

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Coastal Management

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
Roger N. Schechter, Director



May 12, 1997

Mr. H. Franklin Vick
NC Dept. of Transportation
P. O. Box 25201
Raleigh, NC 27611

R-2404C



Dear Sir:

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, P.O. Drawer 11666, Raleigh, NC 27611, (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.

Very sincerely,

John R. Parker, Jr.
Major Permits Processing Coordinator

JRP:jr/amw
Enclosure

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Raleigh, North Carolina 27611-7687
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STATE OF NORTH CAROLINA
Department of Environment, Health & 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. Dept. of Transportation, P.O. Box 25201, Raleigh, NC 27611

authorizing development in Bertie County at Salmon Creek, Bridge No. 27 on US 17 near Merry Hill, as requested in the permittee's application dated 2/12/97 including attached workplan drawings, 2, 3, 6, 7, 9 and 10 of 10 dated revised January, 1997, and 8 of 10 dated revised 2-97.

This permit, issued on 5-8-97, 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 a fine, imprisonment or civil action; or may cause the permit to be null and void.

Bridge Construction

- 1) In order to protect juvenile fin fish populations, no excavation or filling will be permitted between February 15 and June 30 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries.
- 2) To facilitate hydrological exchange and the movement of fish and wildlife, three culverts shall be placed within the Salmon Creek causeway. The location, type, size, and bottom elevations of these culverts shall be coordinated with and approved by the N.C. Wildlife Resources Commission. Design drawings indicating the location and specifications of these culverts shall be provided to the Division of Coastal Management prior to the installation of the culverts.
- 3) The four base ditches shown on the workplan drawings are hereby deleted at the request of the permittee. (See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance, as the case may be.

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

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

All work must cease when the permit expires on
December 31, 2000

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 DEHNR and the Chairman of the Coastal Resources Commission.



for Roger N. Schechter, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 4) No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area indicated on the workplan drawings.
- 5) All excavated materials shall be confined above the mean high water line and landward of vegetated wetlands behind adequate dikes or other retaining structures to prevent spill-over of solids into any wetlands or surrounding waters.
- 6) The temporary placement or double handling of excavated or fill material within waters or vegetated wetlands is not authorized.

Sedimentation and Erosion Control

- 7) Appropriate erosion and sedimentation control devices, measures or structures shall be used to prevent sediment from entering adjacent wetlands or watercourses (e.g., silt fences, diversion swales, berms, etc.).
- 8) The permitted activity will be conducted in such a manner as to prevent a significant increase in turbidity outside of the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 25 NTU's or less in all saltwater classes are not considered significant.
- 9) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

Mitigation

- 10) Pending approval by all parties identified in the 1985 Company Swamp Mitigation Bank Memo of Understanding (MOU), the permittee may utilize the Company Swamp Mitigation Bank to offset the impacts to the bottomland hardwood forest system adjacent to Salmon Creek. Prior to the initiation of any construction activities, the permittee must complete a Debit Transaction Form and obtain all required signatures in accordance with the procedures outlined in the 1985 MOU. If the permittee is unable to obtain the required signatures on the Transaction Form, or if for any other reason the mitigation proposal is found to be unacceptable, a new mitigation proposal must be submitted to the Division of Coastal Management for agency review. Approval of this new mitigation proposal must be granted prior to the initiation of any construction activities.

ADDITIONAL CONDITIONS

Protection of Archaeological Resources

- 11) Prior to the initiation of any construction activities, the permittee must perform to the satisfaction of the N.C. Department of Cultural Resources an archaeological survey of the new alignment portion of this project.

General

- 12) Measures shall be undertaken to ensure that live or fresh concrete does not come into contact with waters of the state until the concrete has hardened.
- 13) All debris resulting from the removal of the existing bridge shall be disposed of in an approved highground disposal area.
- 14) No refuse, debris or structures will be left in the water that would present a hazard to navigation or adversely impact the public trust.
- 15) Prior to the initiation of construction, the permittee must obtain any other local, state or federal permits or approvals that may be necessary, including but not limited to a Section 404 Water Quality Certification from the U.S. Army Corps of Engineers.

NOTE: The N.C. Division of Water Quality has authorized the proposed project under Water Quality Certification No. 319 (DWQ Project No. 970098) which was issued on 4/25/97.