



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY
SECRETARY

March 30, 2000

MEMORANDUM TO: Mr. C. E. Lassiter, Jr., P.E.
Division 2 Engineer

FROM: V. Charles Bruton, Ph.D., Assistant Manager
Project Development and
Environmental Analysis Branch

SUBJECT: Beaufort County; Replace Bridge Number 63 over Cuckold's
Creek and Approaches on US 264/NC 99; State Project No.
8.1150901; T.I.P. # B-2806

Beardman
for

Attached are the U. S. Army Corps of Engineers Nationwide Permit Number 23 (Approved Categorical Exclusion), the general conditions for the DWQ 401 Water Quality Certification, and the CAMA Major permit. All environmental permits for the construction of this project have been received and construction can proceed as scheduled.

VCB/eah

Attachment

cc: Ms. Debbie Barbour, P.E.
Mr. Calvin Leggett, P.E.
Mr. John Alford, P.E.
Mr. A. L. Hankins, P.E.
Mr. Victor Barbour, P.E.
Mr. Tim Roundtree, P.E.
Mr. W. D. Johnson
Mr. N. L. Graf, FHWA



PROJECT COMMITMENTS

Replacement of Bridge No. 63 over
Cuckold's Creek on US 264-NC99
Beaufort County
State Project No. 8.1150901
Federal Aid Project No. BRSTP-264(7)
TIP Project No. B-2806

In addition to the standard Nationwide Permit #23 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 Department of Environment & Natural Resources & Coastal Resources Commission Permit conditions & special commitments have been agreed to by NCDOT:

Commitments Developed Through Project Development and Design

Division 2/ Roadside Environmental Unit

All standard procedures and measures, including NCDOT's Best Management Practices for the Protection of Surface Waters will be implemented to avoid or minimize environmental impacts. *This is a standard NCDOT Procedure.*

Division 2/ Roadside Environmental Unit

Precautions for General Construction in Areas which may be used by the West Indian Manatee in North Carolina, must be implemented, as applicable, to avoid or minimize environmental impacts. (See attached Guidelines)

Division 2/ Roadside Environmental Unit

The NCDOT's "Stream Crossing Guidelines for Anadromous Fish Passage" will be adhered to in order to avoid the necessity of instream activities during the spring months (April 1- June 15) to minimize impacts to anadromous fish passage. (See attached Guidelines)

Division 2/Roadside Environmental Unit/Project Development & Environmental Analysis Branch (PD&EA)

Waste and borrow sites will be kept out of wetland areas. Compensatory mitigation will be required if wetlands are impacted by waste or borrow.

Commitments Developed Through Permitting

Locations & Surveys Unit/ Division 2

In order to minimize the temporary wetland impacts, reference elevations will be taken in the fill area prior to construction. The area will then be restored to its original contour and rough surface texture based on the reference elevations.

Division 2/ Structure Design

All debris associated with the removal of the existing bridge will be disposed of on an approved high ground site unless otherwise permitted by DCM.

Preconstruction
March 24, 2000

Division 2

An upland disposal site must be selected and approved by DCM prior to the initiation of any construction activities.

Division 2

The fill material will be clean and free of any pollutants except in trace quantities.

Division 2

No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area as indicated on the workplan drawing(s).

Division 2

All back fill material will be obtained from an upland source.

Division 2

The temporary placement or double handling of any excavated or fill material within waters or vegetated wetlands is not authorized, with the exception of that fill necessary for the construction of the temporary detour bridge/causeway. This condition also applies to the removal of the existing bridge structure.

Division 2

All temporary causeway material must be removed in its entirety following project completion.

Division 2

Any materials resulting from the removal of the temporary detour or causeways must be placed on high ground.

Roadside Environmental Unit/ Division 2

A ground cover sufficient to restrain erosion must be provided within the shorter of 15 working or 30 calendar days of completion of any phase of grading on cut or filled slopes.

Roadside Environmental Unit/ Division 2

All temporary fill must be placed on geo-textile fabric to facilitate the total removal upon the completion of the project.

Roadside Environmental Unit/ Division 2

Appropriate erosion and sedimentation control devices, measures or structures shall be used to prevent sediment from entering the adjacent wetlands/watercourses/property.

Roadside Environmental Unit/ Division 2

Erosion control structures must be installed on the out board edge of both the temporary and permanent fill in or adjacent to wetlands, between the area to be filled and the existing creek.

Roadside Environmental Unit/ Division 2

In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.

Division 2/ Roadside Environmental Unit/ PD&EA

Temporary fill areas are to be returned to pre-project contours and elevations. If after removal of the geotextile fabric and temporary fill material, these areas do not reestablish themselves as coastal wetlands then these areas will be undercut below the adjacent marsh elevation (minimum 1ft) and refilled to adjacent wetland elevation with suitable wetland or organic substrate to ensure revegetation of the impacted areas.

PD&EA

A portion of the proposed work will take place within property owned by the Carolina Coastal Railway, Inc. Prior to construction of the proposed bridge and detour structure, a temporary construction easement or letter of consent for this work must be obtained from the Railway, and a copy of such authorization provided to the DCM.

PD&EA/ Roadside Environmental Unit

Prior to construction initiation, a mitigation plan, or a letter of commitment to prepare such plan, will be submitted to DCM describing mitigation for 1/1 replacement of the approximately 6,340 sq. ft. of coastal wetlands impacted. The mitigation must be approved and in place prior to the expiration date of this permit.

PD&EA/ Roadside Environmental Unit

Due to the possibility that compaction and/or other site alterations might prevent the temporary wetland impact area from re-attaining wetland jurisdictional status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, the NCDOT and the above listed agencies shall determine whether a compensatory wetland mitigation plan will be required.

Commitments Developed with Carolina Coastal Railway, Inc.

Division 2

All work shall be performed with such care, diligence and cooperation with Railway personnel as to avoid accident, damage or harm to persons or property and delays to or interference with operations of Railway.

Division 2

No drainage condition shall be created or allowed to exist that is or may be adverse to Railway.

Division 2

All work shall be performed in such manner as is satisfactory to Railway and, after completion of the construction, Railway property shall be left free of debris and in such condition as is satisfactory to the Railway.

Division 2

Railway's Operations Supervisor at Pinetown, North Carolina, shall be given notice not less than forty-eight (48) hours before NCDOT, its agent or contractor(s), enters upon Railway property.

Division 2

A minimum clearance of fifteen feet from the centerline of the nearest track shall be maintained at all times for any equipment, material or vehicles of NCDOT or its contractor(s) occupying Railway's premises unless specifically arranged for in advance in each instance with Railway's Operations Supervisor at Pinetown, North Carolina.

Contacts:

Lynn Smith, Project Development & Environmental Analysis Branch (NCDOT), (919) 733-0374

Tracey Wheeler, Division of Coastal Management, Washington, (252) 946-6481

Mike Bell, U.S. Army Corps of Engineers, Washington, (252) 975-1616 (ext. 26)

John Hennessy, Division of Water Quality, (919) 733-5694

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U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. 199911442

County Beaufort

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property owner Mr. William D. Gilmore, P.E., Manager of
 Address Project Development and Environmental Analysis Branch
P.O. Box 25201, Raleigh, NC 27611
 Telephone No. 919-733-3141 T.I.P. No. B-2806
 Size and Location of project (water body, road name/number, town, etc.) Bridge No. 63
over Cuckolds Creek on US 264-NC 99 in
Beaufort County, North Carolina; Federal
Aid Project No. BR 810-264(7); State Project No. 81158901
 Description of Activity Remove and replace bridge No. 63
over Cuckolds Creek and install temporary
detour bridge. Wetland impacts permanent 0.194
temporary 0.49

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 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 1-14-2000
 Corps Regulatory Official Michael Bell Telephone No. (252) 975-1616 x26
 Expiration Date of Verification 1-14-2002

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.

