



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

March 18, 2020

MEMORANDUM TO: Mr. Preston Hunter, P.E.  
Division 2 Engineer

DocuSigned by:  
*Mack C. Rivenbark III*

FROM: for Philip S. Harris, III, P.E., Unit Head  
Environmental Analysis Unit

SUBJECT: Beaufort County; Bridge 43 over Pungo Swamp on US 264;  
WBS 38358.1.2; **STIP B-4414**

Attached are the U.S. Army Corps of Engineers Nationwide Permit, U.S. Coast Guard Advance Approval, N.C. Division of Coastal Management Coastal Area Management Act Permit, N.C. Division of Water Resources Water Quality Certification, and Riparian Buffer Authorization. All environmental permits have been received for the construction of this project.

A copy of this permit package will be posted on the NCDOT website at:  
<https://xfer.services.ncdot.gov/pdea/PermIssued/>

cc: w/o attachment (see website for attachments)

Mr. Ron Davenport, P.E. Contracts Management  
Mr. Jay Johnson, Division 2  
Dr. Majed Al-Ghandour, P.E., Programming and TIP  
Mr. Bo Hemphill, P.E., Utilities  
Mr. Stephen Morgan, P.E., Hydraulics  
Mr. Brian Hanks, P.E., Structures Management  
Mr. Mark Staley, Roadside Environmental  
Mr. Lamar Sylvester, P.E., State Roadway Construction Engineer  
Mrs. Beth Harmon, NCDMS

# PROJECT COMMITMENTS

T.I.P. Project No B-4414  
Replacement of Bridge No. 43 over Pungo Swamp  
On US 264  
Beaufort County  
W.B.S. No. 38358.1.2

## COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

### **NCDOT Hydraulics Unit – FEMA Coordination**

The Hydraulics Unit will coordinate with the NC Floodplain Mapping Program (FMP), to determine status of project with regard to applicability of NCDOT's Memorandum of Agreement, or approval of a Conditional Letter of Map Revision (CLOMR) and subsequent final Letter of Map Revision (LOMR).

This project involves construction activities on or adjacent to FEMA-regulated stream(s). Therefore, the Division shall submit sealed as-built construction plans to the Hydraulics Unit upon completion of project construction, certifying that the drainage structure(s) and roadway embankment that are located within the 100-year floodplain were built as shown in the construction plans, both horizontally and vertically.

### **Division Construction – West Indian Manatee**

NCDOT will adhere to "Guidelines for Avoiding Impacts to the West Indian Manatee: Precautionary Measures for Construction Activities in North Carolina Waters" for this project.

### **NCDOT Division Hydraulics Unit – Buffer Rules**

The Tar-Pamlico River Basin Rule applies to this project.

### **Division Construction – Wetland and Streams**

Wetlands will be cleared by hand. Turbidity curtains will be utilized for in-water work.

### **Division Construction, Public Involvement Group – Postcard**

A postcard will be sent to residents notifying of road closure and the off-site detour prior to closure.

### **Environmental Coordination & Permitting (ECAP) – CAMA**

A CAMA permit will be required prior to the commencement of construction.

### **Division Construction, Resident Engineer's Office – Offsite Detour**

In order to have time to adequately reroute school busses, Beaufort County Schools will be contacted at least one month prior to road closure at (252)946-6209.

Beaufort County Emergency Services will be contacted at least one month prior to road closure to make the necessary temporary reassignments to primary response units at (252)946-2046.



## COMMITMENTS FROM PERMITTING

### **Division Construction**

CAMA condition #3: The new permanent bridge shall be constructed using top down construction with an off-site detour. Any other construction method may require additional authorization from DCM.

CAMA condition #4: In accordance with correspondence from the permittee on 12/13/19, a temporary work bridge is no longer proposed. All construction access shall be through the use of the existing bridge, the partially constructed new bridge, and existing high ground areas.

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

Action Id. SAW-2019-00188 County: Beaufort County U.S.G.S. Quad: Pantego

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

Permittee: Chris Rivenbark  
NCDOT-NEU  
Address: 1548 Mail Service Center  
Raleigh NC, 27699

Telephone Number:

Size (acres)	<u>2.0 Acres</u>	Nearest Town	<u>Belhaven</u>
Nearest Waterway	<u>Pungo Creek</u>	River Basin	<u>Pamlico</u>
USGS HUC	<u>03020104</u>	Coordinates	Latitude: <u>35.531742</u> Longitude: <u>-76.733031</u>

Location description: Bridge 43 over Pungo Creek on US 264 near Belhaven, Beaufort County, North Carolina.

Description of projects area and activity: Applicant proposes to replace functionally obsolete and structurally deficient bridge on timber pilings

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

Authorization: Regional General Permit Number and/or Nationwide Permit Number: NWP 14 Linear Transportation Projects  
***SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND/OR SPECIAL CONDITIONS***

**Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated November 22, 2019. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.**


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

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

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

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Thomas Steffens at (910) 251-4615 or Thomas.A.Steffens@usace.army.mil.

Corps Regulatory Official:  Date: November 25, 2019  
Expiration Date of Verification: March 18, 2022

**A. Determination of Jurisdiction:**

- 1.  There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
- 2.  There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- 3.  There are waters, including wetlands, within the above described project area that are subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- 4.  A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.
- 5.  The aquatic resources within the above described project area have been identified under a previous action. Please reference the approved jurisdictional determination issued . Action ID: SAW- .

**B. Basis For Jurisdictional Determination:** N/A. An Approved JD has not been completed.

**C. Remarks:**

**D. Attention USDA Program Participants**

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


**E. Appeals Information for Approved Jurisdiction Determinations (as indicated in A2 and A3 above).**

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

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

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

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

Corps Regulatory Official:  \_\_\_\_\_  
**Thomas Steffens**

Date of JD: November 25, 2019

Expiration Date of JD:

**SAW-2019-00188**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0).

Copy furnished:

**SPECIAL CONDITIONS**

**B-4414 Bridge 43 US 264**

- 1. Work Limits:** All work authorized by this permit shall be performed in strict compliance with the attached permit plans dated November 15, 2019 which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the US Army Corps of Engineers prior to any active construction in waters or wetlands.

Rationale: This condition ties the permittee's project plans to the permit.

a. Except as authorized by this permit or any U.S. Army Corps of Engineers approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or shall any activities take place that cause the degradation of waters or wetlands. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and waste activities connected with this project. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

Rationale: Special Conditions 1a clarify that only the impacts to waters of the US specified by the project plans (specified in Special Condition 1) are approved by this permit.

- 2. Permit Distribution:** The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, drawings and attachments shall be available at the project site during the construction and maintenance of this project.

Rationale: This condition is intended to ensure proper permit limit communication between the applicant and its contractors.

- 3. Reporting Address:** All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Washington Regulatory Field Office, Attn: Mr. Thomas Steffens, 2407 West 5<sup>th</sup> St., Washington, NC 27889. The Permittee shall reference the following permit number, SAW-2019-00188.
- 4. Permit Revocation:** The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

Rationale: This condition documents the permittee's responsibility to restore permitted impacts to their pre-project condition in the event of permit revocation

- 5. Reporting Violations:** Violation of these permit conditions or violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 910-251-4615 within 24 hours of the Permittee's discovery of the violation.

Rationale: Special Conditions 4, 5 and 7 specify compliance reporting contacts and requirements.

- 6. Clean Fill:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, construction debris, metal and plastic products, and concrete block with exposed reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.

Rationale: This condition addresses potential indirect impacts to waters of the US from contaminated fill material

- 7. Endangered Species Act:** The Permittee shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally-listed threatened or endangered species. While accomplishing the authorized work, if the Permittee discovers or observes an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District, Washington Regulatory Field Office, Attn: Thomas Steffens at 910-251-4615, or Thomas.a.steffens@usace.army.mil will be immediately notified to initiate the required Federal coordination.

The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (BO) titled "Northern Long-eared Bat (NLEB) Programmatic Biological Opinion for North Carolina Department of Transportation (NCDOT) Activities in Eastern North Carolina (Divisions 1-8)," dated March 25, 2015, and adopted on April 10, 2015, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the BO. Your authorization under this Department of the Army permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

Rationale: Consideration of protected species.

**8. Sediment and Erosion Control:**

- 1) During the clearing phase of the project, heavy equipment shall not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

- 2) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.
- 3) The Permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.
- 4) The Permittee shall use 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" to ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices 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 ensure compliance with the appropriate turbidity water quality standards. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project shall remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A, Article 4). Adequate sedimentation and erosion control measures shall be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters and wetlands.

Rationale: This condition addresses potential indirect impacts to waters of the U.S. from fill material resulting from erosion.

9. **Temporary Fills:** Within thirty (30) days of the date of completing the authorized work, the Permittee shall remove all temporary fills in waters of the United States and restore the affected areas to pre-construction contours and elevations. The affected areas shall be re-vegetated with native, non-invasive vegetation as necessary to minimize erosion and ensure site stability.
10. **Borrow and Waste:** To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used as borrow and/or waste sites associated with this project. The Permittee shall provide the U.S. Army Corps of Engineers with appropriate maps indicating the locations of proposed borrow and/or waste sites as soon as such information is available. The Permittee shall submit to the Corps site-specific information needed to ensure that borrow and/or waste sites comply with all applicable Federal requirements, to include compliance with the Endangered Species Act and the National Historic Preservation Act, such as surveys or correspondence with agencies (e.g., the USFWS, the NC-HPO, etc.). The required information shall also include the location of all aquatic features, if any, out to a distance of 400 feet beyond the nearest boundary of the site. The Permittee shall not approve any borrow and/or waste sites before receiving written confirmation from the Corps that the proposed site meets all Federal requirements, whether or not waters of the U.S., including wetlands, are located in the proposed borrow and/or waste site. All delineations of aquatic sites on borrow and/or waste sites shall be verified by the U.S. Army Corps of Engineers and shown on the approved reclamation plans. The Permittee shall ensure that all borrow and/or waste sites

comply with Special Condition 1, second paragraph of this permit. Additionally, the Permittee shall produce and maintain documentation of all borrow and waste sites associated with this project. This documentation will include data regarding soils, vegetation, hydrology, any delineation(s) of aquatic sites, and any jurisdictional determinations made by the Corps to clearly demonstrate compliance with Special Condition 1, second paragraph. All information will be available to the U.S. Army Corps of Engineers upon request. The Permittee shall require its contractors to complete and execute reclamation plans for each borrow and/or waste site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the U.S. Army Corps of Engineers within 30 days of the completion of the reclamation work.

Rationale: This condition limits secondary and cumulative impacts of the project.



Action ID Number: SAW-2019-00188

County: Beaufort County

Permittee: Chris Rivenbark  
NCDOT-NEU

Project Name: NCDOT B-4414 Bridge 43 US 264 Pungo Creek

Date Verification Issued: November 25, 2019

Project Manager: Thomas Steffens

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT  
Attn: Thomas Steffens  
Washington Regulatory Field Office  
2407 West 5th Street  
Washington, North Carolina  
27889

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

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

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

**U.S. ARMY CORPS OF ENGINEERS**  
**Wilmington District**  
**Compensatory Mitigation Responsibility Transfer Form**

**Permittee: NCDOT/Division 2-Central / B-4414**  
**Project Name: B-4414 Bridge 43 US 264 Pungo Creek**

**Action ID: SAW-2019-00188**  
**County: Beaufort**

**Instructions to Permittee:** The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Ecosystem Enhancement Program (NCEEP), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

**Instructions to Sponsor:** The Sponsor must verify that the mitigation requirements shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the appropriate ledger and provide a copy of the signed form to the Permittee and to the USACE Bank/In-Lieu Fee Program Manager. The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

**Permitted Impacts and Compensatory Mitigation Requirements:**

**Permitted Impacts Requiring Mitigation\***      **8-digit HUC and Basin: 03020104, Tar-Pamlico River Basin**

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
147						0.07

\*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

**Compensatory Mitigation Requirements:**      **8-digit HUC and Basin: 03020104, Tar-Pamlico River Basin**

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
147						0.14

**Mitigation Site Debited:**

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCEEP, list NCEEP. If the NCEEP acceptance letter identifies a specific site, also list the specific site to be debited).

**Section to be completed by the Mitigation Sponsor**

**Statement of Mitigation Liability Acceptance:** I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCEEP), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

**Mitigation Sponsor Name:** NCDOT DMS

**Name of Sponsor's Authorized Representative:** Beulah Harmon

**Signature of Sponsor's Authorized Representative:** Beulah Harmon      **Date of Signature:** 03/20/2020

**USACE Wilmington District  
Compensatory Mitigation Responsibility Transfer Form, Page 2**

**Conditions for Transfer of Compensatory Mitigation Credit:**

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

**Comments/Additional Conditions:**

This form is not valid unless signed by the mitigation Sponsor and USACE Project Manager. For questions regarding this form or any of the conditions of the permit authorization, contact the Project Manager at the address below.

**USACE Project Manager:** Tom Steffens  
**USACE Field Office:** Washington Regulatory Field Office  
US Army Corps of Engineers  
2407 West Fifth Street  
Washington, NC 27889

**Email:** [thomas.a.steffens@usace.army.mil](mailto:thomas.a.steffens@usace.army.mil)



\_\_\_\_\_  
**USACE Project Manager Signature**

\_\_\_\_\_  
November 25, 2019

**Date of Signature**

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.

**NATIONWIDE PERMIT 14**  
**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS**  
**FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS**  
**FEDERAL REGISTER**  
**AUTHORIZED MARCH 19, 2017**

**Linear Transportation Projects.** Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10- acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

**Note 1:** For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

**Note 2:** Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

**Note 3:** For NWP 14 activities that require pre-construction notification, the PCN must include 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, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

*The following list of General Conditions has been adapted for work in North Carolina for NCDOT projects. Information related to USACE notification requirements has been removed. Therefore, numbering and lettering below may not be consecutive. Please refer to <http://saw-reg.usace.army.mil/NWP2017/2017NWP14.pdf> for the complete reference.*

#### **4.0 Additional Regional Conditions for Specific Nationwide Permits**

##### **4.1 NWP #14 - Linear Transportation Projects**

**4.1.1** If appropriate, permittees shall employ natural channel design (see definition below and NOTE below) to the maximum extent practicable for stream relocations. All stream relocation proposals shall include a Relocation and Monitoring Plan and a functional assessment of baseline conditions (e.g., use of the North Carolina Stream Assessment Methodology). Compensatory mitigation may be required for stream relocations.

