150'$
 $K = 180$

$\text{CL STA. } 19+05 \text{ -DET-}$
 $\text{GRADE ELEV.} = 7.95'$
 $\text{MINIMUM LENGTH} = 140'$
 115 DEGREE SKEW

20

20



21+00

20+00

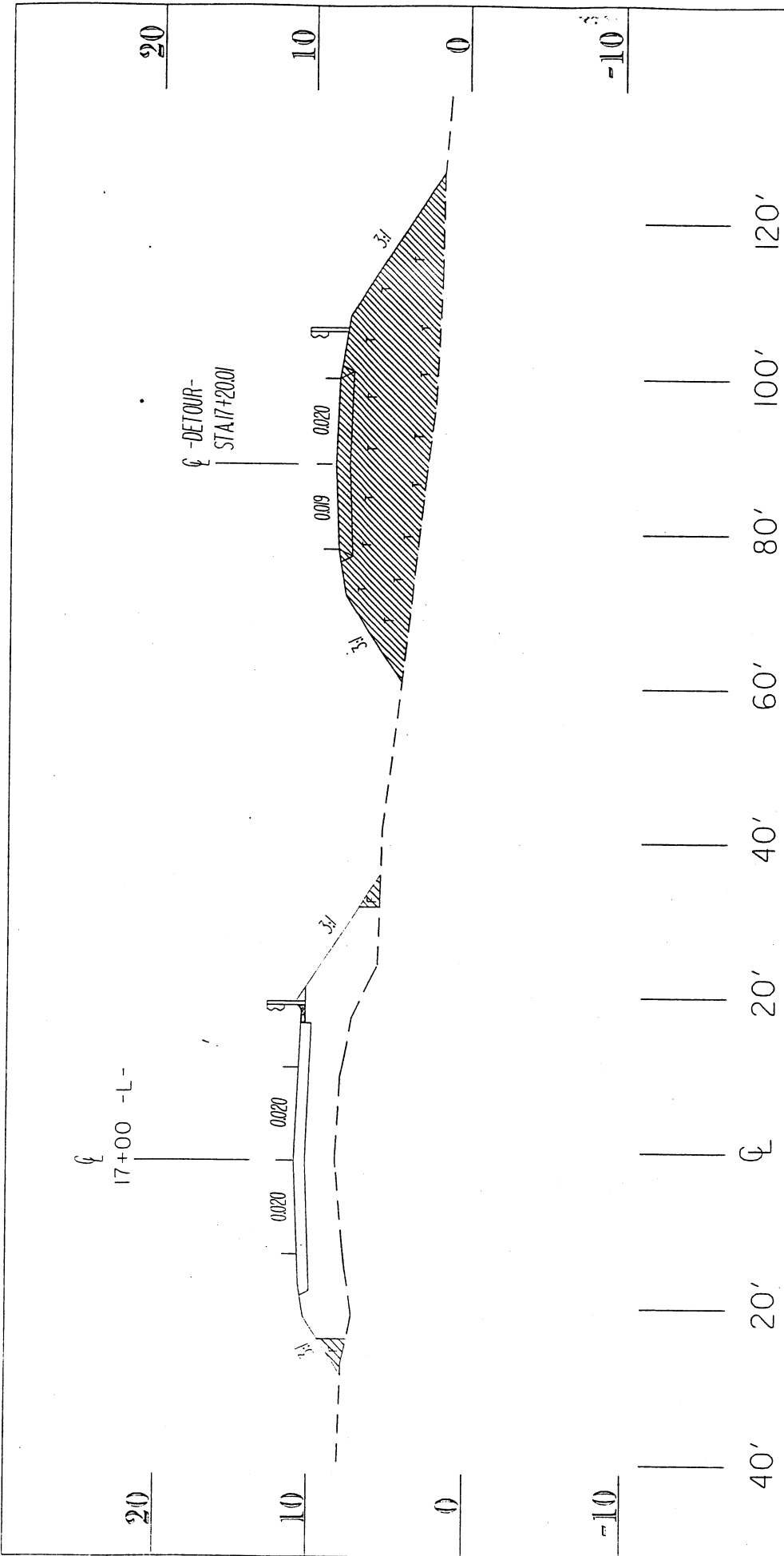
19+00

18+00

PROFILE

NCDOT
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B-3217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

SCALE: 1" = 50' HORIZ.
 1" = 10' VERT.



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B-3217)
 REPLACEMENT OF BRIDGE # 21
 ONS SRI503 OVER
 BEAR CREEK
 SHEET 8 OF 10 5/01/05

SECTION A-A

SCALE: 1" = 20' HORIZ.
 1" = 10' VERT.

PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
①	ONslow COUNTY BOARD OF EDUCATION	P.O. BOX 99 JACKSONVILLE, NC 98540
②	CAMP LE JEUNE MARINE CORPS RESERVATION	
③	JUNIR RISTER	942 WEST McCLELLAN RD. MESA, AZ 85201
④	ETHRIAM L. BELL	216 BEAR CREEK RD. HUBERT, NC 28539

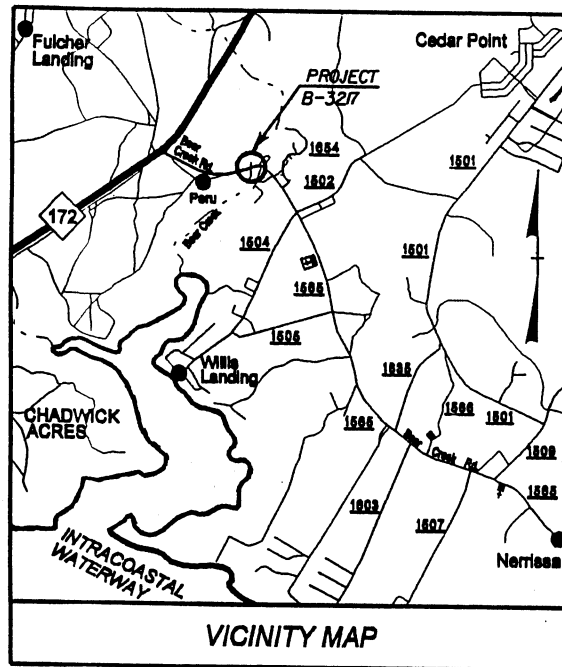
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ONslow COUNTY

