

PROJECT COMMITMENTS

Roanoke Island Visitor Information Center and Rest Area
On US 64-264 between the Croatan Sound
and the US 64/NC 345 intersection
in Dare County
F. A. Project No. NHS 64 (27)
State Project No. 8.1052501
T. I. P. No. K-4003

Commitments Developed Through Project Development and Design

Roadside Environmental Unit, Project Development & Environmental Analysis Branch

The Bowser Cemetery, located within the project area, will be landscaped as part of the subject project. In addition, a plaque containing the history of the Bowser Family will be placed at the cemetery as a memorial to the family.

Roadway Design Unit

In the vicinity of the unnamed tributary to the Croatan Sound, the maximum sideslope steepness for roadway facilities will be used to minimize the impacts to the stream.

Hydraulic Design Unit, Roadside Environmental Unit

Two wet pond retention basins will be utilized for managing stormwater from the impervious surfaces created by the subject project. Landscaping around these basins will be added as part of the project.

Commitments Developed Through Permitting

Division 1 Construction

No development or land disturbing activity shall take place within 30 feet of the mean high water line except that the permittee may remove portions of the existing fill material that falls within the 30-foot buffer and replace it with new fill material to create a more stable fill slope as depicted on the attached workplan drawings. The permittee must minimize as much as possible the need to place any new fill material within the 30-foot buffer, even if the new fill material remains within the footprint of the existing material.

Division 1 Construction

Staging areas within the 30-foot buffer required to conduct the work as described in the condition above, must be the minimum necessary, and must be restricted to previously disturbed areas within the 30-foot buffer. The permittee must restore any wetlands, waters or uplands that are impacted within the 30-foot buffer by the work as described in the condition above to their pre-project conditions.

Division 1 Construction

No staging of construction equipment or storage of construction supplies will be allowed in wetlands or surface waters.

Division 1 Construction

No waters of the United States or vegetated wetlands will be excavated or filled, except as depicted on the attached workplan drawings.

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Division 1 Construction, Hydraulics Unit

The invert of any culvert or pipe that is placed within wetlands or jurisdictional streams must be buried at least one foot below normal bed elevation to allow for passage of water and aquatic life.

Division 1 Construction

The temporary placement or double handling of fill materials within waters or vegetated wetlands is not authorized.

Division 1 Construction

All fill material will be obtained from a high ground source and will be free of any pollutants except in trace quantities.

Division 1 Construction

Measures shall be taken to prevent live or fresh concrete from coming into contact with jurisdictional streams.

Division 1 Construction, Roadside Environmental Unit

The disposal area will be properly graded and provided a ground cover sufficient to restrain erosion within 30 working days of project completion.

Division 1 Construction

A representative of the NC Division of Coastal Management (DCM) must be provided with an opportunity to inspect and approve the spoil disposal area prior to commencement of any excavation.

Division 1 Construction, Roadside Environmental Unit

This project must conform to all requirements of the NC Sedimentation Pollution Control Act and the NC Department of Transportation's Memorandum of Agreement with the NC Division of Land Resources. The control practices shall be utilized to prevent exceedances of the appropriate turbidity water quality standard (25 NTUs in all saltwater classes).

Division 1 Construction, Roadside Environmental Unit

In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters. Strict enforcement of sedimentation and erosion control Best Management Practices (BMP's) for the protection of surface waters and wetlands will be enforced. All sediment and erosion control devices placed in wetlands or streams shall be removed and the natural grade restored after the NC Division of Land Resources has released the project.

Division 1 Construction

All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

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Division 1 Construction, Roadside Environmental Unit

Appropriate sedimentation and erosion control devices, measures or structures must be implemented to ensure that eroded materials do not enter adjacent wetlands and watercourses (e.g. silt fence, diversion swales or berms, sand fence, etc.).

Division 1 Construction, Project Development & Environmental Analysis Branch

On-site mitigation shall be conducted in accordance with the Roanoke Island Visitor Center/Rest Area Mitigation Plan dated May 2001 except as altered herein.

Project Development & Environmental Analysis Branch

After environmental permits have been received for this project, the permittee shall revise the Roanoke Island Visitor Center/Rest Area Mitigation Plan if necessary to incorporate changes required by environmental permit conditions. The final approved Roanoke Island Visitor Center/Rest Area Mitigation Plan shall be distributed to DCM, DWQ, the U.S. Army Corps of Engineers (USACE), and WRC prior to initiating construction on any portion of this permitted project.

Division 1 Construction, Roadside Environmental Unit

The Roanoke Island Visitor Center/Rest Area Mitigation Site shall be constructed concurrent with construction of the Roanoke Island Visitor Center and Rest Area, except for the vegetative planting which shall be completed within one year after initiating construction on any portion of the Roanoke Island Visitor Center and Rest Area.

