Purpose

The purpose of this procedure is to document the standard for processing the various environmental permits required for construction of an NCDOT project.

Responsibility

- Natural Environment Project Management Group (NEPMG) Project Manager (PM) receives comments from internal review and discusses with Regional Manager.
- Regional Manager reviews and approves final application and gives final application to NEU Unit Head or designee for signature
- NEU Unit Head gives signed final application to Permit Processing Assistant (PPA) with transmittal slip indicating type of permit(s) included in package
- Natural Environment Program Operations Group (NEPOG) PPA – receives complete copy of draft application, permit drawings, design plans, and all appendices. The PPA also receives signed final application indicating type of permit(s) included in package before final application is submitted.

Scheduling and Time Constraints

Submittal schedules for permit applications are based on the official Review dates published monthly in the TIP 18-month Let list. The Let list is the most accurate scheduling tool currently available. Projects on this list are considered to be on schedule and the Review and Let dates are accurate and less likely to change. The Let date and the Review date are different. The Let date is the actual date that contracts are awarded to the winning bidder. The Review date is the deadline for completion of all pre-construction work.

The Review date is typically four-to-six weeks prior to the Let date. The separation between the Let date and Review date gives the NCDOT Proposals and Contracts Unit time to get the bid package assembled, reproduced, and advertised to the contracting community so that qualified bidders may prepare and submit bids. Therefore, it is essential to have all permits in hand and
designs finalized so that the bid package will contain everything needed for a contractor to formulate a bid. Permit conditions such as in-water work moratoriums can significantly affect the construction schedule of a project and have a significant affect on bid prices.

**Procedures**

The types of permits are listed below. For additional background information on each permit, click on the permit name.

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Permit Name</th>
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<tbody>
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<td>404 CWA Permit</td>
<td>Coast Guard Bridge Permits</td>
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<td>Section 10 Permits</td>
<td>401 Water Quality Certification</td>
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<tr>
<td>CAMA Permits</td>
<td>NC Riparian Buffer Authorization</td>
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<tr>
<td>Nationwide/General Permits</td>
<td>Central Coastal Plain Capacity Use Analysis</td>
</tr>
<tr>
<td>Individual Permits</td>
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</table>

Procedure Inputs – Permit drawings, design plans, utility and structure plans; TIP 18-month Let list

Procedure Output - Final Permit(s)

*Note:* The permit application process is divided into two phases, pre application and application.

**Pre Application Process**

1. **START**
2. Identify assigned projects on 18 month Let list
3. Determine type of permit
4. Determine if permit work performed in-house or outsourced
5. Request permit drawings, design plans, utility plans
6. Record receipt of drawings in NEU Database
7. Distribute drawings & plans to PM
8. Application Process Begins

The information contained in this procedure is deemed accurate and complete when posted. Content may change at any time without notice. We cannot guarantee the accuracy or completeness of printed copies. Please refer to the online procedure for the most current version.
Follow the steps below for the pre application process to obtain an environmental permit(s).

**Step 1.** Project Manager in conjunction with the Regional Manager identifies his or her assigned projects on the 18-month Let list.

**Step 2.** The PM determines the type of permit that is most appropriate for the project. Refer to [Identification of Permit Needs / Permit Types](#) for additional guidance.

**Step 3.** The Regional Manager and NEU PMG Leader will determine whether or not permit acquisition will be conducted in-house or outsourced to an on-call consulting firm.

**Step 4.** The NEPOG requests permit drawings, design plans, and utilities and structure plans from the following NCDOT units:
- Hydraulics Unit
- Roadway Design/Design Services Unit
- Project Services Unit, Utilities Section
- Project Services Unit, ROW Utilities Section
- Structure Design Unit

This is done 14 months in advance of the letting for Individual Permits (e.g., CAMA and USCG) and 12 months in advance of the letting for Nationwide/General Permits. Final drawings are expected to arrive no later than one month after they are requested.

