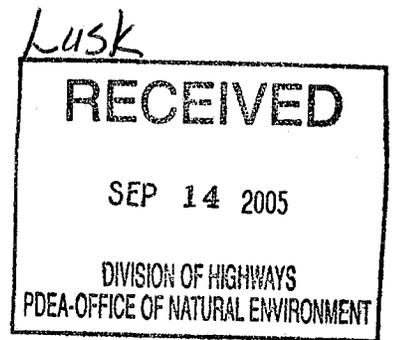




DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

September 7, 2005



Regulatory Division

Action ID No. 200511824 & 199303531

Mr. Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Mr. Thorpe:

Reference the Department of the Army (DA) permit issued to you on May 27, 2003, associated with the widening improvement to NC 55 from US 17 in Bridgeton to NC 304 in Bayboro in Craven and Pamlico Counties, North Carolina (TIP No. R-2539 (Section B), State Project No. 8.1170901). Also reference your subsequent written request dated August 10, 2005, for a permit modification to revise a drainage system east of a unnamed tributary to Black Creek in order to accommodate removal of 3 preformed scour holes. The proposed revisions at sites 7, 8, 9, and 10 are: a) remove design for 3 preformed scour holes at Stations 111+31 left, 113+42 left, and 113+58 left. b) install a special cut ditch and driveway pipes from Stations 109+20 to 112+75 right. c) redesign drainage system of pipes from Stations 112+80 to 121+10 left to outlet into grassed swales at Station 113+20 right. d) eliminate a cross pipe under the pavement at Station 110+50.

The proposed modification will result in a decrease in mechanized clearing in wetlands by 0.04 acres and increase wetland excavation by less than 0.01 acres. Overall this redesign will result in reducing wetland impacts on the project by approximately 0.03 acres. This redesign was needed because it was determined that the 3 preformed scour holes would be ineffective due to the probable sedimentation and subsequent outlet pipe blockage. Onsite water quality treatment will now be accomplished by directing drainage into 2 grassed swales east of the unmanned tributary to Black Creek.

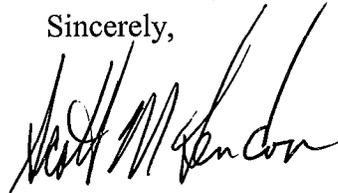
This modification request was coordinated with the appropriate State and Federal agencies and the coordination revealed no objections to this modification request. Therefore, the permit is hereby modified in accordance with the specific work activities described above and in the enclosed plans. It is 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. All work authorized by this permit modification must be performed in strict compliance with the attached work plans, which are part of this permit. Any modification to the permit plans must be approved by USACE prior to implementation.

b. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit, and any authorized modifications. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

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

Sincerely,



John E. Pulliam, Jr.
Colonel, U.S. Army
District Engineer

Attachments:

Copies Furnished w/out attachments):

Mr. Steve Sollod
Division of Coastal Management
1638 Mail Service Center
Raleigh, North Carolina 27699-16387

Mr. John Hennessy
Water Quality Section
Division of Environmental Management
North Carolina Department of Environment
and Natural Resources
1650 Mail Service Center
Raleigh, North Carolina 27699-1650