Project Development & Environmental Analysis Branch

Annual monitoring reports shall be provided to USACE, DCM, and DWQ for five years for the Roanoke Island Visitor Center/Rest Area Mitigation Site. 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. Progress reports shall also be provided upon request. After five years, monitoring may cease if the permittee can demonstrate that success criteria have been met and written concurrence is received from USACE, DCM, and DWQ. Failure to meet success criteria will necessitate additional monitoring and/or remedial actions.

Location & Surveys, PD&EA, Division 1 Right of Way

Mitigation sites will be surveyed and attached to deeds showing ownership of the wetland and stream mitigation areas described in the Roanoke Island Visitor Center/Rest Area Mitigation Plan will be provided within 45 days of this permit to USACE, Washington Regulatory Field Office, NCDOT Regulatory Project Manager.

NCDOT Division 1

NCDOT will maintain the wetland and stream mitigation sites associated with this project in perpetuity. Prohibited activities within these mitigation areas specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e. billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity that may alter the drainage pattern on the property; the cutting, mowing, destruction, removal, damage or other alteration of any vegetation; disposal or storage of any

PROJECT COMMITMENTS

debris, waste, or garbage; except as may be authorized by the mitigation plans or subsequent modifications which are approved by the appropriate agencies. In addition, no actions, whether on or off the mitigation properties, will be taken which will adversely impact the mitigation sites.

Division 1 Construction

The permittee is encouraged to make every attempt to delay wetland impacts from project construction until the later stages of the project in order to minimize the time between the wetland impacts and the provision of on-site wetland mitigation.

Division 1 Construction

The N.C. Division of Water Quality approved this project under stormwater management rules of the Environmental Management Commission under Stormwater Permit No. SW7010320 on 3/14/01. Any violation of the permit approved by the DWQ will be considered a violation of this permit.

Division 1 Construction

This permit modification must be attached to the original of permit, as well as all subsequent modifications and refinements and all documents must be readily available on site. All conditions and stipulations of the original permit remain in force under this minor modification unless altered herein.

Note: This is a modification to the following original permits associated with TIP No. R-2551:
NC Division of Coastal Management, CAMA Permit No. 7-98 issued 01/20/1998.
NC Division of Water Quality, Water Quality Certification No. 3167 issued 08/19/1998.
Department of the Army Permit, Action ID No. 199502334 issued 03/05/1998



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

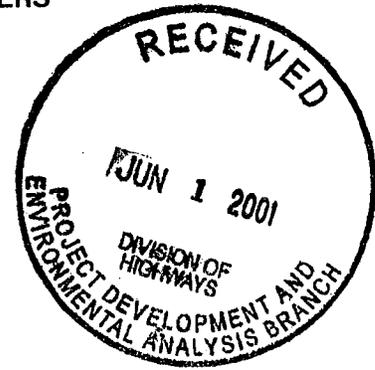
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

May 30, 2001

Regulatory Division

Action ID No. 199502334



JUN 1 2001

Mr. William D. Gilmore, P.E., Manager
North Carolina Department of Transportation
Project Development & Environmental Analysis
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Gilmore:

Reference the Department of the Army (DA) permit issued to you on March 5, 1998, associated with the widening of approximately 10 miles of U.S. 64-264, including constructing a new bridge over the Croatan Sound and adjacent marshes, from US 64-264 West of Manns Harbor to NC 345 South of Manteo, in Dare County, North Carolina (TIP No. R-2551, Federal Aid Project No. NHF-64(6), State Project No. 8.T051401). Also reference your subsequent written request dated February 23, 2001, for a permit modification to:

1. Move the permitted access point to the section of US 64-264 currently under construction between the new Croatan Sound Bridge and NC 345 south of Manteo to the location in the attached drawings.

2. Fill 1.0 acre of Section 404 wetlands, mechanize land clear 0.14 acres of Section 404 wetlands, and partially fill 145.5 linear feet of stream to construct the Roanoke Island Visitor Information Center and Rest Area from the new access point to a 9.2 acre parcel adjacent to US 64-264, between the new Croatan Sound Bridge and NC 345 south of Manteo in Dare County.

This modification request was coordinated by public notice dated April 5, 2001, with the North Carolina Division of Water Quality, and other appropriate State and Federal agencies. This coordination revealed one objection to this modification request. By letters dated April 24 and May 15, 2001, the Environmental Protection Agency requested higher mitigation ratios than those supplied by the applicant and that stream impacts be mitigated. The applicant addressed these concerns and agreed to mitigate for stream impacts. However, the wetland creation, restoration and preservation is adequate mitigation for project impacts when associated with the closing of all future access points along this bypass project. Additional access points could produce secondary wetland impacts.

