

PROJECT COMMITMENTS

Replacement of Bridges No. 4 & 27 over
Little River & Little River Overflow on NC 73
Richmond County
State Project No. 8.1581001
Federal Aid Project No. BRSTP-73(3)
TIP Project No. B-2608

In addition to the standard Nationwide Permits No. 23 and No. 33 Conditions, the General Nationwide Permit Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, General Certification Conditions, & Section 401 Conditions of Certification, the following special commitments have been agreed to by NCDOT:

Commitments Developed Through Project Development and Design

Division 8/ Roadside Environmental Unit

All applicable Best Management Practices for the Protection of Surface Waters and "Design Standards in Sensitive Watersheds" will be utilized and properly maintained during project construction to avoid or minimize environmental impacts.

Commitments Developed Through Permitting

Structure Design/ Division 8

Bridge demolition and removal will be accomplished in accordance with "NCDOT Policy: Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

Division 8/ Roadside Environmental Unit

No in-stream activities will take place from April 1 to May 31, of any year due to the spawning of bass and sunfish.

Division 8

Wet concrete must not be allowed to enter surface waters directly or indirectly.

Locations & Surveys Unit/ Roadside Environmental Unit/ Division 8

In order to minimize all temporary wetland impacts occurring from the construction of the temporary causeway in the Little River Overflow, reference elevations will be taken in the fill area prior to construction and all temporary fill will be placed on geo-textile fabric. All temporary fill will be removed and the area will then be restored to its original contour and rough surface texture based on the reference elevations and replanted with the vegetation stated in the approved mitigation plan dated July 19, 2000.

Division 8

All temporary causeway material associated with the Little River will be removed to the extent practicable without disturbing the creek bottom.

Preconstruction
September 1, 2000

Division 8

Temporary causeways will be removed within thirty (30) days following completion of construction.

PD&EA/ Roadside Environmental

Pictorially measured, photos will be provided at annual monitoring meetings. At the end of the third year, NCDOT, regulatory and resource agencies will meet on site and determine 75% survivability. If wetland areas permanently and temporarily impacted by this project have not re-attained wetland jurisdictional status, NCDOT and the U.S. Army Corps of Engineers shall determine whether compensatory wetland mitigation will be required.

Division 8/ Roadside Environmental Unit/ PD&EA

No more than 30 days following completion of the TIP project B-2608, the existing bridge associated areas will be re-graded to the elevation of the adjacent areas. The areas to be restored to wetlands and upland buffer shall be planted with vegetation at 320 stems per acre using native vegetation in accordance with the approved mitigation plan dated July 19, 2000.

PD&EA/ Roadside Environmental Unit/ Division 8

Compensatory mitigation for the 1.2 acres of wetland impacts associated with the proposed project shall be performed as described in the letter from NCDOT dated June 14, 2000 and as detailed in the approved mitigation plan dated July 19, 2000.

PD&EA/ Roadside Environmental Unit

As built for the mitigation site shall be submitted the NC Division of Water Quality upon completion of the project construction.

Contacts:

Lynn Smith, PD & EA (NCDOT), Raleigh (919) 733-0374
David Timpy, U.S. Army Corps of Engineers, Wilmington, (910) 251-4634
John Hennessy, N.C. Division of Water Quality, Raleigh (919) 733-5694

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID: 2000001447(33) No. B-2608 State Project No. 8.1581001 County: Richmond
1997004596(23)

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner: North Carolina Department of Transportation (NCDOT)
Address: William D. Gilmore, P.E., Manager
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Telephone Number: (910) 733-7844, extension 307

Size and Location of project (waterway, road name/number, town, etc.): Bridge No. 4 over Little River and
Bridge No. 27 over Little River Overflow, on NC 73, Richmond County, North Carolina.

Description of Activity: Discharge of fill material permanently impacting a total of 1.2 acres and temporarily impacting a total of 0.4 acres of waters of the United States, including wetlands, for construction of TIP B-2608 for replacement of Bridge No. 4 over Little River and Bridge No. 27 over Little River Overflow, on NC 73, Richmond County as described in NCDOT letter dated June 14, 2000. Bridges No. 4 and 27 will be replaced with new structures (32.0 feet wide) and 260.9 feet long and 247.1 long, respectively, on the south side of the existing roadway. Traffic will be maintained on the existing bridges during construction. Work associated with the proposed project shall be accomplished in accordance with the attached special conditions.

Applicable Law: Section 404 (Clean Water Act, 33 U.S.C. 1344)
 Section 10 (River and Harbor Act of 1899)

Authorization: 23,33 Nationwide Permit Number
 Regional General Permit Number

Your work is authorized by this Regional General (RGP) or Nationwide (NWP) Permit 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 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 RGP or NWP, please contact the Corps Regulatory Official specified below.