PROJECT: 8.2261001 (B3217)
REPLACEMENT OF BRG[#] 21
ON SR 1505 OVER
BEAR CREEK

SHEET 10 OF 10 5 / 01 / 03

PROJECT: 8:2261001 B-3217

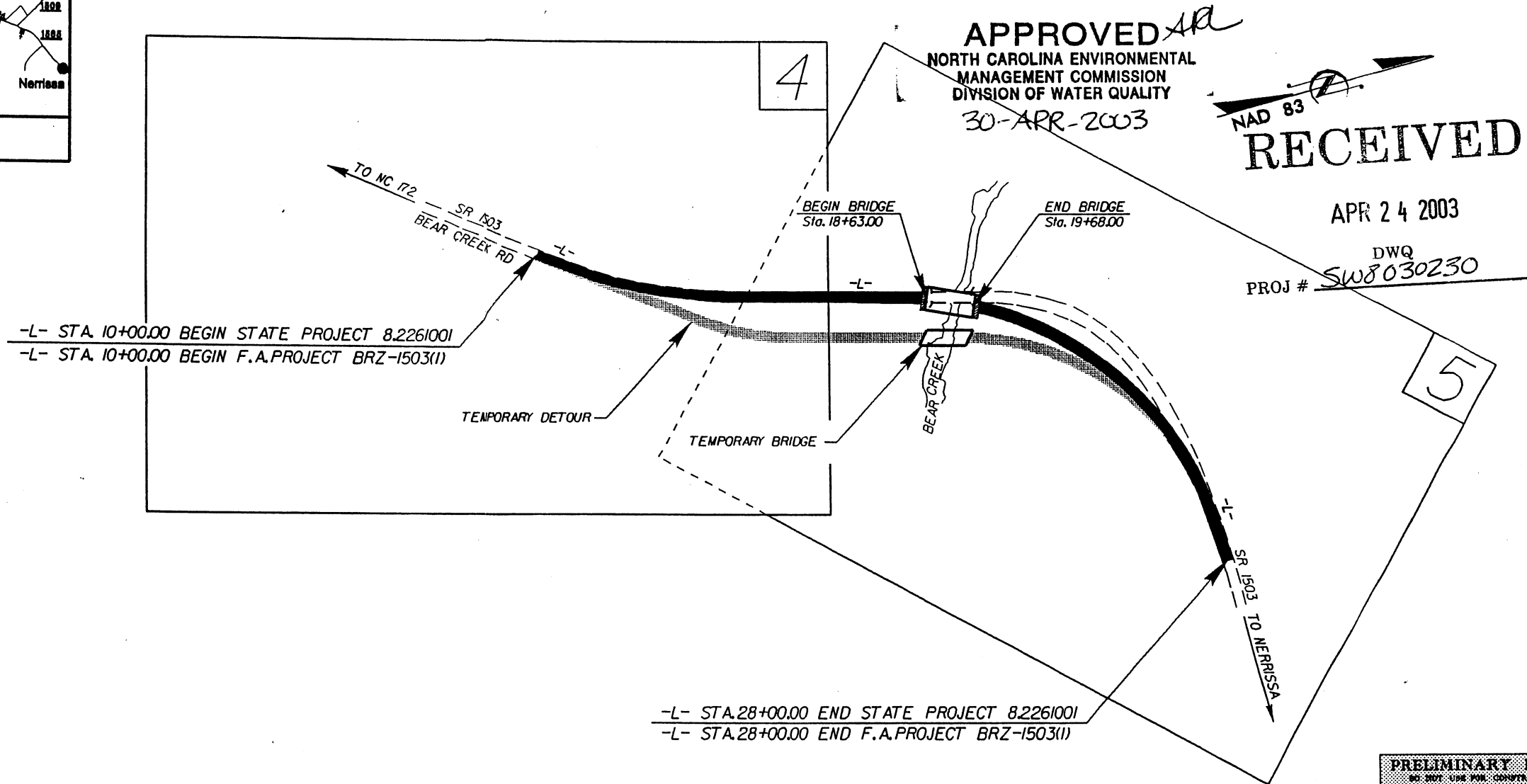
See Sheet 1-A For Index of Sheets



STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS
ONslow COUNTY

LOCATION: BRIDGE NO. 21 AND APPROACHES ON SR 1503 OVER BEAR CREEK
TYPE OF WORK: GRADING, DRAINAGE, PAVING, GUARDRAIL AND STRUCTURE

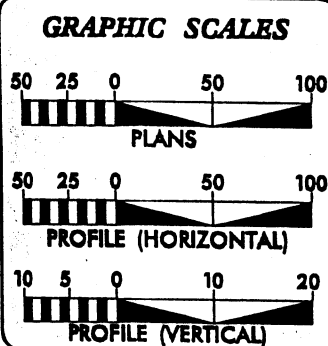
STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-3217	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
8.2261001	BRZ-1503(1)	P.E.	
8.2261002	BRZ-1503(1)	R/W	



APPROVED *AR*
NORTH CAROLINA ENVIRONMENTAL
MANAGEMENT COMMISSION
DIVISION OF WATER QUALITY
30-APR-2003

RECEIVED
NAD 83
APR 24 2003
DWQ
PROJ # SW8030230

**DESIGN EXCEPTION REQUIRED FOR DESIGN SPEED



DESIGN DATA

ADT 2003 =	4,900
ADT 2025 =	8,700
DHV =	11 %
D =	80 %
T =	4 %*
V =	40 MPH**
* TTST 1 %	DUAL 3 %

PROJECT LENGTH

LENGTH OF ROADWAY F. A. PROJECT BRZ-1503(1)	= 0.323 Miles
LENGTH OF STRUCTURE F. A. PROJECT BRZ-1503(1)	= 0.018 Miles
TOTAL LENGTH OF STATE PROJECT 8.2261001	= 0.341 Miles

Prepared in the Office of:
DIVISION OF HIGHWAYS

2002 STANDARD SPECIFICATIONS	
RIGHT OF WAY DATE: SEPTEMBER 28, 2001	G. E. BREW, PE PROJECT ENGINEER
LETTING DATE: JULY 15, 2003	D. WILLIAMS PROJECT DESIGN ENGINEER

HYDRAULICS ENGINEER

P.E.

ROADWAY DESIGN ENGINEER

P.E.

DIVISION OF HIGHWAYS
STATE OF NORTH CAROLINA

P.E.

STATE DESIGN ENGINEER
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

APPROVED
DIVISION ADMINISTRATOR

DATE

03-FEB-2003 11:17
BY: p. j. [unclear]
PROJECT: 8:2261001

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

*S.U.E = SUBSURFACE UTILITY ENGINEER

CONVENTIONAL SYMBOLS

ROADS & RELATED ITEMS

Edge of Pavement	-----
Curb	-----
Prop. Slope Stakes Cut	----- C -----
Prop. Slope Stakes Fill	----- F -----
Prop. Woven Wire Fence	-----○-----
Prop. Chain Link Fence	-----□-----
Prop. Barbed Wire Fence	-----◇-----
Prop. Wheelchair Ramp	-----WCRP-----
Curb Cut for Future Wheelchair Ramp	-----CCRP-----
Exist. Guardrail	-----
Prop. Guardrail	-----
Equality Symbol	-----⊕-----
Pavement Removal	-----X-----

RIGHT OF WAY

Baseline Control Point	-----◆-----
Existing Right of Way Marker	-----△-----
Exist. Right of Way Line w/Marker	-----△-----
Prop. Right of Way Line with Proposed RW Marker (Iron Pin & Cap)	-----▲-----
Prop. Right of Way Line with Proposed (Concrete or Granite) RW Marker	-----⊙-----
Exist. Control of Access Line	-----⊙-----
Prop. Control of Access Line	-----⊙-----
Exist. Easement Line	-----E-----
Prop. Temp. Construction Easement Line	-----E-----
Prop. Temp. Drainage Easement Line	-----TDE-----
Prop. Perm. Drainage Easement Line	-----PDE-----

HYDROLOGY

Stream or Body of Water	-----
River Basin Buffer	-----RBB-----
Flow Arrow	-----→-----
Disappearing Stream	-----
Spring	-----
Swamp Marsh	-----
Shoreline	-----
Falls, Rapids	-----
Prop Lateral, Tail, Head Ditches	-----

STRUCTURES

MAJOR	
Bridge, Tunnel, or Box Culvert	-----CONC-----
Bridge Wing Wall, Head Wall and End Wall	-----CONC HW-----

MINOR	
Head & End Wall	-----CONC HW-----
Pipe Culvert	-----
Footbridge	-----
Drainage Boxes	-----CB-----
Paved Ditch Gutter	-----

UTILITIES

Exist. Pole	-----●-----
Exist. Power Pole	-----○-----
Prop. Power Pole	-----○-----
Exist. Telephone Pole	-----○-----
Prop. Telephone Pole	-----○-----
Exist. Joint Use Pole	-----○-----
Prop. Joint Use Pole	-----○-----
Telephone Pedestal	-----
UG Telephone Cable Hand Hold	-----
Cable TV Pedestal	-----
UG TV Cable Hand Hold	-----
UG Power Cable Hand Hold	-----
Hydrant	-----
Satellite Dish	-----
Exist. Water Valve	-----
Sewer Clean Out	-----
Power Manhole	-----
Telephone Booth	-----
Cellular Telephone Tower	-----
Water Manhole	-----
Light Pole	-----
H-Frame Pole	-----
Power Line Tower	-----
Pole with Base	-----
Gas Valve	-----
Gas Meter	-----
Telephone Manhole	-----
Power Transformer	-----
Sanitary Sewer Manhole	-----
Storm Sewer Manhole	-----
Tank; Water, Gas, Oil	-----
Water Tank With Legs	-----
Traffic Signal Junction Box	-----
Fiber Optic Splice Box	-----
Television or Radio Tower	-----
Utility Power Line Connects to Traffic Signal Lines Cut Into the Pavement	-----TS-----

Recorded Water Line	-----
Designated Water Line (S.U.E.*)	-----
Sanitary Sewer	-----SS-----
Recorded Sanitary Sewer Force Main	-----FSS-----
Designated Sanitary Sewer Force Main(S.U.E.*)	-----FSS-----
Recorded Gas Line	-----G-----
Designated Gas Line (S.U.E.*)	-----G-----
Storm Sewer	-----S-----
Recorded Power Line	-----P-----
Designated Power Line (S.U.E.*)	-----P-----
Recorded Telephone Cable	-----T-----
Designated Telephone Cable (S.U.E.*)	-----T-----
Recorded UG Telephone Conduit	-----TC-----
Designated UG Telephone Conduit (S.U.E.*)	-----TC-----
Unknown Utility (S.U.E.*)	-----UTL-----
Recorded Television Cable	-----TV-----
Designated Television Cable (S.U.E.*)	-----TV-----
Recorded Fiber Optics Cable	-----FO-----
Designated Fiber Optics Cable (S.U.E.*)	-----FO-----
Exist. Water Meter	-----
UG Test Hole (S.U.E.*)	-----
Abandoned According to UG Record	-----ATTUR-----
End of Information	-----E.O.I-----

BOUNDARIES & PROPERTIES

State Line	-----
County Line	-----
Township Line	-----
City Line	-----
Reservation Line	-----
Property Line	-----
Property Line Symbol	-----
Exist. Iron Pin	-----
Property Corner	-----
Property Monument	-----
Property Number	-----
Parcel Number	-----
Fence Line	-----
Existing Wetland Boundaries	-----
High Quality Wetland Boundary	-----HO WLB-----
Medium Quality Wetland Boundaries	-----MO WLB-----
Low Quality Wetland Boundaries	-----LO WLB-----
Proposed Wetland Boundaries	-----WLB-----
Existing Endangered Animal Boundaries	-----EAB-----
Existing Endangered Plant Boundaries	-----EPB-----