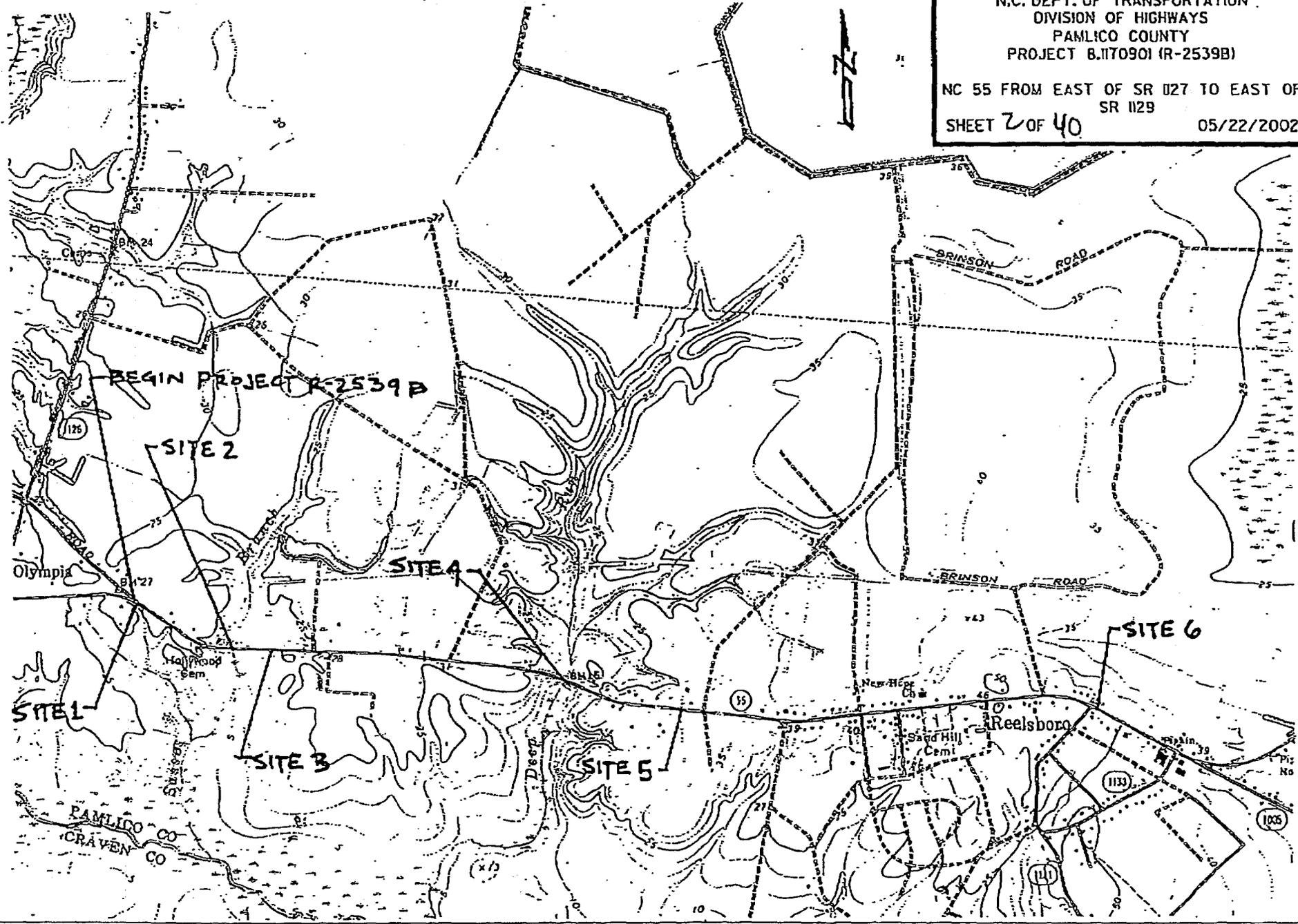
Mr. Travis Wilson
Eastern Region Highway Project Coordinator
Habitat Conservation Program
1142 I-85 Service Road
Creedmoor, North Carolina 27522

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

Mr. Ron Sechler
National Marine Fisheries Service
101 Pivers Island
Beaufort, North Carolina 28516

Mr. Chris Militscher
C/O FHWA
U.S. Environmental Protection Agency
Raleigh Office
310 New Bern Avenue, Room 206
Raleigh, North Carolina 27601

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
PAMLICO COUNTY
PROJECT 8.1170901 (R-2539B)
NC 55 FROM EAST OF SR 1127 TO EAST OF
SR 1129
SHEET 2 OF 40
05/22/2002