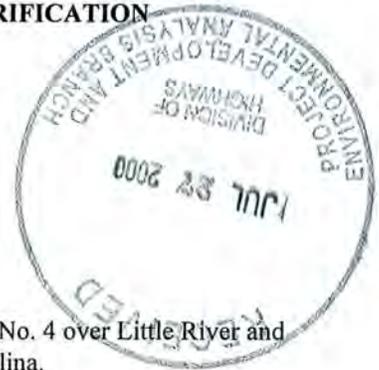
Date July 21, 2000

Corps Regulatory Official David L. Jorgy Telephone No. (910) 251-4634

Expiration Date of Verification February 11, 2002

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORM, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

CF: FHWA, NCDENR-Division of Water Quality, NC Wildlife Resources Commission



SPECIAL CONDITIONS

1. Compensatory mitigation for the 1.2 acres of wetland impacts associated with the proposed project shall be performed as described in the letter from NCDOT dated June 14, 2000 and as detailed in the approved mitigation plan dated July 19, 2000.

2. No more than 30 days following completion of the TIP project B-2608, the existing bridge associated areas be re-graded to the elevation of the adjacent areas. The areas to be restored to wetlands and upland buffer shall be planted with vegetation at 320 stems per acre using native vegetation in accordance with the approved mitigation plan required under Special Condition (1) above.

3. Bridge demolition and removal will be accomplished in accordance with "North Carolina Department of Transportation Policy: Bridge Demolition and Removal in Waters of the United States" dated September 20, 1999.

4. No in-stream construction activities will take place between April 1 and May 31 of any year to protect sunfish egg and fry stages from sedimentation.

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director

August 17, 2000
Richmond County
DWQ Project No. 000827

APPROVAL OF 401 Water Quality Certification

Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, NC, 27611-5201

Dear Mr. Gilmore:

You have our approval, as described in your application dated June 14, 2000, and in accordance with the attached conditions and those listed below, to place fill material in 1.4 acres of jurisdictional wetlands (1.2 acres of permanent, and 0.2 acres of temporary fill) for the purpose of replacing Bridge Numbers 4 and 27 over the Little River. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 3197. Certification 3197 corresponds to Nationwide Permit Number 23 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire when the accompanying 404 permit expires unless otherwise specified in the General Certification.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWQ 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 additional wetland fills for this project (now or in the future) exceed one acre, or total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). This approval shall expire with the corresponding Nationwide Permit expires or as otherwise provided in the General Certification. For this approval to be valid, you must follow the conditions listed in the attached certification and any additional conditions listed below.

- 1.) When written concurrence is required, the applicant is required to use the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
- 2.) Compensatory mitigation for 1.2 acres of wetland impact shall be provided by removing the old road bed, grading to the original elevation, and revegetating the area. The mitigation plan shall be implemented as described in your July 19, 2000 proposal. The mitigation plan as presented provides 1.5 acres of wetland restoration, and 1.3 acres of upland buffer. The Certification of Completion Form (described in condition 1) shall be submitted to the NC Division of Water upon completion of the project's construction to verify that the road and mitigation sites were constructed as proposed.

Wetlands/401 Unit

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- 3.) As built for the mitigation site shall be submitted to the NC Division of Water Quality upon completion of the project construction.
- 4.) Monitoring reports as described in the July 19, 2000 mitigation proposal shall be submitted to the NC Division of Water Quality for review.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. This certification and its conditions are final and binding unless you ask for a hearing.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone John Dorney at 919-733-9646.

Sincerely,



Kerr T. Stevens

Attachment

cc: Wilmington District Corps of Engineers
Corps of Engineers Wilmington Field Office
Wilmington DWQ Regional Office
File Copy
Central Files

c:\ncdot\TIP B-2608\wqc\000827wqc.doc

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

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James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS
NATIONWIDE PERMIT NUMBER 23 (APPROVED CATEGORICAL EXCLUSIONS)**

This General 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 Quality Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (23). This Certification replaces Water Quality Certification Number 2670 issued on January 21, 1992 and Water Quality Certification Number 2734 issued on May 1 1993. This WQC is rescinded when the Corps of Engineers reauthorize Nationwide Permit 23 or when deemed appropriate by the Director of the DWQ.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. Proposed fill or substantial modification of waters or wetlands for this General Certification requires written notification to the Division of Water Quality regarding the extent of impact to waters and wetlands;
2. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a);
3. Fill or alteration of more than one acre (0.45 ha) of wetlands will require compensatory mitigation in accordance with 15A NCAC .0506 (h). Written DWQ approval is required for this mitigation plan which may utilize the State's Wetland Restoration Program;
4. Fill or alteration of more than 150 linear feet (45.7 meters) or streams may require compensatory mitigation in accordance with 15A NCAC 2H .0506(h). Written DWQ approval is required for this mitigation plan which may utilize the State's Wetland Restoration Program;
5. That appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent edition of the "North Carolina Erosion and Sediment Control Planning and Design Manual" or "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) are utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs in streams and rivers not designated as trout by DWQ; 25 NTUs in all saltwater classes, and all lakes and reservoirs; and 10 NTUs 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 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;

Wetlands/401 Unit

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8. That additional site-specific conditions may be added to projects proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;
9. If the project is not completed within three years from the date of the first notification to DWQ, then the applicant will again need to notify DWQ.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may also result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: 11 February 1997.

DIVISION OF WATER QUALITY

By

A. Preston Howard, Jr. P.E.,

Director

WQC # 3107

State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality



James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director

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 _____