Therefore, the permit is hereby modified in accordance with the specific work activities described above. It is understood that all conditions of the original permit remain applicable and that the expiration date is unchanged. In addition, the permittee will comply with the following special permit conditions:

a. To partially mitigate for project impacts and to prevent secondary wetland impacts from this project, no access points will be granted along the TIP R-2551, Manteo Bypass project.

b. The Permittee shall fully implement the mitigation plan, entitled *Roanoke Island Visitor Center/Rest Area Mitigation Plan*, dated May 2001, and this plan will be commenced immediately, and implemented concurrently with all phases of construction activities authorized by this permit modification.

c. NCDOT will maintain the wetland and stream mitigation sites utilized to satisfy Special Condition (b.) in perpetuity in the condition established by the mitigation plan. Prohibited activities within these mitigation areas specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity that may alter the drainage pattern on the property; the cutting, mowing, destruction, removal, damage or other alternation of any vegetation; disposal or storage of any debris, waste or garbage; except as may be authorized by the mitigation plans or subsequent modifications which are approved by the Corps of Engineers. In addition, the permittee shall take no action, whether on or off the mitigation properties, which will adversely impact the mitigation sites.

d. Special Condition (c.), above, runs with the land. The permittee shall not sell, lease, or otherwise convey any interest in the properties used to satisfy mitigation requirements for this permit, to any third party, without the express written consent of the US Army Corps of Engineers.

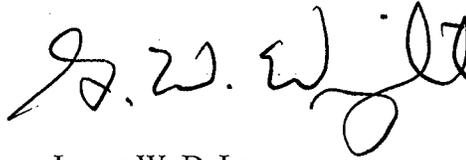
e. The permittee will identify and survey the acreage at the mitigation sites utilized to satisfy Special Condition (b.) above and provide a copy of the survey to the US Army Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, within 45 days of the date of this permit. In addition, a deed showing ownership of the wetland and stream mitigation areas described in Special Condition (b.) above, must accompany the surveys.

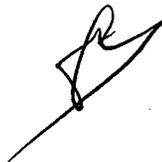
f. The permittee shall contact the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager and provide him with the opportunity to attend the annual mitigation monitoring efforts.

g. The permittee will monitor the wetland and stream mitigation sites for a minimum of five years and submit the annual mitigation monitoring reports by December 31 of each monitoring year.

Any questions regarding this correspondence may be directed to Mr. Michael Bell, NCDOT Coordinator/Regulatory Project Manager at the Washington Regulatory Field Office, telephone (252) 975-1616, extension 26.

Sincerely,



 James W. DeLony
Colonel, U.S. Army
District Engineer

Enclosure

Copies Furnished:

NC Department of Transportation
Division I Environmental Officer
113 Airport Drive, Suite 100
Post Office Box 850
Edenton, North Carolina 27932

