

Permit Class
NEW

Permit Number
60-16

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, 1598 Mail Service Center, Raleigh, NC 27699-1598

Authorizing development in Pender County at Topsail Sound and AIWW, Bridge No. 16
on NC-50/NC-210, as requested in the permittee's application dated 2/4/16, including the
attached workplan drawings (43) as referenced in Condition No. 1 of this permit.

This permit, issued on 5/27/16, 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-4929, Topsail Island Beach Bridge Replacement over the AIWW

- 1) All work authorized by this permit shall be carried out in accordance with the following attached workplan drawings (43), except as modified herein: 19 permit drawings dated 2/4/16; 7 roadway design drawings (1 dated 8/24/15, 2 dated 8/27/15, 1 dated 8/21/15, and 3 dated 10/21/15); 16 utility drawings (14 dated 2/3/16, and 2 dated 11/20/15), and 1 structures drawing dated 9/18/15.
- 2) In accordance with commitments made by the permittee, due to the classification of Topsail Sound as a Primary Nursery Area, all bottom-disturbing activities shall occur outside the in-water work moratorium of April 1 to September 30 of any year without prior approval of the N.C. Division of Coastal Management (DCM), in consultation with the appropriate resource agencies.

(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.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

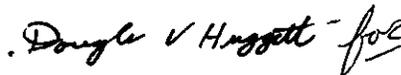
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

No expiration date, pursuant to GS 136-44.7B

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

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



Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The authorized project is located within a primary nursery area (PNA). Therefore, in accordance with T15A:07H.0208 of the rules of the Coastal Resources Commission, no new dredging or excavation within the PNA shall be permitted. Dredging in any manner, including “kicking” with boat propellers, is not authorized. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 4) In accordance with commitments made by the permittee, in order to further 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.
- 5) All construction access shall be through the use of the existing bridge, temporary work bridges, platforms, barges, partially constructed new bridges, and existing high ground areas.
- 6) Construction staging areas shall be located only in upland areas, and not in wetlands or waters of the State.
- 7) Barges shall be utilized only in areas of sufficient depth such that the barges avoid contact with the bottom and do not rest on the bottom during periods of low tide.
- 8) The installation of the piles for the permanent and temporary bridges shall be accomplished by pile driving and/or drilled shaft construction. Should the permittee and/or its contractor propose to utilize another type of pile installation, such as jetting, additional authorization from DCM shall be required.
- 9) If drilled shaft construction is implemented, then excavated material from the drilled-shaft construction shall be removed from the encasements directly into containment vessels.
- 10) No drill slurry or water that has been in contact with uncured concrete shall be allowed to contact waters of the State or waters that will enter waters of the State. Drilling fluids shall be disposed of in an upland disposal site. Water returning to the surrounding waters shall be of sufficient quality so as to not pose a threat to aquatic organisms or otherwise violate State water quality standards.
- 11) The removal of the piles for the existing bridge, temporary work bridge and existing fender system shall be accomplished by use of vibratory hammer. Should the permittee and/or its contractor propose to utilize another type of pile extraction, such as jetting, additional authorization from DCM shall be required.
- 12) The existing bridge, fender system, and temporary work bridge, including piles, 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 Number 2 of this permit is in effect, then the existing bridge, fender system, and temporary work bridge, including piles, shall be removed in their entirety within 30 days of the moratorium end date.

ADDITIONAL CONDITIONS

- 13) Pilings from the existing bridge, temporary work bridge, and existing fender system, as well as any remnant pilings from previous bridges or fender systems, shall be removed in their entirety, except that in the event that a piling or other component breaks during removal and cannot be removed in its entirety, the piling or other component may be cut off flush with the bed of the water body, and DCM shall be notified of each occurrence within one working day.
- 14) The retaining walls shall be in place prior to any backfilling activities. The retaining walls shall be structurally tight so as to prevent seepage of fill materials through the structure.
- 15) Placement of riprap material shall be limited to the areas as depicted on the attached workplan drawings. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities. The riprap material shall be of a size sufficient to prevent its movement from the approved alignment by wave or current action. The riprap material shall consist of clean rock or masonry materials such as but not limited to granite, marl, or broken concrete.
- 16) 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.
- 17) All fill material shall be clean and free of any pollutants except in trace quantities.
- 18) Material excavated from high ground areas at the project site may be used in fill areas associated with the project or shall be removed from the site and taken to a high ground location.
- 19) 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 into any wetlands or surrounding waters.
- 20) The temporary placement or double handling of any excavated or fill material within wetlands or waters of the State is not authorized. This condition also applies to the authorized removal of the existing bridge, fender system, tender house, pavement, wood pier, and associated materials.
- 21) Any waste materials or debris generated in the demolition and removal of the existing bridge and/or construction of the new bridge or roadway shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.

