



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald van der Vaart
Secretary

March 2, 2015

Mr. Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and NEUSE BUFFER RULES with ADDITIONAL CONDITIONS for proposed improvements to US 17 from south of Belgrade at SR 1330/SR1439 to the New Bern Bypass in Onslow, Jones, and Craven Counties, TIP R-2514 B, C, & D.
NCDWR Project No. 20141169v1

Dear Mr. Hancock:

Attached hereto is a copy of Certification No. 004012 issued to The North Carolina Department of Transportation (NCDOT) dated March 2, 2015.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

S. Jay Zimmerman, Acting Director
Division of Water Resources

Attachments

Electronic copy only distribution:

Tom Steffens, US Army Corps of Engineers, Washington Field Office
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401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and NEUSE BUFFER RULES with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B .0233. This certification authorizes the NCDOT to impact 56.59 acres of jurisdictional wetlands, 4,679 linear feet of jurisdictional streams and 299,809 square feet of protected riparian buffers in Onslow, Jones, and Craven Counties. The project shall be constructed pursuant to the application dated received November 14, 2014 and the additional information received February 2015. The authorized impacts are as described below:

Stream Impacts in the White Oak and Neuse River Basins

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
Approved Impacts for Section B						
6	--	--	536	40	576	536
13	1,294	74	--	--	1,368	1,294
16	--	--	120	25	145	0
SECTION B TOTAL:	1,294	74	656	65	2,089	1,830
Approved Impacts for Section C						
17	109	--	--	--	109	0
18	132	20	--	--	152	0
19	106	58	--	--	164	0
22	32	10	--	--	42	0
SECTION C TOTAL:	379	88	0	0	467	0
Approved Impacts for Section D						
1	234	31	--	--	265	234
3	--	--	5	50	55	0
9	214	20	--	--	234	214
13	242	21	--	--	263	242
15	318	27	--	--	345	318
16	296	21	--	--	317	296
21	644	--	--	--	644	644
SECTION D TOTAL:	1,948	120	5	50	2,123	1,948
Total Approved Impacts for Project						
PROJECT TOTAL:	3,621	282	661	115	4,679	3,778

Total Stream Impact for Project: 4,679 linear feet; 3,778 linear feet require mitigation.

Section B Wetland Impacts in the White Oak River Basin

Site	Type	Fill (ac)	Temporary Fill (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
Approved Construction Impacts								
1	Non-riparian	0.27	--	--	0.13	--	0.40	0.40
2	Non-riparian	0.19	--	--	--	--	0.19	0.19
3	Non-riparian	--	--	--	<0.01	--	<0.01	0.01
4	Non-riparian	--	--	--	0.01	--	0.01	0.01
5	Non-riparian	2.06	--	--	0.25	--	2.31	2.31
6	Riparian	1.02	--	--	0.18	--	1.20	1.20
7	Non-riparian	0.08	--	0.04	0.02	--	0.14	0.14
8	Non-riparian	0.05	--	--	0.02	--	0.07	0.07
9	Non-riparian	0.03	--	--	<0.01	--	0.03	0.00*
10	Riparian	3.32	0.06	--	0.38	0.43	4.19	3.70
11	Riparian	0.17	--	--	0.02	--	0.19	0.19
12	Non-riparian	0.01	0.01	--	--	4.02	4.04	0.01
14	Riparian	0.02	--	0.04	<0.01	--	0.07	0.07
15	Non-riparian	1.08	--	--	0.14	--	1.22	1.22
16	Riparian	<0.01	--	0.03	0.03	--	0.07	0.07
Approved Construction Total:		8.29	0.07	0.11	1.21	4.45	14.13	9.59
Approved Utility Impacts								
1	Utilities	<0.01	--	--	--	0.09	0.09	0.00
2	Utilities	--	--	--	--	0.02	0.02	0.00
3	Utilities	--	--	--	--	0.09	0.09	0.00
4	Utilities	--	--	--	--	0.01	0.01	0.00
Approved Utility Total:		0.00	0.00	0.00	0.00	0.21	0.21	0.00
SECTION B TOTAL:		8.29	0.07	0.11	1.21	4.66	14.34	9.59

* Site 9 - This feature is considered an agricultural ditch and will not require mitigation.

