



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 10, 2004

**Addendum No. 1**

RE: Contract ID: C201115  
WBS # 34402.3.6  
F. A. # NHS-321 (12)  
Caldwell County (R-2237B)  
US-321 From SR-1370 (Kirby Road)  
To SR-1500 (Blackberry Road).

**December 21, 2004 Letting**

To Whom It May Concern:

Reference is made to the proposal form furnished to you on the above-mentioned project.

The following revisions have been made to the proposal form:

On Page No. 27, the project special provision entitled "Construction Moratorium" has been added. Please void Page no. 27 in your proposal and staple the revised Page No. 27 thereto.

New Page No. 46-A is being added to include the project special provision entitled "Class B Rip Rap for Rockfall Catchment Area." Please staple the New Page No. 46-A after Page No. 46 in your proposal.

On Page No. 48, a revision has been made to the last paragraph of section "2.0 Materials" of the project special provision entitled "Rock Embankment Construction Using Class VII Select Materials." Please void Page no. 48 in your proposal and staple the revised Page No. 48 thereto.

On Page No. 58, a revision has been made to the first paragraph of the project special provision entitled "Soil Plating of Rock Embankments." Please void Page No. 58 in your proposal and staple the revised Page No. 58 thereto.

On Page No. 206, a revision has been made to section "1.0 Description" and on Page No. 207, a revision has been made to the first paragraph of section "2.0 General" of the project special provision entitled "MSE Retaining Walls." Please void Page Nos. 206 and 207 in your proposal and staple the revised Page Nos. 206 and 207 thereto.

**MAILING ADDRESS:**  
NC DEPARTMENT OF TRANSPORTATION  
CONTRACTS & PROPOSALS  
1591 MAIL SERVICE CENTER  
RALEIGH NC 27699-1591

TELEPHONE: 919-250-4124  
FAX: 919-250-4127

WEBSITE: [WWW.DOH.DOT.STATE.NC.US](http://WWW.DOH.DOT.STATE.NC.US)

**LOCATION:**  
CENTURY CENTER COMPLEX  
BUILDING B - ENTRANCE B 15  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC

**Page No.2 (C201115)**  
**Caldwell County**

New Page Nos. 254 thru 292 have been added to include the 404 and 401 permits for the project. Please add new Page Nos. 254 thru 292 after Page No. 253 in your proposal.

On Page No. 2 of the item sheets, the quantity for line item “27-0156000000-E-250 Removal of Existing Asphalt Pavement” has been revised. By copy of this addendum the pay item quantity is hereby decreased from 84,000 SY to 13,900 SY.

On Page No. 5 of the item sheets, the quantity for line item “64-1121000000-E-520 Aggregate Base Course” has been revised. By copy of this addendum the pay item quantity is hereby increased from 3,400 Ton to 15,000 Ton. Also on Page No.5 of the item sheets by copy of this addendum the following line item is hereby deleted: “72-1330000000-E-607 Incidental Milling.”

On Page No.7 of the item sheets, the quantity for line item “107-3380000000-E-862 Temporary Steel Beam Guardrail” has been revised. By copy of this addendum the pay item quantity is hereby decreased from 1,937.5 LF to 1,625 LF.

The Contractor’s bid price must be based on these revised pay item quantities. The contract will be prepared accordingly.

On Page No.11 of the item sheets, by copy of this addendum the following new pay items are hereby added to the end of the Roadway pay items:

<u>ITEM</u>		<u>QUANTITY</u>
203-2492000000-E-SP	Generic Drainage Item, Plain Rip Rap, Class B	14,025 Ton
204-2703000000-E-854	Concrete Barrier, Type IV	5,650 LF
205-2724000000-E-857	Precast Reinforced Concrete Barrier, Single Faced	2,285 LF
206-3382000000-E-862	Temporary Steel Beam Guardrail (Shop Curved)	312.5 LF
207-3387000000-N-862	Guardrail Anchor Units, Type (CAT-1) Temporary	1 EA

The Contractor’s bid price must include these new pay item quantities. The contract will be prepared accordingly.

The Table of Contents has been revised to reflect the above changes. Please void the Table of Contents in your proposal and staple the revised Table of Contents thereto.

**Page No.3 (C201115)**  
**Cadwell County**

The Expedite file has been updated to reflect these revisions. Please download the Expedite addendum file and follow the instructions for applying the addendum. Bid Express will not accept your bid unless the addendum has been applied.

Sincerely,



R. A. Garris, PE  
Contract Officer

RAG/jag/pa  
Attachments

cc: Mr. W. S. Varnedoe, PE  
Mr. S. D. DeWitt, PE  
Mr. E. C. Powell, PE  
Mt. M. A. Pettyjohn, PE  
Ms. D. M. Barbour, PE  
Mr. Art McMillan, PE  
Mr. J. V. Barbour, PE  
Mr. Njorge Wainaina, PE  
Mr. G. R. Perfetti, PE  
Mr. Mark Staley (2)  
Mr. Aydren Flowers  
Mr. R. E. Davenport, Jr., PE  
Ms. Marsha Byrd  
Ms. Taylor Mishoe  
Project File (2)

CONTRACT: C201115 (R-2237B)  
 Caldwell County

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**OUTSOURCING OUTSIDE THE USA**

09-21-04

All work on consultant contracts, services contracts, and construction contracts shall be performed in the United States of America. No work shall be outsourced outside of the United States of America.

*Outsourcing* for the purpose of this provision is defined as the practice of subcontracting labor, work, services, staffing, or personnel to entities located outside of the United States.

The Secretary of Transportation shall approve exceptions to this provision in writing.

SP1G150

**DISQUALIFICATION OF BIDDERS**

11-16-04

The 2002 *Standard Specifications* are revised as follows:

Page 1-17 Article 102-16, replace No.12 with the following:

- 12. Failure to submit the documents required by Article 109-10 within 60 days after request by the Engineer.