BUILDINGS & OTHER CULTURE

Buildings	-----
Foundations	-----
Area Outline	-----
Gate	-----
Gas Pump Vent or UG Tank Cap	-----
Church	-----
School	-----
Park	-----
Cemetery	-----
Dam	-----
Sign	-----
Well	-----
Small Mine	-----
Swimming Pool	-----

TOPOGRAPHY

Loose Surface	-----
Hard Surface	-----
Change in Road Surface	-----
Curb	-----
Right of Way Symbol	-----R/W-----
Guard Post	-----OGP-----
Paved Walk	-----
Bridge	-----
Box Culvert or Tunnel	-----
Ferry	-----
Culvert	-----
Footbridge	-----
Trail, Footpath	-----
Light House	-----

VEGETATION

Single Tree	-----
Single Shrub	-----
Hedge	-----
Woods Line	-----
Orchard	-----
Vineyard	-----

RAILROADS

Standard Gauge	-----
RR Signal Milepost	-----
Switch	-----

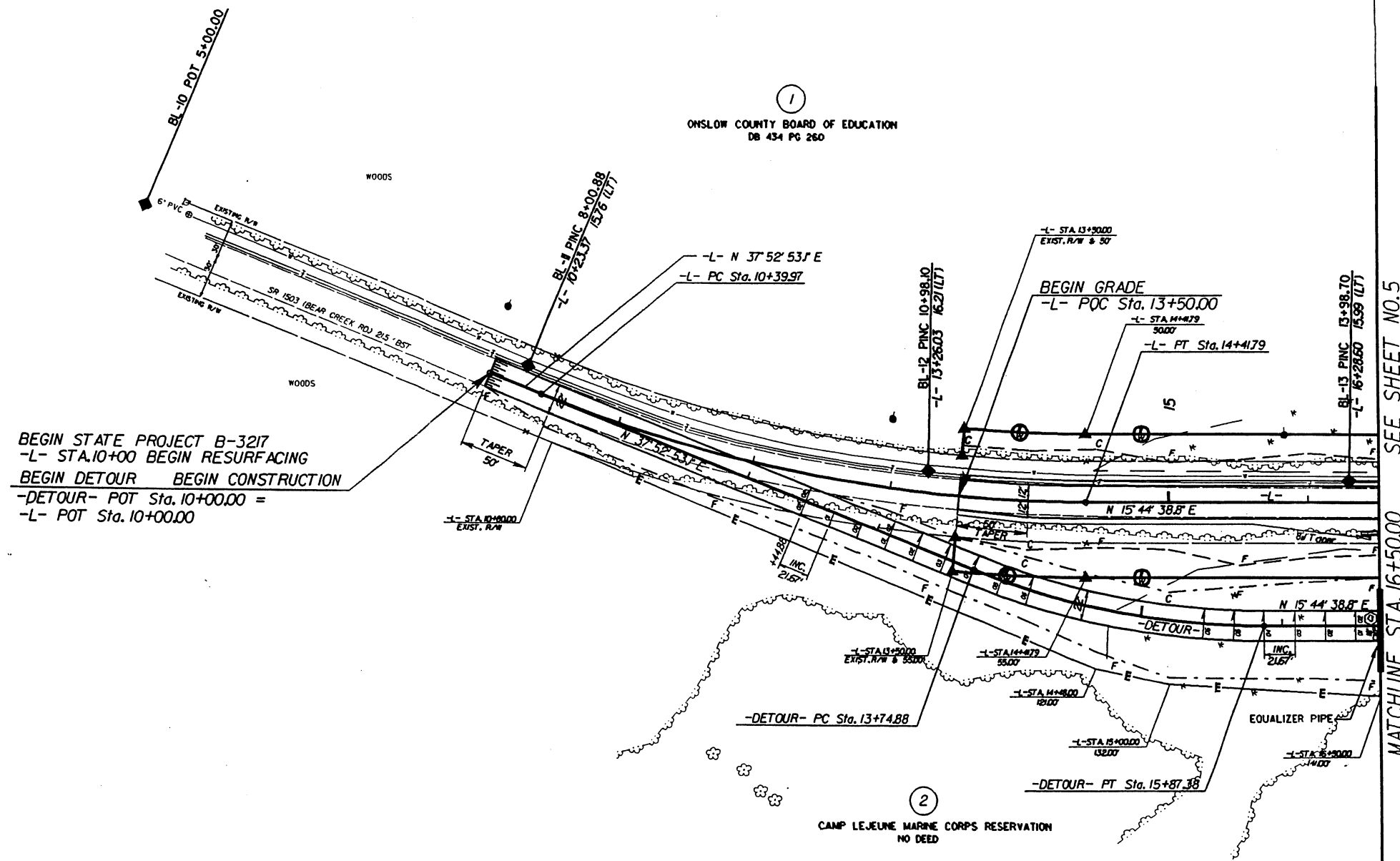
5/28/03 03-FEB-2003 13:35 D:\p\ur\ur\proj\B3217.sgm

8/17/99

----- SLOPE STAKES FOR DETOUR

PROJECT REFERENCE NO. B-327		SHEET NO. 4	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION			

SEE SHEET NO. 6 FOR -L- LINE PROFILE
SEE SHEET NO. 7 FOR -DETOUR- LINE PROFILE



BEGIN STATE PROJECT B-327
 -L- STA.10+00 BEGIN RESURFACING
 BEGIN DETOUR BEGIN CONSTRUCTION
 -DETOUR- POT Sta. 10+00.00 =
 -L- POT Sta. 10+00.00

SEE SHEET NO. 5
MATCHLINE STA. 16+50.00

DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PROJECT IS BASED ON THE STATE PLANE COORDINATES ESTABLISHED BY NCOS FOR MONUMENT "RUSSELL 2 RMA" WITH NAD 1983/95 STATE PLANE GRID COORDINATES OF NORTHING: 335226.2882(11) EASTING: 2542907.2272(11) THE AVERAGE COMBINED GRID FACTOR USED ON THIS PROJECT (GROUND TO GRID) IS: 0.99993542 THE N.C. LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM "RUSSELL 2 RMA" TO -L- STATION 10+00.00 IS S 89° 37' 15.48" W 9,148.724 (11)



ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL DISTANCES
 VERTICAL DATUM USED IS NAVD 88

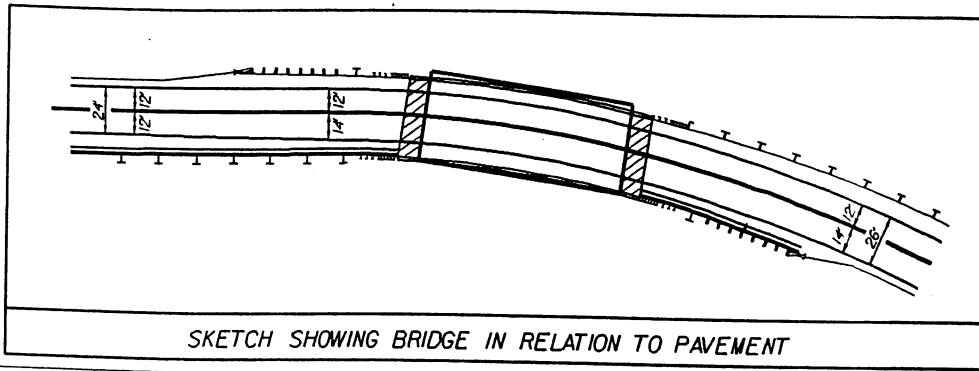
-L-	-DETOUR-
PI Sta 12+43.42	PI Sta 14+82.47
$\Delta = 22^\circ 08' 14.3" (LT)$	$\Delta = 22^\circ 08' 14.3" (LT)$
D = 5' 30" 33.2"	D = 10' 25" 02.7"
L = 401.82'	L = 212.50'
T = 203.45'	T = 107.59'
R = 1,040.00'	R = 550.00'
	S.E. = 0.06 FT/FT
	RUNOFF = 130 FT