Natural Channel Design means a geomorphologic approach to stream restoration based on an understanding of valley type, general watershed conditions, dimension, pattern, profile, hydrology and sediment transport of natural, stable channels (reference condition) and applying this understanding to the reconstruction of a stable channel.

NOTE: For more information on Natural Channel Design, permittees should reference North Carolina Stream Mitigation Guidance on the Corps RIBITS (Regulatory In-lieu Fee and Bank Information Tracking System) website or at the following World Wide Web Page:

[https://ribits.usace.army.mil/ribits\\_apex/f?p=107:27:16705499703550::NO:RP:P27\\_BUTTON\\_KEY:0](https://ribits.usace.army.mil/ribits_apex/f?p=107:27:16705499703550::NO:RP:P27_BUTTON_KEY:0)

**4.1.2** This NWP authorizes only upland to upland crossings and cannot be used in combination with Nationwide Permit 18 to create an upland within waters of the United States, including wetlands.

**4.1.3** This NWP cannot be used for private projects located in tidal waters or tidal wetlands.

**4.1.4** In designated trout watersheds, a PCN is not required for impacts to a maximum of 60 linear feet (150 linear feet for temporary dewatering) or 1/10-acre of jurisdictional aquatic resources for proposed structures not adjoining, adjacent to, or connected to existing structures. In designated trout waters, the permittee shall submit a PCN (see Regional Conditions 2.7 and General Condition 32) to the District Engineer prior to commencing the activity if 1) impacts (other than temporary dewatering to work in dry conditions) to jurisdictional aquatic resources exceed 60 linear feet or 1/10-acre; 2) temporary impacts to streams or waterbodies associated with dewatering to work in dry conditions exceed 150 linear feet; 3) the project will involve impacts to wetlands; 4) the primary purpose of the project is for commercial development; 5) the project involves the replacement of a bridge or spanning structure with a culvert or non-spanning structure in waters of the United States; or 6) the activity will be constructed during the trout waters moratorium (October 15 through April 15).

**4.1.5** The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 150 linear feet of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, describes how pre-project conditions will be restored, and includes a timetable for all restoration activities.

## **NATIONWIDE PERMIT GENERAL CONDITIONS**

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

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.  
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.  
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. 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. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
9. Management of Water Flows. To the maximum extent practicable, the pre- construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road

crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

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

12. 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, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

## **FINAL REGIONAL CONDITIONS 2017**

### **Final 2017 Regional Conditions for Nationwide Permits (NWP) in the Wilmington District**

#### **1.0 Excluded Waters**

The Corps has identified waters that will be excluded from the use of all NWP's during certain timeframes. These waters are:

##### **1.1 Anadromous Fish Spawning Areas**

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

##### **1.2 Trout Waters Moratorium**

Waters of the United States in the designated trout watersheds of North Carolina are excluded during the period between October 15 and April 15 without prior written approval from the NCWRC, or from the Eastern Band of Cherokee Indians (EBCI) Fisheries and Wildlife Management (FWM) office if the project is located on EBCI trust land. (See Section 2.7 for information on the designated trout watersheds).

##### **1.3 Sturgeon Spawning Areas as Designated by the National Marine Fisheries Service (NMFS)**

Waters of the United States designated as sturgeon spawning areas are excluded during the period between February 1 and June 30, without prior written approval from the NMFS.

#### **3.0 List of Corps Regional Conditions for All Nationwide Permits**

The following conditions apply to all Nationwide Permits in the Wilmington District:



### **3.1 Limitation of Loss of Stream Bed**

NWPs may not be used for activities that may result in the loss or degradation of more than 300 total linear feet of stream bed, unless the District Engineer has waived the 300 linear foot limit for ephemeral and intermittent streams on a case-by-case basis and has determined that the proposed activity will result in minimal individual and cumulative adverse impacts to the aquatic environment. Waivers for the loss of ephemeral and intermittent streams must be in writing and documented by appropriate/accepted stream quality assessments\*. This waiver only applies to the 300 linear feet threshold for NWPs.

This Regional Condition does not apply to NWP 23 (Approved Categorical Exclusions).

\*NOTE: Permittees should utilize the most current methodology prescribed by Wilmington District to assess stream function and quality. Information can be found at:

[https://ribits.usace.army.mil/ribits\\_apex/f?p=107:27:0::NO](https://ribits.usace.army.mil/ribits_apex/f?p=107:27:0::NO)

### **3.2 Mitigation for Loss of Stream Bed**

For any NWP that results in a loss of more than 150 linear feet of stream, the permittee shall provide a mitigation proposal to compensate for more than minimal individual and cumulative adverse impacts to the aquatic environment. For stream losses of 150 linear feet or less that require a PCN, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

### **3.3 Pre-construction Notification for Loss of Streambed Exceeding 150 Feet**

Prior to use of any NWP for any activity which impacts more than 150 total linear feet of perennial stream, intermittent or ephemeral stream, the permittee shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). This applies to NWPs that do not have specific notification requirements. If a NWP has specific notification requirements, the requirements of the NWP should be followed.

### **3.4 Restriction on Use of Live Concrete**

For all NWPs which allow the use of concrete as a building material, live or fresh concrete, including bags of uncured concrete, may not come into contact with the water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with wet concrete shall only be returned to waters of the United States after the concrete is set and cured and when it no longer poses a threat to aquatic organisms.

### **3.5 Requirements for Using Riprap for Bank Stabilization**

For all NWPs that allow for the use of riprap material for bank stabilization, the following measures shall be applied:

**3.5.1.** Where bank stabilization is conducted as part of an activity, natural design, bioengineering and/or geoen지니어ing methods that incorporate natural durable materials, native seed mixes, and native plants and shrubs are to be utilized to the maximum extent practicable.

**3.5.2.** Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters. The placement of filter fabric is not required if the riprap will be pushed or “keyed” into the bank of the waterbody. A waiver from the 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 greater adverse impacts to the aquatic environment.

**3.5.3.** The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

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

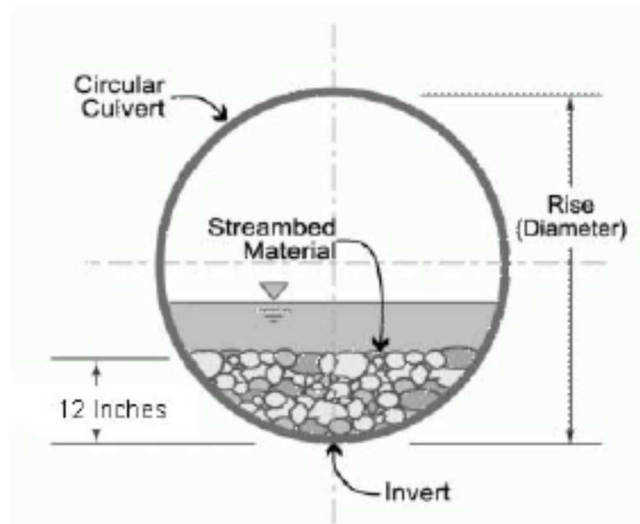
**3.5.5.** It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

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

### **3.6 Requirements for Culvert Placement**

**3.6.1** For all NWP's that involve the construction/installation of culverts, measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by altering the width or depth of the stream profile in connection with the construction activity. The width, height, and gradient of a proposed culvert should be sufficient to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow is the seasonal sustained high flow that typically occurs in the spring. Spring flows should be determined from gage data, if available. In the absence of such data, bank-full flow can be used as a comparable indicator.

In Public Trust Areas of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by the Coastal Area Management Act (CAMA): All pipes/culverts must be sufficiently sized to allow for the burial of the bottom of the culvert at least one foot below normal bed elevation.



In all other areas: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried to maintain aquatic passage and to maintain passage during drought or low flow conditions, and every effort shall be made to maintain the existing channel slope.

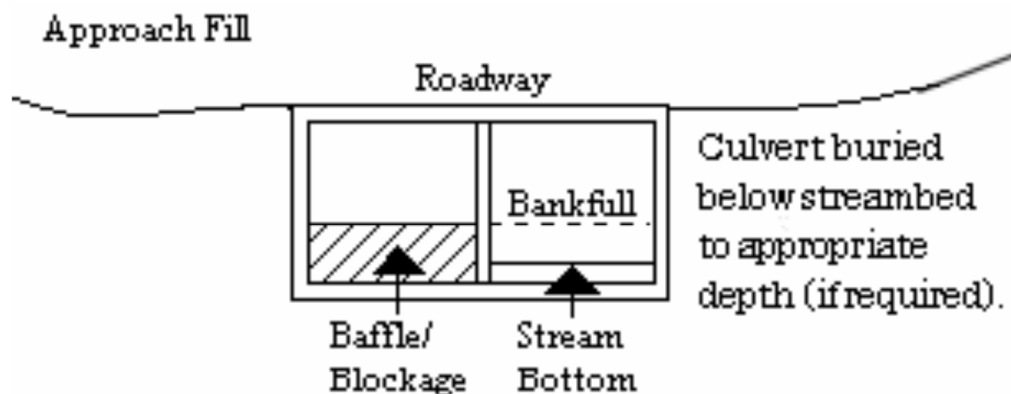
Culverts must be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp; this request must be specific as to the reasons(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

All counties: Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters of the United States.

Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

**3.6.2** Bank-full flows (or less) shall be accommodated through maintenance of the existing bank- full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



**3.6.3** Where adjacent floodplain is available, flows exceeding bank-full should be accommodated by installing culverts at the floodplain elevation. Additional culverts or culvert barrels at such crossings should not be buried, or if buried, must have sills at the inlets to ensure that they only receive flows exceeding bank-full.

**3.6.4** Excavation of existing stream channels shall be limited to the minimum necessary to construct or install the proposed culvert. The final width of the impacted stream at the culvert inlet and outlet should be no greater than the original stream width. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if the proposed design would result in less impacts to the aquatic environment and/or if it can be demonstrated that it is not practicable to restore the final width of the impacted stream at the culvert inlet and outlet to the width of the original stream channel.

**3.6.5** The width of the culvert shall be comparable to the width of the stream channel. If the width of the culvert is wider than the stream channel, the culvert shall include baffles, benches and/or sills to maintain the width of the stream channel. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that it is not practicable or necessary to include baffles, benches or sills and the design would result in less impacts to the aquatic environment.

### **3.7 Notification to NCDEQ Shellfish Sanitation Section**

Permittees shall notify the NCDEQ 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 from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps Regulatory Field Office. Any disposal of sand to the ocean 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 may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued by the permittee.

### **3.8 Submerged Aquatic Vegetation**

Impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP, except NWP 48, unless EFH Consultation has been completed pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Permittees shall submit a PCN (See NWP General Condition 32) to the District Engineer prior to commencing the activity if the project would affect SAV. The permittee may not begin work until notified by the Corps that the requirements of the Magnuson-Stevens Act have been satisfied and that the activity is authorized.

### **3.9 Sedimentation and Erosion Control Structures and Measures**

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the United States. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

### **3.10 Restoration of Temporary Impacts to Stream Beds**

Upon completion of work that involves temporary stream impacts, streambeds are to be restored to pre-project elevations and widths using natural streambed material such that the impacted stream reach mimics the adjacent upstream and downstream reach. The impacted area shall be backfilled with natural streambed material to a depth of at least 12 inches or to the bottom depth of the impacted area if shallower than 12 inches. An engineered in-stream structure or material can be used to provide protection of a buried structure if it provides benefits to the aquatic environment and can be accomplished by a natural streambed design. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

### **3.11 Restoration of Temporary Impacts to Stream Banks**

Upon completion of work involving temporary stream bank impacts, stream banks are to be restored to pre-project grade and contours or beneficial grade and contours if the original bank slope is steep and unstable. Natural durable materials, native seed mixes, and native plants and shrubs are to be utilized in the restoration. Natural designs which use bioengineered and/or geo-engineered methods are to be applied. An engineered structure or material can be used to provide protection of a buried structure if it provides benefits to the stream bank environment, provided it is not in excess of the minimum amount needed for protection and does not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.



**ROY COOPER**  
Governor

**MICHAEL S. REGAN**  
Secretary

**S. DANIEL SMITH**  
Director

March 16, 2020

Mr. Philip S. Harris, III, P.E., CPM  
Natural Environment Section Head  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1598

Subject: Correction to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and TAR-PAMLICO BUFFER AUTHORIZATION with ADDITIONAL CONDITIONS for the proposed replacement of Bridge Number 43 over Pungo Swamp in Beaufort County, TIP B-4414.  
NCDWR Project No. 20191231

Dear Mr. Harris:

General Water Quality Certification Number 4140 was issued for the above referenced project on November 8, 2019. Please replace this with General Water Certification Number 4135 which corresponds to the Nationwide Permit 14 that was issued by the Corps of Engineers.

Please attach a copy of this letter with any copies of the original Water Quality Certification. All other conditions of the original Water Quality Certification dated November 8, 2019 still apply except where superseded by this correction. We apologize for any inconvenience this may have caused. If you have any questions, please contact Garcy Ward at (252) 946-6481.