ADDITIONAL CONDITIONS

Submerged Aquatic Vegetation

- 22) In accordance with commitments made by the permittee (Finding of No Significant Impact page 35), to ensure that SAV habitat is not impacted, the permittee shall conduct additional SAV surveys within the area shaded by the authorized project and a nearby reference site, before and after construction using methodologies recommended by DCM. SAV surveys shall continue in the spring/summer prior to construction to gather data. After construction is completed, NCDOT shall perform SAV surveys for two additional years. After these surveys, NCDOT shall provide the results to DCM and work with DCM to determine if there is a need for mitigation.

Impacts to Wetlands and Waters of the State and Compensatory Mitigation

NOTE: In accordance with the N.C. Division of Mitigation Services (DMS) letter dated 2/10/16, compensatory mitigation for permanent impacts of 0.72 acres of riparian wetlands and 0.05 acres of Coastal Wetlands associated with the authorized project shall be provided by the DMS in accordance with the In-Lieu Fee Instrument dated 7/28/10.

- 23) Construction of the bridge footers shall not result in impacts to Coastal Wetlands.
- 24) Any voids in wetlands caused by the removal of the temporary work bridge shall be restored to the elevation of pre-existing conditions with suitable wetland or organic substrate compatible with the naturally occurring surrounding substrate to ensure revegetation of the impacted areas. The permittee shall notify DCM's Transportation Project Field Representative in Morehead City to provide DCM with an opportunity to inspect the material for suitability prior to backfilling.

NOTE: Any wetland material that is accidentally extracted with the removal of temporary work bridge piles should be used to the maximum extent practicable to help backfill any voids that are created in wetlands.

- 25) Due to the possibility that shading, compaction, hand clearing, mechanized clearing, excavation, and/or other site alterations might prevent the temporary Coastal Wetland impacts 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 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 mitigation shall be required for these impacts.
- 26) There shall be no clearing or grubbing of wetlands outside of the areas indicated for impacts on the attached workplan drawings without prior approval from DCM.

ADDITIONAL CONDITIONS

- 27) The permittee shall minimize the need to cross wetlands in transporting equipment to the maximum extent practicable.

Navigation

- 28) At the location where the authorized temporary work bridge crosses the boat access channel, the temporary work bridge shall be elevated to provide a minimum of 12 feet vertical navigational clearance above mean high water as measured from the bottom of the decking, and the temporary work bridge shall provide a minimum of thirty feet of horizontal navigational clearance centered on the boat access channel.
- 29) In accordance with commitments made by the permittee, the completed bridge project shall provide a minimum of 120 feet of horizontal navigational clearance and 65 feet of vertical navigational clearance above mean high water over the AIWW.
- 30) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work following completion of construction.
- 31) During bridge construction, and removal of the existing bridge and fender system, the permittee shall make every attempt to maintain the same navigation that is currently possible in Topsail Sound and the AIWW. 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.
- 32) The permittee shall install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.

Cultural Resource Protection

- 33) The permittee shall adhere to stipulations contained within the Memorandum of Agreement dated 1/7/14 among the Federal Highway Administration, N.C. Department of Transportation, and the North Carolina State Historic Preservation Officer for the Replacement of Bridge No. 16 over the AIWW on NC 50/210 in Surf City, Pender County, North Carolina.

General

- 34) This project shall be constructed in accordance with the permittee's Stormwater Management Plan dated 1/28/16, and the provisions of the NCDOT's National Pollutant Discharge Elimination (NPDES) Stormwater Permit NCS000250, including the applicable requirements of the NCG01000.

ADDITIONAL CONDITIONS

- NOTE:** The construction of the new bridge will also require the relocation and/or installation of utility lines for water, sewer, electric, communication, and cable. Wetland impacts resulting from the utility work have been included in the total wetland impacts for this project.
- NOTE:** Plans and specifications should be submitted and approved by the Public Water Supply Section before relocation of water lines begins.
- 35) 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.
- 36) 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.
- 37) The permittee and/or his contractor shall contact the DCM Transportation Project Coordinator in Morehead City at (252) 808-2808 to request a preconstruction conference prior to project initiation.
- 38) The permittee shall exercise all available precautions in the day-to-day operation of the facility to prevent waste from entering the adjacent wetlands and waters of the State.
- 39) Development authorized by this permit shall only be conducted on lands owned by NCDOT and/or its right-of-ways and/or easements.
- 40) 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. The permittee shall contact a representative of DCM prior to commencement of any such activity for this determination and any permit modification.
- 41) The N.C. Division of Water Resources (DWR) authorized the proposed project on 3/4/16 (DWR Project No. 20150955 v.2) under General Water Quality Certification Nos. 3886 and 3884.
- 42) This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
- NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under Regional General Permit Number 198200031 and Nationwide Permit Number 12 (COE Action ID No. SAW-2007-03646-071), which was issued on 3/24/16.
- 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.