Section C Wetland Impacts in the White Oak and Neuse River Basins

Site	Type	Fill (ac)	Temporary Fill (ac)	Excavation (ac)	Temporary Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
Approved Construction Impacts									
1	Non-riparian	3.65	--	--	--	0.42	<0.01	4.08	4.07
2	Non-riparian	0.09	--	--	--	0.04	--	0.13	0.13
3	Non-riparian	<0.01	--	0.04	--	0.02	--	0.06	0.06
4	Non-riparian	6.82	--	--	--	1.43	<0.01	8.25	8.25
5	Non-riparian	0.03	--	0.11	--	0.11	--	0.25	0.25
6	Non-riparian	--	--	<0.01	--	0.03	<0.01	0.03	0.03
7	Non-riparian	0.26	--	0.01	--	0.08	--	0.35	0.35*
8	Non-riparian	0.64	--	--	--	0.09	--	0.73	0.73
9	Non-riparian	0.89	--	--	--	0.17	--	1.06	1.06
10	Non-riparian	0.95	--	--	--	0.15	--	1.10	1.10
11	Non-riparian	--	--	<0.01	--	0.03	--	0.03	0.03
12	Non-riparian	0.45	--	--	--	0.05	--	0.50	0.50
13	Non-riparian	0.34	--	<0.01	--	0.11	--	0.45	0.45
14	Non-riparian	1.52	--	--	--	0.41	--	1.93	1.93
15	Non-riparian	0.05	--	0.15	--	0.09	--	0.29	0.29
16	Non-riparian	0.51	--	0.06	--	0.16	--	0.73	0.73
17	Riparian	0.01	--	<0.01	--	<0.01	--	0.01	0.01
20	Non-riparian	1.58	--	--	--	0.2	--	1.78	1.78
21	Non-riparian	0.23	--	--	--	0.02	--	0.25	0.25
23	Non-riparian	--	--	0.01	--	0.02	--	0.03	0.03
1D	Non-riparian	--	--	--	--	--	0.03	0.03	0.00
2D	Non-riparian	--	0.08	--	--	--	0.05	0.13	0.00
TOTAL:		18.02	0.08	0.41	0.00	3.60	0.08	22.20	22.02
Approved Utility Impacts									
1	OHPL/WL	--	0.01	--	0.11	--	0.35	0.47	0.00
2	OHPL/WL	--	<0.01	--	0.10	--	0.15	0.25	0.00
3	WL	--	--	--	0.01	--	0.03	0.04	0.00
4	OHPL/WL	--	<0.01	--	--	--	0.01	0.01	0.00
5	OHPL/WL	--	--	--	--	--	0.12	0.12	0.00
6	OHPL/WL	--	--	--	--	--	<0.01	0.01	0.00
7	OHPL/WL	--	--	--	--	--	0.12	0.12	0.00
8	OHPL	--	--	--	--	--	0.01	0.01	0.00
9	OHPL/WL	--	--	--	<0.01	--	0.04	0.04	0.00
10	OHPL/WL	--	--	--	--	--	0.09	0.09	0.00
11	OHPL	--	--	--	--	--	0.01	0.01	0.00
12	OHPL	--	--	--	--	--	<0.01	0.01	0.00
13	OHPL	--	--	--	--	--	0.1	0.10	0.00
14	OHPL/WL	--	<0.01	--	0.01	--	0.02	0.03	0.00
15	OHPL/WL	--	0.01	--	--	--	0.18	0.19	0.00
16	OHPL	--	--	--	--	--	0.01	0.01	0.00
17	OHPL	--	--	--	--	--	0.1	0.10	0.00
18	OHPL	--	--	--	--	--	0.01	0.01	0.00
19	OHPL/WL	--	--	--	<0.01	--	0.02	0.02	0.00
20	OHPL/WL	--	--	--	<0.01	--	0.02	0.02	0.00
21	OHPL/WL	--	<0.01	--	0.02	--	0.04	0.05	0.00
22	OHPL/WL	--	--	--	<0.01	--	0.03	0.03	0.00
23	WL	--	--	--	--	--	0.03	0.03	0.00
24	OHPL/WL	--	--	--	0.02	--	0.03	0.03	0.00
25	OHPL/WL	--	--	--	--	--	0.09	0.09	0.00
26	OHPL	--	--	--	--	--	<0.01	0.01	0.00
28	OHPL	--	--	--	--	--	0.01	0.01	0.00
29	OHPL	--	--	--	--	--	0.01	0.01	0.00
	Power Poles	--	0.05	--	--	--	--	0.05	0.00
TOTAL:		0.00	0.08	0.00	0.29	0.00	1.61	1.97	0.00
Section C Impact Totals									
Construction Imp. Total:		18.02	0.08	0.41	0.00	3.60	0.08	22.20	22.02
Utility Impacts Total:		0.00	0.08	0.00	0.29	0.00	1.61	1.97	0.00
SECTION C TOTAL:		18.02	0.16	0.41	0.29	3.60	1.69	24.17	22.02*

* An additional 0.06 acres at Site 7 considered to be a total take (not reflected above) will remain unimpacted and mitigated at a 1:1 ratio.

Section D Wetland Impacts in the White Oak and Neuse River Basins

Site	Type	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
Approved Construction Impacts								
2	Non-Riparian	2.49	--	--	0.05	--	2.54	2.54
3	Riparian	0.09	<0.01	--	0.09	0.66	0.84	0.18
4	Riparian	0.76	0.06	0.06	0.12	1.19	2.19	0.94
5	Non-Riparian	0.86	--	--	0.05	--	0.91	0.91
6	Non-Riparian	1.60	--	--	0.13	--	1.73	1.73
7	Non-Riparian	<0.01	--	--	0.01	--	0.01	0.02
8	Non-Riparian	0.23	--	--	0.02	--	0.25	0.25
9	Riparian	0.54	--	--	0.06	--	0.60	0.60
10	Non-Riparian	0.38	--	--	0.02	--	0.40	0.40
11	Non-Riparian	0.96	--	--	0.09	--	1.05	1.05
12	Non-Riparian	0.31	--	--	0.06	--	0.37	0.37
13	Riparian	0.01	--	--	<0.01	--	0.01	0.02
14	Non-Riparian	0.34	--	--	--	--	0.34	0.34
15	Non-Riparian	0.03	--	--	0.02	--	0.05	0.05
17	Non-Riparian	1.39	--	--	0.16	--	1.55	1.55
18	Non-Riparian	0.58	--	--	0.10	--	0.68	0.68
19	Non-Riparian	1.35	--	--	0.20	--	1.55	1.55
20	Non-Riparian	0.30	--	--	0.06	--	0.36	0.36
21	Non-Riparian	1.58	--	0.01	0.03	--	1.62	1.62
22	Non-Riparian	0.02	--	--	--	--	0.02	0.02
23	Riparian	0.02	--	0.01	0.03	0.19	0.25	0.06
Approved Construction Total:		13.84	0.07	0.08	1.29	2.04	17.32	15.24
Approved Utility Impacts								
1	Aerial Power Line	<0.01	--	--	--	0.35	0.35	0.00
2	Aerial Power Line	<0.01	--	--	--	0.40	0.40	0.00
Approved Utility Total:		0.01	0.00	0.00	0.00	0.75	0.75	0.00
SECTION D TOTAL:		13.85	0.07	0.08	1.29	2.79	18.08	15.24