Page 1-18 Article 102-16, add the following after Number 15.

- 16. False information submitted on any application, statement, certification, report, records and/or reproduction.

Conviction of any employee of company, of any applicable state or federal law, may be fully imputed to the business firm with which he is or was associated or by whom he was employed or with the knowledge or approval of the business firm or thereafter ratified by it.

- 17. Being debarred from performing work with other city, state, and federal agencies.

- 18. Failure to perform guaranty work within the terms of the contract.

SP1G155

**CONSTRUCTION MORATORIUM:**

In-stream work and land disturbance within the 25-foot wide buffer zone to protect the egg and fry stages of trout are prohibited during the trout spawning seasons of October 15 through April 15.

**CLASS B RIP RAP FOR ROCK FALL CATCHMENT AREA:**

**1.0 General**

Plate the full width of all rockfall catchment areas with Plain Rip Rap, Class B to a minimum depth of 2 feet and as directed by the Engineer.

Plain Rip Rap, Class B may be derived from the project.

**2.0 Method of Measurement**

The quantity of rip rap measured will be the actual number of tons of Plain Rip Rap, Class B which has been incorporated into the completed and accepted work. The rip rap will be measured by being weighed in trucks on approved platform scales or other approved weighing device to be furnished by the Contractor.

**3.0 Basis of Payment**

The quantity of Plain Rip Rap, Class B, measured as provided above, will be paid for at the contract unit price per ton for "Plain Rip Rap, Class B". Such price and payment will be full compensation for all work covered by this provision, including but not limited to supplying and placing the rip rap, and for all incidentals necessary to complete the work satisfactorily.

Payment will be made under:

Plain Rip Rap, Class B.....Ton

<b>From Station</b>	<b>To Station</b>	<b>Side</b>	<b>Slope</b>	
181+50	188+50	RT	1.75:1	FILL
199+00	202+50	LT	1.75:1	FILL
206+50	207+50	LT	1.75:1	FILL
223+50	225+00	LT	1.5:1	FILL
224+00	236+00	RT	1.75:1	FILL
225+50	231+50	LT	1.75:1	FILL
242+50	249+00	LT	1.75:1	FILL
252+50	255+50	LT	1.75:1	FILL
258+00	262+50	RT	1.75:1	FILL
261+00	265+50	LT	1.75:1	FILL
269+00	296+00	LT	1.75:1	FILL
302+50	306+00	LT	1.5:1	FILL
323+00	328+50	LT	1.75:1	FILL
323+50	328+00	RT	1.75:1	FILL
334+00	338+50	LT	1.75:1	FILL
341+50	344+50	LT	1.75:1	FILL
349+00	356+00	RT	1.75:1	FILL

The rock shall meet the following requirements:

- a. Class VII in accordance with Article 1016-3 of the Standard Specifications.
- b. No rippable rock will be permitted in the embankments.
- c. Density requirements will not apply to roadway embankment at the above locations, but the formation of roadway embankments shall be as outlined above.

The aggregate base course shall be a maximum of 6 inches in depth and shall meet the requirements of Section 1016-3, Class IV; or material meeting gradation requirements of Table 520-1, Column C.

### 3.0 COMPENSATION

No additional compensation will be made for any requirements for furnishing and placing Class VII or earth materials as the cost of such work shall be included in the contract unit price per cubic yard for "Unclassified Excavation".

Measurement and payment for Aggregate Base Course will be in accordance with Article 520-12 and 520-13 of the Standard Specifications.

**7.0 BASIS OF PAYMENT**

Payment for production blasting shall be incidental to the contract unit price for unclassified excavation.

Payment for scaling is considered incidental to the contract unit price for unclassified excavation.

The quantity of pre-splitting, measured as provided in Section 6.0 will be paid for at the contract unit price per square yard for "Pre-Splitting of Rock".

Such price and payment will be full compensation for all materials, explosive, labor, tools, and equipment needed. Quantities shown on the plans and in the contract documents are based on the anticipated heights of the cuts from limited field investigations. Actual quantities may vary and will depend on actual field conditions.

Pre-splitting of Rock.....Square Yard

**SOIL PLATING OF ROCK EMBANKMENTS:**

Plate all embankments constructed of Class VII select material with soil a minimum of 3 feet in thickness and as directed by the Engineer.

The soil material shall be earth material derived from the project. The soil plating shall contain no rocks greater than 2 inches in diameter.

No additional compensation will be made for any requirements for furnishing and placing soil material as the cost of such work shall be included in the contract unit price per cubic yard for "Unclassified Excavation".

**TOE BENCHING EXCAVATION:**

**1.0 DESCRIPTION**

Excavate material necessary for the formation of benches in the existing ground beneath proposed embankments in order to increase the bond between the existing ground and the proposed embankment.

**2.0 CONSTRUCTION METHODS**

When embankments are to be placed and compacted on hillsides, or when new embankments are to be compacted against existing embankment, or when embankment is built in part widths, or at other locations designated by the Engineer, excavate benches in the existing ground in accordance with the detail shown on the plans and as directed by the Engineer.



**PROJECT SPECIAL PROVISIONS**  
**STRUCTURES AND CULVERTS**

**PROJECT R-2237B**

**CALDWELL COUNTY**

**MSE RETAINING WALLS**

**(SPECIAL)**

**1.0 DESCRIPTION**

Design, prepare plans, and construct MSE retaining walls to the lines, grades and locations shown in the plans and in accordance with this specification and the details shown in the plans. Work includes all excavation, leveling pad, concrete face panel, concrete coping, retaining wall backfill, the fabric above the #57 stone, and all other materials, labor, tools, equipment and incidentals necessary to complete the work.