BEGIN PROJECT R-2539B

SITE 2

SITE 4

SITE 6

SITE 1

SITE 3

SITE 5

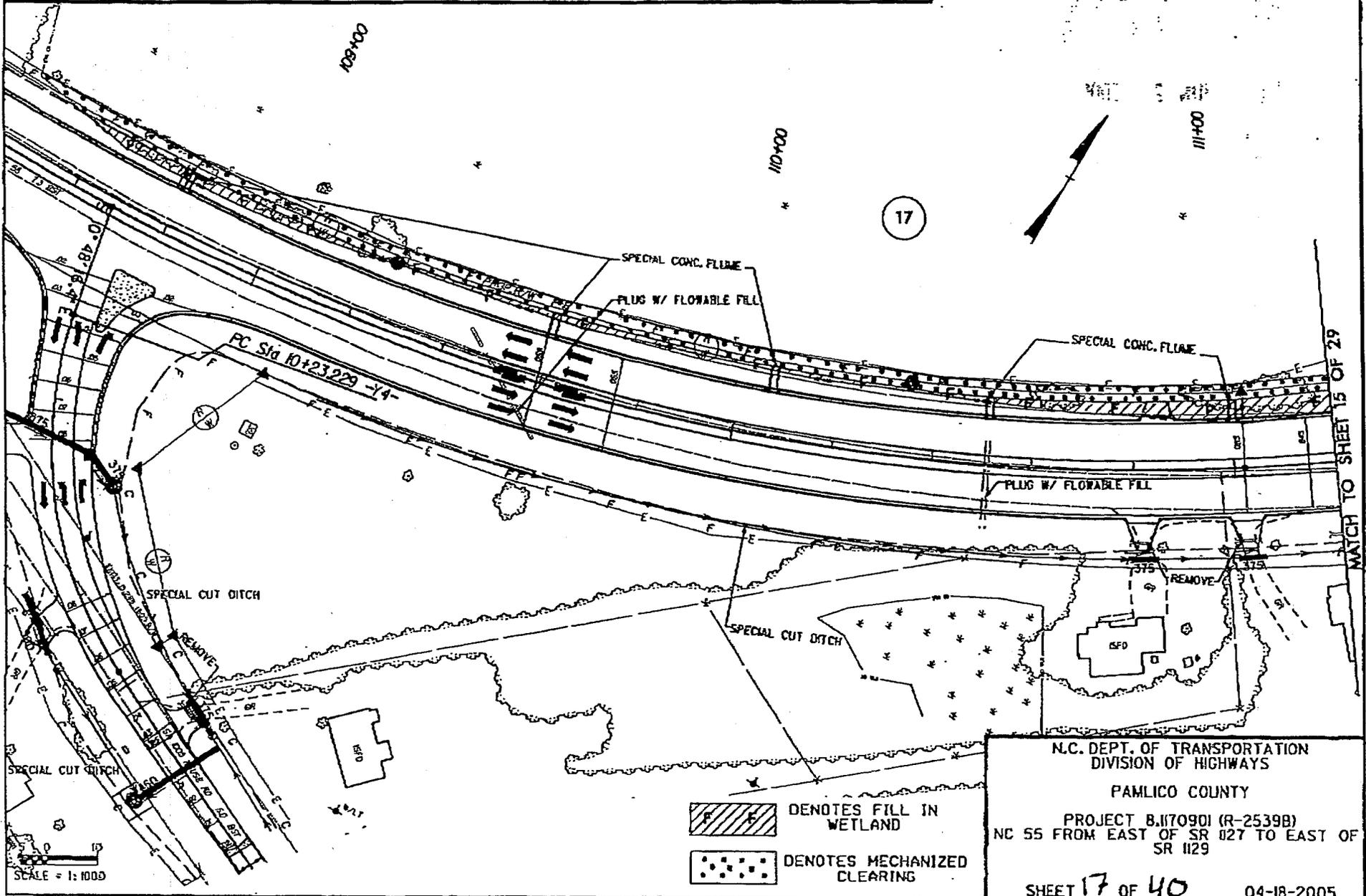
PAMLICO CO
CRAVEN CO

TOTAL 1.0000

USACE WADD

SEP.06 2003 14:58 2029701399

SITE 7 -L- STA. 108+50 TO 114+00 RT & LT



N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT B.1170901 (R-2539B)
 NC 55 FROM EAST OF SR 027 TO EAST OF
 SR 1129

SHEET 17 OF 40 04-18-2005

#0191 E.000

USACE WASH

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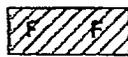
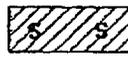
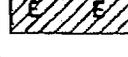
SITE 7 -L- STA. 108+50 TO 114+00 RT & LT