13 FEB 2003 11:11 AM
11/12/02 11:11 AM

FOR STRUCTURE PLANS SEE SHEETS NO. SI THRU S??
 FOR DRIVEWAY TURNOUTS USE 10 FT RADIUS

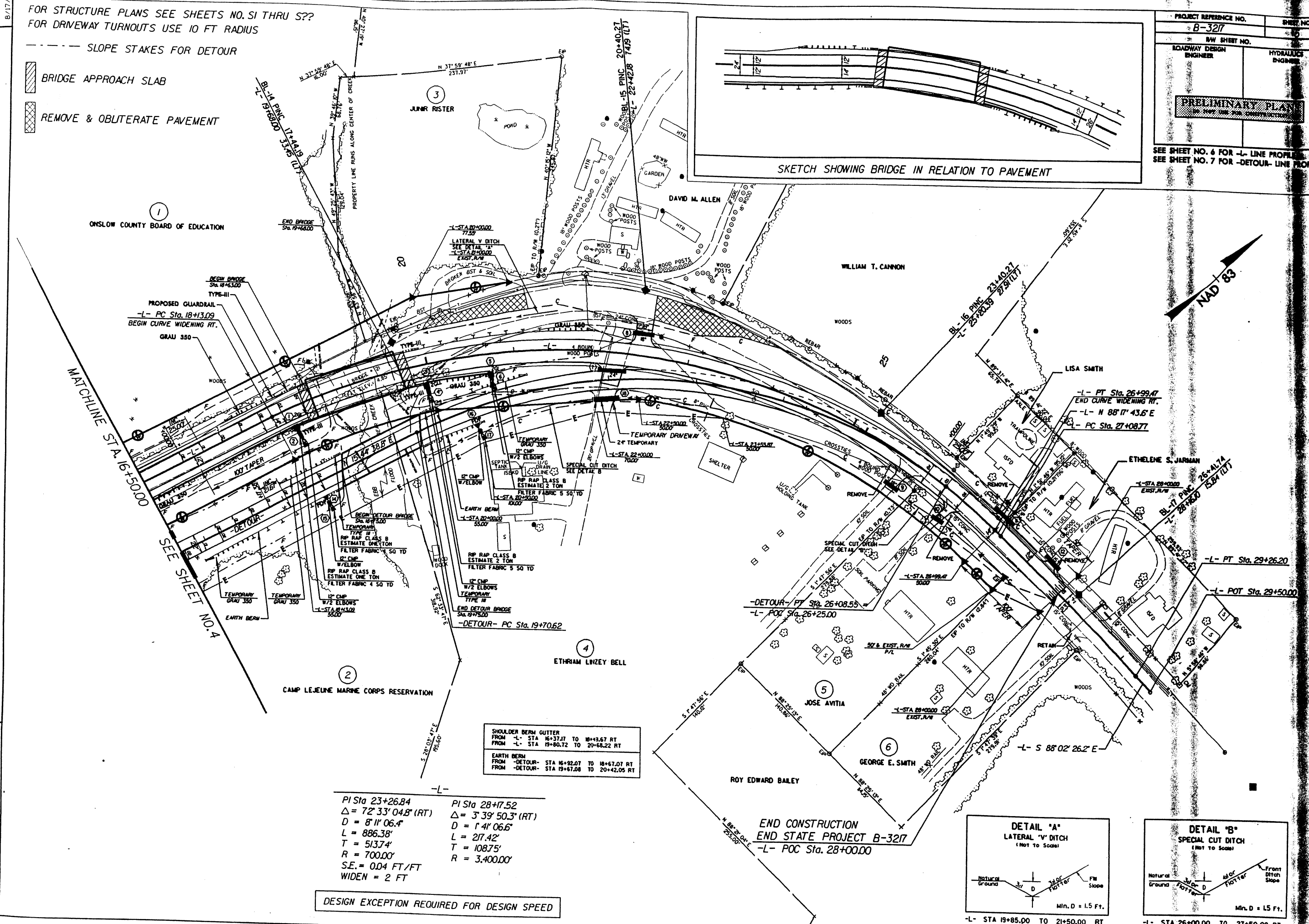
--- SLOPE STAKES FOR DETOUR

-  BRIDGE APPROACH SLAB
-  REMOVE & OBLITERATE PAVEMENT

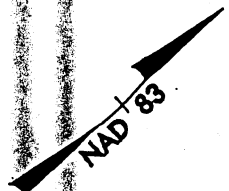


PROJECT REFERENCE NO. B-327	SHEET NO. 32
R/W SHEET NO. ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
PRELIMINARY PLAN	

SEE SHEET NO. 6 FOR -L- LINE PROFILE
 SEE SHEET NO. 7 FOR -DETOUR- LINE PROFILE



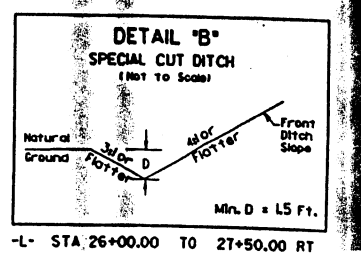
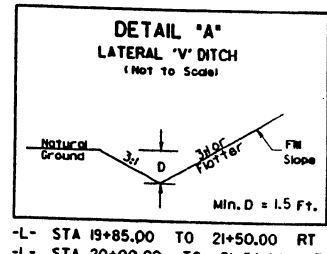
MATCHLINE STA 16+50.00
 SEE SHEET NO. 4



SHOULDER BERM CUTTER	FROM -L- STA 16+37.17 TO 18+49.67 RT
	FROM -L- STA 19+80.72 TO 20+68.22 RT
EARTH BERM	FROM -DETOUR- STA 16+92.07 TO 18+67.07 RT
	FROM -DETOUR- STA 19+87.08 TO 20+42.05 RT

PI Sta 23+26.84	PI Sta 28+17.52
$\Delta = 72^\circ 33' 04.8''$ (RT)	$\Delta = 3^\circ 39' 50.3''$ (RT)
D = 8' 11" 06.4"	D = 1' 41" 06.6"
L = 886.38'	L = 217.42'
T = 513.74'	T = 108.75'
R = 700.00'	R = 3,400.00'
S.E. = 0.04 FT/FT	
WIDEN = 2 FT	

DESIGN EXCEPTION REQUIRED FOR DESIGN SPEED



-L- STA 19+85.00 TO 21+50.00 RT
 -L- STA 20+00.00 TO 21+50.00 RT

-L- STA 26+00.00 TO 27+50.00 RT

END CONSTRUCTION
 END STATE PROJECT B-327
 -L- POC Sta. 28+00.00

REVISIONS

03-FEB-2003 13:39
 Project: B-327
 Drawing: B-327

PROJECT COMMITMENTS

**Onslow County
Bridge No. 21 on SR 1503
Over Bear Creek
Federal-Aid Project No. BRZ-1503(1)
State Project No. 8.2261001
T.I.P. No. B-3217**

In addition to the standard Nationwide Permit #23 and #33 Conditions, the General Nationwide Permit Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for the Protection of Surface Waters, Design Standards for Sensitive Watersheds, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, General Certification Conditions, and Section 401 Conditions of Certification, the following special commitments have been agreed to by NCDOT:

Commitments Developed through Project Development and Design

Roadway Design Unit, Roadside Environmental Unit, Resident Engineer:

Revegetation: The temporary detour and approaches will be removed after the new bridge is completed, and the area will be revegetated with appropriate plant species.

Roadway Design Unit, Structure Design Unit, Project Development & Environmental Analysis Branch (Permits), Resident Engineer:

Bridge Demolition: The bridge has an asphalt surface on a reinforced concrete floor on timber joists. The bridge has timber cap and pile bents and end bents. The asphalt wearing surface will be removed prior to demolition without dropping into the water. There is the potential for parts of the bridge deck to be dropped into the water during removal of this bridge. The resulting temporary fill into the waters of the United States will amount to a maximum of approximately 34 cubic yards of material. This project is classified as a Case 2 bridge demolition, allowing no work at all in the water during moratorium periods associated with fish migration, spawning, and larval recruitment into nursery areas. During construction, Best Management Practices for Bridge Demolition and Removal will be followed. Due to the potential sedimentation concerns resulting from demolition of the bridge, a turbidity curtain will be used to contain and minimize sedimentation in the stream.

High Quality Waters: Design Standards for Sensitive Watershed Sedimentation Control Guidelines will be implemented in addition to the standard Best Management Practices.

Roadway Design Unit, Structure Design Unit, Project Development & Environmental Analysis Branch, Resident Engineer:

Coordination with MCB Camp Lejeune:

The project is adjacent to and impacts US property, Marine Corps Base Camp Lejeune. Some Right-of-Way is being obtained from the Base. Accordingly, the following agreements and assurances have been reached with MCB Camp Lejeune:

(a) Construction activity: NCDOT will notify the Base Environmental Management Division of the schedules for construction activities. Contact Mr. Tom Barbee, Camp Lejeune Environmental Management Division at (910) 451-5063.

(b) Archeology: No disturbance must occur to recorded archeological site No. 31ON692. Project B-3217 is adjacent to this site, which is located on Camp Lejeune property. To insure clarity and to insure that the site boundary is not disturbed, the NCDOT Resident Engineer will coordinate with Mr. Rick R. Richardson, Base Archaeologist. Contact data is as follows:

Mr. Rick R. Richardson
Base Archaeologist and Cultural Resources Program Manager
Environmental Conservation Branch
MCB Camp Lejeune, NC
telephone: COM (910)451-7230/5063
DSN 751-7230 Fax (910)451-1787
E-mail Richardsonrr@lejeune.usmc.mil

The contact person within NCDOT for archeology is Mr. Caleb Smith, NCDOT/PDEA Archeologist, Raleigh, phone (919)715-1552.