GENERAL 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 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 waterbody, 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 and any case specific conditions added by the Corps.
- 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. Information on Wild and Scenic Rivers may be obtained from the National Park Service and the U.S. Forest Service.
- 8. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
- 9. Water Quality Certification.** In certain states, an individual state water quality certification must be obtained or waived.
- 10. Coastal Zone Management.** In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived.
- 11. Endangered Species.** No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-Federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species can be obtained from the U.S. Fish and Wildlife Service and National Marine Fisheries Service.
- 12. Historic Properties.** No activity which may affect Historic Properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).
- 13. 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 repair of the public water supply intake structures or adjacent bank stabilization.
- 14. 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 harvest activity authorized by nationwide permit.
- 15. Suitable Material.** No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free from toxic pollutants in toxic amounts.
- 16. 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 has approved a compensation mitigation plan for the specific regulated activity.
- 17. Spawning Areas.** Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
- 18. Obstructions of High Flows.** To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- 19. Adverse Impacts from Impoundments.** If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.
- 20. Waterfowl Breeding Areas.** Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- 21. Removal of Temporary Fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

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 occurs 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.)

8. Tribal rights. No activity or its operation may impair tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Water quality certification. The permittee must comply with all conditions of General Water Quality Certification No. 3127, issued by the North Carolina Division of Water Quality (NCDWQ) on February 11, 1997.

10. Coastal zone management. The North Carolina Division of Coastal Management (NCDCM), has determined that this NWP is consistent with the North Carolina Coastal management Program. Notification to and written concurrence from the NCDCM is required prior to work in the twenty (20) coastal counties of North Carolina.

11. Endangered species.

a. No activity is authorized under any nationwide permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-Federal permittee shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

b. Authorization of an activity by a nationwide permit does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their world-wide web pages at <http://www.fws.gov/r9endspp.html> and http://kingfish.spp.mnfs.gov/tmcintyr/prot_res.html#ES and Recovery, respectively.

12. Historic properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the national Register of Historic Places (See 33 CFR 330.4(g)).

13. Compliance certification. Every permittee who has received a nationwide permit 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 Nationwide Permits. In any case where Nationwide Permit Number 12 through 40 is combined with any other nationwide permit number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer. Any Nationwide Permit Number 1 through 11 may be combined with any other nationwide permit without notification to the Corps, unless notification is otherwise required by the terms of the nationwide permits. As provided at 33 CFR 330.6(c), two or more different nationwide permits can be combined to authorize a single and complete project. However, the same nationwide permit 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 nationwide permits 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 of 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 Nationwide Permit 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.
5. Spawning areas. Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
6. Obstructions to high flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
7. Adverse effects from impoundments. If the discharge creates as impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent possible.

8. Waterfowl breeding areas. Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

9. Removal of temporary fills. Any temporary fills must be removed in their entirety and the affected areas returned to their pre-existing elevation.

REGIONAL CONDITIONS

1. Prior to the use of any nationwide permit in a designated "Outstanding Resource Water" (ORW), a designated "High Quality Water" (HQW) or a designated "Primary Nursery Area" (PNA), of North Carolina or in contiguous wetlands (as defined by the North Carolina Division of Water Quality) to any of the above waters, proponents must notify the Wilmington District Engineer and furnish a written statement of compliance with all of the conditions of the applicable nationwide permit. Notification will include the location of work; a description of work; a delineation of wetlands; a discussion of alternatives to working in the waters and/or contiguous wetlands and why alternatives were not selected; and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the waters and/or adjacent wetlands as may be required by the applicable nationwide permit. 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 thirty (30) calendar days of receipt of the above information.

2. Prior to use of any nationwide in a designated "Area of Environmental Concern" (AEC) in the twenty (20) counties of eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), a proponent must first obtain the required CAM permit and furnish a copy of the CAM permit to the Wilmington District.

3. Prior to the use of any nationwide on a barrier island of North Carolina, proponents must notify the Wilmington District Engineer and furnished a written statement of compliance with all of the conditions of the applicable nationwide permit. 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 thirty (30) calendar days of receipt of the above information.

4. Prior to the use of any nationwide permit in a "Mountain or Piedmont Bog" of North Carolina, proponents must notify the Wilmington District Engineer and furnished a written statement of compliance with all of the conditions of the applicable nationwide. 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 nationwide permit. 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 thirty (30) calendar days of receipt of the above information.

5. Prior to use of any nationwide permit 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 nationwide permit. 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 nationwide permit. 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 thirty (30) calendar days of receipt of the above information.

6. The total area of wetlands impacted under any nationwide permit must not exceed the area limits stated in the nationwide permits drained by upland perimeter ditches or by other means.

7. Prior to the use of any nationwide permit 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 nationwide permit. 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 thirty (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
Mitchell	Polk	Rutherford
Stokes	Surry	Swain
Transylvania	Watauga	Wilkes
Yancy		

b. To obtain the required letter of approval from the North Carolina Wildlife Resources Commission (NCWRC), a proponent should contact:

North Carolina Wildlife Resources Commission
Habitat Conservation Program Manager
512 North Salisbury Street
Raleigh, North Carolina 27611
Telephone: (919) 733-7638

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 the permittee has received written, telephonic or faxed approval to proceed from the District Engineer. Normally such notice to proceed will be furnished within thirty (30) days of receipt of the above information.

9. Impacts on wetlands and waters must be avoided to the maximum extent practicable and any adverse impacts to wetlands or waters must be minimized to the maximum extent practicable.

STATE CONSISTENCY CONDITIONS

If the proposed activity is within or has a potential to significantly affect any land or water use or natural resource of the North Carolina coastal area, a consistency determination pursuant to 15 CFR 930, Subpart C, may be required.

GENERAL CERTIFICATION CONDITIONS

1. Proposed fill or substantial modification under this General Certification requires written concurrence from the North Carolina Division of Water Quality (NCDWQ) regarding the extent of impact to waters and wetlands.
2. Two (2) copies shall be submitted to the North Carolina Division of Water Quality (NCDWQ) 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 required 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.
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 DHNR 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.

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



February 23, 2000
Beaufort County
DWQ Project No. 991212

APPROVAL of 401 Water Quality Certification

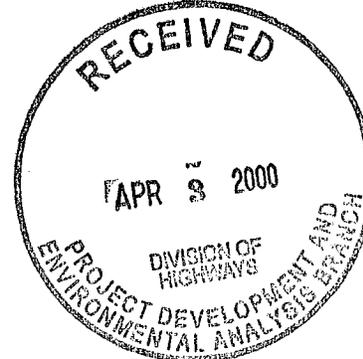
Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, NC, 27611-5201

Dear Mr. Gilmore:

You have our approval, in accordance with the attached conditions and those listed below, to place fill material permanently in 0.014 acres of jurisdictional wetlands and temporarily in 0.37 acres of jurisdictional wetlands. Furthermore, you are authorized to excavate in 0.30 acres of jurisdictional wetlands, and clearfill using mechanized equipment 0.052 acres of jurisdictional wetlands. The purpose of the project is to construct Bridge No. 63 over Cuckold's Creek in Beaufort County. The project shall be constructed in accordance with your application dated August 20, 1999. After reviewing your application, we have decided that this fill is covered by General Water Quality Certification Number 3112. This certification corresponds to the Regional Permit Number 198000291 issued by the Corps of Engineers, and CAMA Major Permit issued by the Division of Coastal Management. 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 with the accompanying 404 permit unless otherwise specified in the Water Quality Certification.

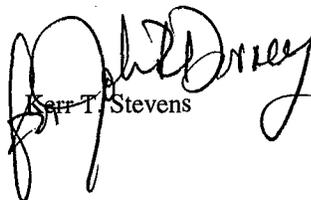
This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of 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). For this approval to remain valid, you must adhere to the conditions listed in the attached certification.

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 that 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,



John Dorney
John T. Stevens

Attachments:

Permit Application
General Conditions

cc: Wilmington District Corps of Engineers
Corps of Engineers Washington Field Office
Washington DWQ Regional Office
Cathy Brittingham, DCM
Central Files

c:\ncdot\TIP B-2806\wqc\991212wqc.doc

GENERAL CERTIFICATION
FOR PROJECT ELIGIBLE FOR CORPS OF ENGINEERS
GENERAL PERMIT NUMBER 198000291 (ISSUED TO
NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT)

This General Certification is issued in conformity with requirement 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 15 NCAC 2H, Section .0500 and 15 NCAC 2B .0200 for the discharge of fill material as described in General Permit 198000291. This Certification replaces Water Quality Certification Number 3025 issued on September 6, 1995. This WQC is rescinded when the Corps of Engineers reauthorizes Regional General Permit 0291 or when deemed appropriate by the Director of 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 conditions hereinafter set forth.