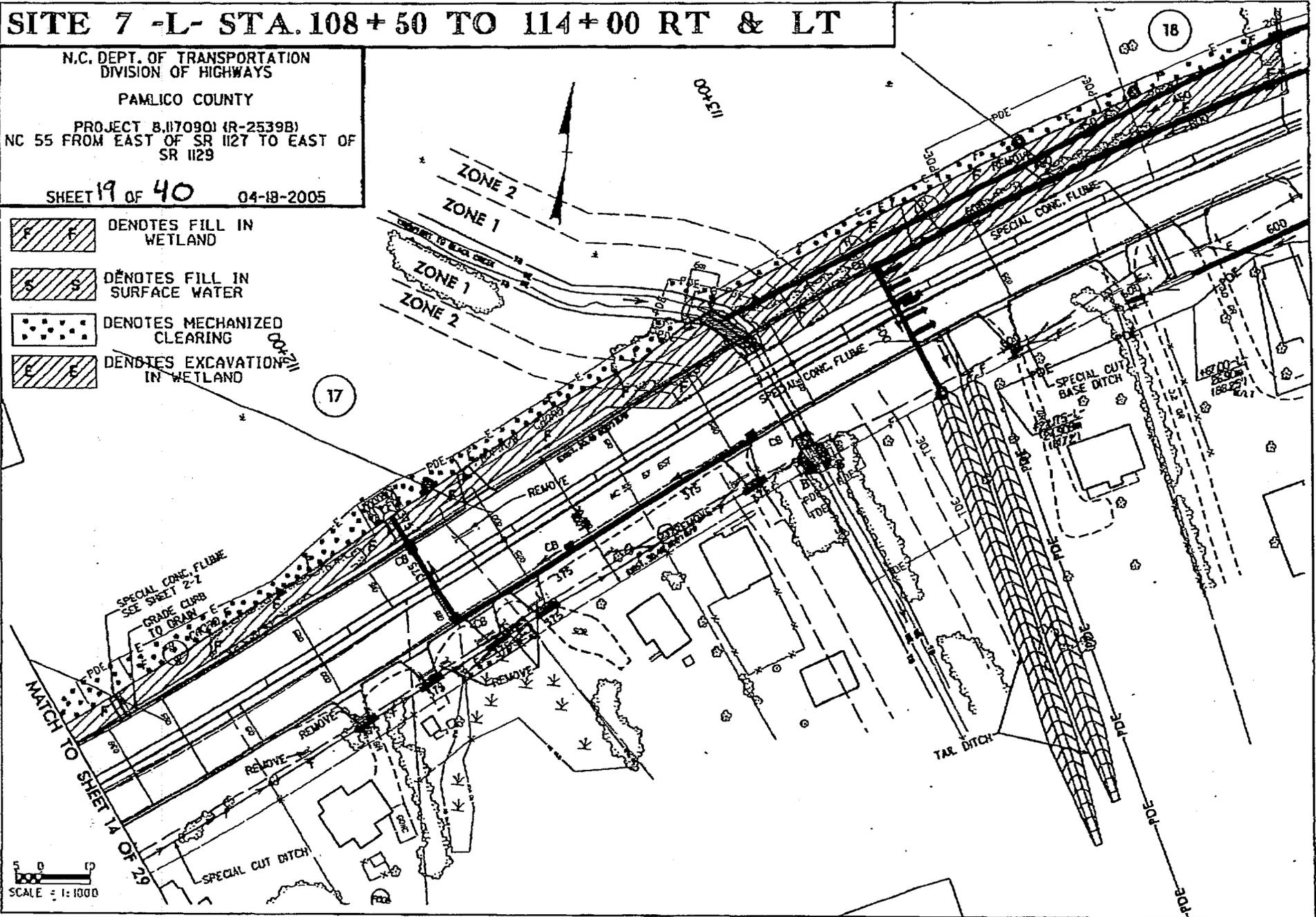
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

