

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

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Donna D. Moffitt, Director

K-4003



June 6, 2001

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



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
Major Permits/Consistency Manager

DH/amw
Enclosure

Permit Class
MODIFICATION/MINOR

Permit Number
7-98

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 Dare County at Croatan Sound and Spencer Creek, US 64-264, Manns Harbor to Manteo, as requested in the permittee's application dated 2/23/01, including the attached workplan drawings (8) dated as received on 3/2/01.

This permit, issued on 6/5/01, 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.

Roanoke Island Visitor Information Center and Rest Area

- 1) This modification authorizes the construction of the Roanoke Island Visitor Information Center and Rest Area adjacent to US 64-264 between the Croatan Sound and the US 64/NC 345 intersection as depicted on the attached workplan drawings.
- 2) 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 such new fill material within the 30-foot buffer.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

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

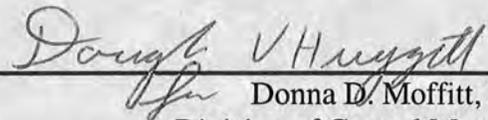
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2001

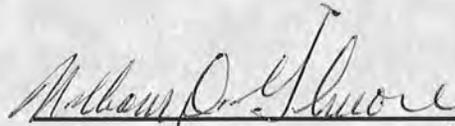
In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

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) Staging areas within the 30-foot buffer required to conduct the work as described in Condition No. 2 of this permit 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 Condition No. 2 of this permit to their pre-project conditions.
- 4) No staging of construction equipment or storage of construction supplies will be allowed in wetlands or surface waters.
- 5) No waters of the United States or vegetated wetlands will be excavated or filled, except as depicted on the attached workplan drawings.
- 6) 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.
- 7) The temporary placement or double handling of fill materials within waters or vegetated wetlands is not authorized.
- 8) All fill material will be obtained from a high ground source and will be free of any pollutants except in trace quantities.

Spoil Disposal

- 9) The disposal area will be properly graded and provided a ground cover sufficient to restrain erosion within 30 working days of project completion.
- 10) A representative of the N.C. 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.

Sedimentation and Erosion Control

- 11) 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.
- 12) In order to protect water quality, runoff from construction must not visibly increase the amount of suspended sediments in adjacent waters.
- 13) In accordance with the 2/23/2001 application letter for this project, the permittee shall strictly enforce the sedimentation and erosion control Best Management Practices (BMP's) for the protection of surface waters and wetlands.
- 14) All disturbed areas shall be properly graded and provided a ground cover sufficient to restrain erosion within thirty days of project completion.

ADDITIONAL CONDITIONS

- 15) 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.).

Stormwater Management

- 16) 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 5/14/01. Any violation of the permit approved by the DWQ will be considered a violation of this CAMA permit.

Mitigation

NOTE: The Roanoke Island Visitor Center and Rest Area will permanently impact approximately 1.15 acres of jurisdictional wetlands and approximately 145.5 linear feet of jurisdictional stream. In addition, there will be approximately 0.01 acres of fill in surface waters. The impacted wetlands are estuarine fringe wetland forest with dominant vegetation including loblolly pine, red bay, wax myrtle, red maple, greenbrier and American holly. Wetland impacts consist of approximately 0.82 acres of fill, approximately 0.18 acres of isolated wetlands, and approximately 0.15 acres due to mechanized clearing. These impacts and their associated approved mitigation as described below is in addition to impacts and mitigation previously authorized by CAMA Permit No. 7-98.

- 17) Approved mitigation sites for wetland impacts resulting from this project include: on-site restoration, creation and preservation at the Roanoke Island Visitor Center/Rest Area Mitigation Site, North and South tracts in Dare County and preservation at the Mashoes Road Mitigation Site in Dare County.

NOTE: DCM appreciates the permittee's successful efforts to locate mitigation within Dare County, and in conformance with the Dare County Land Use Plan. The Dare County Land Use Plan requires that "mitigation activities and improvements designed as compensation for wetland loss occurring in Dare County shall be located, whenever possible, in Dare County and in proximity to the loss."

- 18) 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 and except as altered by conditions of the modification to Water Quality Certification No. 3167 (DWQ Project No. 000964) issued by the N.C. Division of Water Quality (DWQ) on 5/29/01.

- 19) After environmental permits have been received for this project, the permittee shall revise the Roanoke Island Visitor Center/Rest Area Mitigation Plan 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 the N.C. Wildlife Resources Commission (WRC) prior to initiating construction on any portion of this permitted project.

- 20) 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.

ADDITIONAL CONDITIONS

- 21) Annual monitoring reports shall be provided to 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 DCM and DWQ. Failure to meet success criteria will necessitate additional monitoring and/or remedial actions.

NOTE: 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.

General

- 22) This minor modification must be attached to the original of permit No. 7-98, which was issued on 1/20/98, as well as all subsequent modifications and refinements and all documents must be readily available on site when a DCM representative inspects the project for compliance.
- 23) All conditions and stipulations of the active permit remain in force under this minor modification unless altered herein.
- 24) The N.C. Division of Water Quality has authorized the proposed project under a modification to Water Quality Certification No. 3167 (DWQ Project No. 000964), which was issued on 5/29/01. Any violation of the Water Quality Certification issued by DWQ will be considered a violation of this CAMA permit.

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

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

NOTE: The wetland reforestation planting in wetland areas east of the new Croatan Sound Bridge currently under construction as described in the 2/23/01 application letter for this project is hereby authorized.

NOTE: The permittee has assigned this project TIP No. K-4003.

NOTE: The permittee has estimated that it is not anticipated that all permitted work will be completed by 12/31/01. Therefore, the permittee is advised to request a two-year extension of this permit as soon as possible.