Sincerely,

DocuSigned by:

*Amy Chapman*

Linda Culpepper, Director

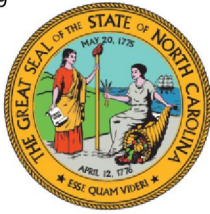
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North Carolina Department of Environmental Quality | Division of Water Resources  
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NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

MICHAEL S. REGAN  
Secretary

LINDA CULPEPPER  
Director

November 8, 2019  
Beaufort County  
NCDWR Project No. 20191231  
Bridge No. 43  
TIP B-4414

**APPROVAL of 401 WATER QUALITY CERTIFICATION and TAR-PAMLICO BUFFER AUTHORIZATION with ADDITIONAL CONDITIONS**

Mr. Philip Harris, P.E.  
Environmental Analysis Unit  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, NC 27699-1598

Dear Mr. Harris:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of replacing Bridge Number 43 over Pungo Swamp on US 264 in Beaufort County:

**Wetland, Stream and Buffer Impacts in the Tar-Pamlico River Basin**

Site	Wetland Fill Permanent (ac)	Excavation (ac)	Wetlands Hand Clearing (ac)	Streams Permanent (lf)	Streams Temporary (lf)	Buffer Zone 1 (sq ft)	Buffer Zone 2 (sq ft)
Bridge 43	0.12	0.02	0.11	147	65	3464	885
Total		0.25		212		4,349	

The project shall be constructed in accordance with your application dated received September 16, 2019. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4140. This certification corresponds to the Nationwide Permit 23 issued by the Corps of Engineers. This approval is also valid for the Tar-Pamlico Riparian Buffer Rules (15A NCAC 2B.0259). In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B.0259. For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

**Condition(s) of Certification:**

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



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2. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
3. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]
4. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
5. All channel relocations will be constructed in a dry work area and stabilized before stream flows are diverted. Channel relocations shall be completed and stabilized, and approved on site by NCDWR staff, prior to diverting water into the new channel. Stream banks shall be matted with coir-fiber matting. Vegetation used for bank stabilization shall be limited to native riparian vegetation, and should include establishment of a vegetated buffer on both sides of the relocated channel to the maximum extent practical. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested. Once the stream has been turned into the new channel, it may be necessary to relocate stranded fish to the new channel to prevent fish kills. [15A NCAC 02H .0506(b)(3)]
6. 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. [15A NCAC 02H.0506(b)(3)]
7. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
8. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
9. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0200]
  - a. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.
  - b. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
  - c. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.
  - d. If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-1, WS-11, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watershed*. [15A NCAC 02H.0506(b)(3) and (c)(3); GC 4135]
10. Sediment and erosion control measures shall not be placed in wetlands or surface waters or within 5 feet of the top of bank without prior approval from DWR. [15A NCAC 02H.0506(b)(3) and (c)(3)]



11. Erosion control matting in riparian areas shall not contain a plastic or nylon mesh grid which can impinge and entrap small animals. Matting should be secured in place by staples, stakes, or wherever possible live stakes of native trees. Riparian areas are defined as a distance 25 feet from top of stream bank. [15A NCAC 02B.0201]
12. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, then design and placement of temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands, stream beds, or banks, adjacent to or upstream and downstream of the above structures. All sediment and erosion control devices shall be removed from wetlands and waters and the natural grade restored within two (2) months of the date that the Division of Energy, Mining and Land Resources (DEMLR) or locally delegated program has released the specific area within the project. [15A NCAC 02H.0506(b)(3) and (c)(3)]
13. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
14. Bridge deck drains shall not discharge directly into the stream to the maximum extent practicable. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) where possible before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
15. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H .0506(b)(3)]
16. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
17. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)]
18. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
19. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H .0506(b)(3)]
20. A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank, or during the removal of bents from an old bridge. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H .0506(b)(3)]
21. Pursuant to 15A NCAC 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico Buffer without prior approval by the NCDWR. At this time, the NCDWR has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
22. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular NCDOT maintenance activities including mowing. The area with non-maintained buffers shall be

permanently revegetated with native woody species before the next growing season following completion of construction. (15A NCAC 2B.0259)

23. All stormwater runoff shall be directed as sheetflow through stream buffers at non-erosive velocities, unless otherwise approved by this certification. (15A NCAC 2B.0259)
24. New roadside ditches that do not control for nitrogen and attenuate flow before discharging through the riparian buffer are prohibited [15A NCAC 2B.0259(6)]
25. NCDOT shall be in compliance with the NCS00250 issued to the NCDOT, including the applicable requirements of the NCG01000.
26. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0506(b)(2)]
27. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
28. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
29. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
30. The NCDOT will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the permit conditions and any potential issues at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
31. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
32. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

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

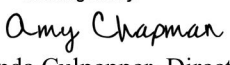
The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

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

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

Mr. Bill F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center

This letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Garcy Ward at (252)946-6481 or garcy.ward@ncdenr.gov.

Sincerely,  
DocuSigned by:  
  
Linda Galpepper, Director  
Division of Water Resources

Electronic copy only distribution:

Tom Steffens, US Army Corps of Engineers, Washington Field Office  
Jay Johnson, NCDOT, Division 2  
Garcy Ward, NC Division of Water Resources Washington Regional Office

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER RESOURCES**

**WATER QUALITY GENERAL CERTIFICATION NO. 4135**

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS**

- **NATIONWIDE PERMIT NUMBER 14 (LINEAR TRANSPORTATION PROJECTS), AND**
- **REGIONAL GENERAL PERMIT 198200031 (NCDOT BRIDGES, WIDENING PROJECTS, INTERCHANGE IMPROVEMENTS)**

Water Quality Certification Number 4135 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (14) of the US Army Corps of Engineers regulations and Regional General Permit 198200031.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: December 1, 2017

Signed this day: December 1, 2017

By

A handwritten signature in black ink, appearing to read 'Linda Culpepper', is written over a solid horizontal line.

*for* Linda Culpepper  
Interim Director

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**Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):**

- a) If any of the conditions of this Certification (listed below) cannot be met; or
- b) Any temporary or permanent impacts to wetlands, open waters and/or streams, except for construction of a driveway to a single family residential lot that is determined to not be part of a larger common plan of development, as long as the driveway involves a travel lane of less than 25 feet and total stream impacts of less than 60 feet, including any topographic/slope stabilization or in-stream stabilization needed for the crossing; or
- c) Any stream relocation or stream restoration; or
- d) Any high-density project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
  - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
  - ii. Has permanent wetland, stream or open water impacts; and
  - iii. Is proposing new built-upon area; and
  - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program<sup>1</sup> or a state-approved local government stormwater program<sup>2</sup>.

Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs **require written approval**; or

- e) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, or North Carolina or National Wild and Scenic River.
- f) Any permanent impacts to waters, or to wetlands adjacent to waters, designated as Trout except for driveway projects that are below threshold (b) above provided that:
  - i. The impacts are not adjacent to any existing structures
  - ii. All conditions of this General Certification can be met, including adherence to any moratoriums as stated in Condition #10; and
  - iii. A *Notification of Work in Trout Watersheds Form* is submitted to the Division at least 60 days prior to commencement of work; or
- g) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- h) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or

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<sup>1</sup> e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

<sup>2</sup> e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

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- i) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:
  - i. The activities are listed as “EXEMPT” from these rules; or
  - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
  - iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23

**Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.**

### **I. ACTIVITY SPECIFIC CONDITIONS:**

1. If this Water Quality Certification is used to access residential, commercial or industrial building sites, then all parcels owned by the applicant that are part of the single and complete project authorized by this Certification must be buildable without additional impacts to streams or wetlands. If required in writing by DWR, the applicant shall provide evidence that the parcels are buildable without requiring additional impacts to wetlands, waters, or state regulated riparian buffers. [15A NCAC 02H .0506(b)(4) and (c)(4)]
2. For road and driveway construction purposes, this Certification shall only be utilized from natural high ground to natural high ground. [15A NCAC 02H .0506(b)(2) and (c)(2)]
3. Deed notifications or similar mechanisms shall be placed on all lots with retained jurisdictional wetlands, waters, and state regulated riparian buffers within the project boundaries in order to assure compliance with NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), and/or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200). These mechanisms shall be put in place at the time of recording of the property or individual parcels, whichever is appropriate. [15A NCAC 02H .0506(b)(4) and (c)(4)]
4. For the North Carolina Department of Transportation, compliance with the NCDOT’s individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density projects that trigger threshold item (d) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]

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- a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
- b. Provide documentation (including calculations, photos, etc.) that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

### II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

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Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NC DOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]



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8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

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Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as, a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

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

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]

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13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]
17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.

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20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506(b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506(b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.
25. The applicant and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If DWR determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]

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27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

### III. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.
3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.

## GC4135

5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the water or downstream waters are precluded.

*History Note: Water Quality Certification (WQC) Number 4135 issued December 1, 2017 replaces WQC Number 4088 issued March 3, 2017; WQC 3886 issued March 12, 2012; WQC Number 3820 issued April 6, 2010; WQC Number 3627 issued March 2007; WQC Number 3404 issued March 2003; WQC Number 3375 issued March 18, 2002; WQC Number 3289 issued June 1, 2000; WQC Number 3103 issued February 11, 1997; WQC Number 2732 issued May 1, 1992; WQC Number 2666 issued January 21, 1992; WQC Number 2177 issued November 5, 1987.*



Permit Class

NEW

Permit Number

98-19

STATE OF NORTH CAROLINA  
Department of Environmental Quality  
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, 1581 Mail Service Center, Raleigh, NC 27699-1581

Authorizing development in Beaufort County at Pungo Swamp, Bridge No. 43 on US 264

, as requested in the permittee's application dated 12/16/19 (MP-1) and  
12/12/19 (MP-5), including the attached workplan drawings (9): as referenced in Condition No. 1 of this permit.

This permit, issued on 12/23/19, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

**TIP No. B-4414, Bridge Replacement**

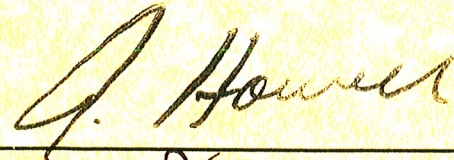
- 1) Unless specifically altered herein, all work authorized by this permit shall be carried out in accordance with the following attached workplan drawings (9): 4 dated 8/28/19, 3 dated 12/12/19, and 2 dated as received 12/13/19.
- 2) In order to protect the endangered West Indian Manatee, *Trichechus manatus*, the applicant shall implement the U.S. Fish & Wildlife Service's Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at [http://www.fws.gov/nc-es/mammal/manatee\\_guidelines.pdf](http://www.fws.gov/nc-es/mammal/manatee_guidelines.pdf).
- 3) The new permanent bridge shall be constructed using top down construction with an offsite detour. Any other construction method may require additional authorization from DCM.

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

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

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.

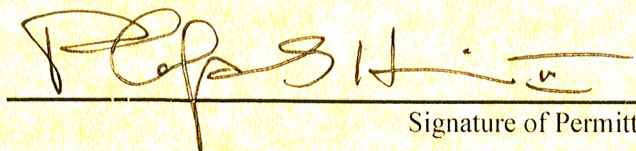
for Braxton C. Davis, Director  
Division of Coastal Management

All work must cease when the permit expires on

This permit and its conditions are hereby accepted.

**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.

  
Signature of Permittee



**ADDITIONAL CONDITIONS**

- 4) In accordance with correspondence from the permittee on 12/13/19, a temporary work bridge is no longer proposed. All construction access shall be through the use of the existing bridge, the partially constructed new bridge, and existing high ground areas.
- 5) The installation and removal of piles for the new bridge and the existing bridge, and the temporary sheet pile for the channel relocation, shall be accomplished by pile driving and/or the use of a vibratory hammer. Should the permittee and/or its contractor propose to utilize another type of pile installation, such as jetting or drilled shaft construction, additional authorization from DCM shall be required.
- 6) Pilings from the existing bridge, as well as any remnant pilings from previous bridges, shall be removed in their entirety, except that if a piling breaks during removal and cannot be removed in its entirety, the piling may be cut off flush with the bed of the water body, and DCM shall be notified of each occurrence within one working day.
- 7) No excavation or filling shall take place at any time in any vegetated wetlands or surrounding waters outside of the alignment of the areas indicated on the attached workplan drawings, without permit modification.
- 8) All fill material shall be clean and free of any pollutants except in trace quantities.
- 9) Material excavated at the project site may be used in fill areas associated with the project once properly dewatered or shall be removed from the site and taken to a high ground location.
- 10) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded wetlands behind adequate dikes or other retaining structures to prevent spillover of solids or seepage of effluent into any wetlands or surrounding waters.
- 11) The temporary placement and double handling of any excavated or fill material within wetlands or waters of the State is not authorized, with the exception of the temporary sheet pile for the channel relocation.
- 12) The placement of rock plating and riprap shall be limited to the areas as depicted on the attached workplan drawings. The rock plating and riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities. The rock plating and riprap material shall consist of clean rock or masonry materials, such as but not limited to, granite, marl, or broken concrete. It shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action.
- 13) All reasonable efforts shall be made to contain all debris and excess materials associated with removal of the existing bridge and construction of the new bridge, with the intent that materials/debris do not enter wetlands or waters of the State, even temporarily.
- 14) Any waste materials or debris generated in the demolition and removal of the existing bridge and construction of the new bridge and roadway, shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations are obtained from any relevant state, federal, or local authorities.



**ADDITIONAL CONDITIONS**

- 15) The demolition plan for removal of the existing bridge structure shall be submitted to DCM for review and approval prior to commencement of the demolition activities.
- 16) Uncured concrete shall not be allowed to contact waters of the State, or water that will enter waters of the State.
- 17) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 18) Bridge deck drains shall not directly discharge into the open waters and shall not cause erosion of adjacent wetlands.

**Impacts to Wetlands and Waters of the State and Compensatory Mitigation**

**NOTE:** This project will permanently impact approximately 0.07 acres (3,049 square feet) of Coastal Wetlands (0.05 acres due to permanent fill, and 0.02 acres due to excavation) and will permanently impact approximately 0.08 acres (3,920 square feet) of 404 Wetlands (0.08 acres due to permanent fill, and <0.01 acres due to excavation). This project will temporarily impact approximately 0.06 acres (2,614 square feet) of Coastal Wetlands due to hand clearing and will temporarily impact approximately 0.05 acres (2,178 square feet) of 404 Wetlands due to hand clearing.

**NOTE:** This project will permanently impact approximately 147 linear feet of stream and will temporarily impact approximately 23 linear feet of stream. This project will permanently impact approximately 25 square feet of surface waters.

**NOTE:** In accordance with the N.C. Division of Mitigation Services (DMS) letter dated 8/30/19, compensatory mitigation for permanent impacts of 0.08 acres of riparian wetlands, 0.07 acres of coastal marsh, and 147 linear feet of stream associated with the authorized project shall be provided by the DMS in accordance with the DMS In-Lieu Fee Instrument dated 7/28/10.

- 19) Wetland areas to be temporarily impacted by hand clearing shall not be grubbed. There shall be no clearing of wetlands outside of the areas indicated on the attached workplan drawings without prior approval from DCM.
- 20) No impacts to wetlands or waters of the State due to mechanized clearing are authorized by this permit without prior approval from DCM.
- 21) Construction mats shall be utilized to support equipment within wetland areas to minimize temporary wetland impacts. These mats shall be removed immediately following project completion.
- 22) The authorized channel relocation shall be conducted in accordance with the General Water Quality Certification Number 4140 issued on 11/8/19 (DWR Project No. 20191231).



**ADDITIONAL CONDITIONS**

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

**Utility Impacts**

**NOTE:** Construction of the new bridge will also require relocation of utilities. Impacts resulting from these utility relocations have been included in the overall impacts for this project.

- 24) The authorized utility relocations shall not result in any permanent or temporary impacts to wetlands or waters of the State, without permit modification.
- 25) Any utility work associated with this project that is not specifically depicted on the attached workplan drawings, or described within the attached permit application, shall require approval from DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

**NOTE:** The project may require easements for relocation of utilities crossing the creek, marsh & state-owned land provided the applicant qualifies for an easement.