Total Wetland Impacts in the White Oak and Neuse River Basins

Section	Fill (ac)	Fill (temporary) (ac)	Temporary Excavation (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts Requiring Mitigation (ac)
Section B Total:	8.29	0.07	0	0.11	1.21	4.66	14.34	9.59
Section C Total:	18.02	0.16	0.29	0.41	3.60	1.69	24.17	22.08*
Section D Total:	13.85	0.07	0.00	0.08	1.29	2.79	18.08	15.24
PROJECT TOTAL:	40.16	0.30	0.29	0.60	6.10	9.14	56.59	46.91

* There is an additional 0.06 acres of impact at Site 7 due to total take reflected above but not reflected in the Section C impacts table
Total Wetland Impact for Project: 56.59 acres; 46.91 acres of which require mitigation.

Open Water Impacts in the Neuse River Basin

Site	Permanent Fill in Open Waters (ac)	Temporary Fill in Open Waters (ac)	Total Fill in Open Waters (ac)
Section D Site 6	0.03	--	0.03
TOTAL	0.03	0.00	0.03

Total Open Water Impact for Project: 0.03 acres.

Section C Neuse River Basin Riparian Buffer Impacts

Site	Impact Type	Zone 1 Impact (sq ft)	minus Wetlands in Zone 1 (sq ft)	= Zone 1 Buffers (not wetlands) (sq ft)	Mitigable Impacts (sq ft)	Zone 1 Buffer Mitigation Required (3:1 ratio)	Zone 2 Impact (sq ft)	minus Wetlands in Zone 2 (sq ft)	= Zone 2 Buffers (not wetlands) (sq ft)	Mitigable Impacts (sq ft)	Zone 2 Buffer Mitigation Required (1.5:1 ratio)
Approved Impacts for Section C											
1	Road	6,426	0	6,426	0	N/A*	3,705	0	3,705	0	N/A*
2	Road	11,389	0	11,389	11,389	34,167	7,568	0	7,568	7,568	11,352
3	Road	9,916	0	9,916	9,916	29,748	4,613	0	4,613	4,613	6,920
27	Utility	519	0	519	0	N/A*	0	0	0	0	0
Section Total:		28,250	0	28,250	21,305	63,915	15,886	0	15,886	12,181	18,272
Approved Impacts for Section D											
1	Road	18,124	0	18,124	18,124	54,372	11,612	0	11,612	11,612	17,418
2	Bridge	11,778	11,630	148	0	N/A*	6,975	5,096	1,879	0	N/A*
2	Road	2,143	928	1,215	0	N/A*	2,083	379	1,704	0	N/A*
2	Parallel	0	0	0	0	N/A*	26	0	26	26	39
3	Bridge	31,209	24,130	7,079	0	N/A*	12,501	9,567	2,934	0	N/A*
4	Road	14,017	12,324	1,693	1,693	5,079	9,383	6,294	3,089	3,089	4,634
5	Road	15,142	433	14,709	14,709	44,127	9,677	0	9,677	9,677	14,516
6	Road	20,266	0	20,266	20,266	60,798	12,665	1,432	11,233	11,233	16,850
7	Road	38,167	28,108	10,059	10,059	30,177	25,504	11,272	14,232	14,232	21,348
8	Bridge	7,707	4,781	2,926	0	N/A*	6,694	2,277	4,417	0	N/A*
Section Total:		158,553	82,334	76,219	64,851	194,553	97,120	36,317	60,803	49,869	74,791
Total Approved Impacts for Project											
Project Total:		186,803	82,334	104,469	86,156	258,468	113,006	36,317	76,689	62,050	93,063

* N/A = Total for Site is less than 1/3 acre and 150 linear feet of impact or allowable; no mitigation required

Total Buffer Impact for Project is 299,809 square feet; 148,206 are mitigable.

SUMMARY OF ALL IMPACTS

Location	Stream (feet)		Wetland (acre)		Buffer Impacts (ft ²)			Buffer Mitigation* (ft ²)			Open Water (acre)
	Impacts	Mitigation	Impacts	Mitigation	Zone 1	Zone 2	Total	Zone 1	Zone 2	Total	
Section B	2,089	1,830	14.34	9.59	N/A	N/A	N/A	N/A	N/A	N/A	0
Section C	467	0	24.17	22.08	28,250	15,886	44,136	21,305	12,181	33,486	0
Section D	2,123	1,948	18.08	15.24	158,553	97,120	255,673	64,851	49,869	114,720	0.03
TOTAL:	4,679	3,778	56.59	46.91	186,803	113,006	299,809	86,156	62,050	148,206	0.03

* Buffer mitigation does not include wetlands. See Buffer Tables above for more information.