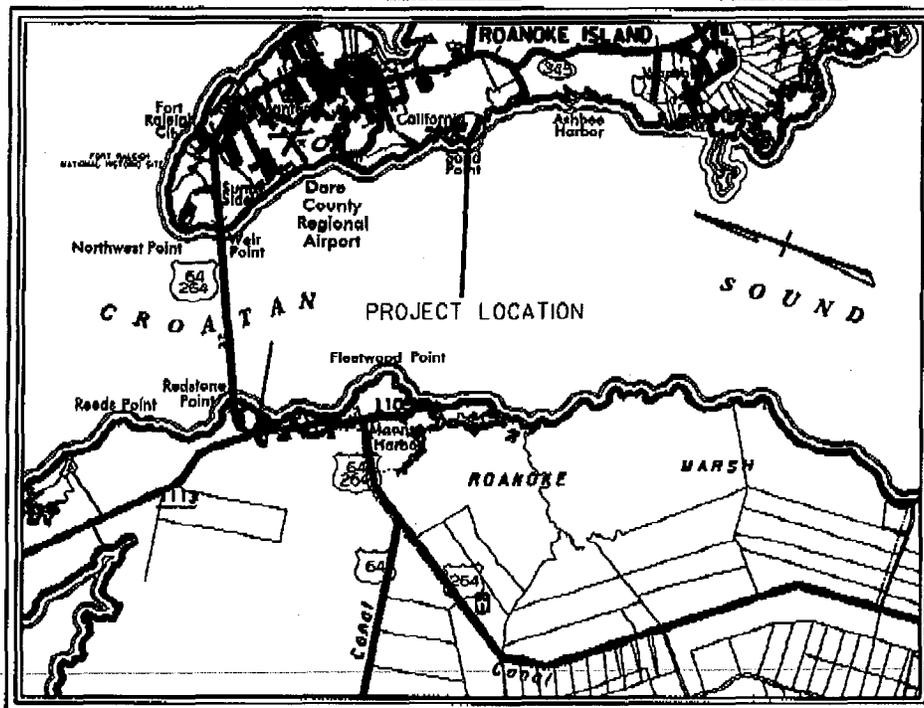
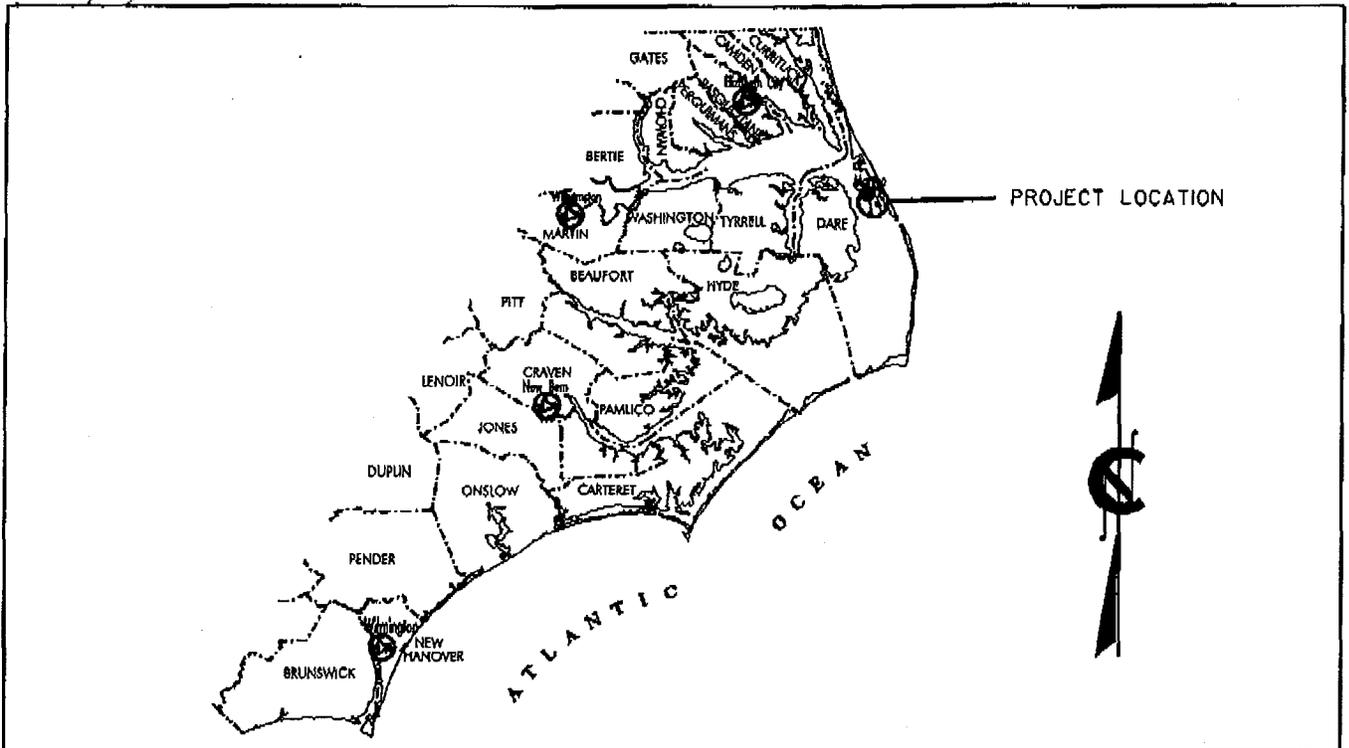
Ms. Cathey Brittingham
Division of Coastal Management
1638 Mail Service Center
Raleigh, North Carolina 27699-16387

Mr. John Hennessy
NCDENR-DWQ
Wetlands Section
1621 Mail Service Center
Raleigh, North Carolina 27699-1621