Conditions of Certification:

1. Activities authorized by CAMA major permits require written concurrence from the Division of Water Quality as well as compliance with all conditions of this General Certification;
2. Activities authorized by Coastal Area Management Act (CAMA) minor permits do not require written authorization from the Division of Water Quality as long as they comply with all other conditions of this General Certification;
3. Appropriate sediment and erosion control practices that equal or exceed those outlined in the most recent edition of the "North Carolina Sediment and Erosion Control Planning and

Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) shall be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs in freshwater streams and rivers; 25 NTUs in all saltwater classes, and all lakes and reservoirs);

4. 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;
5. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse;
6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
7. Additional site-specific conditions may be added to projects which have applied for CAMA major permits which are proposed under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

Violation of the conditions herein set forth by a specific project shall result in revocation of the Certification for that 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 that, in his judgement, poses a threat of significant adverse impact on water quality or remove the existing uses of the wetland or downstream waters.

Public hearings may be held for specific applications or groups of

applications prior to a certification decision if such hearings are deemed to be 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

gencert.291

WQC# 3112

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF COASTAL MANAGEMENT

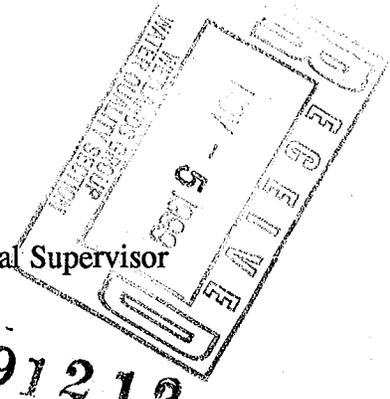
2 November 1999



JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

DONNA D. MOFFITT
DIRECTOR



991212

MEMORANDUM

TO: Mr. John R. Dorney, Environmental Biological Supervisor
Division of Water Quality

FROM: Doug Huggett
Major Permits Processing Coordinator

SUBJECT: CAMA/Dredge and Fill Permit Application Review

Applicant: North Carolina Department of Transportation

Project Location: Bridge No. 63 over Cockold's Creek on US 264 & NC 92 near Belhaven in Beaufort County, North Carolina

Proposed Project: To replace and existing bridge with a 200 foot long by 40 foot wide bridge and construct a temporary detour bridge.

Please indicate below your position or viewpoint on the proposed project and return this form by 23 November 1999. If you have any questions regarding the proposed project, please contact Tracey Wheeler at 252-946-6481. When appropriate, in-depth comments with supporting data is requested.

REPLY

X

_____ This office has no objection to the project as proposed.

_____ This office has no comment on the proposed project.

_____ This office approves of the proposed project only if the recommended changes are incorporated. See attached.

_____ This office objects to the proposed project for reasons described in the attached comments.

Signed

John R. Dorney

Date

2/25/00

WASHINGTON REGIONAL OFFICE
943 WASHINGTON SQUARE MALL, WASHINGTON, NC 27889
PHONE 252-946-6481 FAX 252-975-3716

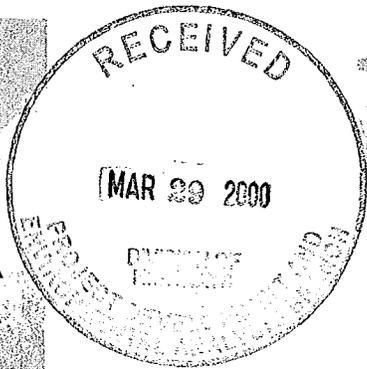
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER - 50% RECYCLED/10% POST-CONSUMER PAPER



JAMES B. HUNT JR.
GOVERNOR

WAYNE McDEVITT
SECRETARY

DONNA D. MOFFITT
DIRECTOR



NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF COASTAL MANAGEMENT

27 March 2000

Mr. William D. Gilmore, P.E.
NC Department of Transportation
Project Development and Environmental Analysis Branch
P.O. Box 25201
Raleigh, NC 27611

Attention: Lynn Smith

This letter of refinement is in reference to your 23 March 2000 correspondence requesting a modification of Major CAMA Permit No. 29-00 issued to the North Carolina Department of Transportation on 15 March 2000. CAMA Major Permit No. 29-00 authorized the replacement of Bridge #63 on US 264 and NC 99 at the Cuckolds Creek crossing near the Town of Belhaven in Beaufort County, North Carolina.

Your request to modify the aforementioned permit to change the name of the railroad mentioned in Condition 2 of this permit from Norfolk and Southern Railroad to Coastal Carolina Railway, Inc. is hereby authorized.

All previous permit conditions including the 31 December 2003 expiration date still apply and remain unchanged. Your letter requesting this change will become a part of your permit file.

Thank you for your time and cooperation in this matter. If you have any questions or if I can be of further assistance, please do not hesitate to contact me at the Washington Regional Office at (252)946-6481 ex. 277.

Sincerely,

Terry Moore
District Manager
Division of Coastal Management
Washington Regional Office

cc: Charles Jones- Assistant Director, DCM
Doug Huggett- Major Permits Coordinator, DCM
Cathy Brittingham- Transportation Project Coordinator, DCM
Tracey Wheeler- Coastal Management Representative
Raleigh Bland- US Army Corps of Engineers, Washington Office

WASHINGTON REGIONAL OFFICE
943 WASHINGTON SQUARE MALL, WASHINGTON, NC 27889
PHONE 252-946-6481 FAX 252-975-3716

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF COASTAL MANAGEMENT

March 13, 2000



JAMES B. HUNT JR.
GOVERNOR

BILL HOLMAN
SECRETARY

DONNA D. MOFFITT
DIRECTOR

Lynn Smith
Project Development and Environmental Analysis
N.C. Department of Transportation
P.O. Box 25201
Raleigh, N.C. 27611

SUBJECT: Proposed replacement of Bridge No. 63 over Cuckold's Creek on US 264-NC 99 in Beaufort County; Federal Aid Project No. BRSTP-264 (7); State Project No. 8.1150901; T.I.P. No. B-2806.

Dear Ms. Smith:

This letter is in response to your question concerning CAMA permit #29-00 for the above referenced project, which was issued on 2/28/00. Specifically, you questioned the necessity of Condition No. 17 of CAMA permit #29-00, which reads as follows:

"17) Temporary fill areas are to be returned to pre-project contours and elevations. These areas will be undercut below the adjacent marsh elevation (minimum 1') and refilled to adjacent wetland elevation with suitable wetland or organic substrate to ensure revegetation of the impacted areas."

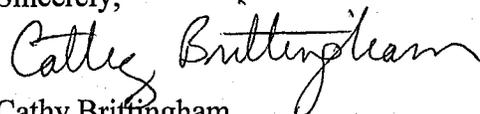
You asked if Condition No. 17 is necessary given that NC DOT plans to comply with Condition No. 9 of the same CAMA permit #29-00, which reads as follows:

"9) All temporary fill must be placed on geo-textile fabric to facilitate the total removal upon the completion of the project".

NC DCM has examined the issue and has determined that Condition No. 17 of CAMA permit #29-00 is necessary, and will remain as written. However, nothing would preclude NC DOT from requesting a modification of CAMA permit #29-00 after the removal of the geotextile fabric and temporary fill material, if at that time NC DOT believes that compliance with Condition No. 17 is not necessary.

Please let me know if you have any questions or concerns about this determination.

Sincerely,


Cathy Brittingham
Transportation Project Coordinator

cc: Tracey Wheeler, DCM - Washington



MAILING: 1638 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-1638
PHYSICAL: 2728 CAPITAL BLVD., RALEIGH, NC 27604

PHONE: 919-733-2293 FAX: 919-733-1495

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DENR TOLL FREE HOTLINE: 1-877-623-6748

445



NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

DIVISION OF COASTAL MANAGEMENT



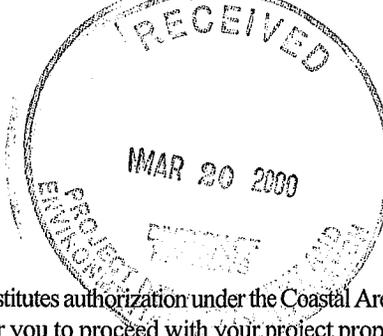
JAMES B. HUNT JR.
GOVERNOR

WAYNE MCDEVITT
SECRETARY

DONNA D. MOFFITT
DIRECTOR

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

March 16, 2000



Dear Sir:

The enclosed permit constitutes authorization under the Coastal Area Management Act, and where applicable, the State Dredge and Fill Law, for you to proceed with your project proposal. The original (buff-colored form) is retained by you and it must be available on site when the project is inspected for compliance. Please sign both the original and the copy and return the copy to this office in the enclosed envelope. Signing the permit and proceeding means you have waived your right of appeal described below.