The application provides adequate assurance that the discharge of fill material into the waters of the White Oak and Neuse River Basins in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received November 14, 2014. Should your project change, you are required to 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional 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 .0244(9). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

Project Specific Conditions

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. 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)]
3. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. 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)]
4. 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)]
5. 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)]
6. 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. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H .0506(b)(3)]
7. 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)]
8. Mitigation:
 - a. Compensatory mitigation for 3,778 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated February 25, 2015 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the EEP Mitigation Banking Instrument signed July 28, 2010. [15A NCAC 2H.0506(h)]
 - b. Compensatory mitigation for impacts to 86,156 square feet of protected riparian buffers in Zone 1 and 62,050 square feet of protected riparian buffers in Zone 2 (a total of 148,206 square feet) shall be required. We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through use of the North Carolina Ecosystem Enhancement Program (EEP). Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be provided in the Neuse River Basin and done in accordance with 15A NCAC 2B .0242(9). EEP has indicated in a letter dated February 25, 2015 that they will assume responsibility for satisfying the compensatory mitigation requirements for the above-referenced project, in accordance with EEP's Mitigation Banking Instrument signed July 28, 2010. [15A NCAC .02B .0295]
 - c. Compensatory mitigation for impacts to 46.91 acres of wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated February 25, 2015 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with EEP's Mitigation Banking Instrument signed July 28, 2010. [15A NCAC 2H.0506(h)]

- d. Mitigation will not be required for jurisdictional areas impacted by temporary excavation provided impacted areas are restored to pre-impact conditions as much as practicably possible and jurisdictional status is re-attained within three growing seasons after final disturbance. [15A NCAC 02H.0506(c)(3)]
9. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
10. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
11. 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. The use of rip-rap shall be kept to a minimum. 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)]
12. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
13. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]
14. At locations where ponds will be drained, proper measures will be taken to drain the pond with limited impact to upstream and downstream channel stability as well as to native aquatic species. Proper measures will be taken to avoid sediment release and/or sediment accumulation downstream as a result of pond draining. If typical pond draining techniques will create significant disturbance to native aquatic species, additional measures such as collection and relocation may be necessary to prevent a significant fish kill. NCDOT shall consult with NC Wildlife Resources staff to determine if there are any sensitive species, and the most appropriate measures to limit impacts to these species. The permittee shall observe any natural channel re-establishment, or utilize natural channel construction techniques, to ensure that the jurisdictional stream channel above and below the drained pond remain stable, and that no additional impacts occur within the natural stream channel as a result of draining the pond. [15A NCAC 2H.0506(b)(3)]
15. The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) as described below [15A NCAC 02H.0506(b)(2) and 15A NCAC 04B. 0125]:
 - a. Due to the anadromous fish spawning area, no in-water work is permitted in the Trent River between February 15 and July 15 of any year, without prior approval from the NC Division of Water Resources and the National Marine Fisheries Service. In addition, the permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
 - b. Due to the Inland Primary Nursery Area designation, no in-water work is permitted in the White Oak River between February 15 and September 30 of any year, without prior approval from the NC Division of Water Resources and the NC Wildlife Resources Commission.
16. Pipes and culverts used exclusively to maintain equilibrium in wetlands, where aquatic life passage is not a concern, need not be buried and can be installed at natural ground elevation.

17. NCDOT shall be in compliance with the NCS000250 issued to the NCDOT, including the applicable requirements of the NCG010000.
18. Tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian areas. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with an appropriate native seed mix on disturbed soils within the riparian area and on disturbed steep slopes with the following exception. Erosion control matting is not necessary if the area is contained by perimeter erosion control devices such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Erosion control matting placed in riparian areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydroseeding along with wood or cellulose based hydro mulch applied from a fertilizer- and limestone-free tank is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters is prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank. [15A NCAC 02B.0224 and 0225]

General Conditions:

19. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
20. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
21. 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)]
22. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
23. 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)]
24. 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)]
25. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
26. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
27. 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)]
28. 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)]

29. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
30. 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]
31. 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)]
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)]
33. 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]
34. 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.
35. 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)]
36. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
37. 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)]
38. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
39. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards [15A NCAC 02H.0506(b)(3) and (c)(3)]:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
40. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]

41. All stormwater runoff shall be directed as sheetflow through stream buffers at non-erosive velocities, unless otherwise approved by this certification. [15A NCAC 2B .0233]
42. 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 .0233]
43. Pursuant to 15A NCAC 2B .0233(6) sediment and erosion control devices shall not be placed in Zone 1 of any Neuse 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. [15A NCAC 2B .0233(6)]

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

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

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

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

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

Mr. Sam M. Hayes, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center

This the 2nd day of March 2015

DIVISION OF WATER RESOURCES



S. Jay Zimmerman, Acting Director
Division of Water Resources



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

April 8, 2015

Mr. Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1548

Subject: Correction to the 401 Water Quality Certification for the proposed improvements to US 17 from south of Belgrade at SR 1330/SR1439 to the New Bern Bypass in Onslow, Jones, and Craven Counties, TIP R-2514 B, C, & D.
NCDWR Project No. 20141169v1
NCDWR Certification No. 004012

Dear Mr. Hancock:

This letter is in regards to the 401 Water Quality Certification (WQC) issued on March 2, 2015 for improvements to US 17 in Onslow, Jones, and Craven Counties (DWQ Project No. 20141169; WQC No. 004012). Condition No. 15 of the WQC contains the following language:

1. "The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) as described below [15A NCAC 02H.0506(b)(2) and 15A NCAC 04B.0125]:
 - a. Due to the anadromous fish spawning area, no in-water work is permitted in the Trent River between February 15 and July 15 of any year, without prior approval from the NC Division of Water Resources and the National Marine Fisheries Service. In addition, the permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.
 - b. Due to the Inland Primary Nursery Area designation, no in-water work is permitted in the White Oak River between February 15 and September 30 of any year, without prior approval from the NC Division of Water Resources and the NC Wildlife Resources Commission."