National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516

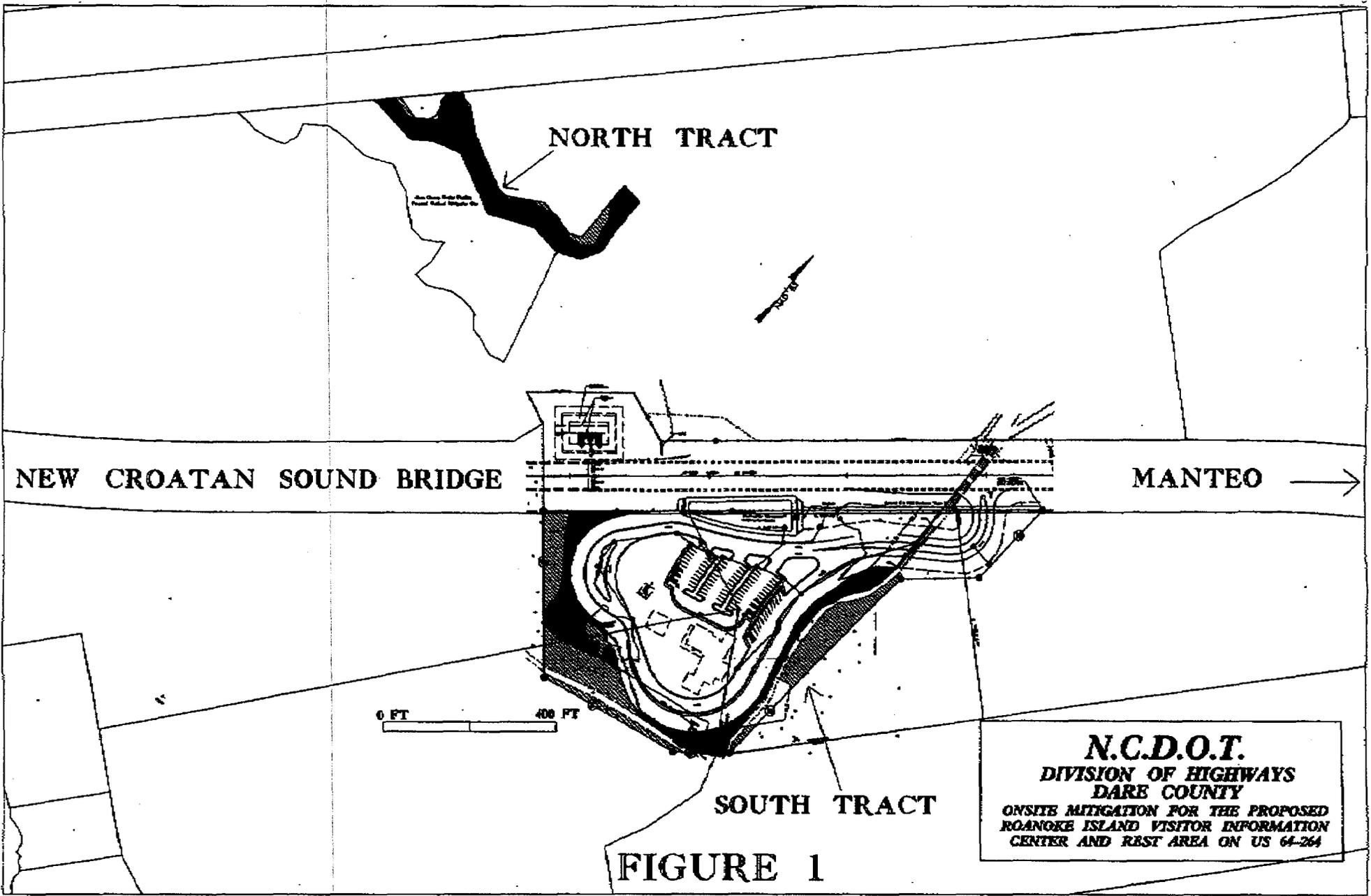
Mr. Tom McCartney
U.S. Fish and Wildlife Service
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

