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File B-2805

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

April 15, 2009

Mr. Doug Huggett
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, N.C. 27909

Subject: CAMA Commitment Review (B-2805 Smith Creek Bridge, Beaufort County, Permit #101-97) Unresolved Project

Dear Mr. Huggett,

On behalf of the North Carolina Department of Transportation (NCDOT), I want to thank you and all the Division of Coastal Management (DCM) staff, who met with us to discuss unresolved issues regarding NCDOT CAMA Permit commitments. This letter is written to confirm the "Unresolved Project, B-2805, Permit #101-97" issue agreed upon during the meeting held in the DCM Morehead City office on February 23, 2009.

NCDOT and DCM have determined that the proposed on-site coastal marsh wetland mitigation plan, noted in the CAMA permit for B-2805 Smith Creek Bridge (HUC 03020104), was not implemented during the construction of the bridge project. Upon further field investigation by NCDOT and CAMA, it was determined that current implementation of the proposed on-site restoration would not be feasible due to utility conflicts, as well as construction access issues. Due to these factors, NCDOT has agreed to mitigate for 125' x 17' (0.049 ac.) of coastal marsh impacts associated with this bridge project utilizing other mitigation alternatives. The field investigation report for the Smith Creek project indicates that the impacted coastal wetland consisted of Distichlis spicata, Juncus roemerianus and Cladium jamaicense.

NCDOT proposes to offset coastal wetland impacts associated with B-2805 by utilizing 0.049 acres of the on-site coastal marsh mitigation, which was constructed in conjunction with the R-2510 Campbell Creek Phase I Mitigation Site (CAMA Permit #42-03). The mitigation area is located in the Tar-Pamlico River Basin (HUC 03020104). There are currently 1.236 acres of brackish marsh creation available at this site. The site was graded to match the adjacent marsh elevation and was planted with Cladium jamaicense and Juncus roemerianus in June of 2006. The site is currently in the fourth year of monitoring pursuant with the mitigation plan and associated permit conditions.

All monitoring reports have been provided to DCM annually via the Department's website:

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
NATURAL ENVIRONMENT UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC, 27699-1598

TELEPHONE: 919-431-2000
FAX: 919-431-2001

WEBSITE: WWW.NCDOT.ORG

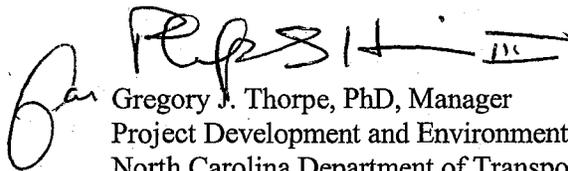
LOCATION:
PROJECT DEVELOPMENT &
ENVIRONMENTAL ANALYSIS BRANCH -
ENVIRONMENTAL RESOURCE CENTER
4701-116 ATLANTIC AVENUE
RALEIGH NC, 27604

<http://www.ncdot.org/doh/preconstruct/pe/neu/Monitoring/MonitoringReports.html>

Attached, please find a copy of the current NCDOT On-Site Mitigation Debit Ledger for the Campbell Creek site, which now includes a debit of 0.049 acres of coastal marsh creation for the B-2805 coastal marsh impacts, upon written approval by CAMA.

Again, thank you for your assistance in bringing these outstanding permit issues to a positive resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Thorpe". The signature is stylized and includes a horizontal line at the end.

Gregory J. Thorpe, PhD, Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation

GJT/rwgjr
Attachment

cc: Phil Harris, P.E., NCDOT
Jim Gregson, NCDENR/DCM
Ted Tyndall, NCDENR/DCM
Cathy Brittingham, NCDENR/DCM
Steve Sollod, NCDENR/DCM
Neil Lassiter, P.E., NCDOT-Division 2 Engineer
Jay Johnson, NCDOT-Division 2 Environmental Officer
Randy Griffin Jr., NCDOT-NEU

| Campbell Creek | R- 2510WM | 3020104 | Tar- Pamlico | 2 | Beaufort | | | | | Div. Project on SR1963 | B-2805 |
|-------------------|--------------|---------|-----------------|---|----------|-----------------------|-------------------------|-------|-------|---------------------------------|--------|
| | | | | | | Marsh Creation | Brackish | 1.33 | 1.187 | 0.094 | 0.049 |
| | | | | | | Marsh Preservation | Brackish | 18.11 | 18.11 | | |
| | | | | | | Marsh Creation | Tidal Fresh Water | 2.25 | 2.25 | | |
| | | | | | | Marsh Preservation | Tidal Fresh Water | 4.98 | 4.98 | | |
| | | | | | | Upland | | 4.81 | 4.81 | | |

Attachment: Exert from NCDOT Debit Ledger April 14, 2009

Note: B-2805 debit reserved to be finalized after agency approval

Permit Class
MODIFICATION/MAJOR

Permit Number
42-03

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

Permit

COPY

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. Department of Transportation, 1548 Mail Service Center, Raleigh, NC 27699-1548**

Authorizing development in Beaufort County at the crossing of Pot Gut, Shop Gut, and Snode Creek, SR 1963, east of Aurora, as requested in the permittee's application dated 8/23/05, including attached (7) workplan drawings dated 1/11/06.

