

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, 1548 Mail Service Center, Raleigh, NC 27699-1548

Authorizing development in Chowan County at Rocky Hock Creek, SR 1207, Macedonia
, as requested in the permittee's application letter dated 8/11/03, including
the attached workplan drawings (2) dated 3/31/03.

This permit, issued on 11/14/03, 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.

- 1) This minor modification authorizes 678.2 square feet (0.015 acres) of additional fill in wetlands to ensure a stable and safe fill slope near each bridge end bent, as depicted on the attached workplan drawings.
- 2) In order to mitigation for the 0.015 acres of additional wetland impacts, wetland restoration credits in the amount of 0.02 acres will be debited from the excess mitigation credits that were generated by construction of TIP No. B-3435.

NOTE: This permit acknowledges the clearing of approximately 2,867 square feet of forested wetlands that were not shown in the original permit application. The Division of Coastal Management (DCM) was notified about this clearing in writing by NCDOT on 1/24/03 after the clearing had been conducted. The unauthorized clearing is also mentioned in the NCDOT letter dated 8/11/03, which was submitted with the request for this permit modification.

(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.

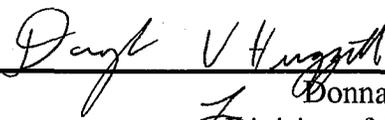
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2005

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) The permittee shall add the area of 2,867 square feet of unauthorized clearing in forested wetlands to the wetland impacts that are subject to the requirements of Condition No. 24 of CAMA Permit No. 105-02, which was issued on 8/2/02. Condition No. 24 requires that the permittee shall provide an annual update on the wetland areas temporarily impacted by this project. If at the end of 3 years the wetland areas temporarily impacted by this project have not re-attained jurisdictional wetland status, NCDOT, DCM, the Wildlife Resources Commission (WRC) and the Division of Water Quality (DWQ) shall determine whether a compensatory wetland mitigation plan will be required.
- 4) Prior to the expiration date of this permit, the permittee shall submit a debit ledger to DCM for the mitigation credits generated by TIP No. B-3435. The debit ledger shall reflect that 0.37 acres of wetland restoration credits have been debited for TIP No. R-3850 (Okisko Road, Pasquotank County) and that 0.23 acres of wetland restoration credits have been debited for TIP No. B-3435. The debit ledger shall show the remaining credits available at the site (0.00 acres of riverine wetland restoration credits and 7.36 acres of riverine wetland enhancement credits).
- 5) Placement of riprap shall be limited to the slopes underneath the proposed bridge, as depicted on the attached workplan drawings. 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. The riprap material must consist of clean rock or masonry materials such as but not limited to granite or broken concrete.
- 6) This permit does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required. This includes a Water Quality Certification from the N.C. Division of Water Quality, if required.
- 7) This minor modification must be attached to the original of Permit No. 105-02, which was issued on 8/2/02, the Letter of Refinement which was issued on 9/5/02, and the Letter of Refinement which was issued in 11/02, and all documents must be readily available on site when a Division representative inspects the project for compliance.
- 8) All conditions and stipulations of the active permit remain in force under this minor modification unless altered herein.



North Carolina Department of Environment and Natural Resources
Division of Coastal Management

Michael F. Easley, Governor

Donna D. Moffitt, Director

William G. Ross Jr., Secretary

November 14, 2003

Gregory J. Thorpe, Ph.D., Manager
Project Development and Environmental Analysis
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

RE: Letter of Refinement for CAMA Permit No. 82-03, TIP No. R-3850, Interchange at SR 1140 (Okisko Road), Pasquotank and Perquimans Counties.

Dear Dr. Thorpe:

This letter is in response to the N.C. Department of Transportation's (NCDOT's) letter dated 8/11/03 requesting a permit modification for CAMA Permit No. 105-02. CAMA Permit No. 105-02 authorizes the replacement of an existing 160-foot long timber bridge over Rocky Hock Creek with an 850-foot long concrete bridge spanning Rocky Hock Creek and the adjacent cypress-gum swamp. Approximately 639 feet of causeway will be excavated from the existing roadbed and restored to its previous wetland hydrology. The NCDOT letter requests that an additional 0.02 acres of riverine wetland restoration credits be debited from the excess mitigation credits that were generated by construction of TIP No. B-3435.

At the time that the original CAMA permit for construction of TIP No. B-3435 was issued, there was a net gain of approximately 0.39 acres of riverine restoration mitigation credits and approximately 7.36 acres of riverine enhancement mitigation credits. However, CAMA Permit No. 82-03 authorizing construction of TIP No. R-3850 required that wetland restoration credits in the amount of 0.38 acres (0.19 acres of impacts at a 2:1 ratio) be debited from the remaining riverine wetland restoration credits generated by TIP No. B-3435. Therefore, after credits from TIP No. R-3850 were debited, there were approximately 0.01 acres of riverine wetland restoration credits and approximately 7.36 acres of riverine wetland enhancement credits remaining.

The debit of 0.38 acres for TIP No. R-3850 was based upon information provided by NCDOT in a letter dated 4/2/03. The NCDOT letter states that the total impacts for the cypress tupelo wetland system at TIP No. R-3850 is 0.19 acres. However, the total wetland impacts to the cypress tupelo wetland system presented in the wetland impact summary table attached to the 4/2/03 NCDOT letter is 0.185 acres. If NCDOT had not rounded the wetland impacts up to the 2nd decimal point in the letter dated 4/2/03, then CAMA Permit No. 82-03 authorizing construction of TIP No. R-3850 would have required that wetland restoration credits in the amount of 0.37 acres (0.185 acres of impacts at a 2:1 ratio) be debited from the remaining

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mitigation credits generated by TIP No. B-3435. Therefore, after credits from R-3850 were debited, there would have been approximately 0.02 acres of riverine restoration mitigation credits and approximately 7.36 acres of riverine enhancement mitigation credits remaining.

In order to be able to authorize the debit of an additional 0.02 acres of wetland restoration credits for TIP No. B-3435 from the excess wetland restoration generated by TIP No. B-3435, DCM is hereby changing the debit of wetland restoration credits for TIP No. R-3850 from 0.38 acres to 0.37 acres by copy of this Letter of Refinement.

NOTE: The permittee is reminded that CAMA Permit No. 82-03 tentatively approves use of the excess mitigation generated by TIP No. B-3435 pending DCM's determination that post-construction monitoring for the wetland mitigation area demonstrates that hydrologic success criteria have been met.

This Letter of Refinement must be attached to CAMA Permit No. 82-03, which was issued on 6/18/03, and both documents must be readily available on site when a DCM representative inspects the project for compliance. All other conditions and stipulations of CAMA Permit No. 82-03 remain in force.

Please contact Cathy Brittingham at (919) 733-2293 x238 or Bill Arrington at (252) 808-2808 if you have any questions or concerns.

Sincerely,



Doug Huggett
Major Permits and Consistency Coordinator

Cc: Lindsey Riddick, NCDOT
Bill Arrington, DCM
John Hennessy, DWQ
Bill Biddlecome, USACE
DCM-Morehead City