**Sedimentation and Erosion Control**

- 26) Turbidity curtains shall be used to isolate all in-water work areas from the adjacent waters of Pungo Swamp, including but not limited to the existing bridge removal, pile installation, pile removal, and placement of riprap within or adjacent to surface waters. The turbidity curtains shall encircle the immediate work area, however, they shall not impede navigation. The turbidity curtains shall be properly maintained and retained in the water until construction is complete and shall only be removed when turbidity within the curtains reaches ambient levels.
- 27) This project shall conform to all requirements of the N.C. Sedimentation Pollution Control Act and the N.C. Department of Transportation's (NCDOT's) Memorandum of Agreement with the N.C. Division of Energy, Mineral and Land Resources.
- 28) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.



**ADDITIONAL CONDITIONS**

**General**

- 29) During bridge construction, the permittee shall make every attempt to allow the same navigation that is currently possible in Pungo Swamp, upstream and downstream of the existing bridge.
- 30) No attempt shall be made by the permittee to prevent the use by the public of all navigable waters at or adjacent to the authorized work following completion of construction.
- 31) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent waters and wetlands.
- 32) If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached workplan drawings or described in the authorized permit application, a permit modification and/or additional authorization from DCM may be required. In addition, any changes in the approved plan may also require a permit modification and/or additional authorization from DCM. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 33) Development authorized by this permit shall only be conducted on lands owned by the N.C. Department of Transportation (NCDOT), appropriate utility entities, and/or their Right-of-Ways and/or easements and/or similar legal instruments.
- 34) The permittee and/or its contractor shall contact the DCM Transportation Project Field Representative in Morehead City at (252) 808-2808 ext. 208 to request a preconstruction conference prior to project initiation.
- 35) The N.C. Division of Water Resources (DWR) authorized the proposed project on 11/8/19 (DWR Project No. 20191231) under General Water Quality Certification No. 4140, and under the Tar-Pamlico Riparian Buffer Rules. Any violation of the Certification approved by DWR shall be considered a violation of this CAMA permit.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 14 (COE Action ID No. SAW-2019-00188), which was issued on 11/25/19.

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

**NOTE:** An application processing fee of \$475 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of DWR.





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

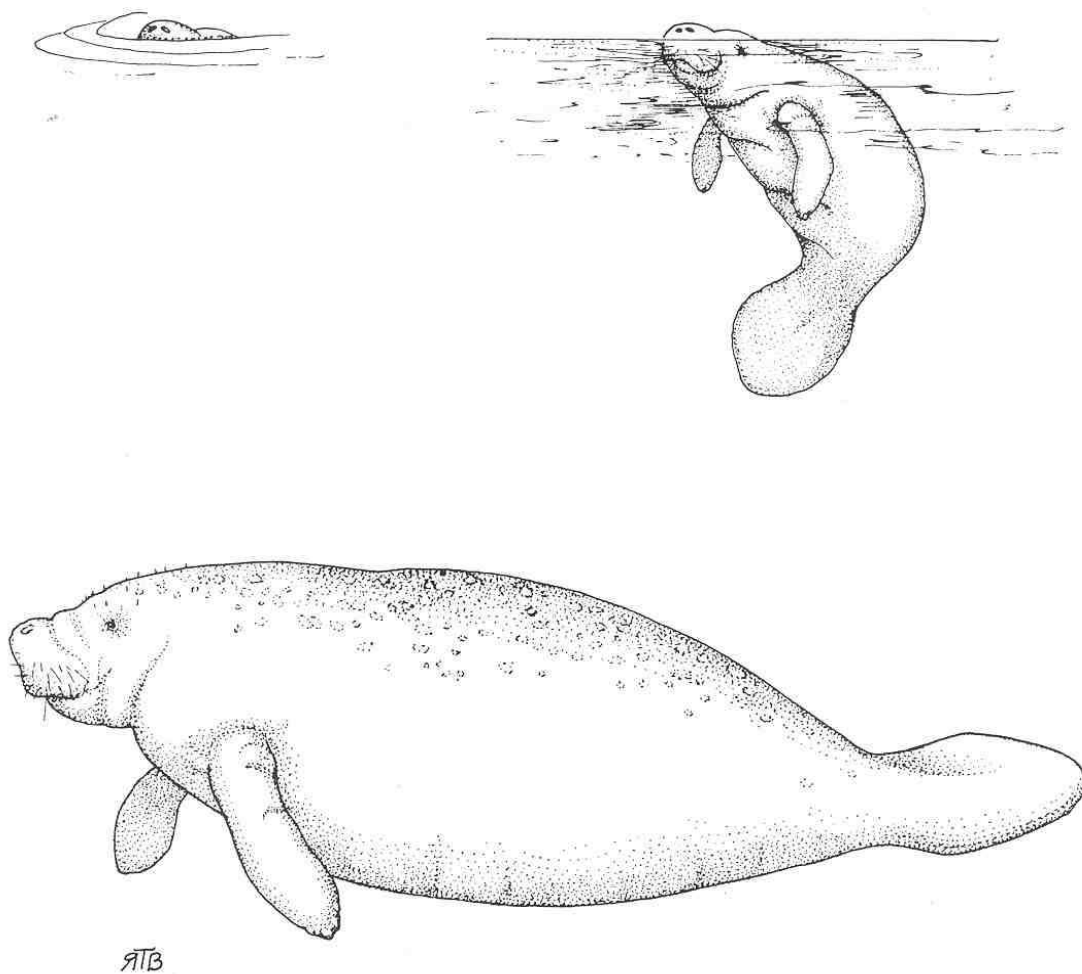


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.  
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I. A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-3. North Carolina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

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, VA 23704-5004  
Staff Symbol: dpb  
Phone: (757) 398-6227  
Fax: (757) 398-6334  
Email: [kashanda.l.booker@uscg.mil](mailto:kashanda.l.booker@uscg.mil)  
or [CGDFiveBridges@uscg.mil](mailto:CGDFiveBridges@uscg.mil)

16591  
30 JUL 2019

Mr. Chris Rivenbark  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, NC 27699

Dear Mr. Chris Rivenbark:

Coast Guard review of your proposed project as provided in your letter/email dated, June 26, 2019, is complete.

Based on the documentation provided and our research, it is determined that a Coast Guard bridge permit will not be required for the proposed highway fixed bridge– US 264 across Pungo Creek, mile 23.0, 35.531723, -76.732896, at Yeatesville, Beaufort, NC.

The project will be placed in our Advance Approval category as per Title 33 Code of Federal Regulations Part 115.70. This Advance Approval determination is for the location and structure described above and **is valid for five years from the date of this letter**. The following conditions apply to this determination:

- a. If the construction project on the above bridge does not commence within this time, you must contact this office for reaffirmation of this determination.
- b. Future bridge projects along the above waterway will have to be independently evaluated before they may be considered for placement in the Advance Approval category. This includes modification, replacement and removal of the above bridge, following its initial construction.
- c. Following initial bridge construction, the bridge owner should submit bridge maintenance project plans to this office at least 30 days (preferably 90 days) prior to work commencing on or over the navigable waterway. Please see enclosure (1).

The fact that a Coast Guard bridge permit is not required does not relieve you of the responsibility for compliance with the requirements of any other Federal, State, or local agency who may have jurisdiction over any aspect of the project. Although the project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following conditions apply concerning construction of the above bridge:

- a. You or your contractor must notify this office at least 30 days (preferably 90 days) in advance of the start of construction and any other work which may be an obstruction to navigation, so we may issue and update the information in our Local Notice to Mariners



and monitor the project. The notice should include details of the project as described in enclosure (1).

- b. At no time during the project will the waterway be closed to navigation without the prior notification and approval of the Coast Guard. The bridge owner or contractor is required to maintain close and regular contact with Coast Guard Sector North Carolina at (910) 772-2230 to keep them informed of activities on the waterway.
- c. The lowest portion of the superstructure of the bridge across the waterway should clear the 100-year flood height elevation, if feasible.
- d. In addition, the requirement to display navigational lighting at the aforementioned bridge is hereby waived as per Title 33 Code of Federal Regulations, Part 118.40(b). This waiver may be rescinded at any time in the future should nighttime navigation through the proposed bridge be increased to a level determined by the District Commander to warrant lighting.

The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the charts of U.S. waters; therefore, they must be notified of this proposed work. You must notify our office and the NOS at the address below upon completion of the activity approved in this letter. Your notification of project completion must include as-built drawings or certification of the following:

- a. Bridge name
- b. Action type (new construction, modification, relocation, conversion (fixed/draw), etc.)
- c. Dates (commenced and completed)
- d. Location (latitude and longitude at bridge center and centerline of channel, statute miles above mouth of waterway, and bridge or causeway orientation or geographic positions of approaches)
- e. Type of bridge (fixed, vertical lift, bascule, suspension, swing, trestle, pontoon, etc.)
- f. Navigation clearances (vertical at mean high water and horizontal)  
(Moveable – vertical at mean high water in open and closed positions)
- g. Whether or not the bridge is fitted with clearance gauges
- h. Whether or not the bridge has pier protection and/or fender system.
- i. Type of land traffic (highway, railroad, pedestrian, pipeline, etc.)



## BRIDGE MAINTENANCE PROJECT PLAN

1. The bridge owner, or entity acting on behalf of the bridge owner, should submit a bridge maintenance project plan at least 30 days (preferably 90 days) prior to commencement of work on or over the navigable waterway. Correspondence may be submitted via .pdf email attachment to [CGDFiveBridges@uscg.mil](mailto:CGDFiveBridges@uscg.mil) or mailed.
2. Once received, the request will be assigned to a project officer for review and processing. The project officer will publish a local notice to mariners. If appropriate, the project officer will publish a temporary deviation from drawbridge operating regulations.
  - a. Bridge Information: Provide bridge name, bridge type (highway, railroad, pedestrian, pipeline, etc.), roadway (s) carried, waterway name, mile (statute) on waterway from confluence, municipal location (town/city, county (if applicable/if known), and state).
  - b. Project Description: Provide the general description, nature and scope of the project. Drawings may be submitted, particularly if there are any planned temporary reductions in navigation clearances.
  - c. Project Dates/Work Hours: Provide primary and alternate (if applicable) project dates and work hours. Alternate dates and work hours may be included to account for inclement weather, etc.
  - d. Navigation Clearances: Provide any proposed temporary reductions in navigation clearances (vertical and/or horizontal), including the amount of the reduction (s) in feet and when the reduction (s) will be in place.
  - e. Temporary Deviation (from Operating Regulations): For drawbridges – Provide any proposed temporary deviation from operating regulations including: purpose (why it is necessary); dates/times of closure; if the bridge will be closed when bridge work is not being performed, provide justification for closure during non-work hours; whether the bridge will be able to open for an emergency and within how much time of notice; whether vessels may pass through the bridge in the closed position at any time or with prior notice.
  - f. Project Resources: Provide list of vessels, barges, equipment and location of personnel involved in the project. Indicate whether the project resources will relocate from the navigation channel during work hours, and if so, provide the timeframe for notice and method of notice. Indicate whether the resources will relocate from the navigation channel during non-work hours, and if not, provide justification for them to remain in the navigation channel during non-work hours.
  - g. Communications: Provide communications plan for project resources. This should include VHF-FM channel 13 for vessels and drawbridge tenders and may include mobile phone devices for vessels and project personnel. Vessel operators need to be able to communicate with project resources for safe navigation.
  - h. Bridge Owner Information: If the request is submitted by an entity on behalf of the bridge owner, provide the bridge owner representative's contact information (name, telephone and email) and the bridge owner's mailing address for the appropriate office.

29/25/99

See Sheet 1A For Index of Sheets  
See Sheet 1B For Conventional Plan Sheet Symbols  
See Sheet 1C-1 For Survey Control Sheets

# STATE OF NORTH CAROLINA DIVISION OF HIGHWAYS

## BEAUFORT COUNTY

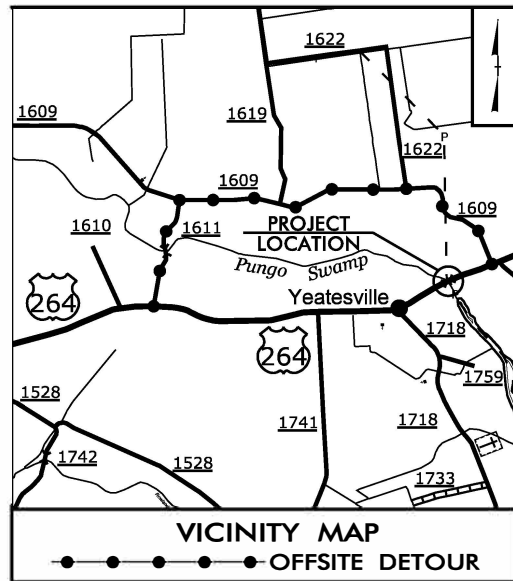
LOCATION: REPLACE BRIDGE NO. 43 OVER  
PUNGO CREEK ON US 264

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

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-4414	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
38358.1.2	BRSTP-0264(31)	PE	
38358.2.1	NA	RW & UTIL.	
38358.3.1	NA	CONST.	