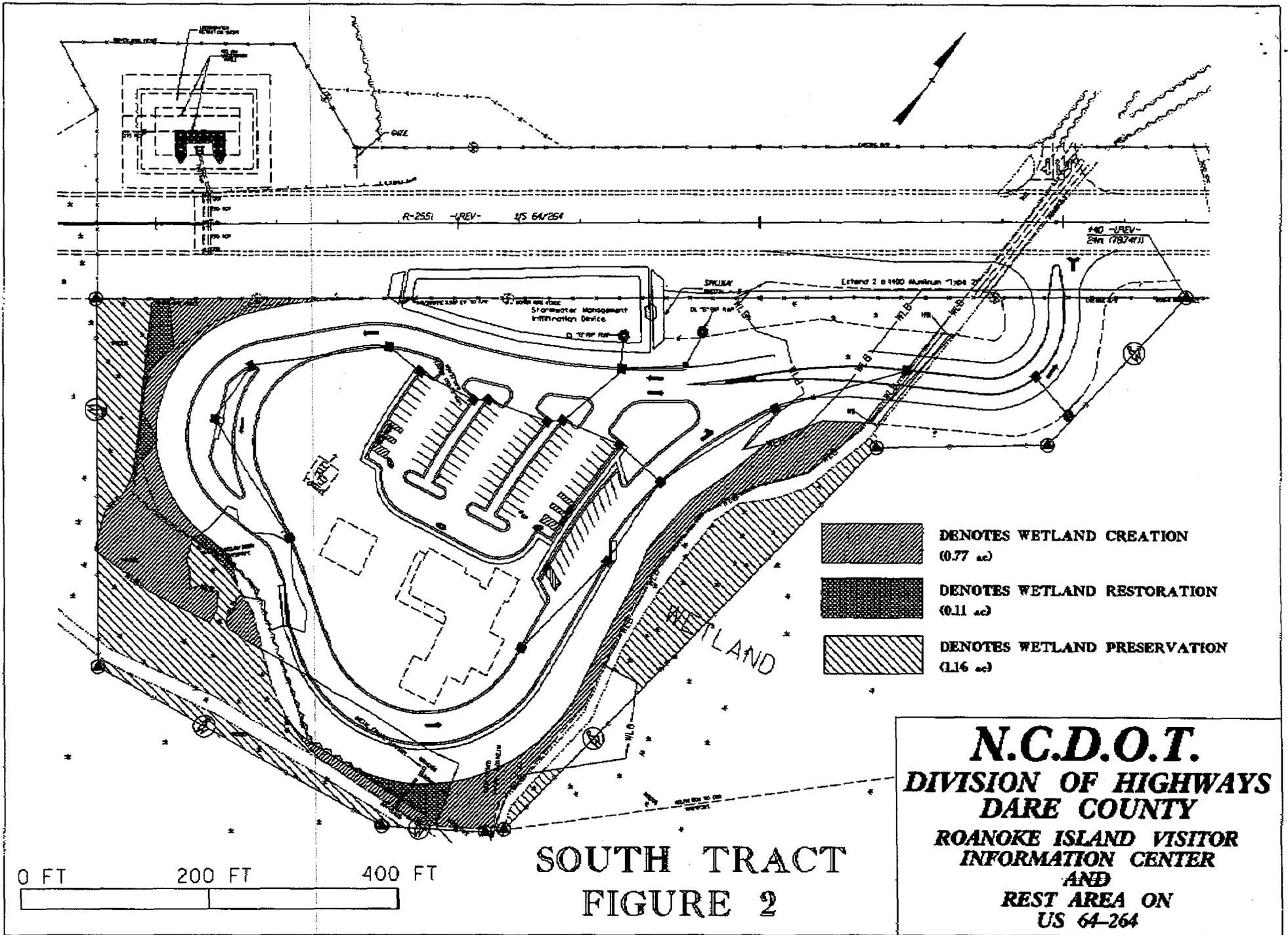
Mr. William L. Cox, Chief
Wetlands Regulatory Section - Region IV
U.S. Environmental Protection Agency
Atlanta Federal Center
100 Alabama Street, SW
Atlanta, Georgia 30365



VICINITY
