



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

DIVISION OF HIGHWAYS  
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

GARLAND B. GARRETT JR.  
SECRETARY

September 17, 1997

MEMORANDUM TO:

Mr. Dwayne Allgood  
Division 2 Resident Engineer

FROM:

David C. Robinson, Ph.D., P.E.  
Assistant Manager  
Planning and Environmental Branch

*Boyd Harrison  
for*

SUBJECT:

Carteret County, Bridges Street Extension; T.I.P. No. U-2226

Attached are the modified U. S. Army Corps of Engineers State Permit, the modified Division of Water Quality 401 Certification, and the modified Division of Coastal Management CAMA permit for the above referenced project. All permits have been received for the continued construction of this project.

DCR/eah





DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS

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

September 15, 1997

IN REPLY REFER TO

Regulatory Branch

Action ID No. 199602568, State Permit No. 50-96 and TIP U-2226

Mr. H. Franklin Vick  
North Carolina Department of Transportation  
Division of Highways  
Planning and Environmental Branch  
Post Office Box 25201  
Raleigh, North Carolina 27611-5201



Dear Mr. Vick:

Reference your Department of the Army (DA) permit that authorizes excavation and the placement of fill material in 1.6 acres of tidal marsh and bottomland hardwood adjacent to Peletier Creek and its tributaries, associated with extending Bridges Street, between Arendell Street and NC Highway 24, Morehead City, Carteret County, North Carolina. Through coordination with the North Carolina Division of Coastal Management (NCDQM) we have learned of the modification of your corresponding State Permit to install a silt fence ten (10) feet from slope stake lines.

Your revised proposal has been reviewed and is consistent with the provisions and objectives of general permit No. CESAW-CO80-N-000-0291. Therefore, you may continue construction activity in strict accordance with your modified State authorization. Failure to comply with the State authorization or conditions of the general permit could result in civil and/or administrative penalties.

If there is a need to extend the duration of this Federal authorization, or if any further change in your work is required because of unforeseen or altered conditions or for any other reason, a written request for renewal of authorization or plans revised to show any change must be sent promptly to this office **and** the North Carolina Division of Coastal Management before continuing work or doing any change or alteration. Such action is necessary as specific renewal of authorization must be obtained or revised plans must be reviewed and the authorization modified. A request for extension of authorization must be received no later than thirty (30) days before expiration of the permit.

Questions or comments may be addressed to Mr. Scott McLendon, Wilmington Field Office, Regulatory Branch, telephone (910) 251-4725.

Sincerely,

  
Clifford Winefordner  
Chief, South Section  
Regulatory Branch

Copies Furnished:

Mr. John Dorney  
Division of Environmental Management  
North Carolina Department of  
Environment, Health, and  
Natural Resources  
4401 Reedy Creek Road  
Raleigh, North Carolina 27607

Mr. Thomas Welborn, Chief  
Wetlands Protection Section - Region IV  
Water Management Division  
U.S. Environmental Protection Agency  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303

Mr. John Parker  
Division of Coastal Management  
North Carolina Department of  
Environment, Health, and  
Natural Resources  
Post Office Box 27687  
Raleigh, North Carolina 27611-7687

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

Mr. Larry Hardy  
National Marine Fisheries Service  
Pivers Island  
Beaufort, North Carolina 28516

Mr. Wallace R. Sherron, Director  
State Property Office  
North Carolina Department of  
Administration  
116 West Jones Street  
Raleigh, North Carolina 27603-8003

Mr. Charles Jones  
Morehead City Regional Office  
North Carolina Division  
of Coastal Management  
Post Office Box 769  
Morehead City, North Carolina 28557

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

James B. Hunt, Jr., Governor  
Wayne McDevitt, Secretary  
A. Preston Howard, Jr., P.E., Director



August 25, 1997

Mr. Franklin Vick  
N.C. Department of Transportation  
Planning and Environmental Branch  
P.O. Box 25201  
Raleigh, NC 27611-5201

Dear Mr. Vick,

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,  
Proposed Bridges Street Extension  
WQC Project #951209, COE #199602568, TIP #U-2226, State Project No. 9.8022831  
Carteret County

Attached hereto is a copy of Certification No. 3061 issued to N. C. Department of  
Transportation dated 25 August 1997. This Certification replaces the one issued 2 April 1996.

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

Sincerely,

A. Preston Howard, Jr. P.E.

Attachments

3061.wqc

cc: Wilmington District Corps of Engineers  
Corps of Engineers Wilmington Field Office  
Wilmington DWQ Regional Office  
Mr. John Dorney  
Mr. John Parker, Division of Coastal Management  
Central Files



## NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

**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 to N.C. Department of Transportation resulting in 2.84 acres of wetland impact in Carteret County pursuant to an application filed on the 5th day of December, 1997 to construct a two lane roadway by extending Bridges Street in Morehead City.