Subsequent to the issuance of the initial 401 WQC on March 2, 2015, it was brought to our attention that, due to anadromous fish spawning, the in-water work moratorium for the Trent River should be between February 15 and June 15 of any year and not February 15 to July 15 of any year as stated in the original 401 WQC. The in-water work moratorium dates stated in the original 401 WQC for the White Oak River remain unchanged. Therefore, Condition 15 is revised as follows:

1. "The permittee will need to adhere to all appropriate in-water work moratoria (including the use of pile driving or vibration techniques) as described below [15A NCAC 02H.0506(b)(2) and 15A NCAC 04B.0125]:
 - a. Due to the anadromous fish spawning area, no in-water work is permitted in the Trent River between February 15 and **June 15** of any year, without prior approval from the NC Division of Water Resources and the National Marine Fisheries Service. In addition, the permittee shall conform to the NCDOT policy entitled "Stream Crossing Guidelines for Anadromous Fish Passage (May 12, 1997) at all times.

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

- b. Due to the Inland Primary Nursery Area designation, no in-water work is permitted in the White Oak River between February 15 and September 30 of any year, without prior approval from the NC Division of Water Resources and the NC Wildlife Resources Commission.”

Please attach a copy of this letter with any copies of the original Water Quality Certification. All other conditions written into the previous Water Quality Certification for this project dated March 2, 2015 still apply except where superseded by this correction. We are sorry for any inconvenience this may have caused. If you have any questions please contact David Wainwright at (919) 707-8787 or David.Wainwright@ncdenr.gov.

Sincerely,



S. Jay Zimmerman, Director
Division of Water Resources

Electronic copies:

Tom Steffens, US Army Corps of Engineers, Washington Field Office
Jay Johnson, Division 2 Environmental Officer
Colin Mellor, NC Department of Transportation
Chris Rivenbark, NC Department of Transportation
Gordon Cashin, NC Department of Transportation
Dr. Cynthia Van Der Wiele, US Environmental Protection Agency
Travis Wilson, NC Wildlife Resources Commission
Cathy Brittingham, NC Division of Coastal Management
Garcy Ward, NC Division of Water Resources Washington Regional Office
File Copy



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald van der Vaart
Secretary

NCDWR Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____



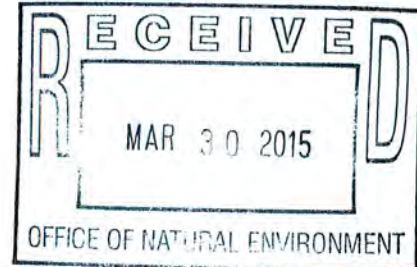
North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

March 24, 2015

Richard W. Hancock, PE
Manager
Project Development and Environmental Analysis Branch
NC Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548



Dear Mr. Hancock:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit or any of the conditions, you may request a hearing pursuant to NCGS 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NCGS Chapter 150B with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27611-6714, (919) 733-2698 within twenty (20) days of this decision on your permit. You should also be aware that if another qualified party submits a valid objection to the issuance of this permit within twenty (20) days, the matter must be resolved prior to work initiation. The Coastal Resources Commission makes the final decision on any appeal.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance require additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Sincerely,

Douglas V. Huggett
Major Permits and Consistency Manager

Enclosure

Division of Coastal Management
400 Commerce Ave., Morehead City, NC 28557
Phone: 252-808-2808 \ FAX: 252-247-3330 Internet: www.nccoastalmanagement.net

Permit Class
NEW

Permit Number
43-15

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

Permit

for

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

Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 1598 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in Onslow and Craven County at new crossing of White Oak River and
improvements to US 17 (R-2514) as requested in the permittee's application dated 11/3/14, MP-1,
MP-2, and MP-5 and received as complete on 2/20/15.

This permit, issued on 3/24/15, 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.

New Crossing of White Oak River and US 17 Improvements

- 1) In accordance with commitments made by the permittee and in order to protect anadromous fish during spawning periods and through embryonic, larval or juvenile life stages in the White Oak River, no in-water work shall be conducted from February 15 through September 30, without prior approval of the NC Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.
- 2) The installation of bridge piles shall be accomplished by pile driving and/or the use of a vibratory hammer. Should the permittee and/or its contractor desire to utilize another type of pile installation, such as drilled shaft construction or jetting, additional authorization from DCM shall be required.

(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 DENR and the Chairman 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.

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

- 3) Turbidity curtains shall be used to isolate all in-water work areas within the White Oak River, including but not limited to the permanent and temporary work bridge installation and removal. 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. The turbidity curtains shall be removed when turbidity within the curtains reaches ambient levels.
- 4) Placement of riprap shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be free from loose dirt or any pollutant. The riprap material shall consist of clean rock or masonry materials, such as but not limited to, granite, marl, or broken concrete.
- 5) Any debris resulting from the demolition of the existing bridge or construction of the new bridge shall not enter wetlands or waters of the State, even temporarily.
- 6) Any waste materials and debris associated with construction, demolition, or other activities 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.
- 7) The permittee and/or his contractor shall exercise all available precautions in day-to-day operations to prevent waste from entering the adjacent waters.
- 8) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals, etc., necessary to carry out the project.
- 9) Uncured concrete shall not be allowed to contact waters of the State or water that will enter waters of the State.
- 10) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 11) There shall be no clearing or grubbing of wetlands outside of the areas indicated on the attached workplan drawings without prior approval from DCM.
- 12) The permittee shall minimize the need to cross wetlands to the maximum extent practicable.
- 13) 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.
- 14) The temporary work bridges shall be removed in their entirety within 90 days after they are no longer needed. However, if this timeframe occurs while the moratorium referenced in Condition No. 1 of this permit is in effect, then the temporary work bridges shall be removed in their entirety within 90 days of the moratorium end date.