Select a company experienced in the design, manufacturing, and supervision of permanent mechanically stabilized earth (MSE) retaining wall components that has successfully completed at least 3 projects in the last 3 years involving construction of permanent MSE retaining walls totaling at least 20,000 square feet (2000 square meters) of wall face area.

A Professional Engineer registered in the State of North Carolina employed by the MSE Wall Company and having experience in the construction of at least 3 completed MSE wall projects over the past 3 years, must supervise the work.

Submit the experience qualifications and details for the referenced design and construction projects of similar size and scope completed during the last three years, including a brief project description with the owner's name and current phone number.

The Engineer will approve or reject the Contractor's MSE wall company qualifications within 15 calendar days after receipt of a complete submission. Work or design must not be started nor materials ordered until written approval of the qualifications is given.

Document and submit any substitution of personnel to the Engineer for approval.

Value engineering proposals for other wall systems are not considered.

Design the retaining walls to meet the criteria of the current AASHTO Standard Specifications for Highway Bridges and the requirements specified in the plans.

Submit eight sets of complete working drawings/shop plans, erection plans and design calculations, sealed by a North Carolina Registered Professional Engineer, for review and approval prior to beginning wall work. Allow 40 days for review and approval from the date they are received by the Engineer until they are returned to the Contractor.

Provide the option chosen to meet the requirements of the plans, this Special Provision and the Standard Specifications.

## **2.0 GENERAL**

The Resident Engineer schedules a Preconstruction Conference with representatives from the Contractor, the retaining wall system Supplier, and the Geotechnical Engineering Unit to discuss construction details and inspection of the retaining wall.

Provide all necessary material from the Supplier chosen.

Obtain from the Supplier technical instruction and guidance in preconstruction activities, including the Preconstruction Conference, and on-site technical assistance during construction. Follow any instructions from the Supplier closely unless otherwise directed.

## **3.0 MATERIALS**

### **A. Concrete Panels**

Provide the concrete mix designed by the Supplier and approved by the State Materials Engineer prior to use. Furnish a copy of the Supplier's approval to the Engineer and to the Materials and Tests Unit in Raleigh. Design the mix to meet the strength requirements included in this Special Provision under the heading "Casting of Precast Concrete Face Panels".

### **B. Concrete Leveling Pad**

Provide Class A concrete conforming to the applicable requirements in Sections 420 and 1000 of the Standard Specifications for the leveling pad.

### **C. Concrete Coping**

Use Class A Concrete for coping and apply the requirements in Sections 420, 1000, and 1077 of the Standard Specifications. The requirements in Sections 425 and 1070 of the Standard Specifications apply to the reinforcing steel in coping. If preferred, precast coping is permitted unless otherwise stated in the plans.

### **D. Reinforcing Steel, Reinforcing Mesh, Mats, or Strips, Tie Strips and Fasteners**

Use reinforcing Steel conforming to the applicable requirements in Sections 425 and 1070 of the Standard Specifications.

Revised 12-10-04



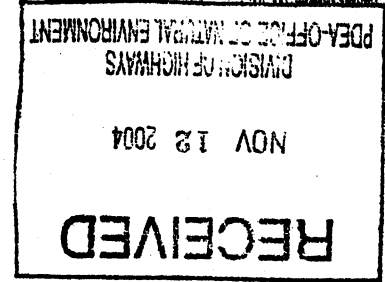
254  
DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

REPLY TO  
ATTENTION OF:

November 10, 2004

Regulatory Division

SUBJECT: Action ID 200421367, TIP No. R-2237B



Dr. Gregory J. Thorpe, Ph.D.  
Environmental Management Director, PDEA  
N.C. Department of Transportation  
1548 Mail Service Center  
Raleigh, NC 27699-1548

Dear Dr. Thorpe:

In accordance with your written request of July 21, 2004, and the resulting administrative record, enclosed are two copies of a Department of the Army permit to authorize the discharge of fill material into waters of the United States, for construction of Section B of the US 321 widening and improvements (T.I.P. No. R-2237B), impacting Rocky Cove Creek, Greenfield Branch, Punch Camp Creek, and Mulberry Creek, from SR 1370 (Kirby Mountain Road) north to SR 1500 (Blackberry Road), northwest of Lenoir, in Caldwell County, North Carolina.

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, shows that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

In addition, I have enclosed a copy of the Notification of Administrative Appeal Process and Options and Request for Appeal. Please carefully read Section "B" of this form for information regarding the appeal process for proffered permits.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, contact Mr. John Thomas of my Raleigh Field Office regulatory staff at telephone (919) 876-8441, extension 25.

Sincerely,



E. David Franklin  
Chief, NCDOT Team

Enclosures

## DEPARTMENT OF THE ARMY PERMIT

NC Department of Transportation

Permittee \_\_\_\_\_

200421367

Permit No. \_\_\_\_\_

USAED, Wilmington

Issuing Office \_\_\_\_\_

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:**

Place fill material impacting approximately 889 linear feet of stream channel, 0.08 acre of open water, and 0.16 acre of wetlands, in the jurisdictional waters of the Yadkin Pee-Dee River basin and approximately 791 linear feet of stream channel, 0.05 acre of open waters, and no wetland impacts in the jurisdictional waters of the Catawba River Basin, for construction of Section B of the US 321 widening and improvements (T.I.P. No. R-2237B).

**Project Location:**

From SR 1370 (Kirby Mountain Road) north to SR 1500 (Blackberry Road), northwest of Lenoir, in Caldwell County, North Carolina.

**Permit Conditions:****General Conditions:**

1. The time limit for completing the work authorized ends on December 31, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See enclosed sheet.

