

Permit Class
MODIFICATION/MINOR

Permit Number
166-00

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

Authorizing development in Tyrrell and Washington County at Kendrick Creek, Scuppernong R. & Tyrrell Co. Drainage District Canal #2, US 64, as requested in the permittee's application letter dated 4/30/03, including the attached workplan drawings (3): 1 dated January 2003; and 2 dated April 2003.

This permit, issued on 5/21/03, 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.

R-2548, US 64 from Plymouth to East of Columbia

- 1) This minor modification authorizes the following, as depicted on the attached workplan drawings: (1) an additional left turn lane as a safety measure at the intersection of Scuppernong Road (Y10A) near station No. 18 + 00 and Benson Road (Y11A) near station No. 30 + 00; (2) and hand clearing in the southeast quadrant of the intersection of Benson Road and Scuppernong Road to improve site distance in the existing curve.

NOTE: According to the permittee, as a result of the changes authorized under this modification, wetland impacts due to fill have been increased by 0.10 acres and wetland impacts due to hand clearing have been increased by 1.06 acres.

(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.

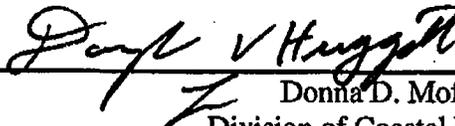
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 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**Mitigation**

- 2) In accordance with Condition Number 5 of the Water Quality Certification issued by the N.C. Division of Water Quality (DWQ) on 5/21/03, compensatory mitigation is required for additional permanent impacts to 0.10 acres of wetlands. Applying a replacement ratio of 2:1, total mitigation for 0.20 acres of wetlands shall be provided by removing the old road presently located in wetlands and shall be constructed as described in your April 30, 2003 application. For the proposed onsite mitigation, after the old road is removed the site shall be prepared for planting by ripping the soil surface. Compensatory mitigation is not required for the 1.06 acres of temporary wetland impact.

NOTE: As described in the permittee's letter dated 4/30/03, the restoration will consist of removal of the abandoned roadbed of existing US 64 in the same general vicinity as the impacts. The area will then be planted with a mixture of river birch, *Betula nigra*, sycamore, *Platanus occidentalis*, willow oak, *Quercus phellos*, and green ash, *Fraxinus pennsylvanica*, at the rate of 640 stems per acre.

- 3) The wetland restoration shall be in place prior to the expiration date of this permit.
- 4) The permittee will remove all unsuitable fill material within the wetland restoration area, and fill any void left by the removal of this unsuitable material with suitable organic wetland substrate to the same approximate elevation as the adjacent natural wetlands or to an appropriate reference wetland elevation.
- 5) The permittee shall provide an annual update on the mitigation site at the annual NCDOT wetland mitigation monitoring report meeting. This annual update will consist at a minimum of photographs provided during the agency monitoring report meeting and a brief report on the success of the wetland restoration area.

NOTE: The permittee should provide DCM with the exact GPS location of the mitigation site.

- 6) The mitigation site will be protected in perpetuity in its restored state and owned by the permittee or its approved designee. Failure to adequately protect the mitigation site may result in further mitigation requirements.

General

- 7) This minor modification must be attached to the original of Permit No. 166-00, which was issued on 10/30/00, as well as all subsequent modifications and/or letters of refinement, 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.
- 9) This permit modification does not eliminate the need to obtain any additional permits, approvals or authorizations that may be required.

NOTE: The N.C. Division of Water Quality authorized the proposed project on 5/21/03 (DWQ Project No. 000980mod) under General Water Quality Certification No. 3302.