(c) Timber clearing: MCB Camp Lejeune will be notified of any need to remove merchantable timber from Base property. The NCDOT construction contract will specify that Camp Lejeune may remove all merchantable timber from the areas which must be cleared for construction. Camp Lejeune staff will determine how to handle removal of this merchantable US property. Contact will be through Mr. Tom Barbee, Camp Lejeune Environmental Management Division at phone (910) 451-5063.

(d) Permits: NCDOT will apply for and comply with the environmental permits necessary for this bridge replacement project. It will not be necessary for Camp Lejeune to apply for project permits. The NC Division of Coastal Management is expected to be the lead permitting agency. A CAMA Major Development Permit from the Division of Coastal Management is anticipated, as well as USA Corps of Engineers 404 and NC Division of Water Quality 401 permits.

(e) Federally Protected Species: All protected species listed by the US Fish and Wildlife Service for Onslow County as of May 2003 have been surveyed for, by NCDOT Biologists. The Biological Conclusion for all species was "No Effect."

Commitments Developed through Permitting

Division 3

No in-water work shall be conducted from February 15th to September 30th of any year without prior approval of the NC Division of Coastal Management (DCM), in consultation with the NC Division of Marine Fisheries and the U.S. Army Corps of Engineers (USACE). For the purposes of this moratorium, in-water is defined as those areas that are inundated at normal high water.

Debris resulting from demolition of the existing bridge and the temporary bridge, including deck components, shall not enter wetlands or waters of the United States, even temporarily.

NOTE: If suitable material is available from the bridge demolition, the permittee is encouraged to contact the DMF Artificial Reef Coordinator at (252) 726-7021 to determine if this material can be beneficially used on North Carolina's artificial reefs.

Turbidity curtains shall be used to isolate all work areas from the stream at Bear Creek, including pile or casement installation, placement of riprap, excavation or filling. The turbidity curtains shall be installed parallel to the stream banks on each side of the stream. The turbidity curtains shall extend past the construction limits and attach to the silt fences containing the work site. The turbidity curtains shall not encircle a work area or extend across the streams. The turbidity curtains are to be properly maintained and retained in the water until construction is complete and all of the work area contained by the turbidity curtains has been stabilized by vegetation or other means. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.

All materials and debris associated with the removal of the existing bridge will be disposed of on an approved upland site.

The permanent and temporary bridges will be constructed using top down construction methodologies.

In accordance with an e-mail from NCDOT dated 9/10/03, the permanent and temporary bridges shall be constructed with driven piles. Jetting in of piles is not authorized. Should jetting of any bridge piles become necessary, a modification to this permit will be required.

Placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap and associated fill material must be clean and free from loose dirt or any pollutant except in trace quantities. It must be of a size sufficient to prevent its movement from the site by wave or current action. The riprap material must consist of clean rock or masonry materials such as, but not limited to, granite or broken concrete.

Live concrete shall not be allowed to contact Waters of the United States.

No excavation shall occur within waters or wetlands of the United States.

The temporary placement or double handling of excavated or fill materials or construction equipment within waters or vegetated wetlands is not authorized, with the exception of that fill necessary for the construction of the temporary detour bridge/causeway. This condition also applies to the removal of the existing bridge structure.

No fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area indicated on the workplan drawings.

All fill material must be clean and free of any pollutants, except in trace quantities.

All temporary fill must be placed on geo-textile fabric to facilitate the total removal upon the completion of the project.

The temporary detour shall be constructed using 3:1 fill slopes or steeper.

The authorized activity will not cause an unacceptable interference with navigation.

During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S.

If the old bridge is removed, no discharge of bridge material into surface waters is preferred. Strict adherence to the Corps of Engineers guidelines for bridge demolition will be a condition of the 401 Water Quality Certification.

The NCDOT is prohibited from performing any in-water work activities (including the use of pile driving or vibration techniques) from March 1 through September 30.

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.

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

Bridge demolition and removal will be accomplished in accordance with "North Carolina Department of Transportation Policy: Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

All excavated materials will be confined above normal high water 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.

The length of the temporary detour will be approximately 140 feet and will span Bear Creek as shown on permit drawing sheet 5 of 10 dated May 1, 2003. Filter fabric will be used underneath the detour fill.

Division 3/Roadside Environmental Unit

The temporary detour bridge and all temporary fill in wetland areas added to construct the temporary detour shall be removed and the detour site shall be re-graded to its pre-project elevation within 90 days of project completion. The temporarily impacted wetland areas will be re-planted with native wetland vegetation within one year of project completion.

NOTE: Any undercut material resulting from excavation of the existing topsoil and organic matter before the temporary detour causeway is constructed should be used to restore the temporary detour fill area to its original elevation after the temporary detour causeway is removed. Chances of a more natural recovery from the impacts of the temporary detour would be significantly increased with the replacement of this material in horizons similar to the natural conditions.

This project is in a High Quality Water Zone, and must comply with the Design Standards in Sensitive Watersheds, 15A NCAC 4B .0124.

The permittee shall follow Best Management Practices for the protection of Surface Waters and sedimentation and erosion control measures sufficient to protect aquatic resources.

This project must conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Land Resources.

Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, sand fence, etc.).

All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.

All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division Land Resources has released the project.

The post-construction removal of any temporary bridge structures will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species may also be necessary.

The NCDOT shall strictly adhere to sediment and erosion control Best Management Practices as described for High Quality Waters entitled "Design Standards in Sensitive Watersheds" (15A NCAC 04B.0024) throughout design and construction of the project.

Roadside Environmental Unit

Due to the possibility that compaction, mechanized clearing and/or other site alterations might prevent the temporary wetland impact area from re-attaining wetland jurisdictional status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division, of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, DCM and the above listed

agencies shall determine whether additional compensatory wetland mitigation will be required.

Erosion control structures must be installed on the outboard edge of the temporary fill in or adjacent to wetlands to prevent sediment from entering the adjacent wetlands or watercourses.

Design Services/Project Development and Environmental Unit

Any relocation of utility lines that is not already depicted on the attached workplan drawings, or described within the attached permit application, will require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

Division 3/Project Development and Environmental Analysis

This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

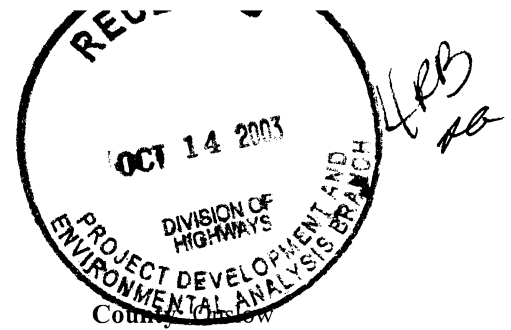
If the permittee determines that additional permanent and/or temporary impacts will occur that are not shown on the attached permit drawings, additional authorization from DCM will be required.

Division 3/Hydraulics Unit

The N.C. Division of Water Quality approved this project under stormwater management rules of the Environmental Management Commission under Stormwater Permit No. SW8 030230 on 4/30/03. Any violation of the permit approved by the DWQ will be considered a violation of this CAMA permit.

Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
P.O.Box 1890
Wilmington, NC 28402-1890



Action ID: 200300491 TIP No. B-3217 State Project No. 8.2261001

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: Gregory J. Thorpe, Ph.D. ✓
Address: Environmental Management Director, PDEA
N.C. Department of Transportation (NCDOT)
1548 Mail Service Center
Raleigh, NC 27699-1548
Telephone Number: (910) 733-3141

Size and Location of project (waterway, road name/number, town, etc.): Bridge No. 21 on SR 1503 (Bear Creek Road) over Bear Creek, Onslow County, North Carolina.

Description of Activity: Discharge of fill material permanently impacting a total of 0.45 acres of waters of the United States, including wetlands, and temporary impacts of 0.71 acres (associated with the onsite detour) for construction of TIP Project No. B-3217 for replacement of Bridge No. 21 on SR 1503 (Bear Creek Road) over Bear Creek, Onslow County, North Carolina as described the NCDOT's letter dated July 18, 2003. Bridge No. 21 is 87 feet long and has a 24-foot roadway with an asphalt deck on reinforced concrete floor supported on timber joists. **Top-down construction methods** will be used to replace Bridge No. 21 in its existing location with a new cored slab bridge that will be approximately 105 feet long and 46 feet wide. During construction SR 1503 traffic will be maintained on a temporary on-site detour located east (or downstream) of the existing bridge. Work associated with the proposed project shall be accomplished in accordance with the attached special conditions. This verification supercedes the September 10, 2003 verification for this project.

Applicable Law: Section 404 (Clean Water Act, 33 U.S.C. 1344)
 Section 10 (River and Harbor Act of 1899)
Authorization: 23 Nationwide Permit Number

Your work is authorized by this Regional General (RGP) or Nationwide (NWP) Permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. If your activity is subject to Section 404 (if Section 404 block above is checked), before beginning work you must also receive a Section 401 water quality certification from the N.C. Division of Environmental Management, telephone (919) 733-1786. For any activity within the twenty coastal counties, before beginning work you must contact the N.C. Division of Coastal Management, telephone (919) 733-2293.