If you object to the permit or any of the conditions, you may request a hearing pursuant to NCGS 113A-121.1 or 113-229. Your petition for a hearing must be filed in accordance with NCGS Chapter 150B with the Office of Administrative Hearings, P.O. Drawer 11666, Raleigh, NC 27611, (919) 733-2698 within twenty (20) days of this decision on your permit. You should also be aware that if another qualified party submits a valid objection to the issuance of this permit within twenty (20) days, the matter must be resolved prior to work initiation. The Coastal Resources Commission makes the final decision on any appeal.

The project plan is subject to those conditions appearing on the permit form. Otherwise, all work must be carried out in accordance with your application. Modifications, time extensions, and future maintenance require additional approval. Please read your permit carefully prior to starting work and review all project plans, as approved. If you are having the work done by a contractor, it would be to your benefit to be sure that he fully understands all permit requirements.

From time to time, Department personnel will visit the project site. To facilitate this review, we request that you complete and mail the enclosed Notice Card just prior to work initiation. However, if questions arise concerning permit conditions, environmental safeguards, or problem areas, you may contact Department personnel at any time for assistance. By working in accordance with the permit, you will be helping to protect our vitally important coastal resources.

Very sincerely,

Douglas V Huggett
Douglas Huggett
Major Permits/Consistency Manager

DH/amw

Enclosure

Permit Class
AMENDED

Permit Number
29-00

STATE OF NORTH CAROLINA
Department of Environment and 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. Department of Transportation, P.O. Box 25201, Raleigh, NC 27611

authorizing development in Beaufort County at Bridge No. 63 on US 264-NC 99 at the

Cuckold's Creek crossing, as requested in the permittee's application dated dated 9/3/99 including attached
workplan drawings, 1 of 8 and 4 through 8 of 8, all dated 7/19/99.

This permit, issued on 3/15/00, 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.

Bridge Construction

- 1) The relocation of any utility lines will require additional authorization, either by way of a modification of this permit or by the utility company obtaining separate authorization.
- 2) A portion of the proposed work will take place within property owned by the Norfolk and Southern Railroad. Prior to construction of the proposed bridge and detour structure, a temporary construction easement or letter of consent for this work must be obtained from the Norfolk and Southern Railroad, and a copy of such authorization provided to the N.C. Division of Coastal Management (DCM).

(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.

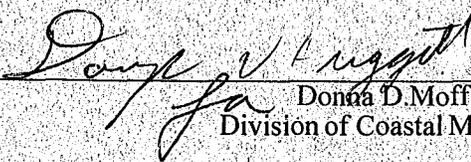
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work must cease when the permit expires on
December 31, 2003

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.


Donna D. Moffitt, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.


Signature of Permittee

ADDITIONAL CONDITIONS

- 3) All debris associated with the removal of the existing bridge will be disposed of on an approved high ground site unless otherwise permitted by DCM.
- 4) An upland disposal site must be selected and approved by DCM prior to the initiation of any construction activities.
- 5) The fill material will be clean and free of any pollutants except in trace quantities.
- 6) No excavated or fill material will be placed at any time in any vegetated wetlands or surrounding waters outside of the alignment of the fill area as indicated on the workplan drawing(s).
- 7) All back fill material will be obtained from an upland source.
- 8) The temporary placement or double handling of any excavated or fill material within waters or vegetated wetlands is not authorized, with the exception of that fill necessary for the construction of the temporary detour bridge/causeway. This condition also applies to the removal of the existing bridge structure.
- 9) All temporary fill must be placed on geo-textile fabric to facilitate the total removal upon the completion of the project.
- 10) All temporary causeway material must be removed in its entirety following project completion.
- 11) Any materials resulting from the removal of the temporary detour or causeways must be placed on high ground.

NOTE: This project is located in a hazard area subject to storm surge flooding by Category 1 and 2 storms. Hurricanes and tropical storms since 1996 have caused repeated flooding at this site, severely limiting access into or out of the Town of Belhaven after these storm events. NC DOT should explore the feasibility of elevating the approaches and the new bridge to better mitigate this flood hazard condition. Elevation of new roads and bridges in areas known to be impassable during recent storm events would contribute to evacuation or recovery efforts in future storms. If NC DOT decides to elevate the approaches and the new bridge to better mitigate this flood hazard condition, a CAMA permit modification request with revised workplan drawings will be required.

Sedimentation and Erosion Control

- 12) A ground cover sufficient to restrain erosion must be provided within the shorter of 15 working or 30 calendar days of completion of any phase of grading on cut or filled slopes.

- 13) Appropriate erosion and sedimentation control devices, measures or structures shall be used to prevent sediment from entering the adjacent wetlands/watercourses/property.
- 14) Erosion control structures must be installed on the out board edge of both the temporary and permanent fill in or adjacent to wetlands, between the area to be filled and the existing creek.
- 15) In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.

Mitigation

- 16) Prior to construction initiation, a mitigation plan, or a letter of commitment to prepare such plan, will be submitted to DCM describing mitigation for 1/1 replacement of the approximately 6,340 sq. ft. of coastal wetlands impacted. The mitigation must be approved and in place prior to the expiration date of this permit.
- 17) Temporary fill areas are to be returned to pre-project contours and elevations. These areas will be undercut below the adjacent marsh elevation (minimum 1') and refilled to adjacent wetland elevation with suitable wetland or organic substrate to ensure revegetation of the impacted areas.
- 18) Due to the possibility that compaction and/or other site alterations might prevent the temporary wetland impact area from re-attaining wetland jurisdictional status, the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. This annual update will consist of photographs provided during the agency monitoring report meeting and a brief report on the progress of these temporarily impacted areas in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with DCM, the NC Division of Water Quality and the NC Wildlife Resources Commission to determine if the wetland areas temporarily impacted by this project have re-attained jurisdictional wetland status. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, NC DOT and the above listed agencies shall determine whether a compensatory wetland mitigation plan will be required.

General

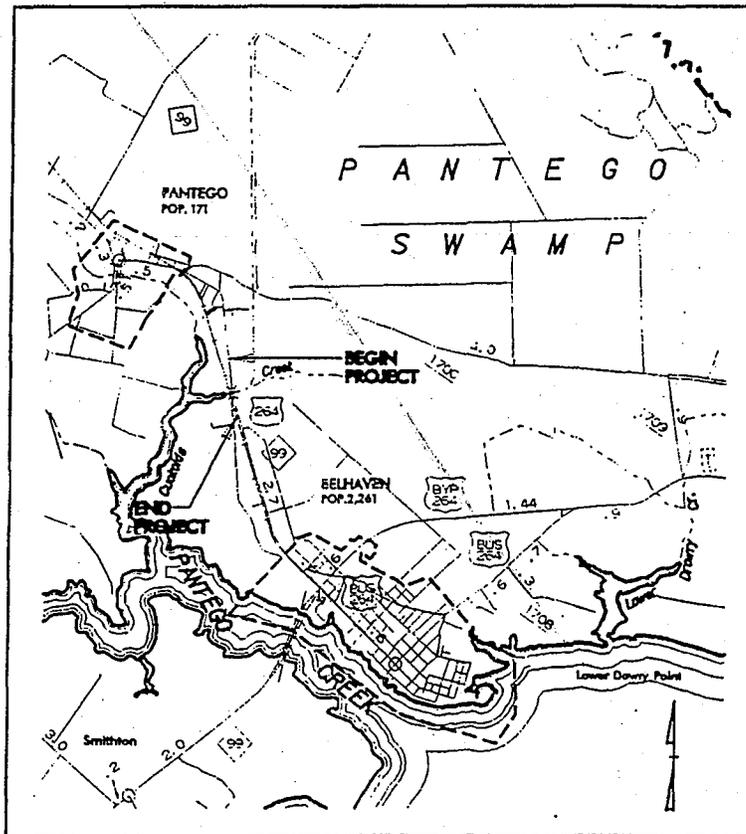
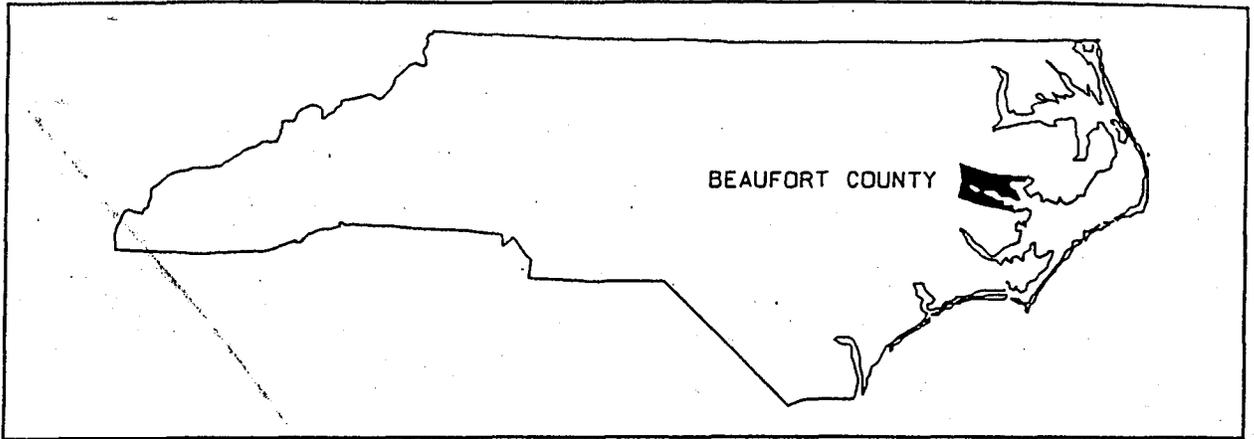
- 19) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee will not be entitled to compensation for damage to the authorized structure or work or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 20) The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the project without having the permit transferred to a third party.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project under Nationwide Permit Number 23.

