

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT



Action Id. 199830751

County Catawba

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property owner North Carolina Department of Transportation

Address Planning and Environmental Branch, Attn: William D. Gilmore, P.E., Post Office Box 25201, Raleigh, North Carolina 27611-5201

Telephone No. (919) 733-7844

Size and Location of project (water body, road name/number, town, etc.) Replacement of Bridge No. 152 over Balls Creek on SR 1003 near Newton, Catawba County, North Carolina (TIP No. B-2119)

Description of Activity Replace Bridge No. 152 with a new 200-foot long, 30-foot wide bridge approximately 200 feet north of the existing structure. Traffic will be maintained on the existing bridge during construction.

Applicable Law: Section 404 (Clean Water Act, 33 U.S.C.1344).

(check all that apply) Section 10 (River and Harbor Act of 1899).

Authorization: _____ Regional General Permit Number.

23 (renewal) Nationwide Permit Number.

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

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

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

If there are any questions regarding this authorization or any of the conditions of the General Permit or Nationwide Permit, please contact the Corps Regulatory Official specified below.

Date February 3, 1999

Corps Regulatory Official Steven Lund Telephone No. (828) 271-4857

Expiration Date of Verification December 31, 2002

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE YELLOW (FILE) COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

NATIONWIDE PERMIT #23. APPROVED CATEGORICAL EXCLUSIONS. Authorizes activities undertaken, assisted, authorized, regulated, funded or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality (CEQ) Regulation for the Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Part 1500 et seq.), that the activity, work or discharge is categorically excluded from environmental documentation because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment, and the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination.

NATIONWIDE PERMIT CONDITIONS

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Erosion and siltation controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. **Aquatic life movements.** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and case-by-case conditions.** The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status. Information on wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)

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

a. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;

b. A statement that any required mitigation was completed in accordance with the permit conditions; and

c. The signature of the permittee certifying the completion of the work and mitigation.

14. Multiple use of NWPs. In any case where NWP number 12 through 40 is combined with any other NWP number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer. Any NWP number 1 through 11 may be combined with any other NWP without notification to the Corps, unless notification is otherwise required by the terms of the NWPs. As provided at 33 CFR 330.6(c) two or more different NWPs can be combined to authorize a single and complete project. However, the same NWP cannot be used more than once for a single and complete project.

SECTION 404 ONLY CONDITIONS

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material in waters of the United States, and must be followed in order for authorization by the NWPs to be valid:

1. Water supply intakes. No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for the repair of the public water supply intake structure or adjacent bank stabilization.

2. Shellfish production. No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.

3. Suitable material. No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharges must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

4. Mitigation. Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.

from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

4. Prior to the use of any NWP in a "Mountain or Piedmont Bog" of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to the work and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to wetlands or waters as may be required by the conditions of the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

5. Prior to use of any NWP for construction of animal waste facilities in waters and/or wetlands of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to the work and why alternatives were not selected; and, a plan to provide compensatory mitigation for all unavoidable adverse impacts to wetlands or waters as may be required by the applicable NWP. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District Engineer to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

NOTE: The total area of wetlands impacted, including wetlands drained by upland perimeter ditches or by other means, will be considered as cumulative impacts in making a decision to assert discretionary authority under any NWP.

6. Prior to the use of any NWP in mountain trout waters within twenty-five (25) designated counties of North Carolina, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable NWP. Notification will include a letter of comments and recommendations from North Carolina Wildlife Resources Commission (NCWRC); the location of work; a delineation of wetlands; a discussion of alternatives to working in the mountain trout waters and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the mountain trout waters. Work may proceed only after the permittee has received written, telephonic, or faxed approval from the authorized representative of the District to proceed. Normally such notice to proceed will be furnished within 30 calendar days of receipt of the above information.

a. The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery
Buncombe	Burke	Caldwell
Cherokee	Clay	Graham
Haywood	Henderson	Jackson
Macon	Madison	McDowell

4. Fill or alteration of more than 150 linear feet (45.7 meters) of streams may require compensatory mitigation in accordance with 15A NACA .0506 (h). Written NCDWQ approval is required for this mitigation plan which may utilize the State's Wetland Restoration Program.

5. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the North Carolina Division of Land Management in the DEHNR Regional or Central Offices) will be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTU's in streams and rivers not designated as trout by NCDWQ, 25 NTU's in all saltwater classes and all lakes and reservoirs, and 10 NTU's in trout waters).

6. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the North Carolina Division of Land Resources has released the project.

7. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse.

8. Additional site-specific conditions may be added to this Certification to ensure compliance with all applicable water quality and effluent standards.

9. If the project is not completed within three(3) years from the date of the first notification to NCDWQ, then the applicant will again need to notify NCDWQ.

8. Proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all the following conditions prior to starting work. Notification will include the location of work, a description of work, a delineation of wetlands, a discussion regarding all wetlands and waters to be impacted, a discussion of alternatives to the proposal and why alternatives were not selected, and a plan to mitigate for all unavoidable adverse impacts to more than one (1) acre of wetlands and/or waters. Work may proceed only after receiving written, telephonic or faxed approval to proceed.