Please read and carefully comply with the attached conditions of the RGP or NWP. Any violation of the conditions of the RGP or NWP referenced above may subject the permittee to a stop work order, a restoration order, and/or appropriate legal action.

This Department of the Army RGP or NWP verification does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

If there are any questions regarding this authorization or any of the conditions of the RGP or NWP, please contact Mr. Dave Timpy of the Wilmington Field Office at (910)-251-4634.

Corps Regulatory Official *Dave Timpy* **Date** October 10, 2003
Expiration Date of Verification October 10, 2005

CF: NCDENR-DWQ, NCDENR-CAMA, ATTN: Cathy Brittingham, NCDOT Division 3, ATTN Mason Herndon.



**TIP Project B-3217
Action ID 200300491**

SPECIAL CONDITIONS

1. Compensatory mitigation for the 0.45 acres of wetland impacts associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in a letter from William D. Gilmore, dated August 29, 2003. The (EEP) will provide 0.9 acres of restoration of brackish marsh at the Sturgeon City Mitigation Site in White Oak River Basin (Cataloging Unit 03020106). The Sturgeon City Mitigation Site was developed, implemented by the North Carolina Wetlands Restoration Program (NCWRP), the predecessor of the EEP, in accordance with the requirements of the Memorandum of Understanding between the North Carolina Department of Environment and natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the United States Army Corps of Engineers signed July 22, 2003, the EEP will complete all remaining work on the Sturgeon City Mitigation Site until success criteria have been met.

2. Bridge demolition and removal will be accomplished in accordance with "North Carolina Department of Transportation Policy: Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999 (copy attached).

3. No in-water work shall be conducted in Bear Creek between February 15 and September 30 of any year to protect anadromous fish spawning and migration activity.

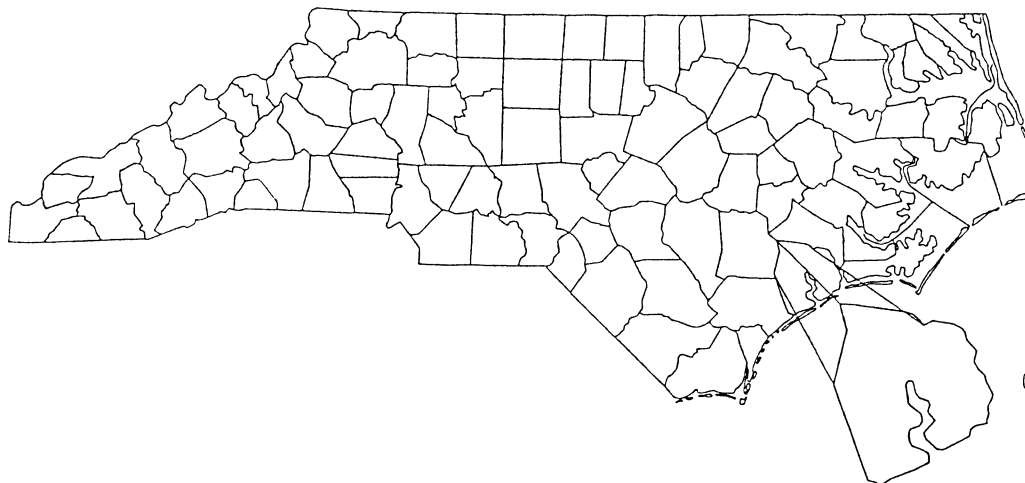
4. The temporary placement or double handling of excavated or fill material or construction equipment and materials within waters and wetlands are not authorized.

5. The length of the temporary detour will be approximately 140 feet and will span Bear Creek as shown on permit drawing sheet 5 of 10 dated May 1, 2003. Filter fabric will be used underneath the detour fill.

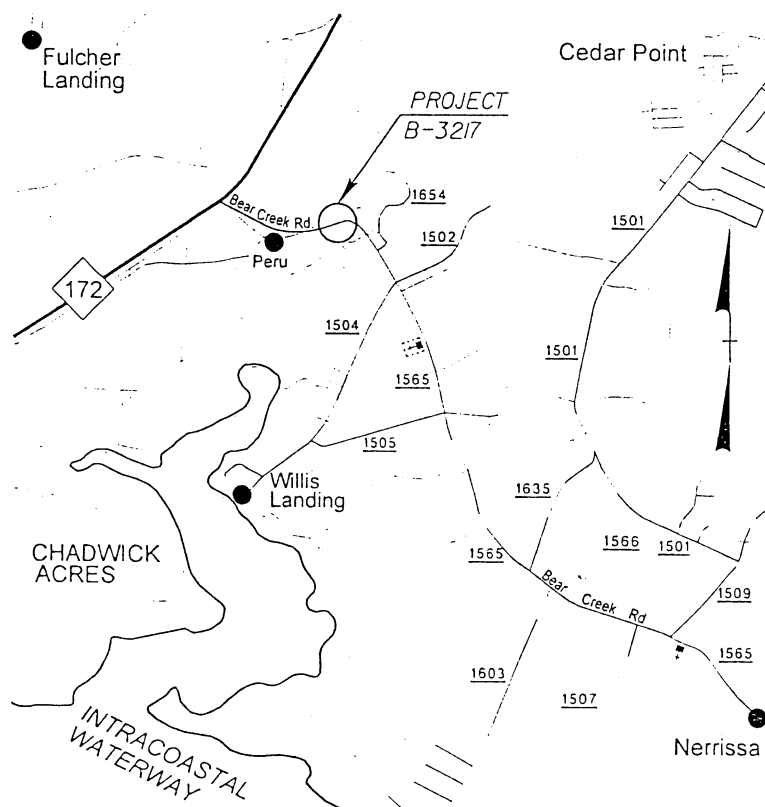


NORTH CAROLINA

JUL 24 2003



ONLOW COUNTY



VICINITY MAP

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ONLOW COUNTY

PROJECT: 8.2261001 (B5217)
REPLACEMENT OF BRG #21
ON SR 1505 OVER
BEAR CREEK



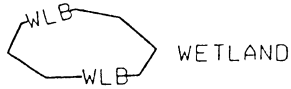
SITE
MAP

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 82261001 (B3217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK
 SHEET 2 OF 10 5/01/03

LEGEND

JUL 24 2003

— WLB — WETLAND BOUNDARY
 — CWLB — COASTAL WETLAND BOUNDARY



— — FLOW DIRECTION

— TB — TOP OF BANK

— WE — EDGE OF WATER

— C — PROP. LIMIT OF CUT

— F — PROP. LIMIT OF FILL

— ▲ — PROP. RIGHT OF WAY

— NG — NATURAL GROUND

— PL — PROPERTY LINE

— TDE — TEMP. DRAINAGE EASEMENT

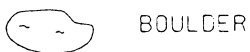
— PDE — PERMANENT DRAINAGE EASEMENT

— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY

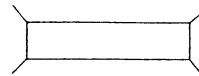
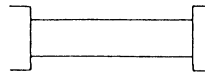
— EPB — EXIST. ENDANGERED PLANT BOUNDARY

— — — — — WATER SURFACE

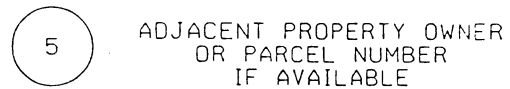
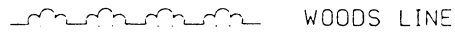
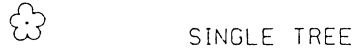
x x x
x x x
x x x
LIVE STAKES



— — — — — CORE FIBER ROLLS



— — — — — PROPOSED PIPE CULVERT
 12"-48" PIPES
 54" PIPES & ABOVE
 (DASHED LINES DENOTE EXISTING STRUCTURES)