NOTE: The N.C. Division of Water Quality has authorized the proposed project under General Water Quality Certification No. 3112 (DWQ Project No. 991212), which was issued on 2/23/00.

NOTE: This permit does not eliminate the need to obtain any additional 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 discuss mosquito control measures.



REVISED

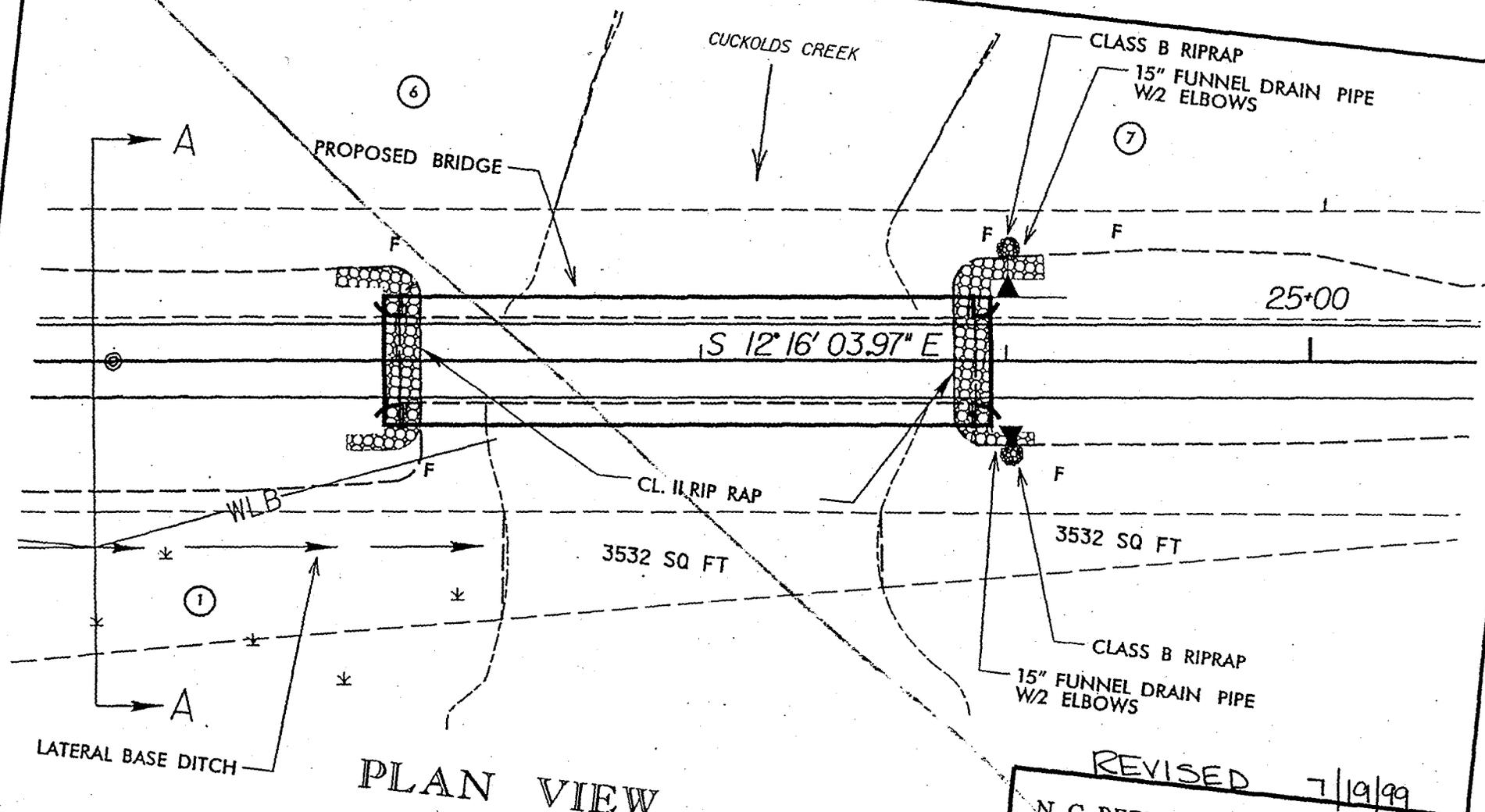
VICINITY
MAPS

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BEAUFORT COUNTY

PROJECT: 8.1150901 (B-2806)