PERMIT DRAWING  
SHEET 1 OF 6

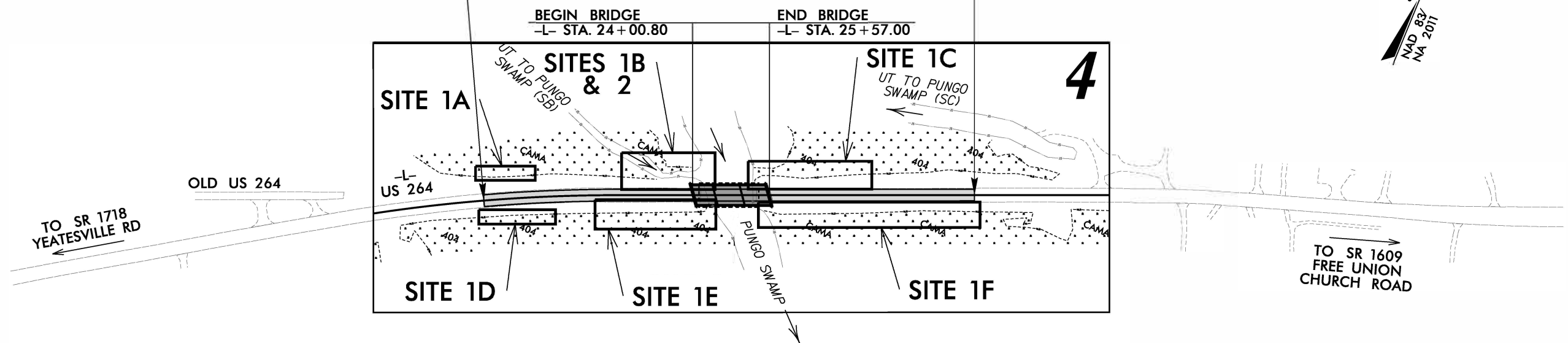
TIP PROJECT: B-4414



# WETLAND AND SURFACE WATER IMPACTS PERMIT

BEGIN TIP PROJECT B-4414  
-L- STA. 19 + 75.00

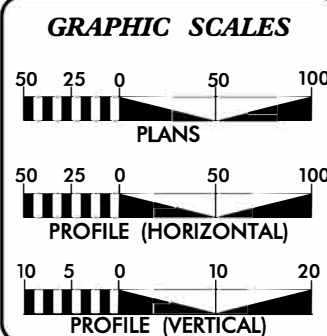
END TIP PROJECT B-4414  
-L- STA. 29 + 75.00



CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.  
THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

INCOMPLETE PLANS  
DO NOT USE FOR R/W ACQUISITION  
DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

CONTRACT:



DESIGN DATA

ADT 2020 =	5720
ADT 2040 =	7800
K =	9 %
D =	55 %
T =	7 % *
V =	60 MPH

\* (TTST 3% + DUAL 4%)

FUNC CLASS =  
MINOR ARTERIAL

REGIONAL TIER DESIGN

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT B-4414	=	0.159 mile
LENGTH STRUCTURES TIP PROJECT B-4414	=	0.030 mile
TOTAL LENGTH TIP PROJECT B-4414	=	0.189 mile

Prepared For:  
**DIVISION OF HIGHWAYS**  
1000 Birch Ridge Dr., Raleigh NC, 27610

By:  
TGS ENGINEERS  
706 HILLSBOROUGH ST.  
SUITE 200  
RALEIGH, NC 27603

PH (919) 733-8887  
CORP. LICENSE NO.: C-0275

2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
JULY 30, 2019

LETTING DATE:  
APRIL 21, 2020

V. MARCUS LOWERY, P.E.  
PROJECT ENGINEER

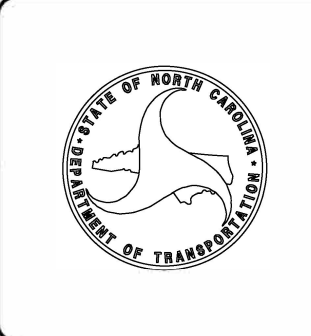
DAVID STUTTS, P.E.  
NCDOT CONTACT

HYDRAULICS ENGINEER

\_\_\_\_\_  
P.E.

ROADWAY DESIGN ENGINEER

\_\_\_\_\_  
P.E.

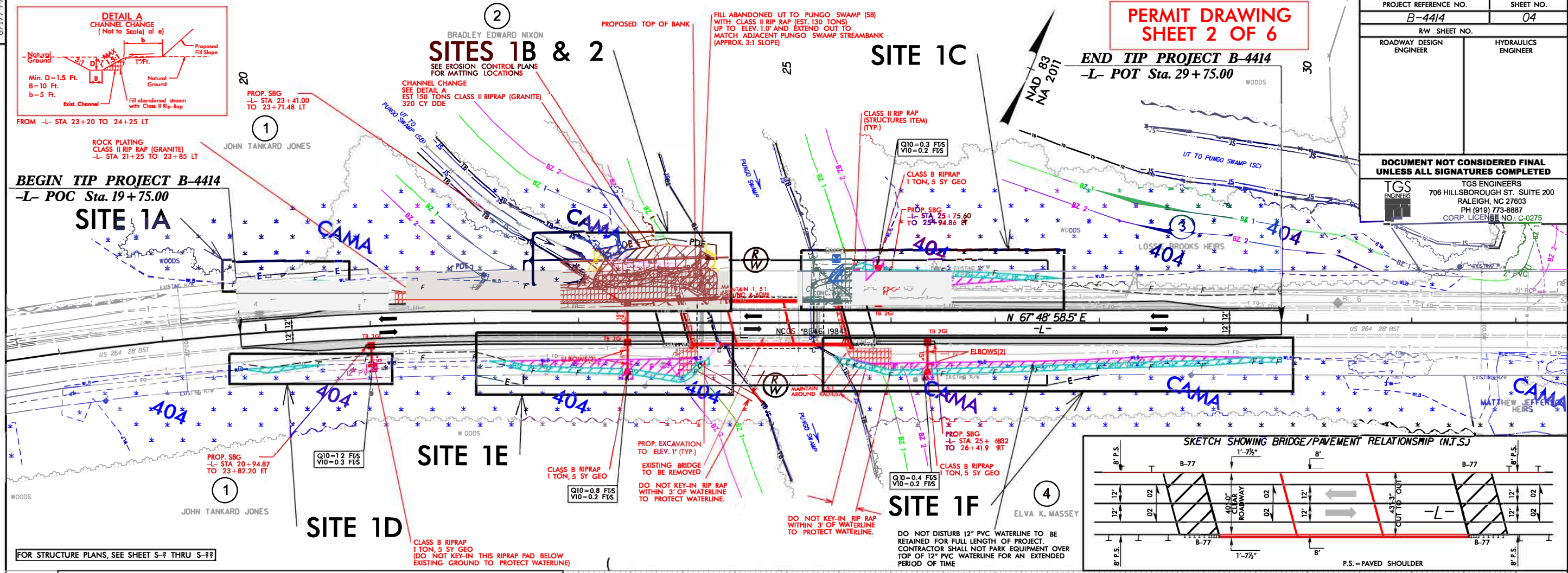


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User: rzr1chard

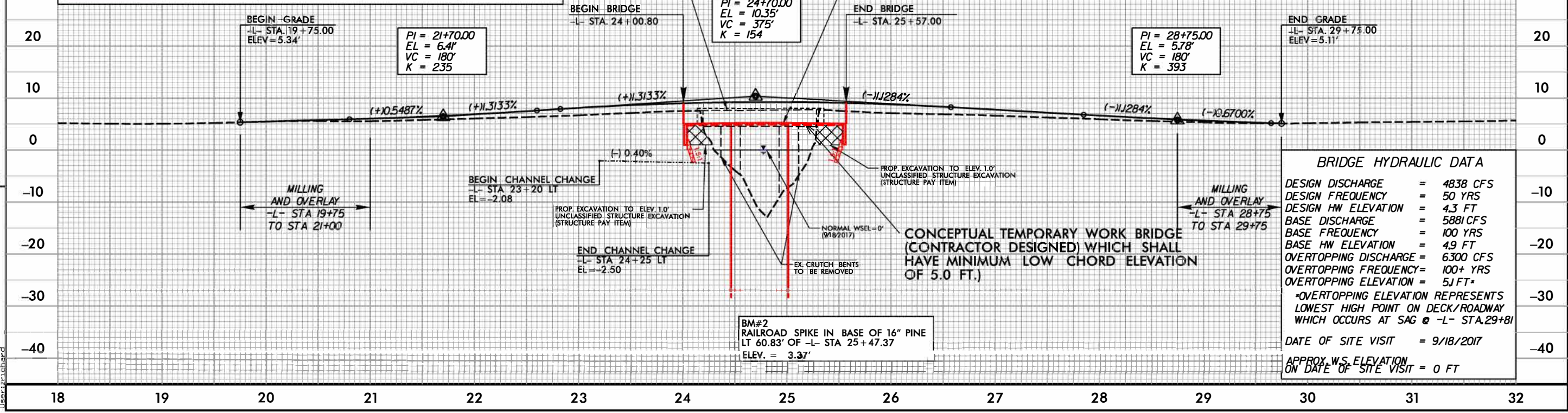


**PERMIT DRAWING  
SHEET 2 OF 6**

PROJECT REFERENCE NO. B-4414	SHEET NO. 04
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	
<p><b>DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED</b></p>	
<p>TGS ENGINEERS 706 HILLSBOROUGH ST. SUITE 200 RALEIGH, NC 27603 PH (919) 773-8887 CORP. LICENSE NO. C-0275</p>	



WETLAND IMPACTS			STREAM IMPACTS	
Excavation in Wetlands	Permanent Fill in Wetlands	Hand Clearing in Wetlands	Impacts in Surface Water	Temporary Impacts in Surface Water
E	F	HC	S	TS

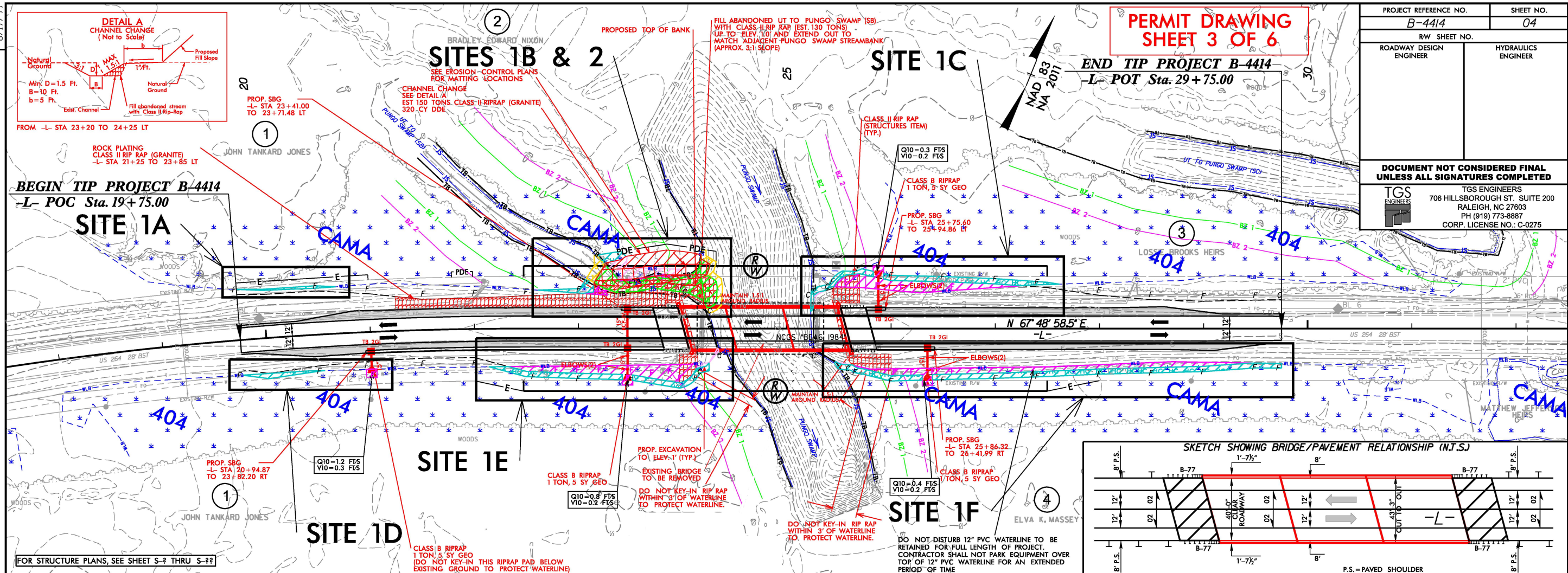


8/17/99  
 REVISIONS  
 1/2/2008 B-4414\Hydraulics\PERMITS\Environmental\Drawings\B4414\_perm\_wet\_pah\_04.dgn  
 JOHN TANKARD JONES  
 ELVA K. MASSEY  
 BRADLEY EDWARD NIXON

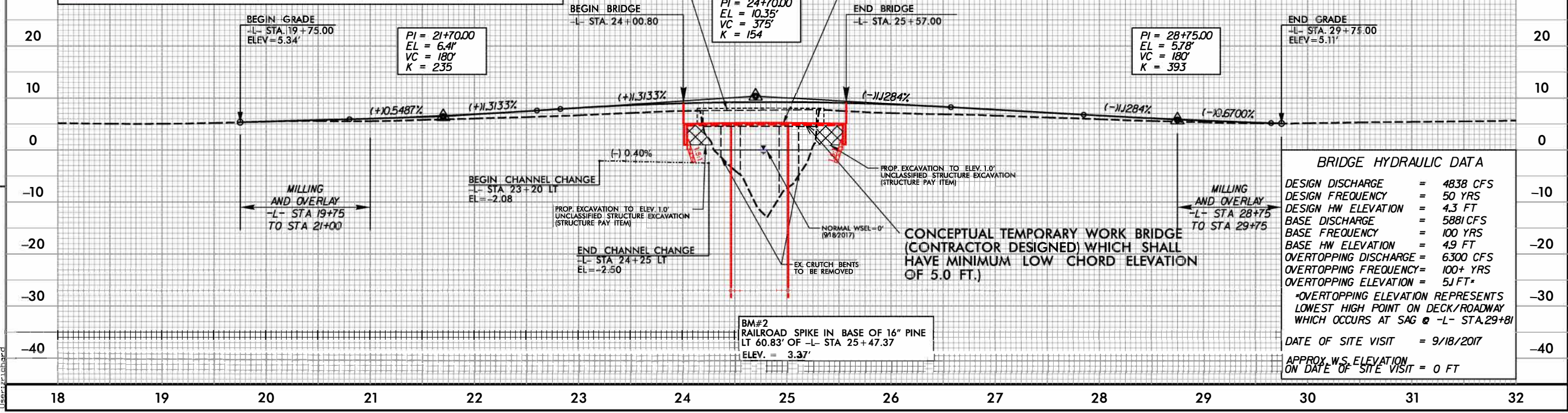


**PERMIT DRAWING  
SHEET 3 OF 6**

PROJECT REFERENCE NO. B-4414	SHEET NO. 04
RW SHEET NO.	HYDRAULICS ENGINEER
ROADWAY DESIGN ENGINEER	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	
TGS ENGINEERS 706 HILLSBOROUGH ST., SUITE 200 RALEIGH, NC 27603 PH (919) 773-8887 CORP. LICENSE NO.: C-0275	



40	WETLAND IMPACTS			STREAM IMPACTS	
	Excavation in Wetlands	Permanent Fill in Wetlands	Hand Clearing in Wetlands	Impacts in Surface Water	Temporary Impacts in Surface Water
30					