**Further Information:**

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:
  - Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. **Limits of this authorization.**
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

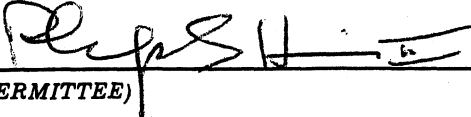
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

12/6/04  
\_\_\_\_\_  
(DATE)

NC DEPARTMENT OF TRANSPORTATION

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
(DISTRICT ENGINEER)

\_\_\_\_\_  
(DATE)

CHARLES R. ALEXANDER, JR. COLONEL

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

**SPECIAL CONDITIONS (Action ID. 200421367; NCDOT/TIP R-2237B)****1. COMPLIANCE WITH PLANS**

All work must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to the permit plans must be approved by the USACE prior to implementation.

**2. COMPLIANCE WITH SPECIAL CONDITIONS**

Failure to institute and carry out the details of the following special conditions, below, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

**3. CONSTRUCTION PLANS**

The permittee will ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Raleigh Regulatory Field Office prior to any active construction in jurisdictional waters including jurisdictional wetlands.

**4. PRECONSTRUCTION MEETING**

The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters including jurisdictional wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall provide the USACE, Raleigh Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the USACE and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.



## 5. CONTRACTOR COMPLIANCE

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.

## 6. CONSTRUCTION DRAWINGS

Prior to commencing construction within jurisdictional waters of the United States for any portion of the proposed highway project, the permittee shall forward the latest version of project construction drawings to the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings will be acceptable.

## 7. ACTIVITIES NOT AUTHORIZED

Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within jurisdictional waters including jurisdictional wetlands, or shall any activities take place that cause the degradation of jurisdictional waters including jurisdictional wetlands. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of jurisdictional waters including jurisdictional wetlands or to reduce the reach of jurisdictional waters including jurisdictional wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters including jurisdictional wetlands outside the permitted area.

## 8. BORROW AND WASTE

To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall provide the USACE with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the USACE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland lines on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with the **preceding condition** of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This

information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the **preceding condition**. All information will be available to the USACE upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

## **9. REPORTING OF VIOLATIONS**

The permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act in writing to the Wilmington District, U. S Army Corps of Engineers, within 24 hours of the permittee's discovery of the violation.

## **10. SEDIMENTATION AND EROSION CONTROL MEASURES**

The permittee shall use 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" to assure compliance with the appropriate turbidity water quality standard. 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 assure compliance with the appropriate turbidity water quality standards. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of nonerodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.

## 11. STORM WATER MANAGEMENT

NCDOT shall not discharge stormwater, including bridge deck drainage, directly to streams, but shall discharge the stormwater through buffer areas or retention basins, except at sites that are not practical due to necessary rock catchment areas including shoulder berm gutters and retaining walls. The exempt sites are identified on the attached construction plans at station numbers 71+00, 83+50, 123+00, 323+00, and 325+00.

## 12. CULVERTS

All authorized culverts will be installed to allow the passage of low stream flows and the continued movement of fish and other aquatic life as well as to prevent headcutting of the streambed. For all box culverts and for pipes greater than 48 inches in diameter, the bottom of the pipe will be buried at least one foot below the bed of the stream unless burial would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, the bottom of the pipe must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to, upstream or downstream of the structures. In order to allow for the continued movement of bed load and aquatic organisms, existing stream channel widths and depths will be maintained at the inlet and outlet ends of culverts. Riprap armoring of streams at culvert inlets and outlets shall be minimized above the ordinary high water elevation in favor of bioengineering techniques such as bank sloping, erosion control matting and revegetation with deep-rooted, woody plants.

## 13. WET CONCRETE

The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.

## 14. POLLUTION SPILLS

All mechanized equipment will be regularly inspected and maintained to prevent contamination of jurisdictional waters including jurisdictional wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

## 15. CLEAN FILL MATERIAL

Unless otherwise authorized by this permit, all fill material placed in jurisdictional waters including jurisdictional wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

## 16. OTHER AUTHORIZATIONS

This Department of the Army permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

## 17. PROPERTY RIGHTS

This permit does not grant any property rights or exclusive privileges.

## 18. GOVERNMENT LIABILITY

In issuing this permit, the Federal Government does not assume any liability for:

Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.

Damages to other permitted or un-permitted activities or structures caused by the authorized activity.

Design and construction deficiencies associated with the permitted work.

Damage claims associated with any future modification, suspension, or revocation of this permit.

## 19. TEMPORARY FILLS

The temporary diversion structures at L-stations 66+40, 77+05, 82+15, 91+12, 121+92, 293+83, and 324+96 shall be constructed in accordance with Section 5.2.2 of the North Carolina Department of Transportation "Best Management Practices for Construction and Maintenance Activities" dated August 2003. All temporary fill shall be removed in its entirety upon completion of the construction at that site.