ADDITIONAL CONDITIONS

Excavation and Fill

- 15) 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 prior DCM authorization.
- 16) Material excavated may be used in fill areas associated with the project once properly dewatered or shall be removed from the site and taken to an approved high ground location.
- 17) The temporary placement and double handling of any excavated or fill material within waters or vegetated wetlands is not authorized.
- 18) All fill material shall be clean and free of any pollutants except in trace quantities.

Navigation/Public Trust Usage

- 19) During bridge construction, the permittee shall make every attempt to maintain traditional navigation in the White Oak River. If this is not possible, then adequate notice shall be provided to the public that navigation will be limited during construction. The notice shall include an estimate of the amount of time that the limited navigation will occur.

Sedimentation and Erosion Control

- 20) This project shall conform to all requirements of the NC Sedimentation Pollution Control Act and NC DOT's Memorandum of Agreement with the Division of Energy, Mineral and Land Resources.

Compensatory Mitigation

NOTE: The Ecosystem Enhancement Program (EEP) agreed to provide compensatory mitigation for impacts in accordance with the EEP acceptance letter dated 2/25/15.

Utilities Relocation

- 21) Any relocation of utility lines that has not been previously permitted by DCM or is not already depicted on the attached work plan drawings, or described within the attached permit application, shall require approval by DCM, either under the authority of this permit, or by the utility company obtaining separate authorization.

ADDITIONAL CONDITIONS

Historical and Cultural Resource Protection

- 22) The permittee shall adhere to stipulations contained within the Memorandum of Agreement between the US Army Corp of Engineers and the North Carolina Historic Preservation Office dated 5/2/11, which NCDOT concurred with by signature on 5/25/11.

General

- 23) The NC Division of Water Resources (DWR) authorized the proposed project (Project No. 20141169v1) on 3/2/15. Any violation of the Certification approved by the DWR shall be considered a violation of this CAMA permit.
- 24) The permittee and/or contractor shall contact the DCM Transportation Field Representative in the Morehead City District Office at (252) 808-2808 to schedule a pre-construction conference prior to project initiation.

NOTE: This permit conveys DCM's determination that the portion of the project not located within a CAMA Area of Environmental Concern (AEC), including the extent of the linear project located outside of the coastal zone, will be undertaken in a manner that to the maximum extent practicable is not expected to have an effect on a coastal use or resources within the coastal zone and therefore is consistent with the enforceable policies of the NC Coastal Management Program in accordance with the provisions of Federal Consistency (15CFR930).

NOTE: If it is determined that additional permanent and/or temporary impacts are necessary that are not shown on the attached permit drawings or described in the authorized permit application, permit modification or additional authorization from DCM may be required.

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

NOTE: This permit does not eliminate the need to obtain any additional state, federal, or local 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 the Division of Water Resources.

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) 398-6557
Fax: (757) 398-6222
Email: James.L.Rousseau2@uscg.mil
Or CGDFiveBridges@uscg.mil

16593
24 NOV 2014

Mr. Richard W. Hancock, P.E.
Project Development and Environment Analysis Unit
NC Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

Dear Mr. Hancock:

This responds to your letter dated October 8, 2014 for the proposed US 17 improvements over several small tributaries, Trent River and White Oak River in Jones and Onslow Counties, NC.

The Coast Guard Authorization Act of 1982 exempts bridge projects from Coast Guard Bridge permits when the bridge project crosses non-tidal waters which are not used, susceptible to use in their natural condition, or susceptible to use by reasonable improvement as a means to transport interstate commerce. The information provided with the letter and our research describe such a project, therefore the bridges in this vicinity are exempt, and will not require Coast Guard Bridge Permits.

This determination is for the location and study area of the bridges in the proposed project vicinity and is **valid for five years from the date of this letter**. If construction does not commence within this time period, you must contact this office for reaffirmation of this authorization. Further bridge projects along the same waterways will have to be independently evaluated before they may be considered for this determination. In addition, the requirement to display navigational lighting at the aforementioned bridges is hereby waived, as per Title 33 Code of Federal Regulations, Part 118.40(b). This waiver may be rescinded at anytime in the future should nighttime navigation through the proposed bridge be increased to a level determined by the District Commander to warrant lighting.

The fact that a Coast Guard 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.

Sincerely,

A handwritten signature in blue ink that reads "James L. Rousseau".

