

Permit Class

NEW

Permit Number

101-97

B-285

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 Beaufort County at Smith Creek, Bridge No. 70 on NC 99

, as requested in the permittee's application dated 5/13/97 including attached workplan
drawings, 1-8 of 8, dated Revised 5/8/97.

This permit, issued on 7-29-97, 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.

Excavation and Fill

- 1) In order to protect juvenile shrimp and fin fish populations, no excavation or filling will be permitted between April 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.
- 2) 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 indicated on the workplan drawing(s).
- 3) The fill material will be clean and free of any pollutants except in trace quantities.
- 4) The riprap material must be free from loose dirt or any pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action.

(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.

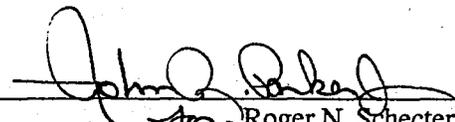
Any maintenance work or project modification not covered hereunder requires further Departmental approval.

All work must cease when the permit expires on

December 31, 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.



Roger N. Schecter, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 5) All riprap material must consist of clean rock or masonry materials such as, but not limited to, granite or broken concrete.
- 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 sedimentation and erosion control devices shall be utilized to eliminate the possibility of erosion into surrounding wetlands or waters.
- 8) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

Mitigation

- 9) As proposed by the permittee, an upland area approximately 125' by 17' located at the northeast corner of the bridge will be graded to the elevation of the adjacent marsh. The permittee shall monitor the site for two growing seasons to determine if the graded site is colonized by native marsh plants. If the permittee, in consultation with the Division of Coastal Management, determines that sufficient vegetation has not colonized the site after two growing seasons, the permittee shall plant the area with native marsh plants. All monitoring reports shall be provided to the Division.

General

- 10) This permit does not eliminate the need to obtain any local, state or federal permits, approvals or authorizations that may be required.

NOTE: The permittee is encouraged to contact the Public Health Pest Management Section at (919) 733-6407 to schedule a pre-construction conference to discuss mosquito control measures.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under General Permit No. 198200031 (COE Action Id. No. 199705827).

NOTE: The N.C. Division of Water quality has authorized the proposed project General Water Quality Certification No 3112 (DWQ Project No. 970553), which was issued on 7/22/97.