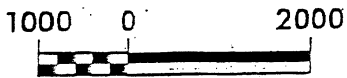
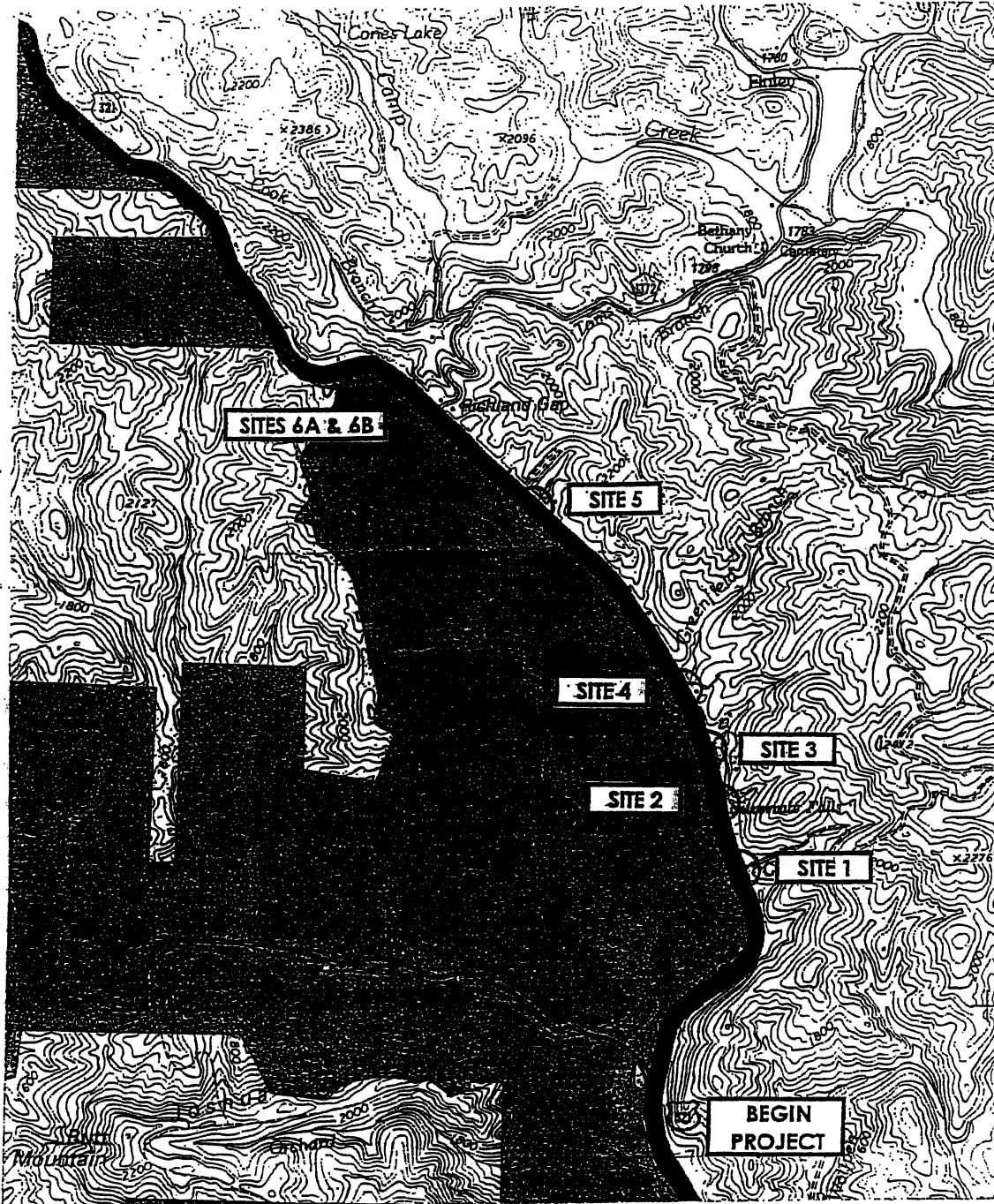
## 20. MORATORIUMS

In-stream work and land disturbance within the 25-foot wide buffer zone to protect the egg and fry stages of trout are prohibited during the trout spawning seasons of October 15 through April 15.

## 21. MITIGATION

\*Compensatory mitigation for the unavoidable impacts to 889 linear feet of stream channel and 0.16 acre of wetlands, in the jurisdictional waters of the Yadkin Pee-Dee River Basin (HU 03040101) and 791 linear feet of stream channel impacts in the jurisdictional waters of the Catawba River Basin (HU 03050101) shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated September 1, 2004, from William D. Gilmore, EEP Transition Manager. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide 1778 linear feet of restoration equivalent cool water stream channel and 0.32 acre of non-riverine wetlands in the Yadkin Pee-Dee River Basin (HU 03040101) and 1582 linear feet of restoration equivalent cool water stream channel in the Catawba River Basin (HU 03050101) by one year of the date of this permit. For wetlands, a minimum of 1:1 (impact to mitigation) must be in the form of wetland restoration. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA





N.C. DEPT. OF TRANSPORTATION  
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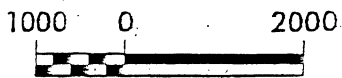
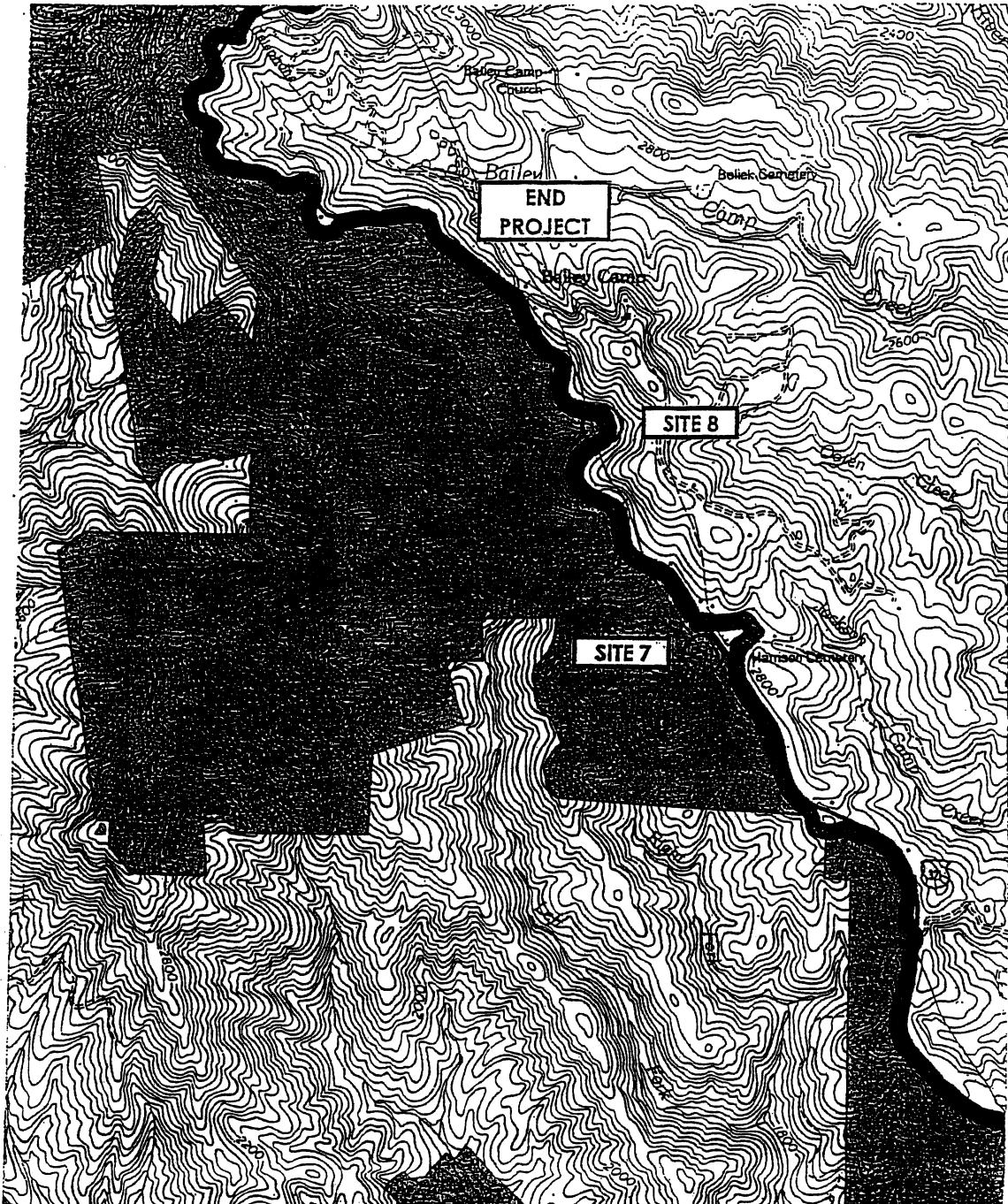
CALDWELL COUNTY

PROJECT: 8.T731303 (R-2237B)  
 U.S. 321

FROM SR 1370 (KIRBY MOUNTAIN RD)  
 TO SR 1600 (BLACKBERRY RD)

SHEET 2 OF 2 08/21/03

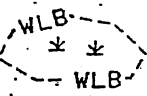


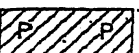

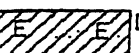
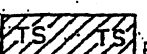
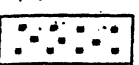

267

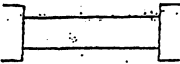
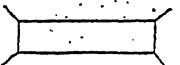
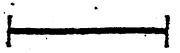

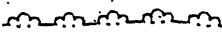

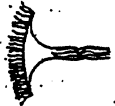


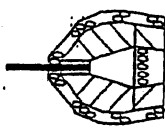


N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CALDWELL COUNTY  
PROJECT: 8.T731303 (R-2237B)  
U.S. 321  
FROM SR 1370 (KIRBY MOUNTAIN RD.)  
TO SR 1600 (BLACKBERRY RD.)  
SHEET 3 OF 21 08/21/03



**LEGEND**

- WLB --- WETLAND BOUNDARY
-  WETLAND
-  DENOTES FILL IN WETLAND
-  DENOTES FILL IN SURFACE WATER
-  DENOTES FILL IN SURFACE WATER (POND)
-  DENOTES TEMPORARY FILL IN WETLAND
-  DENOTES EXCAVATION IN WETLAND
-  DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING
- BZ — RIPARIAN BUFFER ZONE
- ← ← FLOW DIRECTION
- TB — TOP OF BANK
- WE — EDGE OF WATER
- C — PROP. LIMIT OF CUT
- F — PROP. LIMIT OF FILL
- ▲ PROP. RIGHT OF WAY
- NG — NATURAL GROUND
- PL — PROPERTY LINE
- TDE — TEMP. DRAINAGE EASEMENT
- PDE — PERMANENT DRAINAGE EASEMENT
- EAB — EXIST. ENDANGERED ANIMAL BOUNDARY
- EPB — EXIST. ENDANGERED PLANT BOUNDARY
- ▽ WATER SURFACE
- X X X LIVE STAKES
-  BOULDER
- COIR FIBER ROLLS

-  PROPOSED BRIDGE
-  PROPOSED BOX CULVERT
-  PROPOSED PIPE CULVERT
- (DASHED LINES DENOTE EXISTING STRUCTURES)
-  SINGLE TREE
-  WOODS LINE
-  DRAINAGE INLET
-  ROOTWAD
-  RIP RAP
-  ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE
-  RIP RAP ENERGY DISSIPATOR BASIN

N.C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CALDWELL COUNTY  
 PROJECT: 8.T731303 (R-2237B)  
 U.S. 321  
 FROM SR. 1570 (KIRBY MOUNTAIN RD.)  
 TO SR. 1600 (BLACKBERRY RD.)  
 SHEET 4 OF 21 8/21/03

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS						
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Natural Stream Design (ft)		
1	-L- 66+40 / 66+83	1 @ 42" RCP					0.0148					128.7	
2	-L- 77+05 / 78+18	1 @ 8' x 6' RCBC					0.0123					118.5	
	-L- 78+80 / 80+15	1 @ 8' x 6' RCBC					0.0161					147.1	
3	-L- 82+15 / 82+70	1 @ 8' x 5' RCBC					0.0101					102.2	
	-L- 83+08 / 83+63	1 @ 8' x 5' RCBC					0.0060					65.1	
4	-L- 91+12 / 91+40	1 @ 72" RCP					0.0027					39.9	
	-L- 91+85 / 93+10	1 @ 72" RCP					0.0105					178.1	
5	-L- 121+92 / 122+64	1 @ 36" RCP					0.0049					108.6	
6A	-L- 136+16 / 136+70	1 @ 36" CSP	0.0480		0.0260		0.0043						
6B	-L- 137+96 / 139+46	1 @ 24" CSP	0.0538		0.0216		0.0059						
7	-L- 293+83 / 294+90	1 @ 24" CSP					0.0088					191.4	
8	-L- 324+96 / 325+82	1 @ 60" SPP / 1 @ 60" CSP					0.0412					600.4	
TOTALS:			0.1018	0.0000	0.0476	0.0102	0.1274	0.0000	0.0000	0.0000	1860.0	0.0	

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CALDWELL COUNTY

PROJECT 8.17731303 (R-2237B)  
U.S. 321 FROM SR 1370 (KIRBY MOUNTAIN RD.)  
TO SR 1600 (BLACKBERRY RD.)