**Step 5.** The NEPOG receives Drawings and Design plans from all Units.

**Step 6.** The NEPOG records receipt of drawings in the NEU database.

**Step 7.** The NEPOG Permit Processing Assistant distributes drawings and plans to the Project Manager.

**Note:** The application process begins now. Refer to the [Permit Application Timeline](#).

**Application Process**

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Follow the steps below for the application process to obtain an environmental permit(s).

**Step 1.** The Project Manager and Regional Manager review drawings for accuracy and completeness.
- Are the impacts to streams, wetlands, and buffers shown correctly?
- Are temporary construction/drainage easements (TCE/TDE) shown and accounted for as temporary impacts?
- Do the summary sheets reflect the correct impact totals and do the site numbers match the ones in the drawings?
- Do the summary sheets show buffer impacts in square feet?
- Are the fill slopes appropriately minimized? Are they tighter through jurisdictional areas than they are through the non-jurisdictional areas?
- In jurisdictional areas, are fill slopes 2:1 west of I-95 and 3:1 east of I-95?
- Are other minimization efforts (such as hand clearing & bent placement, etc) clearly stated or identified?
- Are commitments made during the planning phase and the merger process honored and shown correctly?
- Do drawings have a north arrow, scale, legend, title block with date, sheet #, stationing
- Review the environmental document and the project file for consistency with preferred and final alternatives and adherence to project commitments.

From reviewing the document and the file you should be able to do the following:
- Match impact sites described in the NEPA document with those shown on the permit drawings and summary sheets. If they are different, determine why they are different and prepare an explanation to be included in the “impacts description” section of the permit application document.
- Summarize Purpose and Need of the project.
- Summarize History of the project including its inclusion into the TIP, local thoroughfare plans and dates that various documents were signed.
- List Commitments and Design considerations that show avoidance and minimization of impacts to jurisdictional resources.

**Step 2.** Compile information for the Permit Application Cover Letter, the USACE Individual Permit Application form (ENG 4345), or the USACE/NCDWQ Pre-construction notification form (PCN).

**Step 3.** Insert the information into the appropriate application form and Permit Application Cover Letter.

**Step 4.** The NCDOT Hydraulics Unit will fill out the engineering dependent portions of the CAMA Major Development Permit (MP) Forms. The PM fills out the remaining portions of the CAMA Major Development Permit (MP) Forms if the project involves work within an AEC. However, the PM is responsible for reconciling any inconsistencies prior to submitting the forms to the NC Division of Coastal Management.
• For CAMA Permits, conduct a field visit to meet with DCM representative at the project site to review the application after final PD and MPs (i.e., project design and major permits).

• Revise MP forms per DCM comments.

Step 5. Give the first draft of the application package (including all attachments) to the Regional Manager for review.

Step 6. Regional Manager reviews application and returns to Project Manager.

Step 7. Revise application per Regional Manager comments.

Step 8. Assemble the draft application to include the NCDOT Permit Application Cover Letter, Individual Permit application form (ENG 4345) or Pre-construction notification form (PCN), and appendices (i.e. EEP letter, concurrence letter, etc).

Step 9. Regional Manager provides complete copy of draft application, permit drawings, design plans, and all appendices to the NEU PMG Leader for review and signature.

• For CAMA Permits, a CAMA land owner package must also be assembled.

• Produce a copy of the CAMA Major Permit application, signed by the NEU PMG Leader, for each riparian land owner.

• Complete the cover letter and form for each riparian land owner

• Send the cover letter, form, and copy of the permit application by certified mail to each land owner.

• Copy all of the green certified mail notices once they have been received and attach the copies to the permit application before continuing to Step 10.

Step 10. NEPOG Permit Processing Assistant gives draft application, permit drawings, design plans, and all appendixes to Design Services.

Step 11. Design Services scans draft permit application and uploads to Project Development and Environmental Analysis permit website.