PAMLICO COUNTY

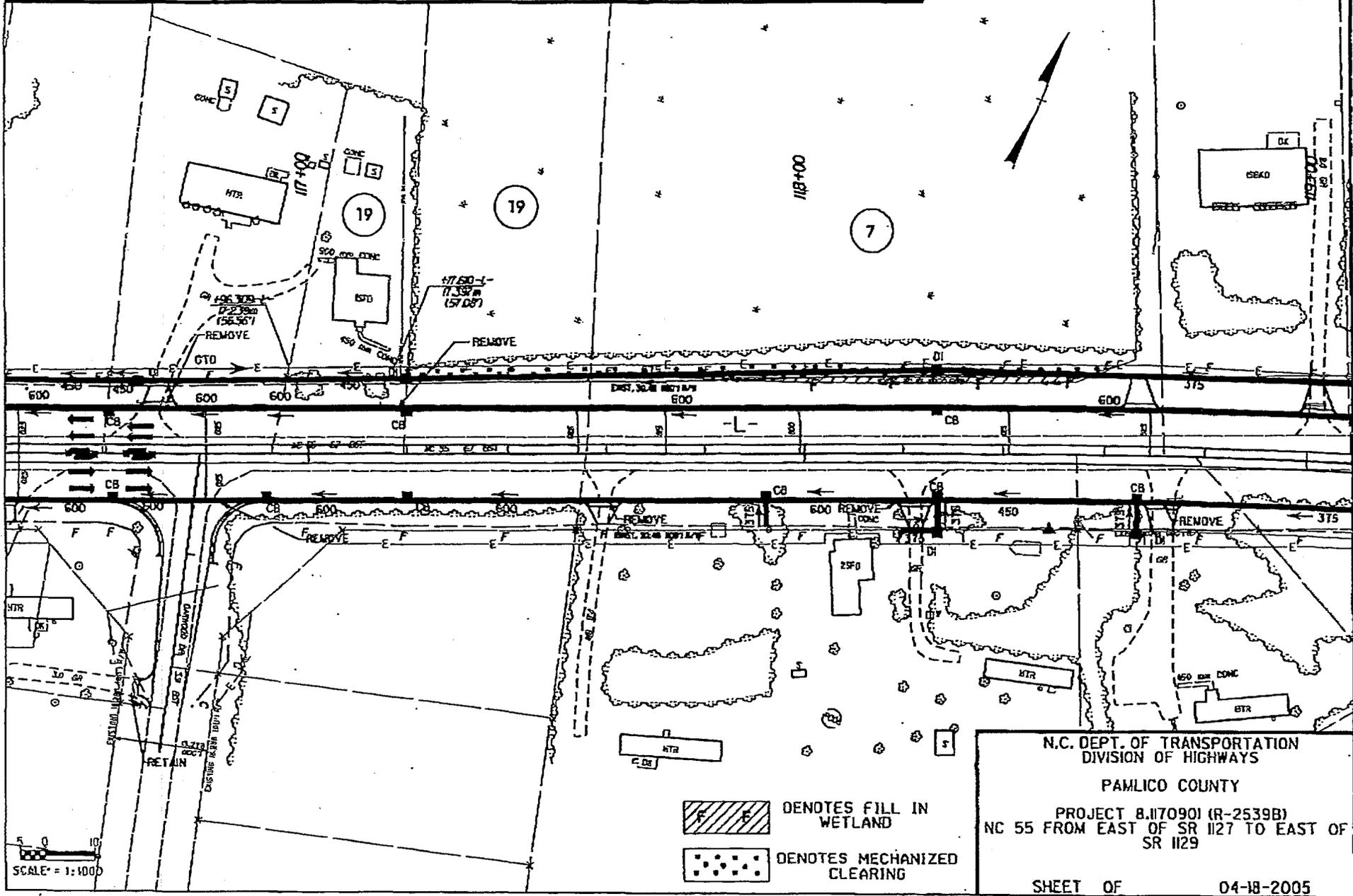
PROJECT 8.1170901 (R-2539B)
NC 55 FROM EAST OF SR 1127 TO EAST OF
SR 1129

SHEET 19 OF 40 04-18-2005

-  DENOTES FILL IN WETLAND
-  DENOTES FILL IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING
-  DENOTES EXCAVATIONS IN WETLAND



SITE 8 -L- STA. 117+20 TO 118+60 LT



 DENOTES FILL IN WETLAND
 DENOTES MECHANIZED CLEARING

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT B.1170901 (R-2539B)
 NC 55 FROM EAST OF SR 1127 TO EAST OF SR 1129
 SHEET OF 04-18-2005