SHEET 5 OF 21

Form Revised 1/21/03

8/21/03

Project No. 8.T731303 (R-2237B)

## Property Owner List

Site Number	Name	Address
1	Jessie Ford And Wife, June Ford	5725 Waterfall Rd. Lenoir, NC 28645
2	Gene D. Jensen And Wife, Olga D. Jensen	P.O. Box 1134 Blowing Rock, NC 28605
	Johnny J. Bishop And Wife, Lillian S. Bishop	14895 W NC Hwy 268 Ferguson, NC 28624
	Wayne W. Price And Wife, Dianna R. Price	4184 Blowing Rock Blvd. Lenoir, NC 28645
3	James S. Story And Robert Money	2222 Bob Money Lane Lenoir, NC 28645
	Harold D. Patrick And Wife, Hope M. Patrick	4233 Blowing Rock Blvd. Lenoir, NC 28645
4	Harold D. Patrick And Wife, Hope M. Patrick	4233 Blowing Rock Blvd. Lenoir, NC 28645
	Donald Wade Bentley	221 Driver Ave. Murphy, NC 28905
5	Gerald T. Brookshire And Wife, Irene Brookshire	RT 8 Box 233 Lenoir, NC 28645
6A	Troy P. Bolick And Wife, Marlene Bolick	RT 8 Box 231 Lenoir, NC 28645
6B	Troy P. Bolick And Wife, Marlene Bolick	RT 8 Box 231 Lenoir, NC 28645

N.C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS

CALDWELL COUNTY

PROJECT: 8.T731303 (R-2237B)

U.S. 321

FROM S.R. 1570 (KIRBY MOUNTAIN RD.)  
TO S.R. 1600 (BLACKBERRY RD.)

SHEET 6 OF 21

8/21/03

Project No. 8.T731303 (R-2237B)

**Property Owner List**

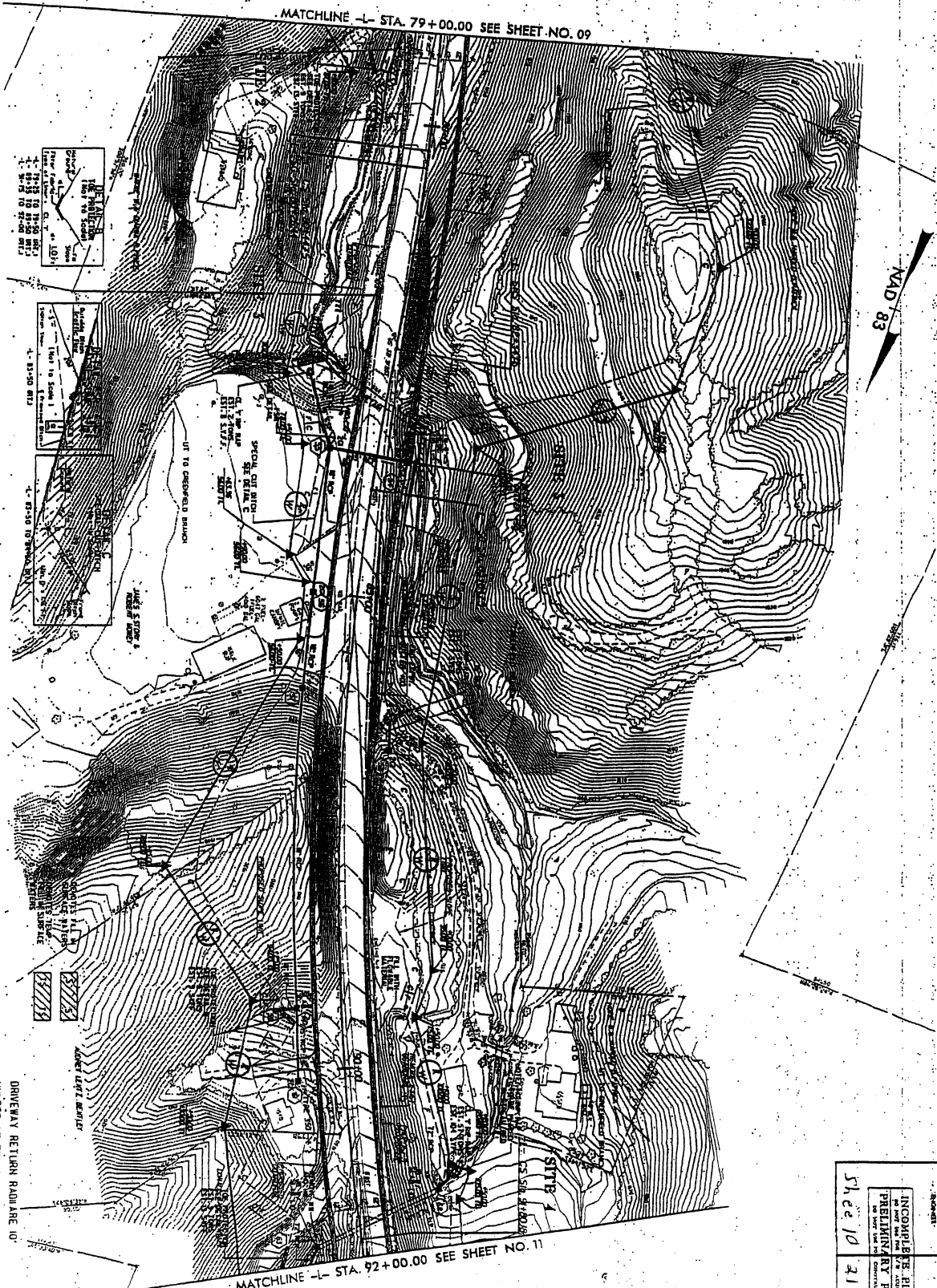
Site Number	Name	Address
7	Alan Bormuth	3127 Port Street Morganton, NC 28655
8	J. Earl Tindel	P.O. Box 746 Fancaster, SC 29720

