

**2ND AMENDMENT
(for Mitigation)****28-95**

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 113-229Issued to NC Dept. Of Transportation, Div. Of Highways, P. O. Box 25201, Raleigh, NC 27611authorizing development in New Hanover County at Motts Creek, at the SR1100 crossing, as requested in the permittee's application dated 12/15/94 including attached workplan drawings, sheets 1-4 of 4 dated 12/94 and letter of 5/8/95.

This permit, issued on 9-17-96, 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.

Mitigation

- 1) Prior to construction initiation, a Mitigation Plan, or a letter of commitment to prepare such plan, will be submitted to the Division describing mitigation for 1/1 replacement of the approximately 3143 sq. ft. of coastal wetlands impacted. Dissimilar and innovative mitigation may be considered adequate by the Division. The mitigation must be approved and in place prior to the expiration date of this permit.

Construction

- 2) In order to protect juvenile shrimp and finfish populations, no excavation or filling will be permitted between February 1 and August 1 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries. This

(See attached sheet 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.

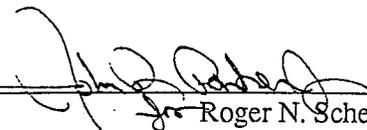
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work must cease when the permit expires on
December 31, 1998

In issuing this permit, the State of North Carolina agrees
 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.



 Roger N. Schechter, Director
 Division of Coastal Management

This permit and its conditions are hereby accepted.

 Signature of Permittee

ADDITIONAL CONDITIONS

reduced moratorium period is contingent upon the use of sediments currents immediately upstream and downstream of the bridge during the periods of in-water construction or when sediment runoff from highground is likely.

- 3) The riprap material must be free from loose dirt or any other pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action.
- 4) No excavated or fill material will be placed at any time, in any marsh or surrounding waters, outside of the alignment of the fill area.
- 5) All excavated materials will be confined above mean high water and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.
- 6) Silt fencing or other barrier will be placed between the newly graded shoulders and the adjacent marsh until this area is stabilized.
- 7) The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 25 NTUs or less are not considered significant.
- 8) All fill materials will be obtained from a highground source.
- 9) The fill material will be clean and free of any pollutants, except in trace quantities.
- 10) The temporary placement or double-handling of excavated or fill materials within waters or vegetated wetlands is not authorized.
- 11) A permanent ground cover sufficient to restrain erosion shall be provided on all exposed areas within the shorter of 15 working or 60 calendar days after project completion.

NOTE: The Division of Environmental Management approved this project under Section 401 Water Quality Certification No. 2969 on 1/26/95.

NOTE: The Corps of Engineers approved this project under Nationwide Permit No. 23.

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 NC Dept. of Transportation, Div. of Highways, P.O. Box 25201, Raleigh, NC 27611

authorizing development in New Hanover County at Motts Creek, at the SR1100 crossing
as requested in the permittee's application dated 12/15/94 including
attached workplan drawings, sheets 1-4 of 4 dated 12/94 and letter of 5/8/95.

This permit, issued on MAY 16, 1995, 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.

Mitigation

- 1) Prior to construction initiation, a Mitigation Plan, or a letter of commitment to prepare such plan, will be submitted to the Division describing mitigation for 1/1 replacement of the approximately 2075 sq. ft. of coastal wetlands impacted. Dissimilar and innovative mitigation may be considered adequate by the Division. The mitigation must be approved and in place prior to the expiration date of this permit.

Construction

- 2) In order to protect juvenile shrimp and finfish populations, no excavation or filling will be permitted between February 1 and August 1 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries. This
(See attached sheet 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, 1998

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.



Roger N. Schechter, Director
Division of Coastal Management

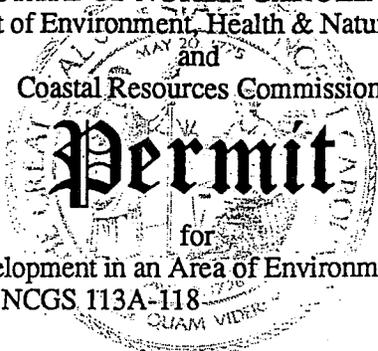
This permit and its conditions are hereby accepted.

Signature of Permittee

NEW

28-95

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



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

Excavation and/or filling pursuant to NCGS 113-229

Issued to NC Dept. of Transportation, Div. of Highways, P.O. Box 25201, Raleigh, NC 27611

authorizing development in New Hanover County at Motts Creek, at the SR1100 crossing.

as requested in the permittee's application dated 12/15/95 including

attached workplan drawings, sheets 1-4 of 4 dated 12/94.

This permit, issued on APRIL 17, 1995, 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.

Mitigation

- 1) Prior to construction initiation, a Mitigation Plan, or a letter of commitment to prepare such plan, will be submitted to the Division describing mitigation for 1/1 replacement of the approximately 2075 sq. ft. of coastal wetlands impacted. Dissimilar and innovative mitigation may be considered adequate by the Division. The mitigation must be approved and in place prior to the expiration date of this permit.

Construction

- 2) In order to protect juvenile shrimp and finfish populations, no excavation or filling will be permitted between February 1 and September 30 of any year without the prior approval of the Division of Coastal Management, in consultation with the Division of Marine Fisheries.

(See attached sheet 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, 1998

In issuing this permit, the State of North Carolina agrees 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.

Roger N. Schecter, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The riprap material must be free from loose dirt or any other pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action.
- 4) No excavated or fill material will be placed at any time, in any marsh or surrounding waters, outside of the alignment of the fill area
- 5) All excavated materials will be confined above mean high water and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.
- 6) Silt fencing or other barrier will be placed between the newly graded shoulders and the adjacent marsh until this area is stabilized.

NOTE: The Division of Environmental Management approved this project under Section 401 Water Quality Certification No. 2969 on 1/26/95.

NOTE: The Corps of Engineers approved this project under Nationwide Permit No. 23.

- 7) The activity will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. Increases such that the turbidity in the waterbody is 25 NTUs or less are not considered significant.
- 8) All fill materials will be obtained from a highground source.
- 9) The fill material will be clean and free of any pollutants, except in trace quantities.
- 10) The temporary placement or double-handling of excavated or fill materials within, waters or vegetated wetlands is not authorized.
- 11) A permanent ground cover sufficient to restrain erosion shall be provided on all exposed areas within the shorter of 15 working or 60 calendar days after project completion.