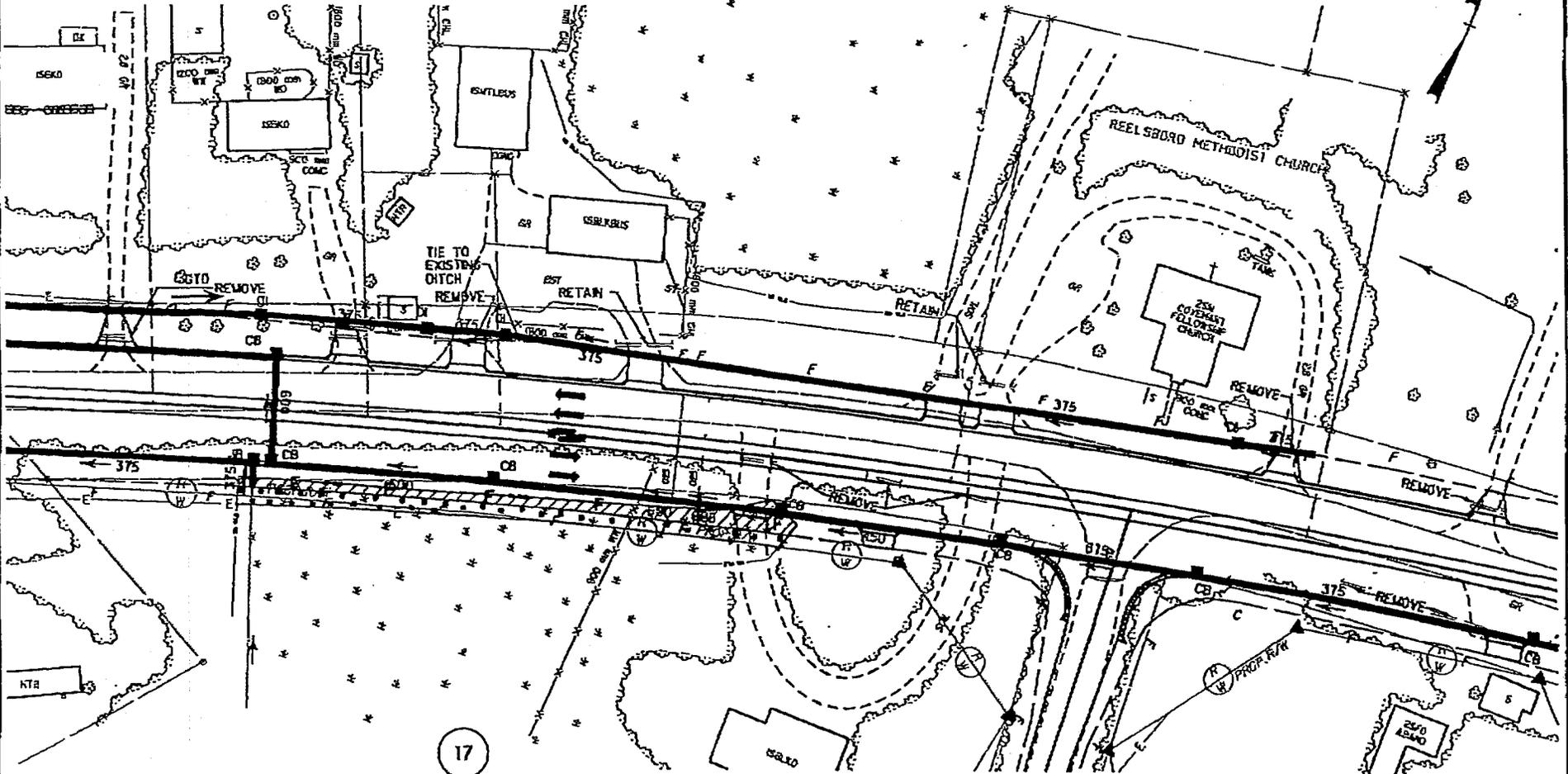
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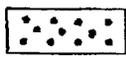
SCALE = 1:1000

SITE 9 -L- STA. 119+20 TO 120+20 RT



SCALE 1:10000

17

-  DENOTES FILL IN WETLAND
-  DENOTES MECHANIZED CLEARING

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 PAMLICO COUNTY
 PROJECT 8.070901 (R-2539B)
 NC 55 FROM EAST OF SR 027 TO EAST OF
 SR 1129
 SHEET OF 04-18-2005

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USACE WASH

SEP.06.2009 15:01 2529/01399

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method B) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Natural Stream Design (m)	
1	56+30 TO 56+55				0.034	0.008						
2	59+70 TO 61+00	EXTENSION OF 2@ 1650 RCP w/COLLARS	0.051		0.012	0.019	0.004				22	
3	62+25 TO 63+60		0.055			0.010						
4	74+85 TO 77+40	BRIDGE; 5 SPAN (5@ 20m) = 100m 1148mm PRESTRESSED CONCRETE GIRDERS	0.136	0.003	0.004	0.057						
5	81+85 TO 82+00	EXTENSION OF 1650 RCP w/COLLARS	0.012			0.005	0.001				15	
6	102+35 TO 103+65		0.047			0.038						
7	108+50 TO 114+00	EXTENSION OF 1.8 x 1.2 & 1.2 x 1.2 RC9C (TWO CELLS)	0.296		0.002	0.190	0.003				15	
8	117+20 TO 118+60		0.008			0.038						
9	119+20 TO 120+20		0.020			0.022						
10	121+70 TO 122+20		0.045			0.018						
11	123+75 TO 125+60		0.021			0.017						
13	134+75 TO 137+30	EXTENSION OF 1.8 x 1.2 RC9C	0.027		0.046	0.132	0.006				36	41
14	139+10 TO 139+20		0.017		0.002	0.004						
15	145+35 TO 146+75		0.000			0.035						
16	149+10 TO 151+40	BRIDGE; 17 SPAN (6@ 13m, 1@ 15m, 10@ 13m) = 223m 533mm CORED SLAB	0.030			0.034						
TOTALS:			0.754	0.003	0.102	0.623	0.014	0.000	0.000		90	41