**BRIDGE HYDRAULIC DATA**

DESIGN DISCHARGE	= 4838 CFS
DESIGN FREQUENCY	= 50 YRS
DESIGN HW ELEVATION	= 4.3 FT
BASE DISCHARGE	= 5881 CFS
BASE FREQUENCY	= 100 YRS
BASE HW ELEVATION	= 4.9 FT
OVERTOPPING DISCHARGE	= 6300 CFS
OVERTOPPING FREQUENCY	= 100+ YRS
OVERTOPPING ELEVATION	= 5JFT*
*OVERTOPPING ELEVATION REPRESENTS LOWEST HIGH POINT ON DECK/ROADWAY WHICH OCCURS AT SAG @ -L- STA. 29+81	
DATE OF SITE VISIT	= 9/18/2017
APPROX. W.S. ELEVATION ON DATE OF SITE VISIT	= 0 FT

REVISIONS

12/26/2017 B-4414\_Hydraulics\PERMITS\_Environmental\Drawings\B4414\_perm\_wet\_pah\_04.dgn  
 8/17/99



WETLAND IMPACTS			STREAM IMPACTS	
Excavation in Wetlands	Permanent Fill in Wetlands	Hand Clearing in Wetlands	Impacts in Surface Water	Temporary Impacts in Surface Water
E E	F F	HC HC	S S	TS TS

## STREAM AND WETLAND IMPACTS

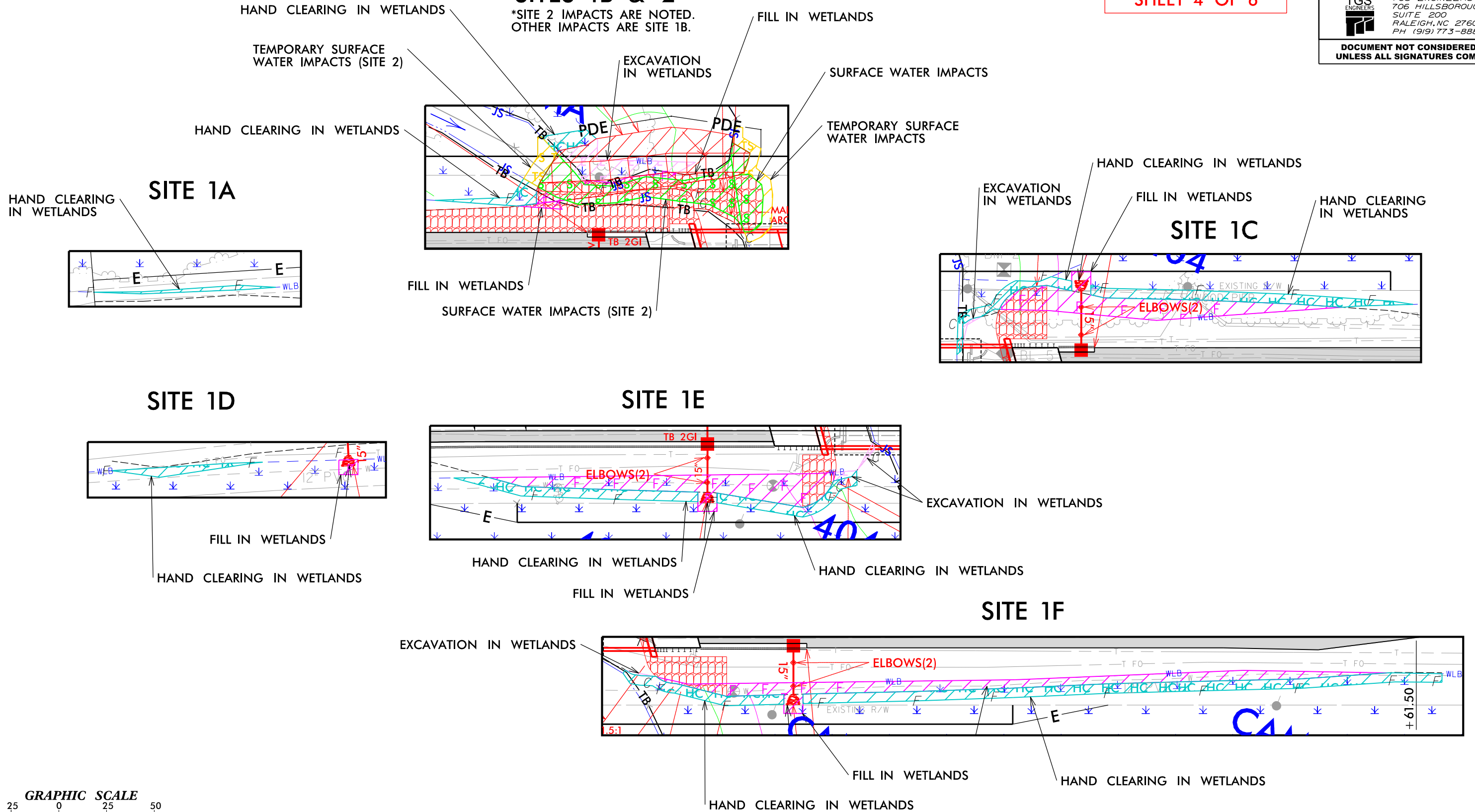
**PERMIT DRAWINGS  
FOR B-4414  
BEAUFORT COUNTY  
BRIDGE #060043**

PROJECT REFERENCE NO. B-4414	SHEET NO. 5
RW SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER
<b>TGS ENGINEERS</b> 706 HILLSBOROUGH ST SUITE 200 RALEIGH, NC 27603 PH (919) 773-8887	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	

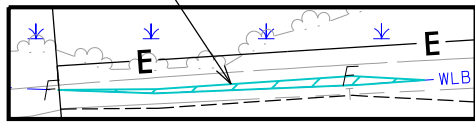
**PERMIT DRAWING  
SHEET 4 OF 6**

### SITES 1B & 2\*

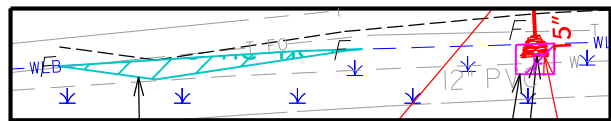
\*SITE 2 IMPACTS ARE NOTED.  
OTHER IMPACTS ARE SITE 1B.



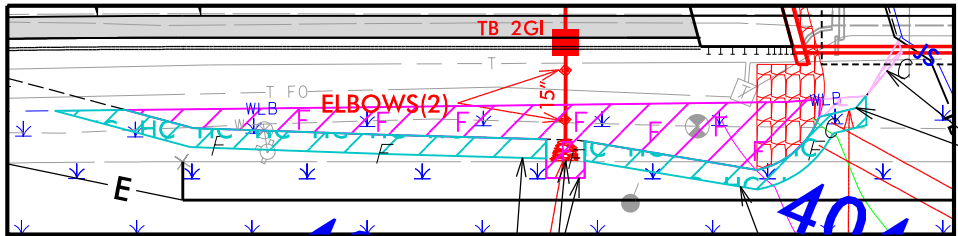
### SITE 1A



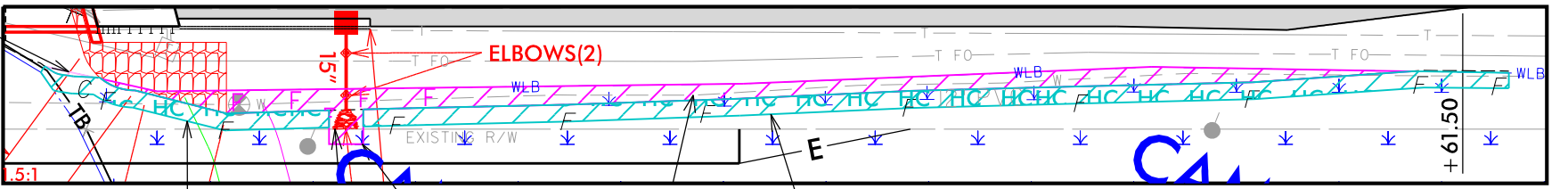
### SITE 1D



### SITE 1E



### SITE 1F



6/23/16

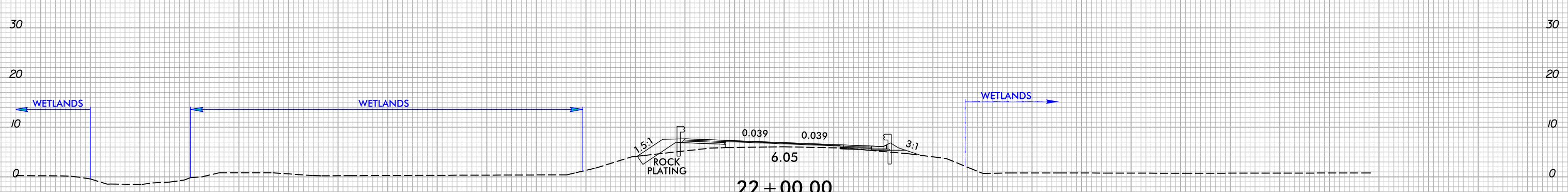
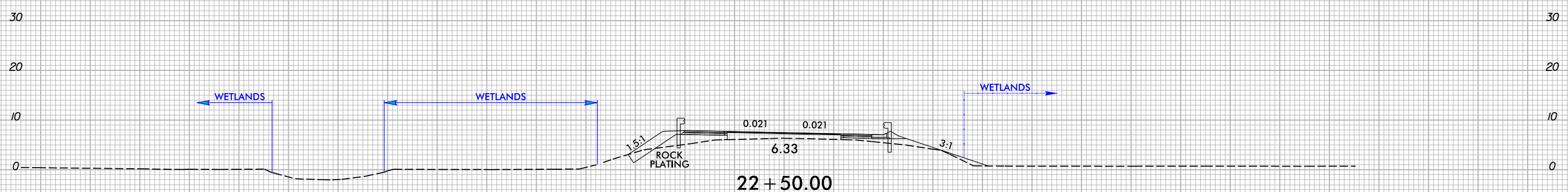
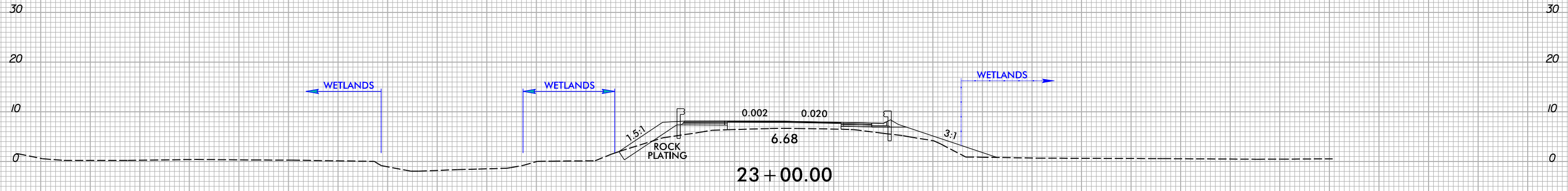
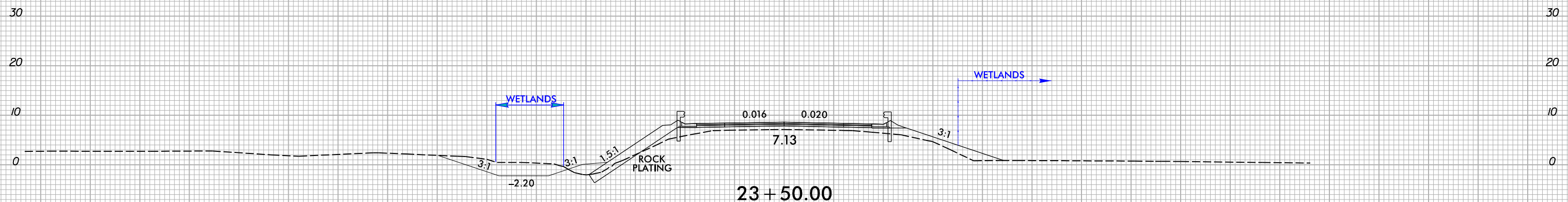


PROJ. REFERENCE NO.  
B-4414

SHEET NO.  
X-2

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# PERMIT DRAWING SHEET 5 OF 6



150 140 130 120 110 100 90 80 70 60 50 40 30 20 10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

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User:zr1chard

**WETLAND AND SURFACE WATER IMPACTS SUMMARY**

Site No.	Station (From/To)	Structure Size / Type	Stream Map ID	WETLAND IMPACTS					SURFACE WATER IMPACTS				
				Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1A	L 19+74 to 20+69 LT	Roadway						< 0.01					
1B	L 22+61 to 24+38 LT	Roadway	Pungo Swamp	< 0.01		0.02		0.01	0.01	< 0.01	42	14	
1C	L 25+22 to 27+62 LT	Roadway		0.04		< 0.01		0.03					
1D	L 19+74 to 21+05 RT	Roadway		< 0.01				< 0.01					
1E	L 22+13 to 24+35 RT	Roadway		0.04		< 0.01		0.02					
1F	L 25+46 to 29+75 RT	Roadway		0.04		< 0.01		0.05					
2	L 23+08 to 24+22 LT	Roadway	UT to Pungo Swamp (SB)						0.03	< 0.01	105	9	
<b>TOTALS*:</b>				0.12		0.02		0.11	0.04	0.02	147	23	0

\*Rounded totals are sum of actual impacts

**NOTES:**

- 1) Wetland impacts listed above are both 404 and CAMA Wetlands.  
 CAMA wetlands are Sites 1A, 1B, and 1F (0.05 ac Permanent Fill, 0.02 ac Excavation, 0.06 ac Hand Clearing)  
 404 wetlands are Sites 1C, 1D, and 1E (0.08 ac Permanent Fill, <0.01 ac Excavation, 0.05 ac Hand Clearing)
- 2) <0.01 acres (approx. 25 sq ft) of Permanent SW impacts for interior bents at -L- 24+46 and -L- 25+01.
- 3) <0.01 acres of Temporary Fill in Wetlands in the Hand Clearing areas for erosion control measures.