JAMES L. ROUSSEAU
Bridge Program Manager
By direction of the Commander
Fifth Coast Guard District

Copy: CG Sector North Carolina, Waterways Management
Mr. Gordon Cashin, NCDOT

**North Carolina
Environmental Management Commission
Department of Environment and Natural Resources**

**Permit For The Withdrawal And Use Of Water
In The Central Coastal Plain Capacity Use Area**

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

Permission Is Hereby Granted To

NC Department of Transportation

NCDOT TIP project: **R-2514B**
(US 17 from south of Belgrade at SR 1330/SR 1439 to north of Maysville
in Onslow and Jones Counties. Total length of project is 4.156 miles)

FOR THE

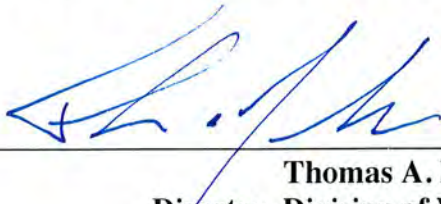
Withdrawal and Use of Water in Onslow and Jones Counties, North Carolina in accordance with the grantee's application dated October 15, 2014, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until October 31, 2019, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 12th day of November, 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY _____



**Thomas A. Reeder
Director, Division of Water Resources**

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4034

I. WITHDRAWALS

A. USE

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

B. RATES OF WITHDRAWALS

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

C. SOURCE(s) OF WITHDRAWALS

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

D. MONITORING OF WITHDRAWALS

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

II. WATER LEVELS

A. MAXIMUM DRAWDOWN LEVELS

1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

B. MONITORING OF WATER LEVELS

1. The pumping water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
 - d. during the last planned pumping day of the month, or within the last five days of the month.

2. The static water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. after the pump is shut off for approximately 12 hours, and
 - d. within the last five days of the month.
3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

III. OTHER PROVISIONS

A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Water Quality Regional Operations Section, 943 Washington Square Mall • Washington, NC 27889.

B. ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

IV. REPORTS REQUIRED

A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

B. WATER LEVELS

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

V. MODIFICATION OR REVOCATION

A. MODIFICATION

1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

B. REVOCATION

The Director may revoke the permit if he finds that:

1. the Permittee has violated the terms of the permit; or
2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
3. the Permittee made false or fraudulent statements in the application for the water use permit; or
4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

VI. CONSTRUCTION OF PERMIT

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission

or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

VII. ADDITIONAL CONDITIONS

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

VIII. PENALTIES

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

IX. PERMIT NONTRANSFERABLE

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

X. RENEWAL OF PERMIT

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate.

**Report of Water Withdrawals
from Each Source**

North Carolina Department of Environment and Natural Resources

Mail To: Division of Water Resources - NC DENR
1611 Mail Service Center
Raleigh, North Carolina 27699-1611
Attention : Capacity Use Administration

Check Box If No Use This Month

For month of: _____ Year: _____ Facility: **NCDOT (R-2514B)** Permit #: **CUJ4034** Sheet ___ of ___

Well/Sump ID	meter readings	gallons per day	meter readings	gallons per day	meter readings	gallons per day	Total Withdrawn
Beginning reading							
Day 1							
Day 2							
Day 3							
Day 4							
Day 5							
Day 6							
Day 7							
Day 8							
Day 9							
Day 10							
Day 11							
Day 12							
Day 13							
Day 14							
Day 15							
Day 16							
Day 17							
Day 18							
Day 19							
Day 20							
Day 21							
Day 22							
Day 23							
Day 24							
Day 25							
Day 26							
Day 27							
Day 28							
Day 29							
Day 30							
Day 31							

North Carolina Department Of Environmental and Natural Resources

Report of Weekly or Monthly Water Levels Pumping (P) and (S)

Mail to: Division of Water Resources- NC DENR
1611 Mail Service Center
Raleigh, NC 27699-1611
Attention: Capacity Use Administration

Name: _____
Signature: _____
Date: _____

Month _____ Year _____ Facility Name: **NC DOT (R-2514B)** Permit #: **CU4034** Sheet # _____ of _____

Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____					
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____					
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____			Well ID _____ Land Surface Elev. (ft) _____					
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

DWR CCPCUA-6 State land surface elevations and depths below land surface to the nearest 0.1 feet.

**North Carolina
Environmental Management Commission
Department of Environment and Natural Resources**

**Permit For The Withdrawal And Use Of Water
In The Central Coastal Plain Capacity Use Area**

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

Permission Is Hereby Granted To

NC Department of Transportation

NCDOT TIP project: **R-2514C**

(US 17 from north of Maysville to south of NC 58 near Pollocksville in Jones County. Total length of project is 5.492 miles.)

FOR THE

Withdrawal and Use of Water in Jones County, North Carolina in accordance with the grantee's application dated October 15, 2014, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until October 31, 2019, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 12th day of November, 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY _____



**Thomas A. Reeder
Director, Division of Water Resources**

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4035

I. WITHDRAWALS

A. USE

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

B. RATES OF WITHDRAWALS

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

C. SOURCE(s) OF WITHDRAWALS

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

D. MONITORING OF WITHDRAWALS

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

II. WATER LEVELS

A. MAXIMUM DRAWDOWN LEVELS

1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

B. MONITORING OF WATER LEVELS

1. The pumping water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
 - d. during the last planned pumping day of the month, or within the last five days of the month.

2. The static water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. after the pump is shut off for approximately 12 hours, and
 - d. within the last five days of the month.
3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

III. OTHER PROVISIONS

A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Water Quality Regional Operations Section, 943 Washington Square Mall • Washington, NC 27889.

B. ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

IV. REPORTS REQUIRED

A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

B. WATER LEVELS

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

V. MODIFICATION OR REVOCATION

A. MODIFICATION

1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

B. REVOCATION

The Director may revoke the permit if he finds that:

1. the Permittee has violated the terms of the permit; or
2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
3. the Permittee made false or fraudulent statements in the application for the water use permit; or
4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

VI. CONSTRUCTION OF PERMIT

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission

or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

VII. ADDITIONAL CONDITIONS

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

VIII. PENALTIES

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

IX. PERMIT NONTRANSFERABLE

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

X. RENEWAL OF PERMIT

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate.