BRIDGE NO. 63
OVER CUCKOLDS CREEK AND
APPROCHES ON US 264 - NC 99

SHEET 1 OF 8 7/19/99



PLAN VIEW



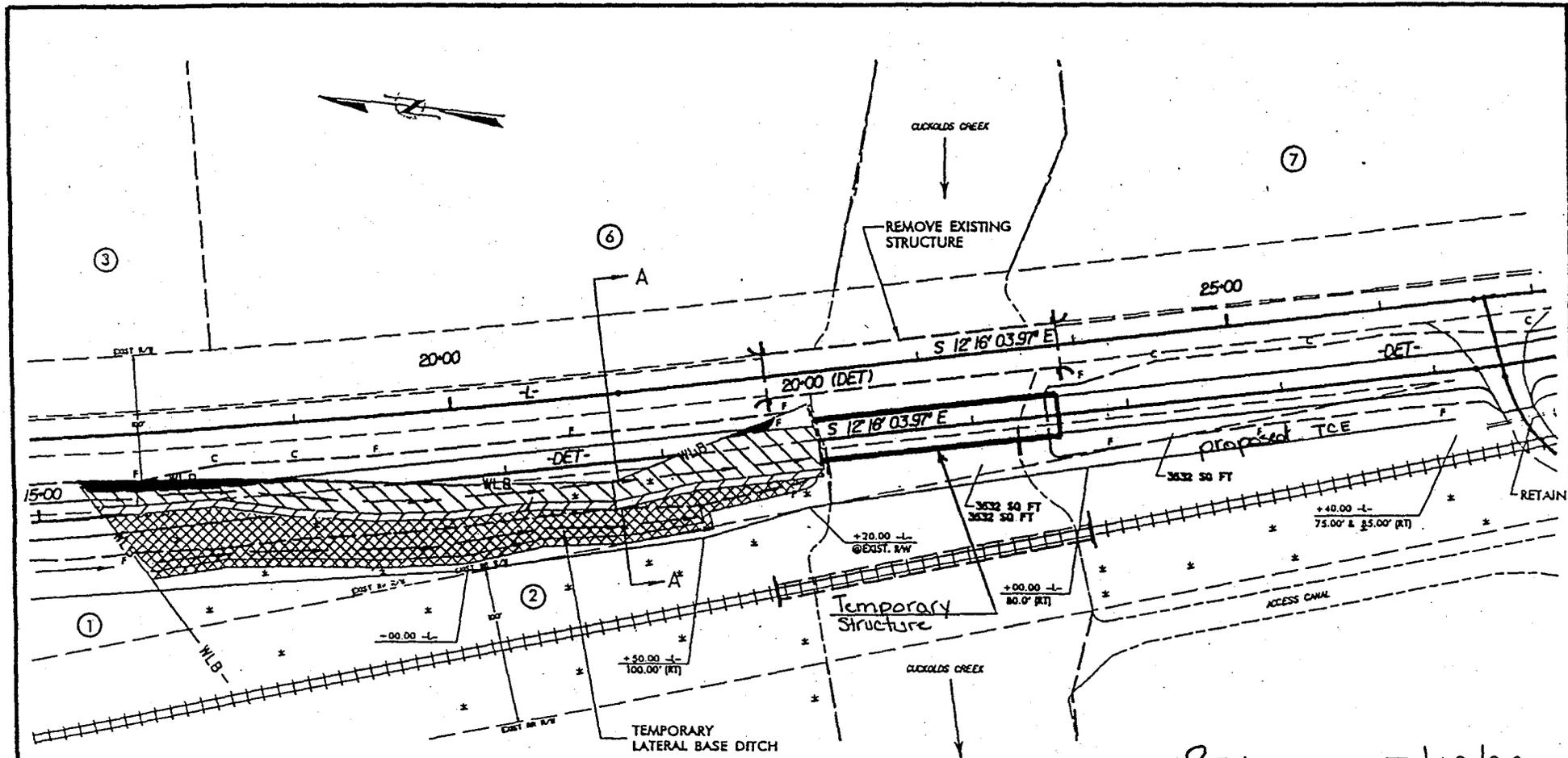
REVISED 7/19/99

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY

PROJECT: 8.1150901 (B-2806)

BRIDGE NO. 63
 OVER CUCKOLDS CREEK AND
 APPROACHES ON US 264 - NC 99

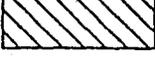
SHEET 4 OF 8



PLAN VIEW

TCE = Temporary Construction Easement



-  DENOTES FILL IN WETLANDS
-  DENOTES MECH. CLEARING
-  DENOTES EXCAVATION IN WETLANDS
-  TEMPORARY WETLAND IMPACTS

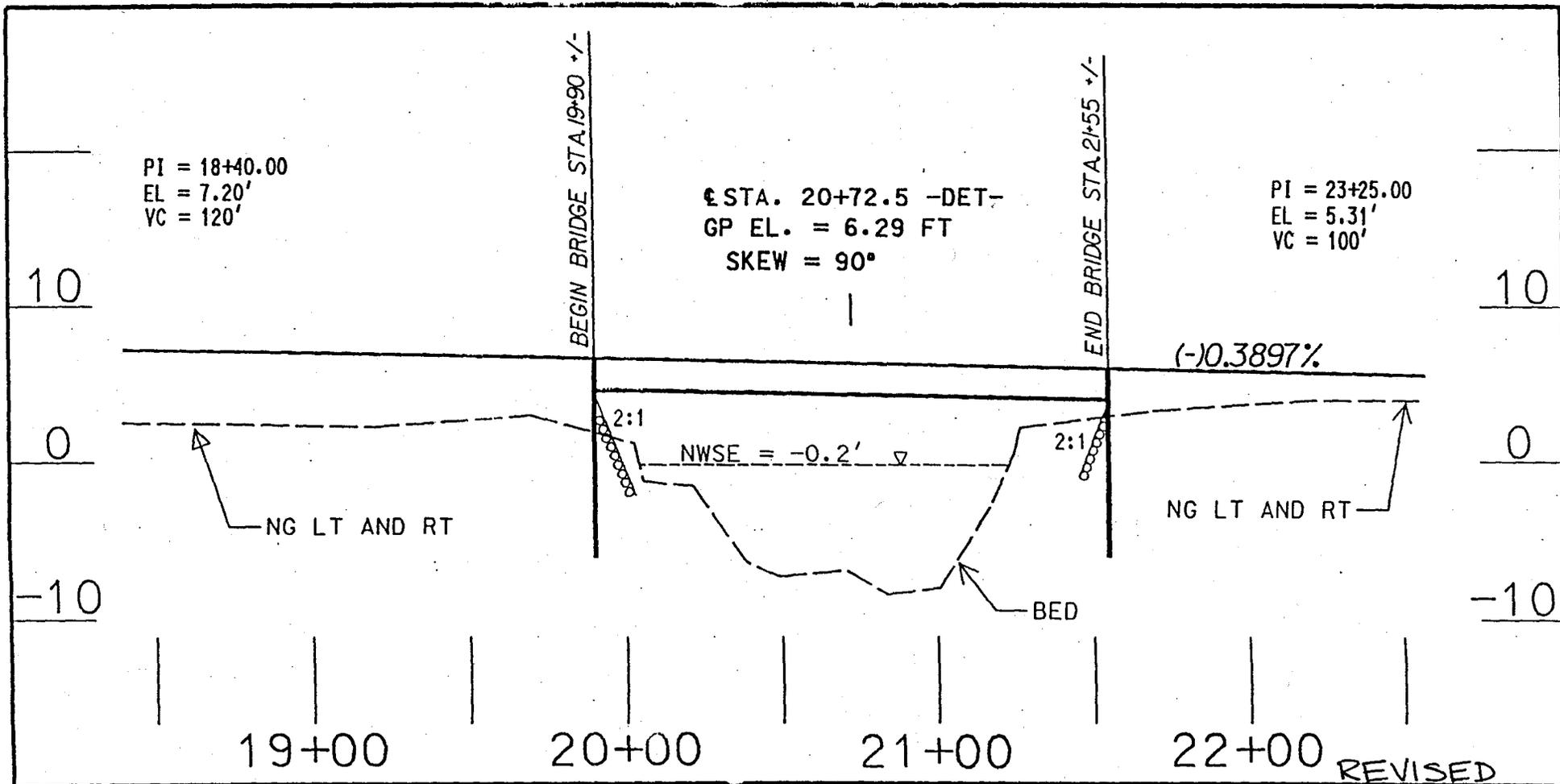
REVISED 7/19/99

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY

PROJECT: 8.1150901 (B-2806)

BRIDGE NO. 63
 OVER CUCKOLDS CREEK AND
 APPROACHES ON US 264 - NC 99

SHEET 5 OF 8



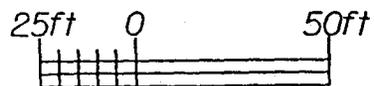
-DET- PROFILE

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY

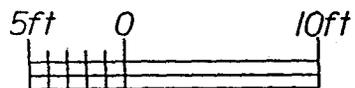
PROJECT: 8.1150901 (B-2806)