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 12/12/2019  
 BEAUFORT COUNTY  
 B-4414  
 38358.1.2

# August 28, 2019

09/28/09  
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 cnewsome AT CARLTONNEWSOME

**TIP PROJECT: B-4414**

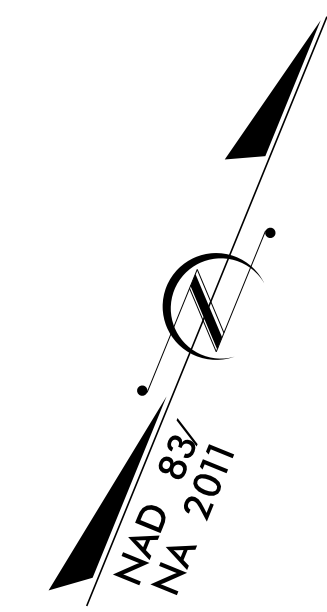
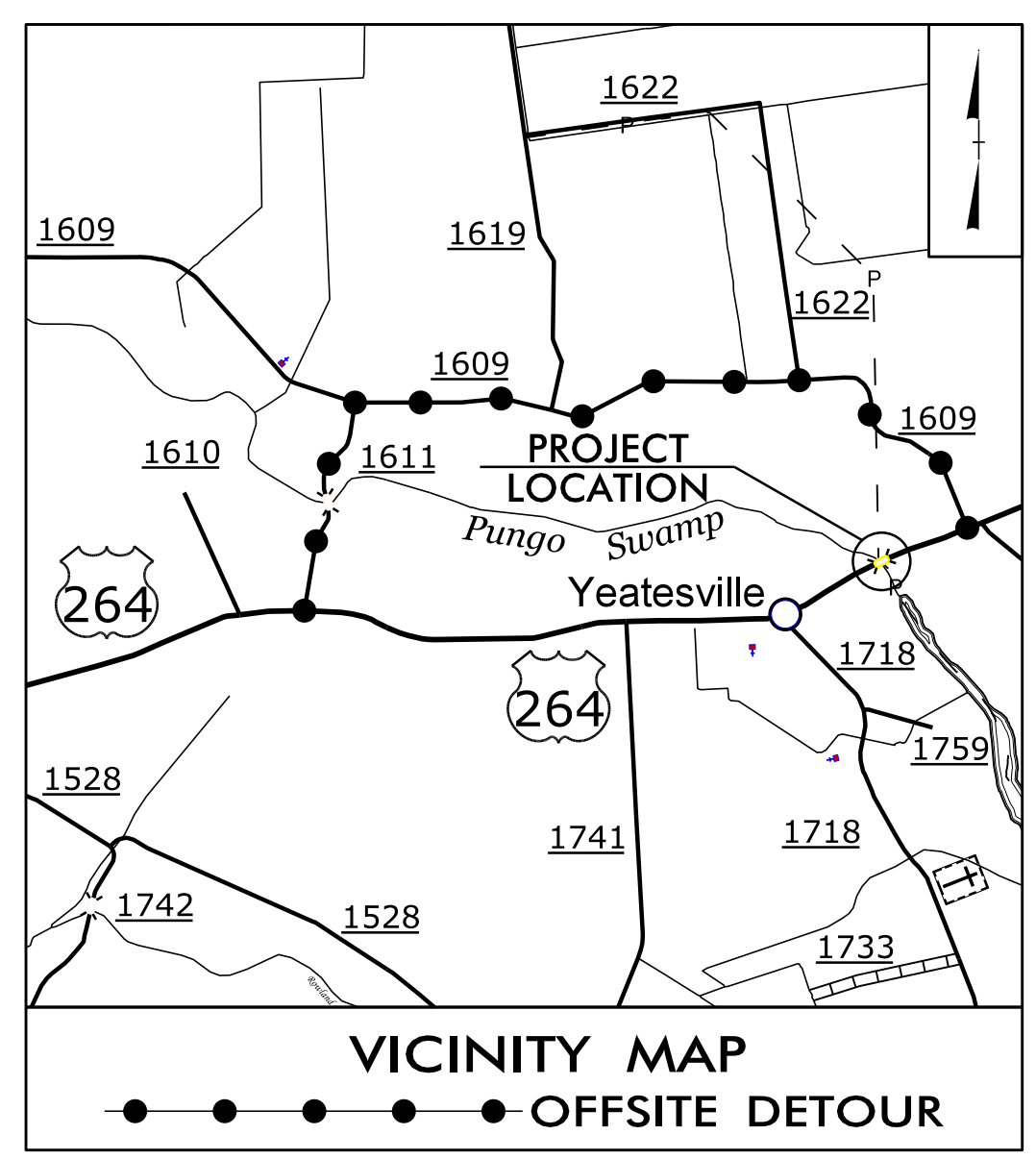
STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

T.I.P. NO.	SHEET NO.
B-4414	UE-1

## UTILITY ENVIRONMENTAL PERMIT PLANS BEAUFORT COUNTY

**LOCATION: REPLACE BRIDGE NO. 43 OVER  
PUNGO CREEK ON US 264**

**TYPE OF WORK: RELOCATION OF COMMUNICATION CABLES**

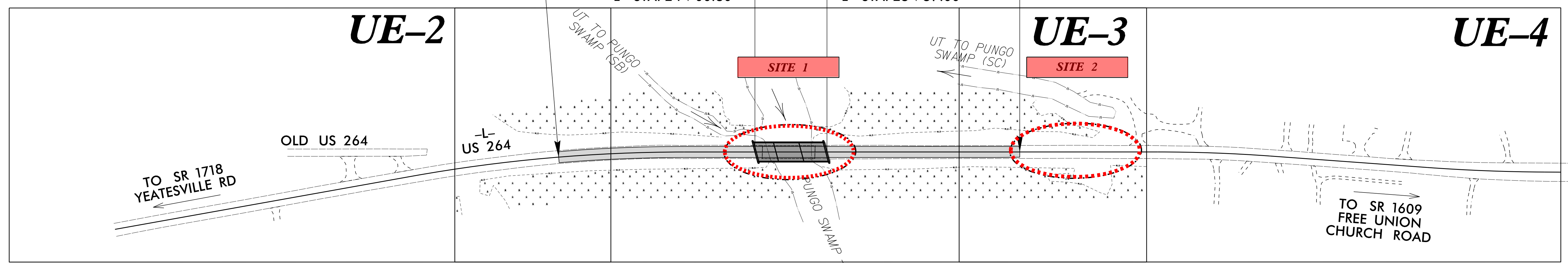


BEGIN TIP PROJECT B-4414  
-L- STA. 19+75.00

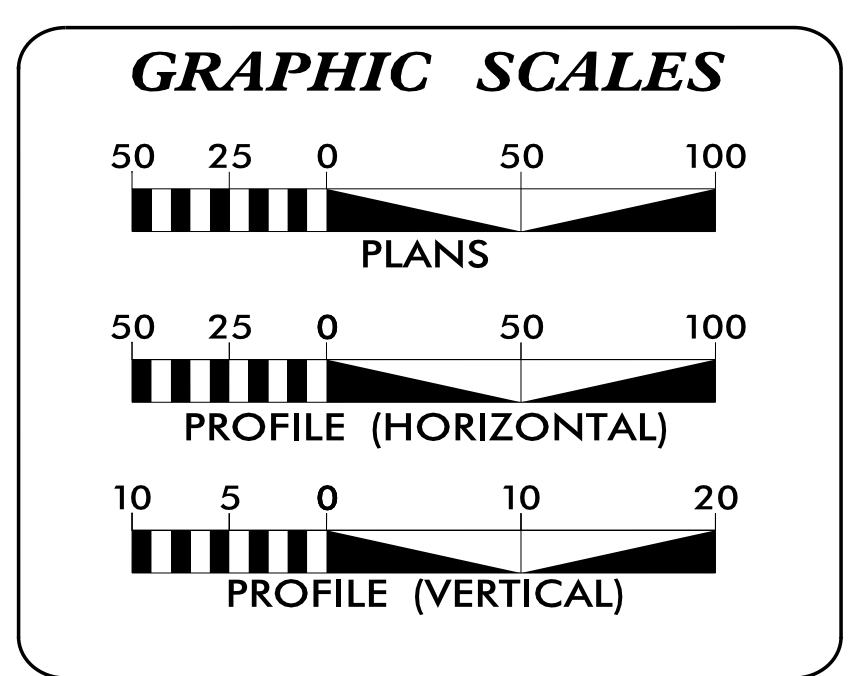
END TIP PROJECT B-4414  
-L- STA. 29+75.00

BEGIN BRIDGE  
-L- STA. 24+00.80

END BRIDGE  
-L- STA. 25+57.00



CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.  
THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.



**INDEX OF SHEETS**

SHEET NO.:	DESCRIPTION:
UE-1	TITLE SHEET
UE-2 - UE-4	UE PLAN SHEETS
UE-5	UE PROFILE

**UTILITY OWNERS WITH CONFLICTS**

(A) COMMUNICATIONS - CENTURYLINK

PREPARED IN THE OFFICE OF:

**Michael Baker INTERNATIONAL**

Michael Baker Engineering, Inc.  
8000 Regency Parkway, Suite 600  
Cary, NC 27518  
919-463-5488

Daniel Oliver	UTILITY PROJECT MANAGER
Daniel Oliver	PROJECT UTILITY COORDINATOR
Christina Newsome	PROJECT UTILITY TECHNICIAN

**DIVISION OF HIGHWAYS  
UTILITIES UNIT**  
1555 MAIL SERVICES CENTER  
RALEIGH, NC 27699-1555  
PHONE (919) 707-6690  
FAX (919) 250-4151

Nabil Hamdan	UTILITIES REGIONAL ENGINEER
Kelvin Martin	UTILITIES ENGINEER
Kyle Pleasant	UTILITIES AREA COORDINATOR
Larry James	UTILITIES COORDINATOR





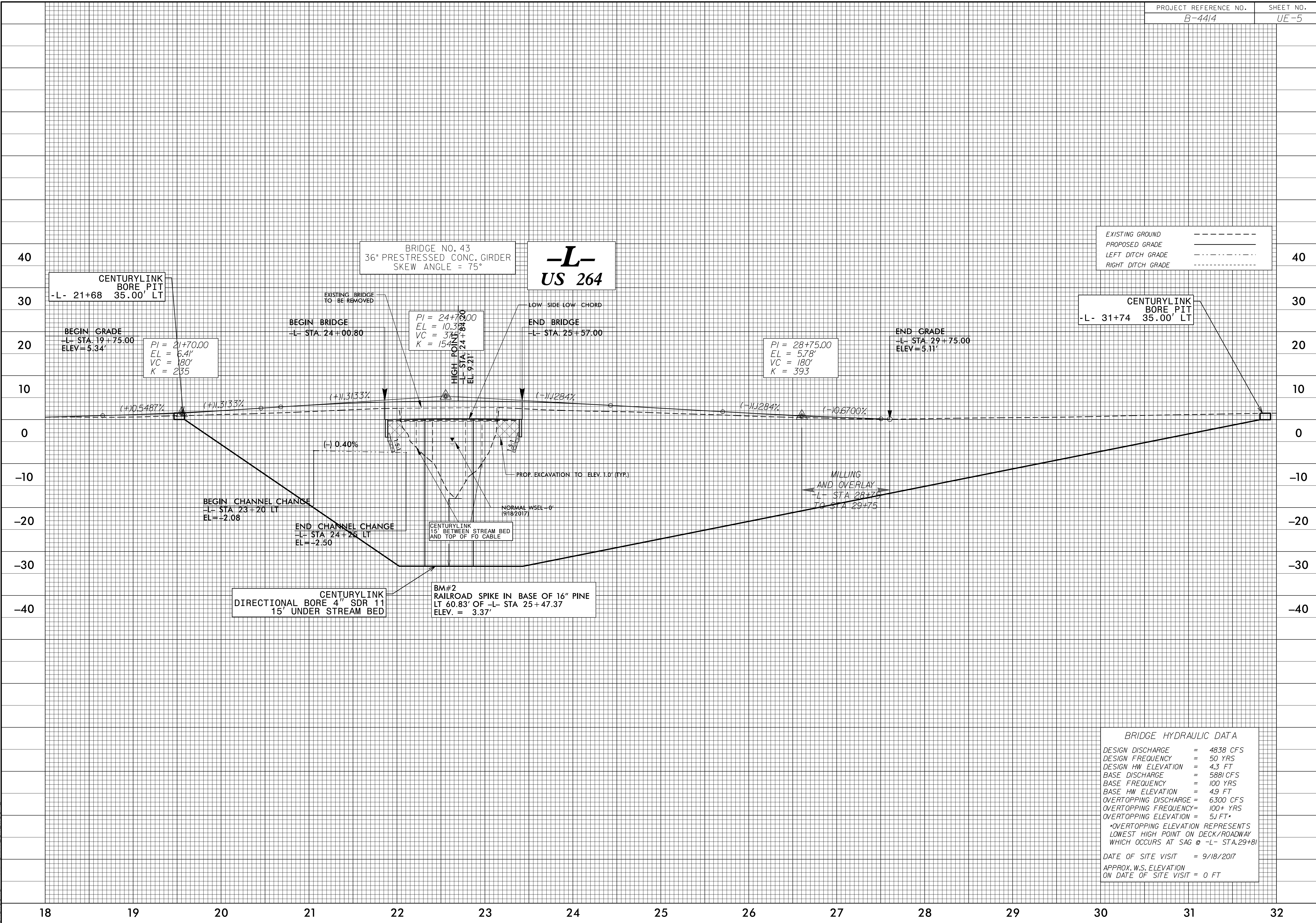






August 28, 2019

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EXISTING GROUND - - - - -  
 PROPOSED GRADE - - - - -  
 LEFT DITCH GRADE ······  
 RIGHT DITCH GRADE - · - · - ·

CENTURYLINK BORE PIT  
 -L- 31+74 35.00' LT

CENTURYLINK BORE PIT  
 -L- 21+68 35.00' LT

BRIDGE NO. 43  
 36" PRESTRESSED CONC. GIRDER  
 SKEW ANGLE = 75°  
 -L-  
 US 264

BEGIN GRADE  
 -L- STA. 19+75.00  
 ELEV = 5.34'  
 PI = 21+70.00  
 EL = 6.41'  
 VC = 180'  
 K = 235

BEGIN BRIDGE  
 -L- STA. 24+00.80

PI = 24+70.00  
 EL = 10.31'  
 VC = 371'  
 K = 1549

END BRIDGE  
 -L- STA. 25+57.00

PI = 28+75.00  
 EL = 5.78'  
 VC = 180'  
 K = 393

END GRADE  
 -L- STA. 29+75.00  
 ELEV = 5.11'

BEGIN CHANNEL CHANGE  
 -L- STA. 23+20 LT  
 EL = +2.08

END CHANNEL CHANGE  
 -L- STA. 24+25 LT  
 EL = -2.50

CENTURYLINK DIRECTIONAL BORE 4" SDR 11  
 15' UNDER STREAM BED

BM#2 RAILROAD SPIKE IN BASE OF 16" PINE  
 LT 60.83' OF -L- STA 25+47.37  
 ELEV. = 3.37'