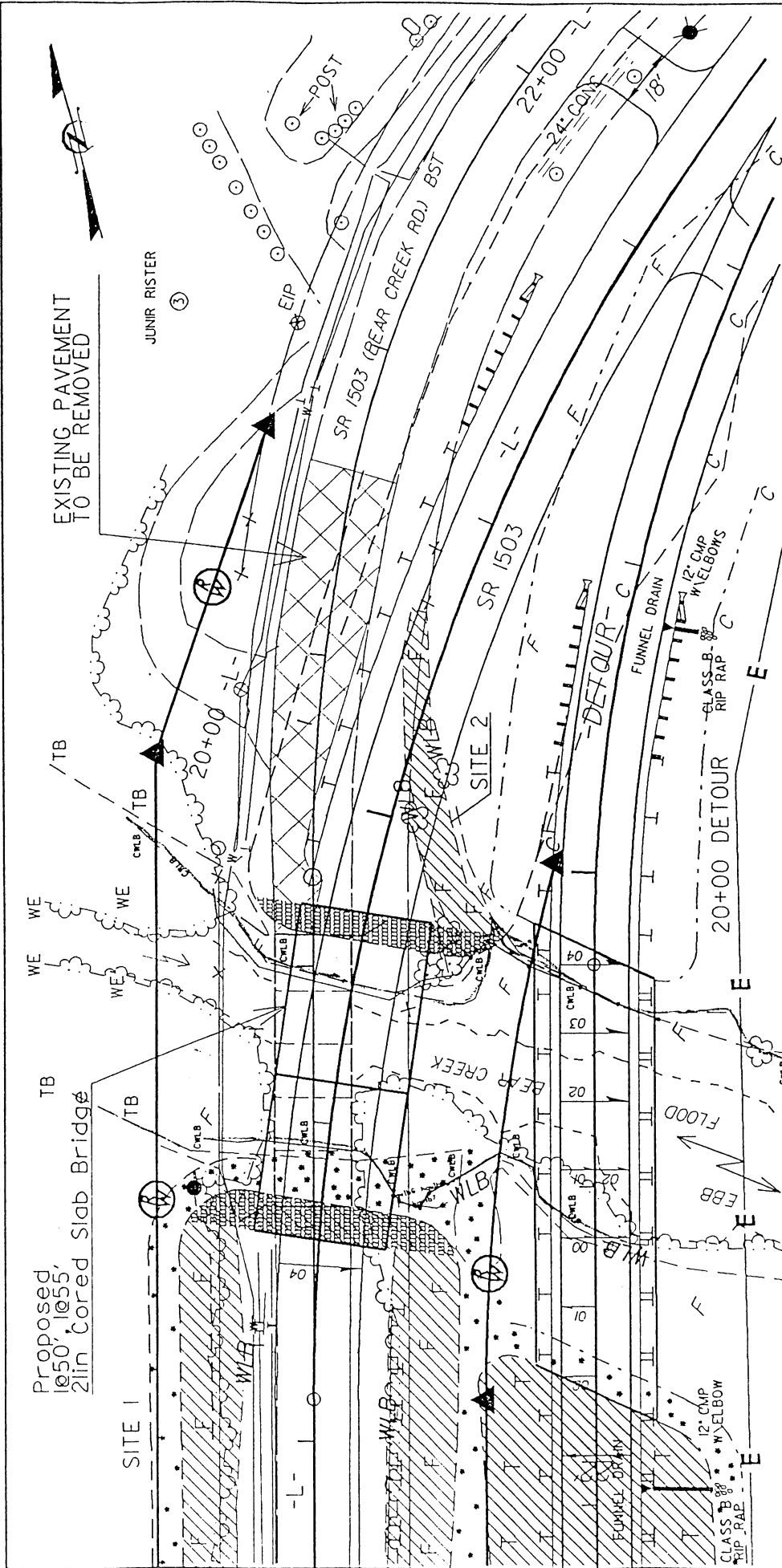
— BZ1 — BUFFER ZONE 1

— BZ2 — BUFFER ZONE 2

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY

PROJECT: 8.2261001 (B3217)

REPLACEMENT OF BRG #21
 ON SR 1503 OVER
 BEAR CREEK



NCDOT

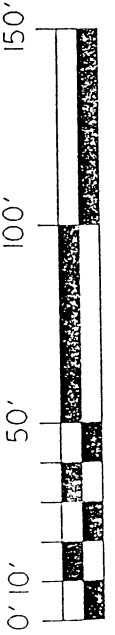
DIVISION OF HIGHWAYS
 ONSLOW COUNTY

PROJECT: 8.2261001 (B-5217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

2003

PLAN VIEW

SITE 2



Proposed
 1050' x 55'
 2lin Cored Slab Bridge

SITE 1

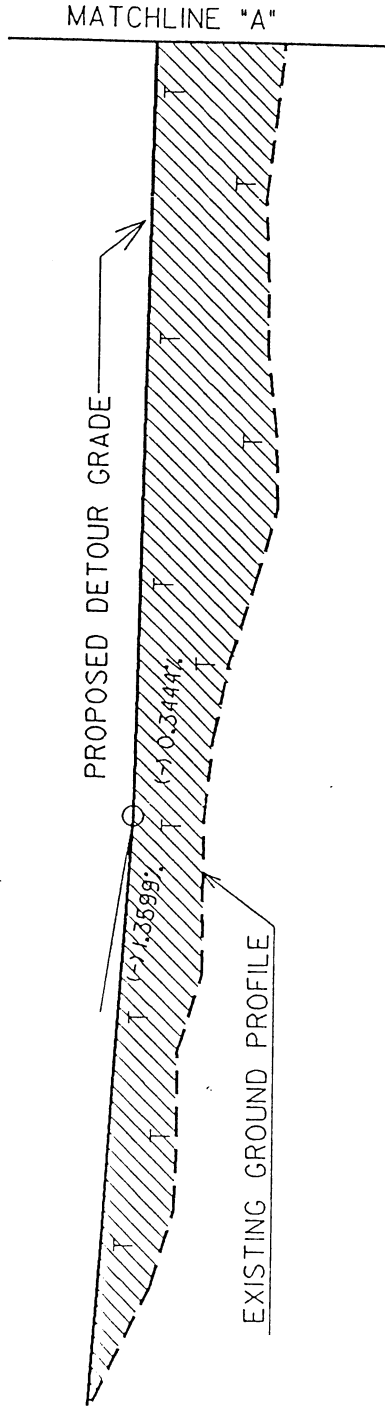
SITE 2

ETHRIAM LINZEY BELL
 4

MATCHLINE 17+60 -L-

DETOUR

$PI = 16+00.00$
 $EL = 9.00'$
 $VC = 200'$
 $K = 180$



PROPOSED DETOUR GRADE

EXISTING GROUND PROFILE

MATCHLINE "A"

15 + 00 16 + 00 17 + 00 18 + 00

NCDOT

DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B3217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

PROFILE

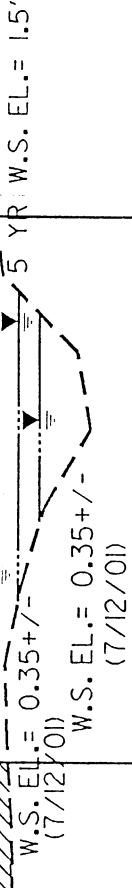
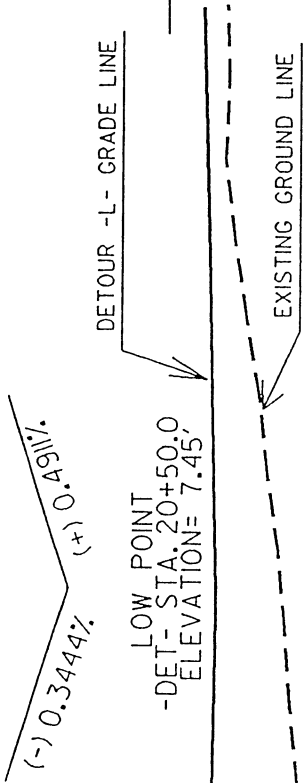
SCALE: 1" = 50' HORIZ.
 1" = 10' VERT.