BRIDGE NO. 63
 OVER CUCKOLDS CREEK AND
 APPROACHES ON US 264 - NC 99

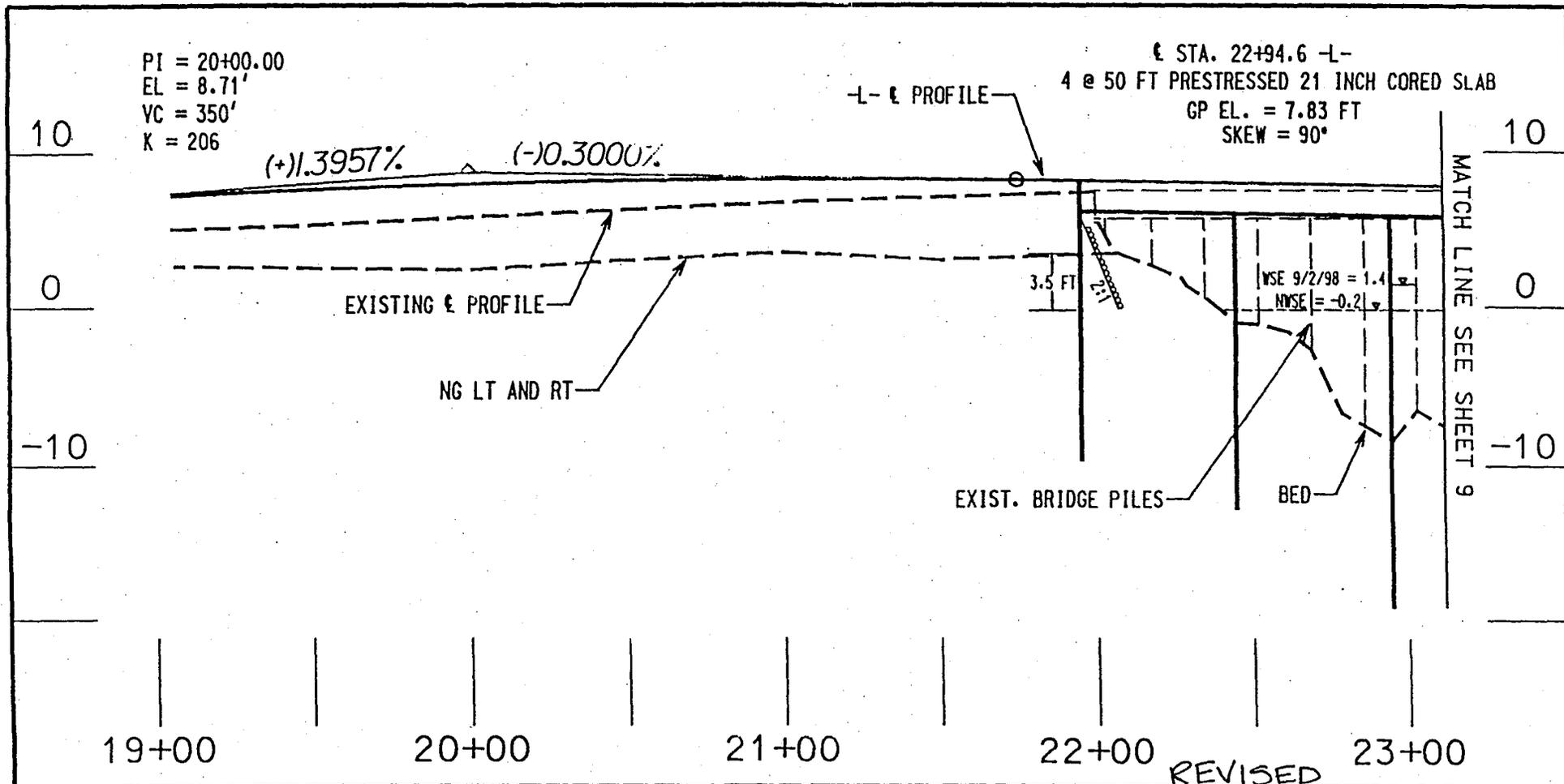
SHEET 6 OF 8 7/19/99



HORIZONTAL SCALE

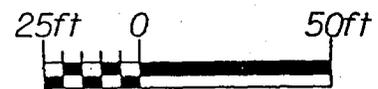


VERTICAL SCALE

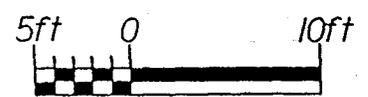


REVISED

-L- PROFILE

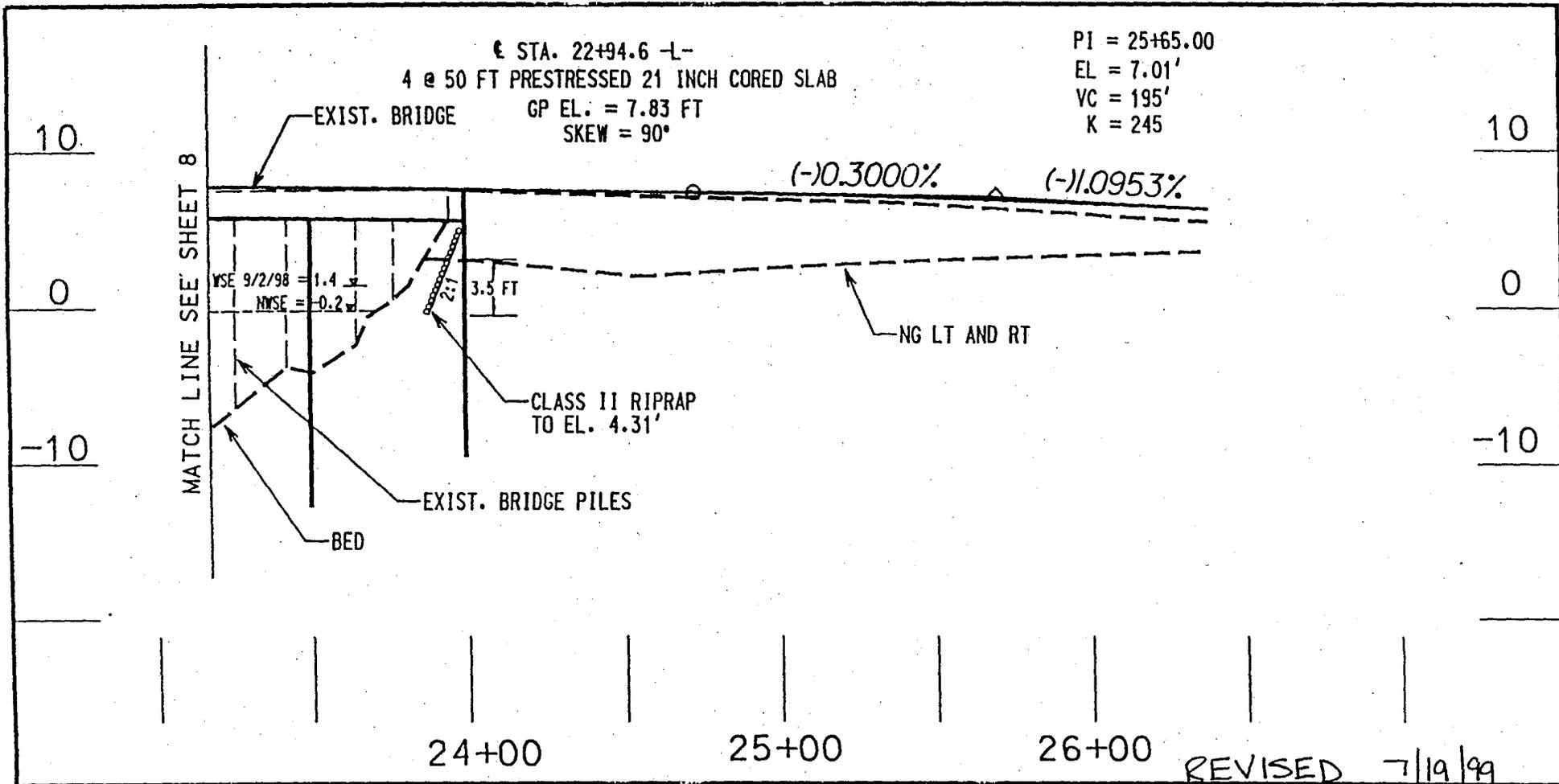


HORIZONTAL SCALE



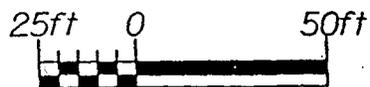
VERTICAL SCALE

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 8.1150901 (B-2806)
 BRIDGE NO. 63
 OVER CUCKOLDS CREEK AND
 APPROACHES ON US 264 - NC 99
 SHEET 7 OF 8 7/19/99

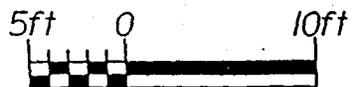


-L- PROFILE

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 BEAUFORT COUNTY
 PROJECT: 8.1150901 (B-2806)
 BRIDGE NO. 63
 OVER CUCKOLDS CREEK AND
 APPROACHES ON US 264 - NC 99
 SHEET 8 OF 8



HORIZONTAL SCALE



VERTICAL SCALE

The U.S. Fish and Wildlife Service has developed a list of "Precautions for the general construction in areas which may be used by the West Indian manatee in North Carolina," (July 2, 1996). If these precautions are considered in all aspects of project construction, this project will not affect the West Indian manatee.