* SITE NO. 4 - EXISTING ROAD REMOVED; RECLAIMED WETLAND = 0.234 (ha)

** SITE NO. 16 - EXISTING ROAD AND RAILROAD EMBANKMENT REMOVED; RECLAIMED WETLAND = 0.754 (ha)

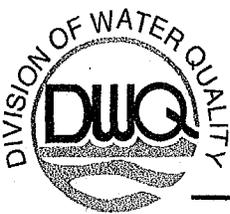
Form Revised 3/22/01

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

PAMLCO COUNTY

PROJECT 6.117001 (R-25398)
NC 55 FROM EAST OF SR 1127 TO EAST OF SR 1129

39 40
SHEET OF 04-18-2005



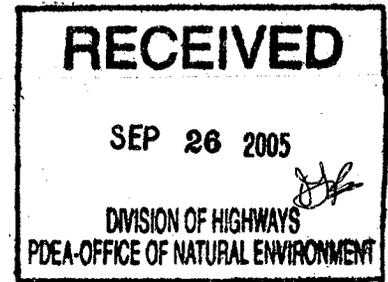
Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

Lusk

September 20, 2005

Dr. Gregory J. Thorpe, PhD., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548



Re: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, Widening of NC 55 from US 17 in Bridgeton to NC 304 in Bayboro, Craven and Pamlico Counties. WQC Project No. 021232, TIP No. R-2539B.

Dear Dr. Thorpe:

Attached hereto is a copy of a modification to Certification No. 3415 issued to The North Carolina Department of Transportation dated March 17, 2003. This certification authorizes the NCDOT to revise a drainage system east of an unnamed tributary to Black Creek in order to accommodate the removal of three preformed scour holes as necessary for onsite water quality treatment. This certification modifies only Section B of the widening of NC 55 from Bridgeton to Bayboro and shall be constructed pursuant to the application dated received on August 15, 2005. All the authorized activities and conditions of the certification associated with the original Water Quality Certification dated March 17, 2003 and all subsequent modifications still apply except where superceded by this certification.

If we can be of further assistance, please contact Garcy Ward at 252-948-3922.

Sincerely,

for Alan W. Klimek, P.E.
Director

Attachments

- cc: Wilmington District US Army Corps of Engineers
- Mr. Bill Biddlecome, Corps of Engineers Washington Field Office
- Mr. Bill Arrington, Division of Coastal Management, Morehead City Office
- Mr. C.E. Lassiter, Jr., P.E., DOT Division 2 Engineer, PO Box 1587, Greenville, NC 27835
- Mr. Jay Johnson, DOT Division 2 Environmental Officer, PO Box 1587, Greenville, NC 27835
- Nicole Thomson, NCDWQ, Central Office
- Mr. Rob Ridings, NCDWQ, Wetlands/401 Unit
- Central Files
- File Copy



**Modification of APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS
and Neuse River Buffer Authorization**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500, and 15 NCAC 2B .0233. This certification authorizes the NCDOT for the following impacts:

Wetland, Surface Water and Protected Riparian Buffer Impacts

Section	Fill in Wetlands (acres)	Excavation & Drainage (acres)	Mechanized Clearing (acres)	Streams (Linear Feet)	Other surface waters (acres)	Buffer Zone 1 (acres)	Buffer Zone 2 (acres)
R-2539B (Original 401 WQC)	1.88	0.24	1.52	295.2	.03	0.59	0.32
R-2539B (Revised Impacts approved October 27, 2003)	-0.01	0.01	-0.01	0	0	0.40	0.36
R-2539B (Additional Impacts with this Modification)	0	0.01	-0.04	0	0	0	0
Total	1.87	0.26	1.47	295.2	0.03	0.99	0.68
Net Total for Wetland Impacts	3.58						
Net Total for Buffer Impacts						1.67	

This certification modifies only the additional impacts listed in the above table in Section B of the widening of NC 55 from Bridgeton to Bayboro and shall be constructed pursuant to the application dated received on August 15, 2005. All the authorized activities and conditions of the certification associated with the original Water Quality Certification dated March 17, 2003 and all subsequent modifications still apply except where superseded by this certification.