MAP
(NOT TO SCALE)

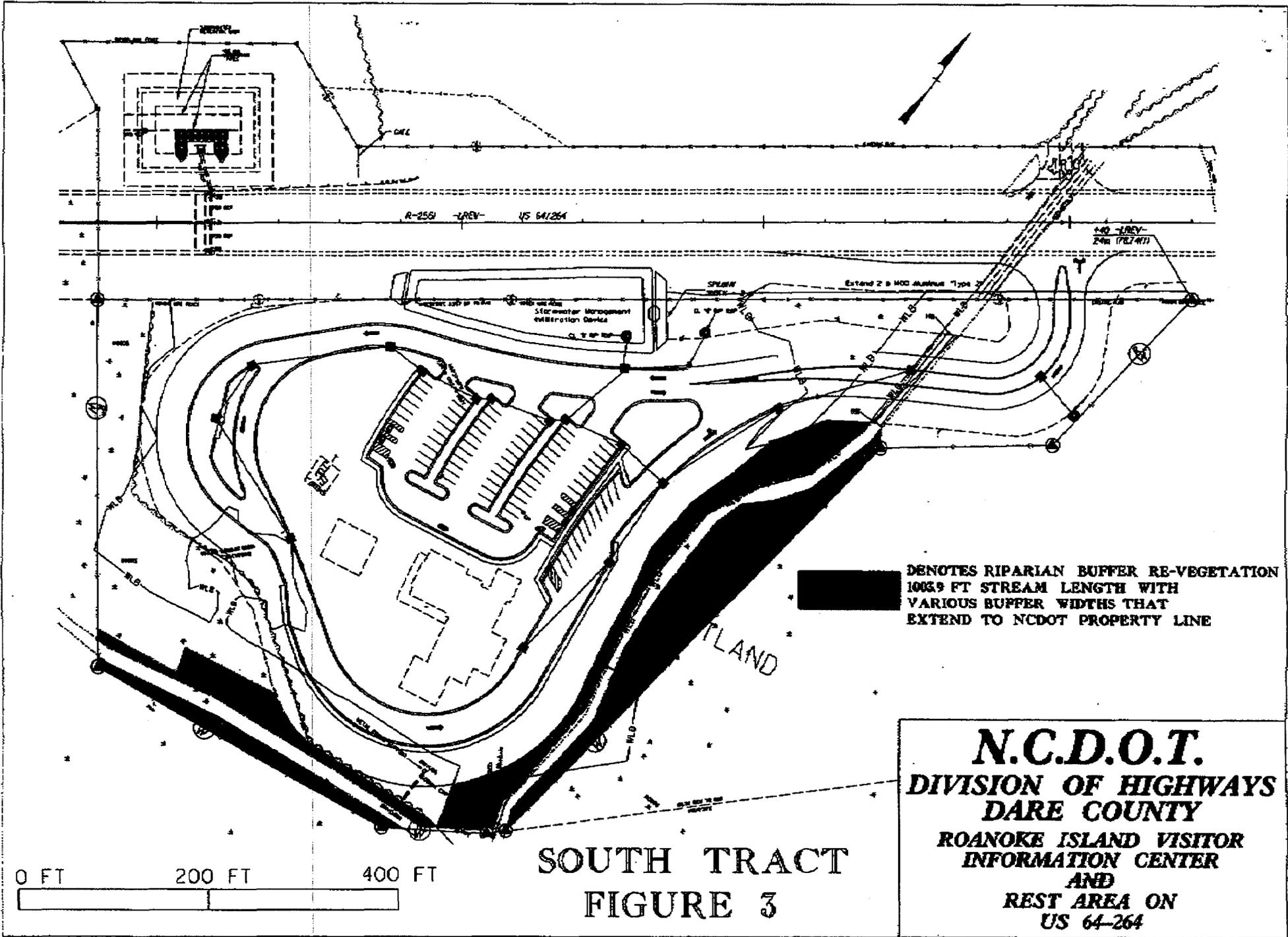
N.C.D.O.T.
DIVISION OF HIGHWAYS
DARE COUNTY
ROANOKE ISLAND VISITOR
INFORMATION CENTER
AND
REST AREA ON
US 64-264
 STATE PROJECT #8.1052501 K-4003
 SHEET 1 OF 12