MILLING AND OVERLAY  
 -L- STA 28+75 TO STA 29+75

BRIDGE HYDRAULIC DATA

DESIGN DISCHARGE	= 4838 CFS
DESIGN FREQUENCY	= 50 YRS
DESIGN HW ELEVATION	= 4.3 FT
BASE DISCHARGE	= 5881 CFS
BASE FREQUENCY	= 100 YRS
BASE HW ELEVATION	= 4.9 FT
OVERTOPPING DISCHARGE	= 6300 CFS
OVERTOPPING FREQUENCY	= 100+ YRS
OVERTOPPING ELEVATION	= 5.1 FT*

\*OVERTOPPING ELEVATION REPRESENTS LOWEST HIGH POINT ON DECK/ROADWAY WHICH OCCURS AT SAG @ -L- STA.29+81

DATE OF SITE VISIT = 9/18/2017  
 APPROX. W.S. ELEVATION ON DATE OF SITE VISIT = 0 FT

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

09/08/19

See Sheet 1A For Index of Sheets  
See Sheet 1B For Conventional Plan Sheet Symbols  
See Sheet 1C-1 For Survey Control Sheets

STATE OF NORTH CAROLINA  
DIVISION OF HIGHWAYS

**BEAUFORT COUNTY**

LOCATION: REPLACE BRIDGE NO. 43 OVER  
PUNGO CREEK ON US 264

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

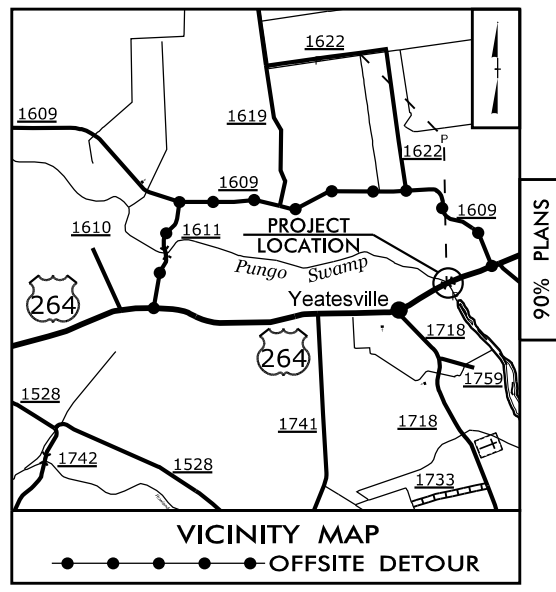
**BUFFER IMPACTS PERMIT**

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	B-4414	1	
STATE PROJ. NO.	F.A. PROJ. NO.	DESCRIPTION	
38358.1.2	BRSTP-0264(31)	PE	
38358.2.1	N/A	RW & UTIL.	
38358.3.1	N/A	CONST.	

**BUFFER DRAWING  
SHEET 1 OF 4**

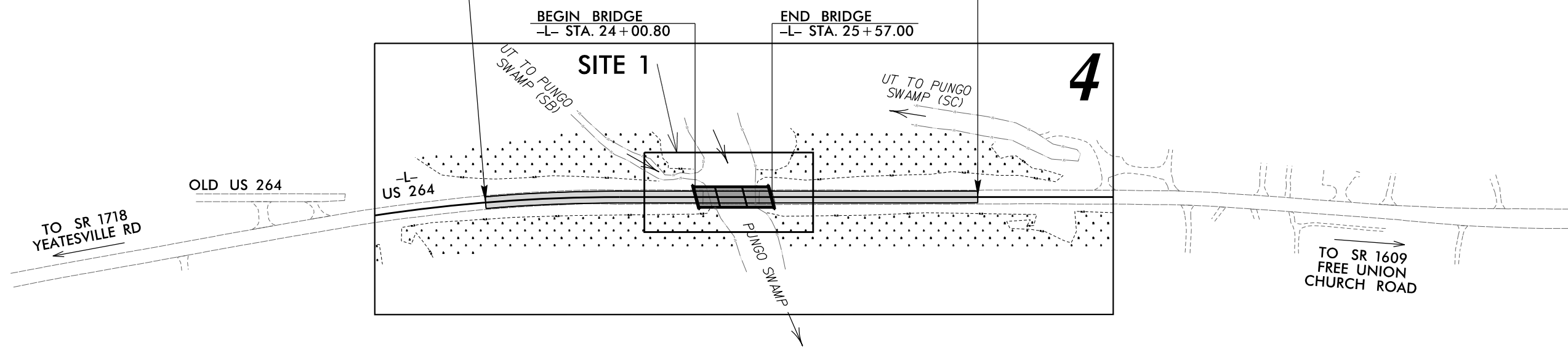


**TIP PROJECT: B-4414**



BEGIN TIP PROJECT B-4414  
-L- STA. 19 + 75.00

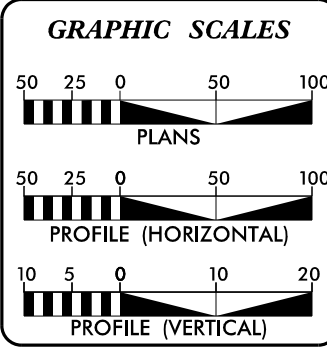
END TIP PROJECT B-4414  
-L- STA. 29 + 75.00



CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD II.  
THIS PROJECT IS NOT WITHIN ANY MUNICIPAL BOUNDARIES.

**INCOMPLETE PLANS**  
DO NOT USE FOR R/W ACQUISITION  
DOCUMENT NOT CONSIDERED FINAL  
UNLESS ALL SIGNATURES COMPLETED

**CONTRACT: C204178**



**DESIGN DATA**

ADT 2020 =	5720
ADT 2040 =	7800
K =	9 %
D =	55 %
T =	7 % *
V =	60 MPH

\* (TTST 3% + DUAL 4%)

FUNC CLASS =  
MINOR ARTERIAL  
REGIONAL TIER DESIGN

**PROJECT LENGTH**

LENGTH ROADWAY TIP PROJECT B-4414	=	0.159 mile
LENGTH STRUCTURES TIP PROJECT B-4414	=	0.030 mile
TOTAL LENGTH TIP PROJECT B-4414	=	0.189 mile

Prepared For:  
**DIVISION OF HIGHWAYS**  
1000 Birch Ridge Dr., Raleigh NC, 27610

By:  
TGS ENGINEERS  
706 HILLSBOROUGH ST.  
SUITE 200  
RALEIGH, NC 27603

PH (919) 733-8887  
CORP. LICENSE NO.: C-0275

2018 STANDARD SPECIFICATIONS

RIGHT OF WAY DATE:  
JULY 30, 2019

LETTING DATE:  
APRIL 21, 2020

V. MARCUS LOWERY, P.E.  
PROJECT ENGINEER

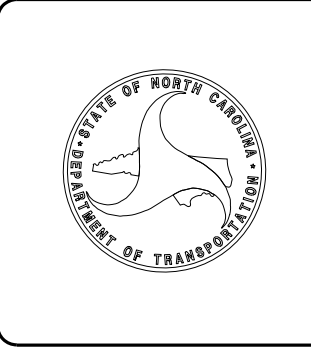
DAVID STUTTS, P.E.  
NCDOT CONTACT

HYDRAULICS ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.

ROADWAY DESIGN ENGINEER

SIGNATURE: \_\_\_\_\_ P.E.



12/12/2019  
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User:zrichard



PROJECT REFERENCE NO. B-4414		SHEET NO.	
RW SHEET NO.			
ROADWAY DESIGN ENGINEER		HYDRAULICS ENGINEER	
TGS ENGINEERS		TGS ENGINEERS 706 HILLSBOROUGH ST SUITE 200 RALEIGH, NC 27603 PH (919) 773-8887	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED			

**PERMIT DRAWINGS  
FOR B-4414  
BEAUFORT COUNTY  
BRIDGE #060043**

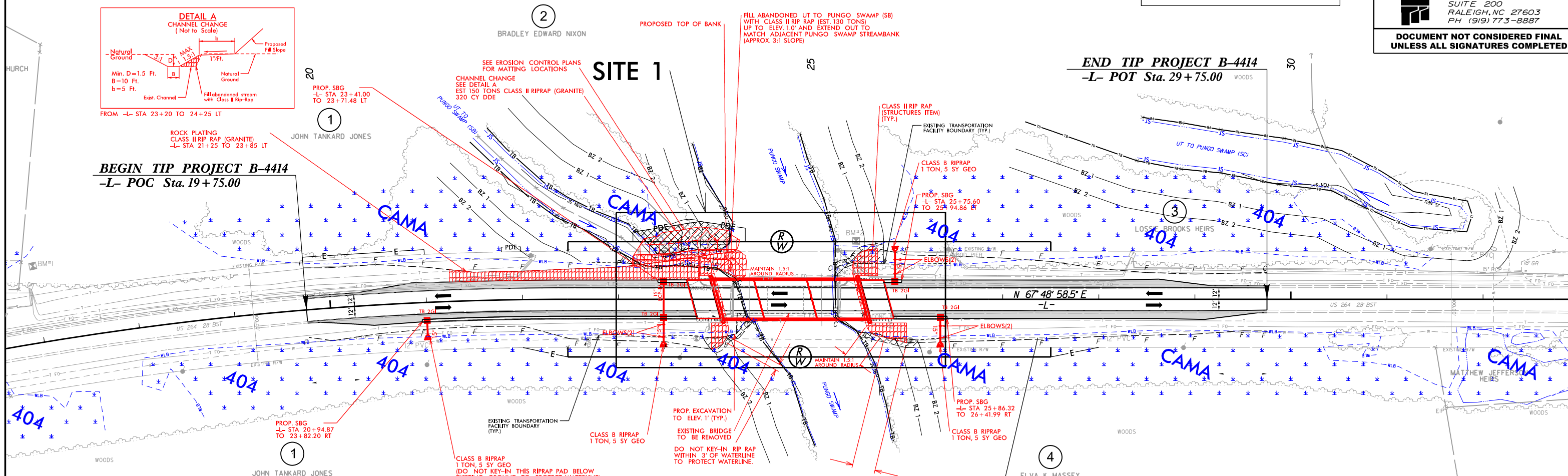
**BUFFER DRAWING  
SHEET 2 OF 4**

EXISTING BRIDGE DIMENSIONS 114'X33' (THREE-SPAN), 90 DEG. SKEW  
PROPOSED BRIDGE DIMENSIONS 155'X43' (THREE-SPAN), 75 DEG. SKEW  
TOTAL PROJECT LENGTH - 1000'

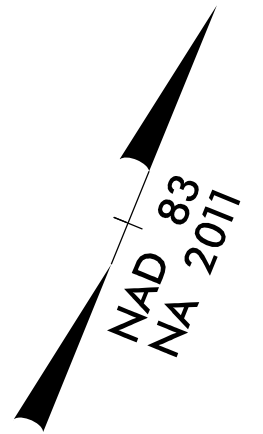
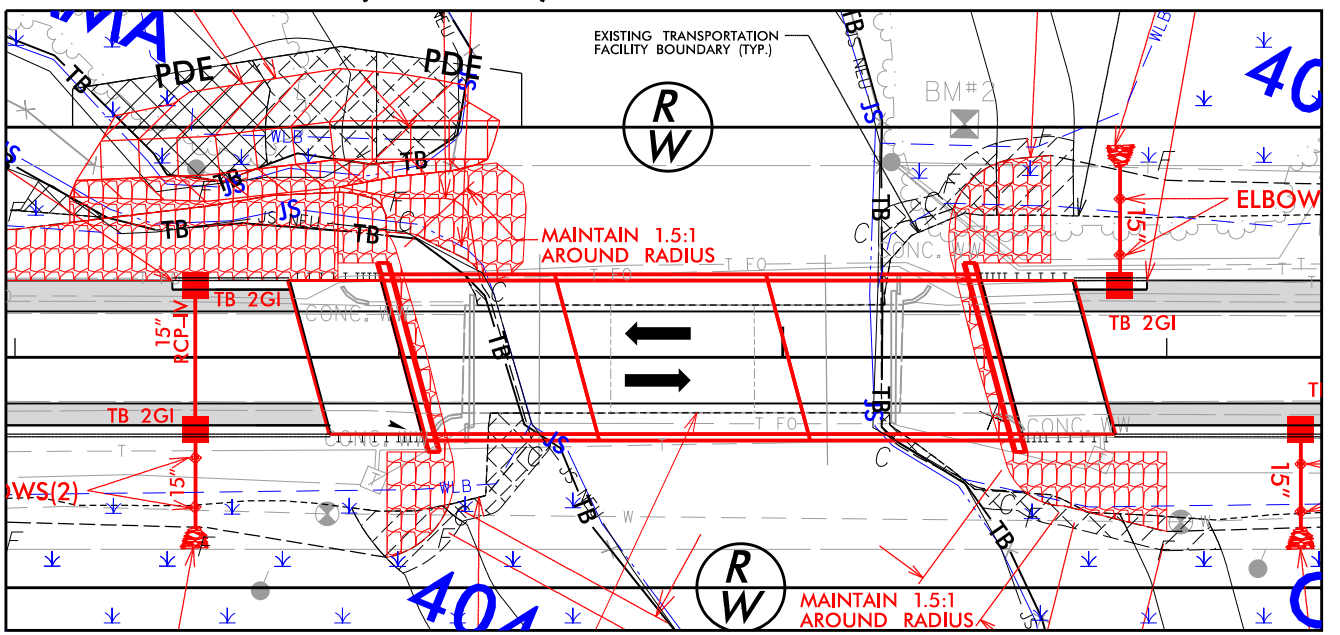
**BUFFER IMPACTS**



Buffer Zone (BZ) Impacts		
Area of Allowable Impacts within BZ1	Area of Mitigable Impacts within BZ1	Area of Allowable Impacts within BZ2
LEGEND		



**SITE 1 INSET (1" = 50')**





## WETLANDS IN BUFFER IMPACTS SUMMARY

SITE NO.	STATION (FROM/TO)		WETLANDS IN BUFFERS	
			ZONE 1 (ft <sup>2</sup> )	ZONE 2 (ft <sup>2</sup> )
1	L 22+99 to 26+14 LT	Roadway/Bridge	1556	808
<b>TOTAL:</b>			<b>1556</b>	<b>808</b>

NC DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 12/12/2019  
 BEAUFORT COUNTY  
 B-4414  
 38358.1.2  
 SHEET      4      OF      4

Revised 2018 Feb