PRECAUTIONS FOR GENERAL CONSTRUCTION IN AREAS WHICH MAY BE USED BY THE WEST INDIAN MANATEE IN NORTH CAROLINA

The North Carolina Field Office of the U.S. Fish and Wildlife Service (Service) has developed recommendations for general construction activities in aquatic areas which may be used by the manatee. Since the manatee is considered a seasonal inhabitant of North Carolina with reported occurrences being greatest during the months of June through October. The Service prefers that in-water construction which can be completed in several months be scheduled during the seven month period of November through May. However, the Service believes that the implementation of the following recommendations will allow major, in-water construction projects which do not require blasting to proceed without adverse impacts to manatees. While most conditions must be implemented throughout the year, other requirements may be implemented only during the period when manatees are most likely to be in North Carolina waters, currently considered to be the months of June through October. The conditions which should be implemented throughout the year are:

1. The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, primarily during the months of June through October, and the need to avoid any harm to these endangered mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the ESA.
3. If a manatee is seen within 100 yards of the active construction/dredging operation or vessel movement, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of moving equipment if a manatee comes within 50 feet of the operational area of the equipment. Activities will not resume until the manatee has departed the project area on its own volition.
4. Any collision with and/or injury to a manatee will be reported immediately. The report must be made to the Service's manatee coordinator in Jacksonville, FL (ph. 904-232-2580), the Raleigh Field Office (ph. 919-856-4520), and the North Carolina Wildlife Resources Commission (ph. 919-224-1288). The project manager should coordinate with the Service immediately prior to the

start of construction for the name and current telephone number of the individuals to be contacted.

5. A sign should be posted in all vessels associated with the project where it is clearly visible to the vessel operator. The sign should state:

CAUTION: The endangered manatee may occur in these waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All equipment must be shut down if a manatee comes within 50 feet of operating equipment. A collision with and or injury to the manatee will be reported immediately the US Fish and Wildlife Service at 919-856-4520 and the North Carolina Wildlife Resources Commission at 919-224-1288.

6. The contractor will maintain a log detailing sightings, collisions, or injuries to manatees during project construction. After construction the project manager will prepare a report which summarizes all information on manatees during construction. This report will be submitted to the Service's Raleigh Field Office and NCWRC.

The following conditions will only be required for construction during the period from June 1 through October 31, the period when manatees are most likely to be in North Carolina:

7. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

8. If siltation barriers must be placed in shallow water, these barriers will be: (a) made of material in which manatees cannot become entangled; (b) secured in a manner that they cannot break free and entangle manatees; and (c) regularly monitored to ensure that manatees have not become entangled. Barriers will be placed in a manner to allow manatees entry to or exit from essential habitat.

For projects which require an Environmental Assessment or Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), the inclusion of these conditions in the environmental document as part of the determination of impacts on the manatee will expedite the Service's review of the NEPA document for the fulfillment of the requirements under Section 7 of the ESA.

STREAM CROSSING GUIDELINES

FOR ANADROMOUS FISH PASSAGE

Anadromous Fish are a valuable resource and their migration must not be adversely impacted. The purpose of this document is to provide guidance to the North Carolina Department of Transportation to ensure that replacement of existing and new highway stream crossing structures will not impede the movement of Anadromous Fish.

Applicable When:

- o Project is in the coastal plain defined by the "Fall Line" as the approximate western limit (see attached figure).
- o For perennial and intermittent streams delineated on most recent USGS 7.5 minute quadrangle maps.

General Guidelines:

- o Design and scheduling of projects should avoid the necessity of instream activities during the spring migration period. For the purposes of these guidelines "Spring" is considered to fall between February 15 and June 15. (In areas where the shortnose sturgeon may be present, the Cape Fear, Brunswick and Waccamaw Rivers, spring shall be defined as February 1 to June 15).
- o Bridges and other channel spanning structures are preferred where practical.

Technical Guidelines:

- o In all cases, the width, height and gradient of the proposed opening shall be such as to pass the average historical spring flow without adversely altering flow velocity. Spring flow should be determined from gage data if available. In the absence of this data, bankfull flow can be used as a comparative level. (Reference, "Fisheries Handbook of Engineering Requirements and Biological Criteria", Bell 1973, for fish swimming limitations.)
- o The invert of culverts shall be set at least one foot below the natural stream bed.

Stream Crossing Guidelines
for Anadromous Fish Passage
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- o Crossings of perennial streams serving watersheds greater than one square mile shall provide a minimum of four (4) feet of additional opening width (measured at spring flow elevation) to allow for terrestrial wildlife passage.
- o In stream footings for bridges will be set one foot below the natural stream bed when practical.

For crossing sites which require permit review the following information will be provided as a minimum to facilitate resource agency review.

- o Plan and profile views showing the existing and proposed crossing structures in relation to the stream bank and bed.
- o Average historical spring flow (or bankfull flow) for the site.
- o How the proposed structure will affect the velocity and stage of the spring flow (bankfull).
- o Justification for any variance from the guideline recommendations.

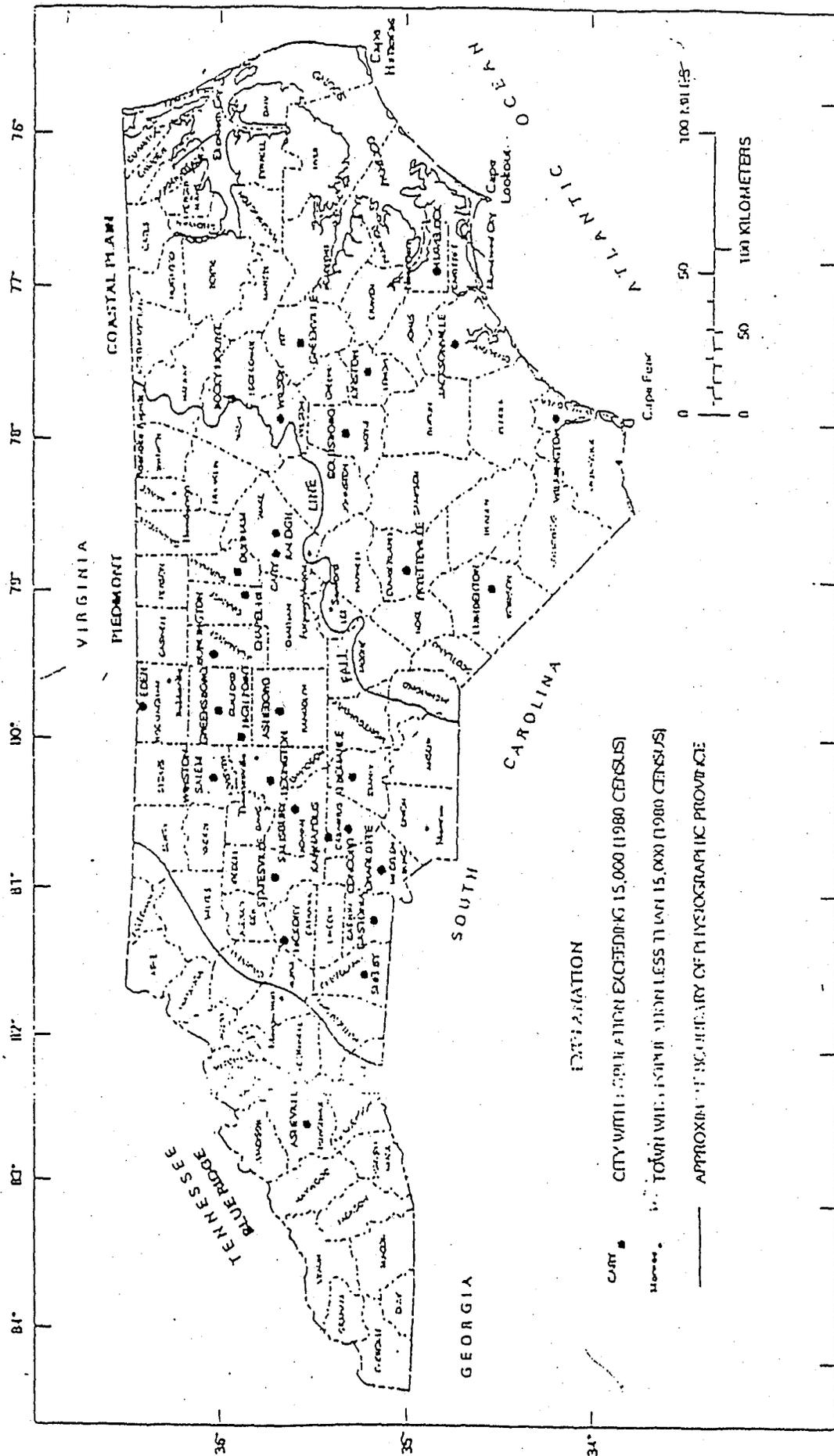


Figure 2. Counties and major population centers of North Carolina.