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application, as described in the Public Notice. Should your project change, you are required to 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 any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or

local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

Condition(s) of Certification:

1. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
2. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
3. Pursuant to NCAC15A 2B.0233(6), sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.
4. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1.
5. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification.
6. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
8. All stormwater runoff shall be directed to sheetflow through stream buffers at nonerosive velocities, unless approved otherwise by this certification.

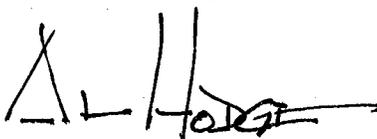
9. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
10. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
11. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
12. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
13. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
14. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
15. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
16. All protected riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated with native woody species upon completion of the project construction. A post-construction as-built with the restoration activities included shall be submitted to the DWQ no later than 60 days after the project is closed out by the Department of Transportation.
17. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
18. NCDOT, and its authorized agents, shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State law and Federal law. If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H.0507(d).
19. A copy of this Water Quality Certification shall be posted on the construction site at all times. In addition, the Water Quality Certification (and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
20. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.

Violations of any condition herein set forth may 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 the expiration of the 404 or CAMA permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 20th day of September 2005

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read 'Alan W. Klimek', written over a horizontal line.

for Alan W. Klimek, P.E.
Director

WQC No. 3415



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

DWQ Project No.: _____ County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1621 Mail Service Center, Raleigh, NC, 27699-1621. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____

Date _____



Lusk

RECEIVED

AUG 23 2005

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

DIVISION OF HIGHWAYS
PDEA-OFFICE OF NATURAL ENVIRONMENT

Michael F. Easley, Governor

Charles S. Jones, Director

William G. Ross Jr., Secretary

August 16, 2005

Gregory J Thorpe, PhD, Environmental Management Director
Project Development & Environmental Analysis Branch
N.C. Department of Transportation
1548 Mail Service Center
Raleigh, NC 27699-1548

RE: Request for a Modification to authorize the elimination of three preformed scour holes (PSH) and the associated drainage modifications, at the unnamed tributary to Black Creek, on the widening project for NC 55 in Pamlico County, TIP No. R-2539 (Section B). NCDOT Letter dated 8/10/05 with accompanying drawings dated April 18, 2005, requesting a Modification of the existing CAMA Permit No. 55-03.

Dear Dr. Thorpe:

This letter is in response to the N.C. Department of Transportation's (NCDOT's) request dated August 10, 2005, requesting a Modification for CAMA Major Permit No. 55-03. The NCDOT letter requests authorization for the elimination of three preformed scour holes (PSH) and the associated drainage modifications, including the reduction of 0.03 acres of wetland impacts, on the widening project for NC 55 in Pamlico County, TIP No. R-2539.

Please be advised that through this **Letter of Refinement**, DCM conveys its determination that this request as described in the August 10, 2005 NCDOT correspondence to Bill Arrington, is consistent with existing State rules and regulations and is in keeping with the original purpose and intent of the CAMA permit, with the following conditions.

1. This letter does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.
2. This Letter of Refinement must be attached to the original of CAMA Permit No. 55-03, which was issued on April 22, 2003 and both documents must be readily available on site when a DCM representative inspects the project for compliance.
3. All conditions and stipulations of the active permit remain in force unless altered herein.

Please contact Bill Arrington at (252) 528-0019 if you have any questions or concerns.

Sincerely,

Tere Barrett, District Manager
NC Division of Coastal Management.

Cc: Ted Tyndall, DCM
Doug Huggett, DCM
Steve Sollod, DCM
Bill Arrington, DCM
William Wescott, USACE (Washington)
Nicole Thomson, DWQ (Raleigh)

1638 Mail Service Center, Raleigh, North Carolina 27699-1638
Phone: 919-733-2293 \ FAX: 919-733-1495 \ Internet: www.nccoastalmanagement.net