This permit, issued on 1/31/06, 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 fines, imprisonment or civil action; or may cause the permit to be null and void.

Campbell Creek Mitigation Site

- 1) This Major Modification authorizes the construction of wetland mitigation for the 1/1 replacement of approximately 4,090 sq. ft. of Coastal Wetlands in accordance with Permit Condition No. 19 of CAMA Major Permit No. 42-03.
- 2) This Major Modification does not convey or imply approval of the suitability of this site for compensatory wetland mitigation for any other project. The use of any portion of this site as compensatory mitigation for future projects shall be determined on a case-by-case basis during the CAMA permit review and/or consistency process.

(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.

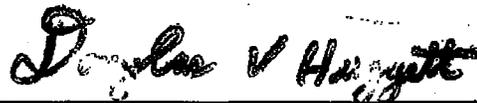
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2009

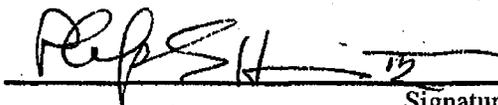
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



For Charles S. Jones, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.



Signature of Permittee

ADDITIONAL CONDITIONS

- 3) Excavation of the channel shall not exceed -2 feet below the normal water level. In no case shall the depth of excavation exceed the depth of connecting waters.
- 4) The permittee shall minimize the crossing of wetlands to the maximum extent practicable. Mats shall be used when crossing wetlands to minimize temporary wetland impacts.
- 5) No excavation of wetlands or waters is authorized by the permit, except for those areas depicted on the attached workplan drawings.
- 6) All excavated materials shall be confined above normal water level and landward of regularly or irregularly flooded vegetated wetlands behind adequate dikes or other retaining structures to prevent spillover of solids into any vegetated wetlands or surrounding waters.
- 7) Construction staging areas shall only be situated in uplands and shall not be situated in wetlands or waters of the State.
- 8) Except as modified herein, mitigation shall be carried out as described in the document titled "Campbell Creek Wetland Mitigation Plan" dated January 2004 and the attached seven workplan drawings dated 1/11/06.
- 9) Any subsequent changes to the mitigation plan authorized by this CAMA permit shall require additional authorization from the N.C. Division of Coastal Management.
- 10) An as-built report for the mitigation site shall be submitted to the N.C. Division of Coastal Management within 90 days after the mitigation site has been constructed.
- 11) Annual monitoring reports for the mitigation sites shall be provided to the N.C. Division of Coastal Management (DCM) for a minimum of five years after mitigation site construction, or until mitigation success criteria are met, whichever is longer. Annual monitoring reports shall include photos, hydrologic data from monitoring gauges, an evaluation of that data, and an assessment of whether success criteria are being met, the extent coverage of invasive species, and any proposed solutions or remedial actions. After five years, monitoring may cease if the permittee can demonstrate that success criteria have been met and written concurrence is received from DCM.
- 12) If this site is to be used as Coastal Wetland mitigation for future project impacts, written concurrence shall be obtained from the N.C. Division of Coastal Management (DCM) that post-construction monitoring demonstrates that hydrologic and vegetative success criteria have been met.
- 13) Mitigation or other remedial actions shall be required for the 4,090 square feet of permanent impacts to Coastal Wetlands authorized by this permit and the 630 square feet of temporary impacts to Coastal Wetlands authorized by this Major Modification if the mitigation site fails to meet its hydrologic and vegetative success criteria within 5 years of project construction.

ADDITIONAL CONDITIONS

NOTE: The Wetland Permit Impact Summary table, dated 1/11/06, reflects a reduction of temporary wetland impacts on the south side, or Site 2, as follows: freshwater marsh impacts were reduced to 270 sq. ft. from 6210 sq. ft. and brackish marsh (Coastal Wetlands) impacts were reduced to 630 sq. ft. from 2,125 sq. ft. The temporary freshwater marsh impacts on the north side, or Site 1, remain unchanged at 20,760 sq. ft.

Sedimentation and Erosion Control

- 14) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, etc.).
- 15) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 16) This project is in a High Quality Water Zone, and therefore must comply with the Design Standards in Sensitive Watersheds, 15A NCAC 4B .0124.

General

- 17) This major modification must be attached to the original Major Permit No. 42-03, which was issued on 4/1/03, and both documents shall be readily available onsite when a Division of Coastal Management representative inspects the project for compliance.
- 18) All conditions and stipulations of the active permit remain in force under this major modification unless specifically altered herein.

NOTE: The permittee and/or his contractor are urged to meet with the Division of Coastal Management field representative prior to final grading to assist in determination of reference wetland elevations for the wetland creation areas.

NOTE: This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 27 (COE Action ID No. 200511238) and Nationwide Permit Number 33 (COE Action ID No. 200511240), which were issued on 9/27/05.

NOTE: The N.C. Division of Water Quality authorized the proposed project under General Water Quality Certification Numbers 3495 and 3366 and assigned the project DWQ Project No. 20050787 on 9/22/05.