Step 12. The PM sends email to NCDOT distribution list requesting internal review of draft permit application. Email specifies comment period [14 days for Nationwide and Buffer permits; 30 days for Individual permits (e.g., CAMA, USCG)] and staff contact. (Comments are forwarded to the Project Manager.)

Step 13. NEPOG Permit Processing Assistant express mails hard copies of draft permit application to Division, if Division is unable to receive electronic version.
Follow the steps below for the final application preparation to obtain an environmental permit(s).

**Step 1.** Project Manager receives comments from internal review (comments on Nationwide and Buffer permits are due within 14 days of receipt; comments on Individual permits (e.g., CAMA, USCG) are due within 30 days.)

**Step 2.** Discuss comments with Regional Manager.

**Step 3.** The PM and Regional Manager resolves comments with commentors.

**Step 4.** Revise permit application as necessary.

**Step 5.** Regional Manager reviews and approves final permit application.

**Step 6.** Regional Manager gives final permit application to NEU PMG Leader for signature.

**Step 7.** NEU PMG Leader gives signed final permit application to Permit Processing Assistant with transmittal slip indicating type of permit(s) included in package.

**Step 8.** NEPOG Permit Processing Assistant submits final permit application to Design Services.

**Step 9.** Design Services scans final permit application and uploads to Project Development and Environmental Analysis permit website.

**Permit Application Submittal and Agency Coordination**

**START**

- Record date of permit application distribution
- Scan and upload final application to PDEA permit website
- Send/deliver hard copies to agencies
- Confirm all agencies have application
- Check status of permit application
- Monitor USACE website for Public Notice Issuance

**Go to**

- Distribution of Approved Permits

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The Project Manager will follow the steps below to submit the permit application and coordinate with appropriate agencies to obtain an environmental permit(s).

**Step 1.** Permit Processing Assistant records date of permit application distribution.

**Step 2.** Design Services scans and uploads final permit application to Project Development and Environmental Analysis permit website.

**Step 3.** Permit Processing Assistant sends/delivers hard copies to agencies.

**Step 4.** Two weeks after agencies receive permit application the Project Manager will call or email agency representatives to check status and to ask the following questions.

- Have they determined if the application is complete?
- If an Individual Permit, when is the Public Notice expected?
- If a Nationwide Permit, are we going to get written concurrence or proceed under general conditions?

**Step 5.** Project Manager monitors U.S. Army Corps of Engineers (USACE) web site for Public Notice Issuance.

*Note:* During the time period when the PM is monitoring the status of the application it is imperative that a record of all communications is maintained. If an agency representative identifies a timeline for delivering a permit, make sure to confirm the timeline with an email. Put a copy of the confirmation email in the file. If the item is not received or the issue is not resolved by the indicated time, the agency representative should be re-contacted and inquiry should be made on the status of the item. A record of the entire process should be meticulously maintained. Should a second attempt fail to yield the desired result, the regional supervisor should be contacted immediately so that the issue can be elevated to management if necessary.

### Distribution of Approved Permits

```
START -> Final Permit received and date-stamped
        -> Record permits and forward to PM
        -> PM verifies Conditions, Scans, and emails draft conditions out for comments to NCDOT
        -> Compile package of all permits
```

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Follow the steps below to distribute the environmental permit(s).

**Step 1.** Final Permit (hardcopies) received and date-stamped by NEU Processing Assistant (PA). Final Permit (electronic copies) received by Permit e-mailbox.

**Step 2.** PA forwards Final Permit (hardcopies) to Permit Processing Assistant (PPA).

**Step 3.** PPA records permits, both electronic and hardcopy, and forwards Final Permit to Project Manager (Task may be delegated to Database Technician).