DETOUR

CL STA. 19+05 - DET-
 CL GRADE ELEV. = 7.95'
 MINIMUM LENGTH = 140'
 115 DEGREE SKEW

PI = 20+500
 EL = 7.45'
 VC = 150'
 K = 180

20
10
0
-10



20
10
0
-10

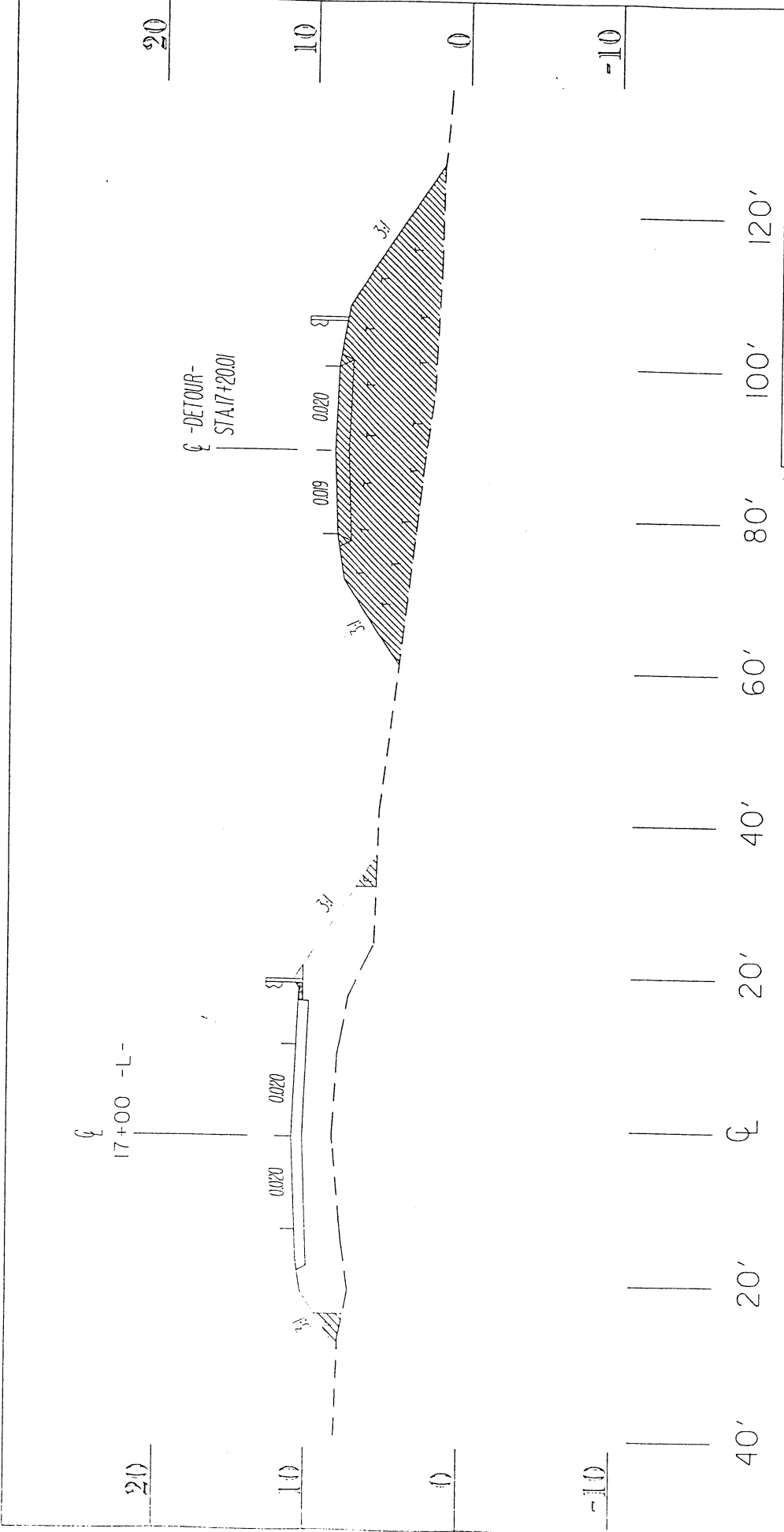
18+00 19+00 20+00 21+00

PROFILE

JUL 21 2003

NCDOT
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B-5217)
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

SCALE: 1" = 50' HORIZ.
 1" = 10' VERT.



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2261001 (B-5217)
 REPLACEMENT OF BRIDGE # 21
 ONS SRI503 OVER
 BEAR CREEK

SECTION A-A

SCALE: 1" = 20' HORIZ.
 1" = 10' VERT.

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ac)	Temp. Fill In Wetland (ac)	Excavation In Wetland (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)	
1	14+48 -L- TO 18+75 -L- 14+76 -DET- TO 18+35 -DET-	BR. APPROACH FILL BR. APPROACH FILL	0.28	0.53								
2	19+59 -L- TO 20+06 -L-	BR. APPROACH FILL	0.03									
	TOTAL PERM. MECH. CLEARING					0.14						
	TOTAL TEMP. MECH. XCLEARING					0.18						
	TOTALS:		0.31	0.53	0	0.32	0	0	0	0	0	0

NCDDOT

DIVISION OF HIGHWAYS
 ONSLOW COUNTY
 PROJECT: 8.2661001 B-3217
 REPLACEMENT OF BRIDGE # 21
 ON SR 1503 OVER
 BEAR CREEK

9

SHEET 10 SHEET 10

5/20/03

JUL 24 2003

PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES
①	ONslow COUNTY BOARD OF EDUCATION	P.O. BOX 99 JACKSONVILLE, NC 98540
②	CAMP LE JEUNE MARINE CORPS RESERVATION	
③	JUNIR RISTER	942 WEST McCLELLAN RD. MESA, AZ 85201
④	ETHRIAM L. BELL	216 BEAR CREEK RD. HUBERT, NC 28539

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ONslow COUNTY

PROJECT: 8.2261001 (B3217)
REPLACEMENT OF BRG[#] 21
ON SR 1505 OVER
BEAR CREEK

SHEET 10 OF 10 5/01/05

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

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

NATIONWIDE PERMIT GENERAL CONDITIONS

The following General Conditions must be followed in order for any authorization by a NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a 'study river' for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. **Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water Quality.**

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

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

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

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

11. Endangered Species.

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

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

habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at <http://www.fws.gov/r9endspp/endspp.html> and <http://www.nfms.noaa.gov/protres/overview/es.html> respectively.

12. Historic Properties. No activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

a. Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

1. Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

2. If notified in writing by the District or Division Engineer that an Individual Permit is required; or

3. Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification: The notification must be in writing and include the following information:

1. Name, address and telephone numbers of the prospective permittee;

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

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

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

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

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

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

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

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

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

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

\1/4\ acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

10. For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five-year (or less) maintenance plan. In addition, the PCN must include all of the following:

i. Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

ii. A delineation of any affected special aquatic sites, including wetlands; and,

iii. Location of the dredged material disposal site;

11. For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

12. For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

13. For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

14. For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent nontidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

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

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

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

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

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

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

PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either:

1. That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit;
2. that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or
3. that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

e. Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than $\frac{1}{2}$ -acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies'

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

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

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

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

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

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

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

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

debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

a. The project must be designed and constructed to avoid and minimize adverse effects to waters of the US to the maximum extent practicable at the project site (i.e., on site).

b. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

c. Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWP. For example, $\frac{1}{4}$ -acre of wetlands cannot be created to change a $\frac{3}{4}$ -acre loss of wetlands to a $\frac{1}{2}$ -acre loss associated with NWP 39 verification. However, $\frac{1}{2}$ -acre of created wetlands can be used to reduce the impacts of a $\frac{1}{2}$ -acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWP.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

f. Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and

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

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

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

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

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

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

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

structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

a. Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWP in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

b. For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWP only after it is determined that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

a. Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, 43, and 44.

b. Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWP 39, 40, 42, and 44.

c. The permittee must comply with any applicable FEMA-approved state or local

floodplain management requirements.

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

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

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

FURTHER INFORMATION

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

DEFINITIONS

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

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

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

exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has *flowing* water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as “floodway fringe”).

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

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

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

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

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

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

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

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

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

404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the “single and complete project” (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations; each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters, which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat

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

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

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

FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT

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

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

1. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning area are prohibited during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

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

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

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

Waters” (HQW) (as defined by the North Carolina Division of Water Quality), or “Inland Primary Nursery Areas” (IPNA) (as defined by the North Carolina Wildlife Resources Commission), or contiguous wetlands (as defined by the North Carolina Division of Water Quality), or “Primary Nursery Areas” (PNA) (as defined by the North Carolina Division of Marine Fisheries).

2. Applicants for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) coastal counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889) for authorization to begin work.

3. Prior to the use of any NWP on a Barrier Island of North Carolina, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable Nationwide Permit.

4. Prior to the use of any NWP in a “Mountain or Piedmont Bog” of North Carolina, applicants shall comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP.

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, “Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs

Swamp Forest-Bog Complex
Swamp Forest-Bog Complex (Spruce Subtype)
Southern Appalachian Bog (Northern Subtype)
Southern Appalachian Bog (Southern Subtype)
Southern Appalachian Fen

Piedmont Bogs

Upland Depression Swamp Forest

5. Prior to the use of any NWP in Mountain Trout Waters within twenty-five (25) designated counties of North Carolina, applicants shall comply with Nationwide General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Notification will include a letter of comments and recommendations from the North Carolina Wildlife Resources Commission (NCWRC), the

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

The twenty-five (25) designated counties are:

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

6. Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

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

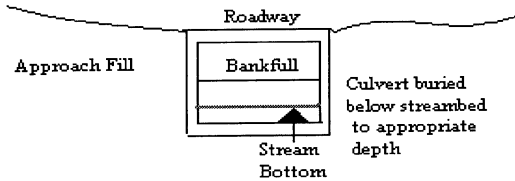
a. Individual or multiple NWPs may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

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

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

d. For all Nationwide Permits that allow for the use of riprap material for bank stabilization, filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

e. For all NWP's that involve the construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms. All culverts in the 20 CAMA coastal counties must be buried to a depth of one foot below the



bed of the stream or wetland. For all culvert construction activities, 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. Culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Bottomless arch culverts will satisfy this condition. A waiver from the depth specifications in this Regional 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 more adverse impacts to the aquatic environment.

NORTH CAROLINA DIVISION OF WATER QUALITY
GENERAL CERTIFICATION CONDITIONS
GC3361

1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;

2. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard;

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

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

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

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

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

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

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

10. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Nationwide and Regional General Permits, whichever is sooner;

11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT
STATE CONSISTENCY

Consistent.

Citations:

2002 Nationwide Permits - Federal Register Notice 15 Jan 2002

2002 Nationwide Permits Corrections - Federal Register Notice 13 Feb 2002

2002 Regional Conditions – Authorized 17 May 2002