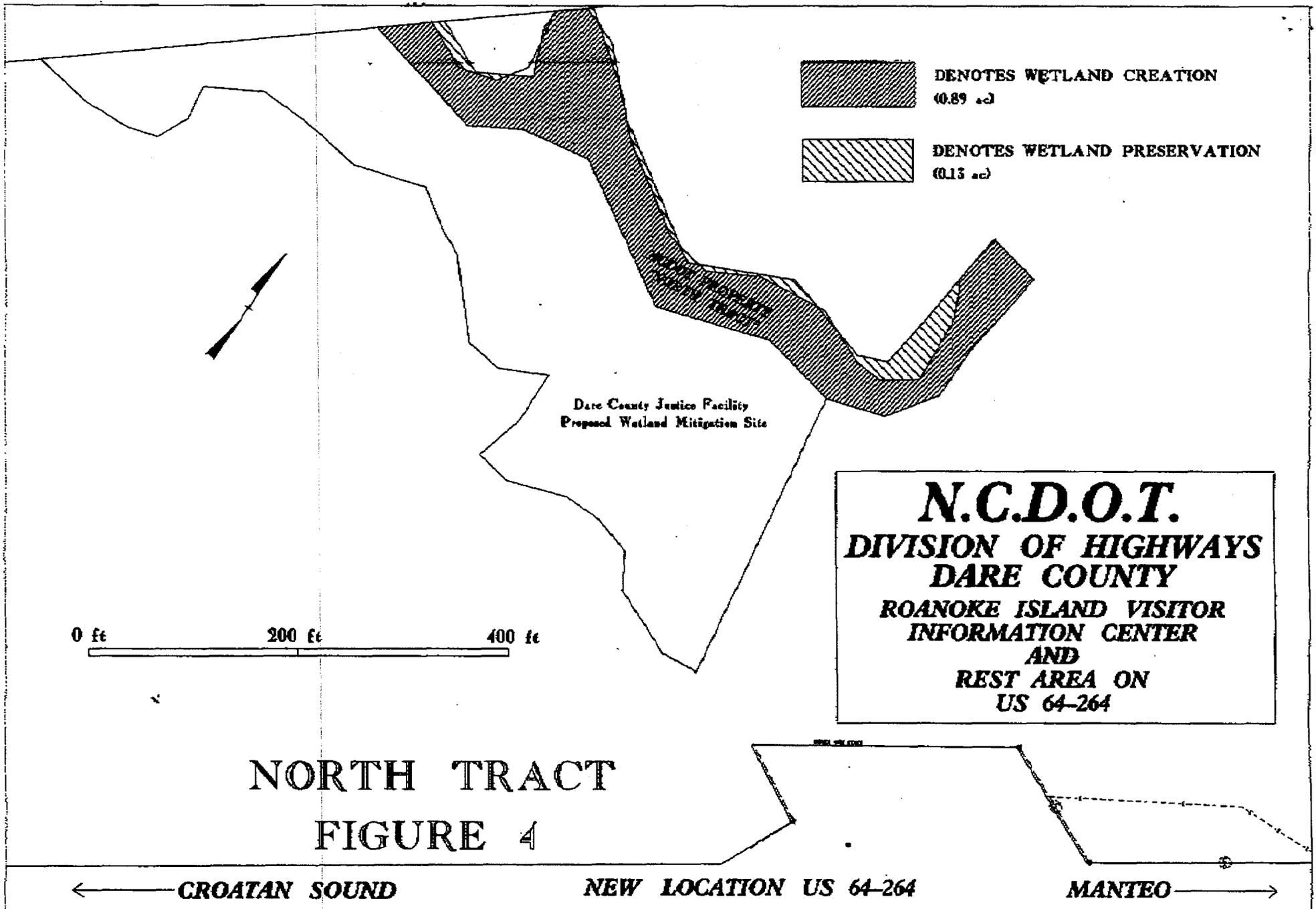




SOUTH TRACT
FIGURE 2

N.C.D.O.T.
DIVISION OF HIGHWAYS
DARE COUNTY
ROANOKE ISLAND VISITOR
INFORMATION CENTER
AND
REST AREA ON
US 64-264





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



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Kerr T. Stevens, Director

May 29, 2001

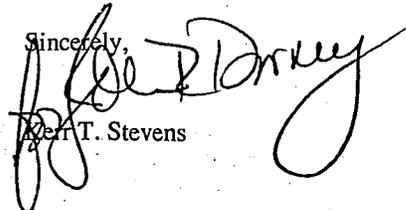
Mr. Bill Gilmore, P.E., Manager
Planning & Environmental Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Mr. Gilmore

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Modification to the improvements to US 64-264, including the construction of a new Croatan Sound
Bridge, from west of Manns Harbor to NC 345 south of Manteo in Dare County, TIP R-2551, Federal
Aid Project No. NHF-64 (6), State Project No. 8.T051401, WQC Project No. 000964.

Attached hereto is a modification to Certification No. 3167 issued to the North Carolina Department
of Transportation on August 19, 1998. The attached modification authorizes additional impacts to
1.15 acres of jurisdictional wetlands, and 146 linear feet of streams. It should be noted the
modification is applicable only to the additional proposed activities. All the authorized activities and
conditions of certification associated with the original Water Quality Certification dated August 19,
1998, and all other corresponding modifications still apply except where superseded by this
certification.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Kerr T. Stevens

Attachments:

Modification to WQC No. 3167

cc: Wilmington District Corps of Engineers
Corps of Engineers Washington Field Office
DWQ Washington Regional Office
Cathy Brittingham, Division of Coastal Management
Central Files
File Copy

Community Type	Acreage	Ratio	Source
Estuarine Fringe Restoration	0.11	1:1	Onsite Visitor Center/Rest Area (South Tract)
Estuarine Fringe Creation	0.77	1:1	Onsite Visitor Center/Rest Area (South Tract)
Estuarine Fringe Preservation	1.16	5:1	Onsite Visitor Center/Rest Area (South Tract)
Estuarine Fringe Creation	0.9	1:1	Onsite Visitor Center/Rest Area (North Tract)
Estuarine Fringe Preservation	0.13	5:1	Onsite Visitor Center/Rest Area (North Tract)
Forested Wetland Preservation	1.36	5:1	Mashoes Road Mitigation Site, Dare Co.
Riparian Buffers	1004 feet of streams		Onsite Visitor Center/Rest Area (South Tract)
Total	4.43		

All onsite mitigation shall be constructed as presented in your final mitigation plan dated May 2001 (received May 24, 2001).

6. Hydrologic success for the onsite mitigation at the South and North Tracts shall be achieved by demonstrating soil saturation within 12 inches of the surface for the same number of consecutive days as the reference sites, plus or minus 20 percent. In the event that the constructed sites demonstrate consecutive days of saturation within 12 inches of the surface for a number of days equal to the reference site, minus 20 percent, the site must still meet the US Army Corps of Engineers definition of a jurisdictional wetland to be considered successful.
7. The proposed riparian buffers shall be planted as described in the May 24, 2000 Final Mitigation Plan.
8. After the reference gauges are installed, the NC Department of Transportation shall submit annual monitoring reports for the hydrologic and vegetative monitoring to the North Carolina Division of Water Quality.
9. None of the proposed mitigation sites (the South Tract, the North Tract, or the onsite riparian buffers) shall be considered successful until the NC Division of Water Quality agrees in writing to suspend monitoring. The North Carolina Division of Water Quality retains the right to require corrective measures to ensure success, should either of the constructed sites, or the riparian buffers fail to demonstrate success.
10. All other conditions written into previous Water Quality Certifications for this project still apply.

Violations of any condition herein set forth shall result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or coastal Area Management Act Permit. This Certification shall expire upon expiration of the 404 or CAMA permit.