**Report of Water Withdrawals
from Each Source**

North Carolina Department of Environment and Natural Resources

Mail To: Division of Water Resources - NC DENR
1611 Mail Service Center
Raleigh, North Carolina 27699-1611
Attention : Capacity Use Administration

Check Box If No Use This Month

For month of: _____ Year: _____ Facility: **NCDOT (R-2514C)** Permit #: **CU4035** Sheet _____ of _____

Well/Sump ID	meter readings	gallons per day	meter readings	gallons per day	meter readings	gallons per day	Total Withdrawn
Beginning reading							
Day 1							
Day 2							
Day 3							
Day 4							
Day 5							
Day 6							
Day 7							
Day 8							
Day 9							
Day 10							
Day 11							
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Day 25							
Day 26							
Day 27							
Day 28							
Day 29							
Day 30							
Day 31							

North Carolina Department Of Environmental and Natural Resources

Mail to: Division of Water Resources- NC DENR
 1611 Mail Service Center
 Raleigh, NC 27699-1611
 Attention: Capacity Use Administration

Name: _____
 Signature: _____
 Date: _____

**Report of Weekly or Monthly
 Water Levels
 Pumping (P) and (S)**

Month _____ Year _____ Facility Name: **NC DOT (R-2514C)** Permit #: **CU4035** Sheet # _____ of _____

Well ID _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____	
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____	
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____		Land Surface Elev. (ft) _____	
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

State land surface elevations and depths below land surface to the nearest 0.1 feet.

**North Carolina
Environmental Management Commission
Department of Environment and Natural Resources**

**Permit For The Withdrawal And Use Of Water
In The Central Coastal Plain Capacity Use Area**

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

Permission Is Hereby Granted To

NC Department of Transportation

NCDOT TIP project: **R-2514D**

(US 17 from south of NC 58 to the New Bern Bypass in Craven and Jones Counties. Total length of project is 6.383 miles.)

FOR THE

Withdrawal and Use of Water in Craven and Jones Counties, North Carolina in accordance with the grantee's application dated October 15, 2014, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until October 31, 2019, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 12th day of November, 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY _____



**Thomas A. Reeder
Director, Division of Water Resources**

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4036

I. WITHDRAWALS

A. USE

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

B. RATES OF WITHDRAWALS

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

C. SOURCE(S) OF WITHDRAWALS

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

D. MONITORING OF WITHDRAWALS

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

II. WATER LEVELS

A. MAXIMUM DRAWDOWN LEVELS

1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

B. MONITORING OF WATER LEVELS

1. The pumping water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
 - d. during the last planned pumping day of the month, or within the last five days of the month.

2. The static water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. after the pump is shut off for approximately 12 hours, and
 - d. within the last five days of the month.
3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

III. OTHER PROVISIONS

A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Water Quality Regional Operations Section, 943 Washington Square Mall • Washington, NC 27889.

B. ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

IV. REPORTS REQUIRED

A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

B. WATER LEVELS

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

V. MODIFICATION OR REVOCATION

A. MODIFICATION

1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

B. REVOCATION

The Director may revoke the permit if he finds that:

1. the Permittee has violated the terms of the permit; or
2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
3. the Permittee made false or fraudulent statements in the application for the water use permit; or
4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

VI. CONSTRUCTION OF PERMIT

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission

or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

VII. ADDITIONAL CONDITIONS

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

VIII. PENALTIES

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

IX. PERMIT NONTRANSFERABLE

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

X. RENEWAL OF PERMIT

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate.

**Report of Water Withdrawals
from Each Source**

North Carolina Department of Environment and Natural Resources

Mail To: Division of Water Resources - NC DENR
 1611 Mail Service Center
 Raleigh, North Carolina 27699-1611
 Attention : Capacity Use Administration

Check Box If No Use This Month

For month of: _____ Year: _____ Facility: **NCDOT (R-2514D)** Permit #: **CU4036** Sheet ___ of ___

Well/Sump ID	meter readings		gallons per day	meter readings		gallons per day	meter readings		gallons per day	Total Withdrawn
	Beginning reading	End reading		Beginning reading	End reading		Beginning reading	End reading		
Day 1										
Day 2										
Day 3										
Day 4										
Day 5										
Day 6										
Day 7										
Day 8										
Day 9										
Day 10										
Day 11										
Day 12										
Day 13										
Day 14										
Day 15										
Day 16										
Day 17										
Day 18										
Day 19										
Day 20										
Day 21										
Day 22										
Day 23										
Day 24										
Day 25										
Day 26										
Day 27										
Day 28										
Day 29										
Day 30										
Day 31										

**Report of Weekly or Monthly
Water Levels
Pumping (P) and (S)**

North Carolina Department Of Environmental and Natural Resources

Mail to: Division of Water Resources- NC DENR
1611 Mail Service Center
Raleigh, NC 27699-1611
Attention: Capacity Use Administration

Name: _____
Signature: _____
Date: _____

Month _____ Year _____ Facility Name: **NCDOT (R-2514D)** Permit #: **CU4036** Sheet # _____ of _____

Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____							
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____							
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____		Well ID _____ Land Surface Elev. (ft) _____							
Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S	Date	Time	Feet Below Land Surface	P or S

State land surface elevations and depths below land surface to the nearest 0.1 feet.