The application provides adequate assurance that the discharge of fill material into the waters of Peletier Creek 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 or as modified below. If you change your project, you must notify us and you may be required to submit a revised application. If total wetland fills for this project (now or in the future) exceed one acre, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to be valid, you must follow the conditions listed below. In addition, you should get any other federal, state or local permits before you go ahead with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations.

### Condition(s) of Certification:

1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) shall be utilized to prevent exceedances of the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters);
2. All sediment and erosion control measures placed in wetlands or waters shall be removed and the natural grade restored after the Division of Land Resources has released the project;
3. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
4. Should waste or borrow sites be located in wetlands, compensatory mitigation is required since it is a direct impact from road construction activities;
5. Should waste or borrow sites be located in wetlands, compensatory mitigation will be required since it is a direct impact from road construction activities;
6. Compensatory mitigation shall be done in accordance with the Corps of Engineers requirements. DWQ shall be copied on the approved ratio, location, size and method of mitigation (restoration, enhancement, creation and preservation) within 30 days after the 404 is issued and annual reports for the entire length of the monitoring period. A minimum of 1:1 restoration or creation is required in accordance with 15A NCAC 2H .0506(h)(6).

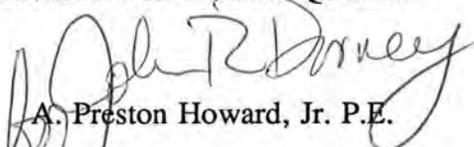
7. Pursuant to N.C. DOT's 24 July 1997 request to allow placement of a silt fence in wetlands up to ten feet outside of the slope stake line, you must notify us when the full extent of additional wetland impact is known. A site map depicting the location of the silt fence and calculation of wetland impacts based upon fill area once the area has been stabilized must be included. Once the determination of wetland fill area is made, N.C. DOT must be prepared to offer mitigation, the amount and type of which is to be determined through coordination with DWQ.

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.

If this Certification is unacceptable to you 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 25th day of August, 1997

DIVISION OF WATER QUALITY

  
A. Preston Howard, Jr. P.E.

WQC #3061

State of North Carolina  
Department of Environment,  
Health and Natural Resources  
Division of Coastal Management

James B. Hunt, Jr., Governor  
Wayne McDevitt, Secretary  
Roger N. Schechter, Director

September 5, 1997



Mr. H. Franklin Vick  
NC Dept. of Transportation  
Planning & Environmental Branch  
P. O. Box 25201  
Raleigh, NC 27611



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,

John R. Parker, Jr.  
Major Permits Processing Coordinator

JRP:jr/amw  
Enclosure

**MODIFICATION/MINOR****50-96**

STATE OF NORTH CAROLINA  
 Department of Environment, Health & 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. Dept. of Transportation, P.O. Box 25201, Raleigh, NC 27611**

authorizing development in Carteret County at Peletier Creek, North of US 70 in Morehead City  
, as requested in the permittee's application dated letter dated 7/24/97.

This permit, issued on 9-3-97, 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 a fine, imprisonment or civil action; or may cause the permit to be null and void.

- 1) This minor modification authorizes the additional clearing of wetland vegetation and the placement of silt fencing up to a maximum of 10 feet outside of the slope stake line(s).
- 2) An as-built drawing(s) must be prepared and submitted to the Division depicting the increase in wetland impacts associated with the additional clearing.
- 3) Following the determination of additional wetland impacts, the permittee must develop a mitigation plan to compensate for the wetland losses. This mitigation plan must be submitted to and approved by the Division of Coastal Management, in coordination with the U.S. Army Corps of Engineers and the N.C. Division of Water Quality, prior to project completion.

**(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.

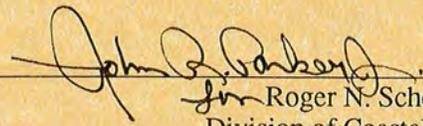
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

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

All work must cease when the permit expires on  
December 31, 1999

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 DEHNR and the Chairman of the Coastal Resources Commission.

  
 Roger N. Schecter, Director  
 Division of Coastal Management

This permit and its conditions are hereby accepted.

  
 Signature of Permittee

**ADDITIONAL CONDITIONS**

- NOTE:** The N.C. Division of Water Quality authorized the additional wetland clearing by way of a 8/25/97 modification to Water Quality Certification No. 3061 (DWQ Project No. 951209).
- 4) This modification must be attached to the original of Permit No. 50-96, which was issued on 4/11/96, and both documents must be readily available on site when a Division representative inspects the project for compliance. All conditions and stipulations if the original permit remain in force under this modification unless altered herein.