**Step 4.** Project Manager verifies Conditions.

**Step 5.** Project Manager compiles package of all permits. Permit package includes:
- 404 Permit and 401 Certification with conditions,
- Drawings
- Greensheets
- Greensheet Mailing Labels
- FHWA Mitigation Form (also CAMA permit, Coast Guard Permit, Buffer Certification & Buffer drawings, and/or Special Use permit when applicable)

**Step 6.** For General Permits:
- Project Manager gives permit package to PPA indicating what type of permit
- PPA completes form cover letter, and makes copies
- PPA gives one copy of Permit and Cover Letter to Project Manager

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• PPA gives a copy to Contracts
• PPA gives a copy to Design Services
• Design Services scans, puts on web site, and makes hard copies
• PPA confirms permit on website
• PPA sends out application hardcopies to distribution list, distributes greensheet and FHWA form
• PPA returns original permit package to Project Manager for project file

Step 7. For Individual 404/401 and CAMA permits:
• Project Manager submits IP/CAMA package to NEU Head for signature.
• NEU Head gives the signed package to the PPA
• PPA sends both original Individual 404 permits back to Wilmington for final USACE signature
• USACE returns NCDOT’s original copy that is received and date-stamped by PA. PA forwards USACE original to PPA.
• PPA completes form cover letter, and makes copies
• PPA gives one copy of Permit and Cover Letter to Project Manager
• PPA gives a copy to Contracts
• PPA gives a copy to Design Services
• Design Services scans, puts on web site, and makes hard copies
• PPA sends out hardcopies to distribution list
• PPA returns original permit package to Project Manager for project file

Note: Contingency Plan for Individual Permits if the USACE permit arrives at the last minute. The ONE Manager must sign it, and a copy with the signature delivered to contracts. Final distribution can usually wait for the USACE executed copy to return from Wilmington.

Background

A permit is an authorization from a regulatory agency to carry out a specific activity within a regulated area. For the NCDOT, regulated areas most often take the form of buffers, wetlands, surface waters, or Areas of Environmental Concern. A permit verifies that a project is consistent with current regulations and gives the permittee legal authorization to impact a regulated resource.

Policy, Regulatory, and Legal Requirements

• Section 404 of the Clean Water Act
• 404(b)(1) Guidelines-
  • CAMA Handbook for Development in Coastal North Carolina: Section 2 Areas of Environmental Concern
  • North Carolina Coastal Area Management Act (G.S. 113A-100 et seq.)
  • 33 CFR Part 328 (Definition of Waters of the United States)
  • 33 CFR Part 329 (Definition of Navigable Waters of the US)

• Riparian Buffer Certification-A Buffer Authorization is needed whenever certain types of activities within one of the “buffered basins” impact a riparian buffer. The “buffer basins” are as follows:
• Neuse River Basin (Section .0233 of the Red Rule Book),
• Tar-Pamlico River Basin (Section .0259 of the Red Rule Book),
• Catawba River Basin (Section .0243 of the Red Rule Book), and
• Randleman Lake Water Supply Watershed (Section .0250 of the Red Rule Book)

• Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946
• Section 10 of the Rivers and Harbors Act of 1899
• Section 401 of the Clean Water Act
• Central Coastal Plain Capacity Use Area (CCPCUA) Rules

Warnings and Precautions

If information is incomplete or the permit application(s) are not submitted by the review dates, the project may be delayed. In addition to time delays, project delays may result in fines or penalties.

Resources and Tools

• CAMA Handbook for Development in Coastal North Carolina: Section 2 Areas of Environmental Concern
• Draft Permit Condition and BA-BO Protocol
• Identification of Permit Needs / Permit Types
• Permit Application TimeLine
• Project Development and Environmental Analysis permit website

Forms

• CAMA Major Development Permit (MP) Forms
• USACE Individual Permit Application Form (ENG 4345)
• USACE/NCDWQ Pre-Construction Notification Form (PCN)

Contacts

• For suggestions to change this procedure contact: Karen Capps (919) 715-5505
• For questions about performing this procedure contact: Elizabeth Lusk (919) 715-1444

User Access

NCDOT Internal Use Only

Flowchart

See flowcharts under Procedures for each permit application process