N.C. DEPT. OF TRANSPORTATION  
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 U.S. 321  
 FROM SR. 1370 (KIRBY MOUNTAIN RD.)  
 TO SR. 1600 (BLACKBERRY RD.)  
 SHEET 7 OF 21 8/21/03



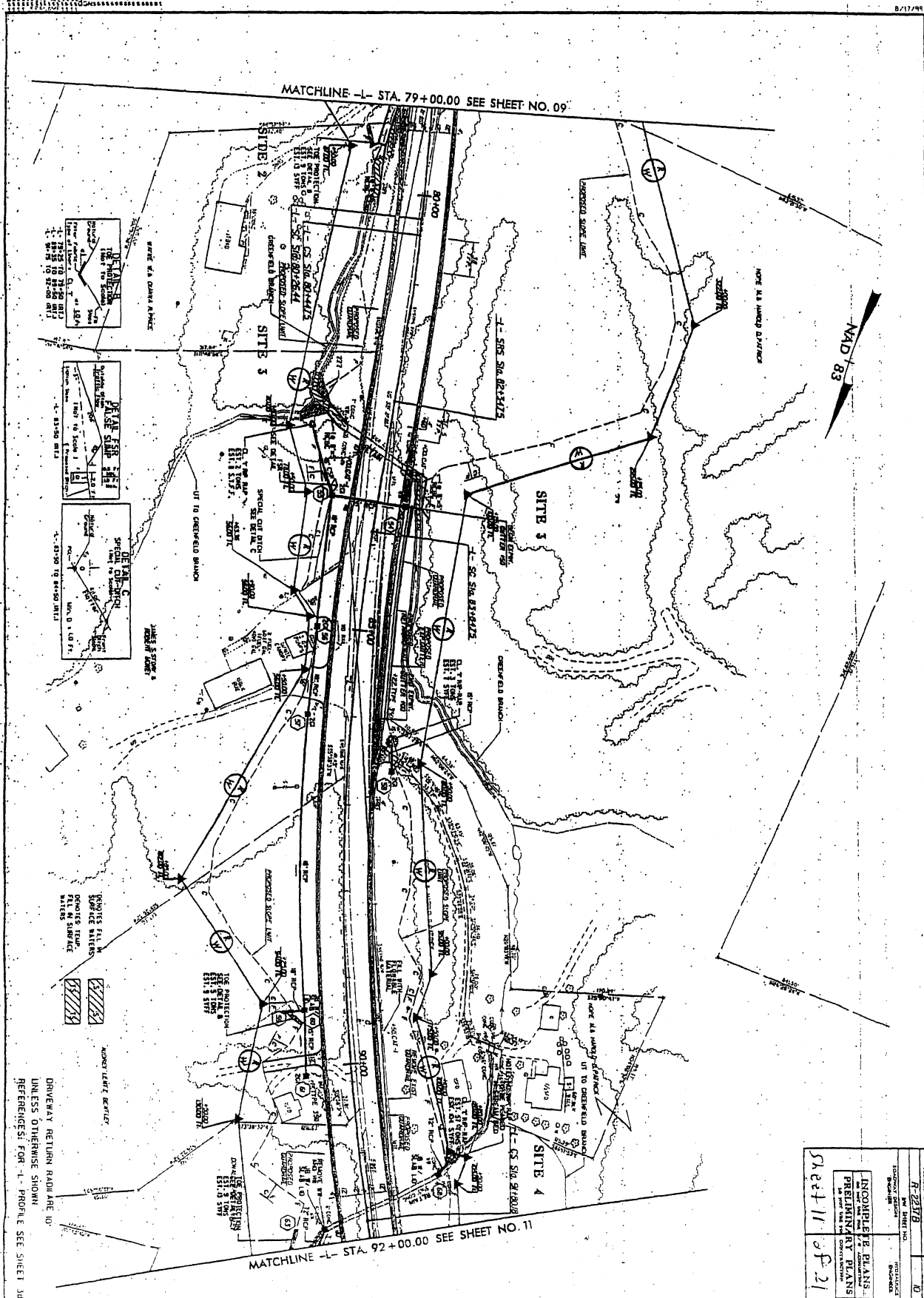


MATCHLINE -L- STA. 79+00.00 SEE SHEET NO. 09



PROJECT NUMBER	8-227B	SHEET NO.	41
DATE	8/17/94	SCALE	AS SHOWN
DESIGNED BY	W. J. ...	CHECKED BY	...
DRAWN BY	...	APPROVED BY	...
<b>INCOMPLETE PLANS - PRELIMINARY PLANS</b>			

DRIVEWAY RETURN ROAD ARE 10'  
UNLESS OTHERWISE SHOWN  
REFERENCES, FOR -L- PROFILE SEE SHEET 38



MATCHLINE -L- STA. 79+00.00 SEE SHEET NO. 09

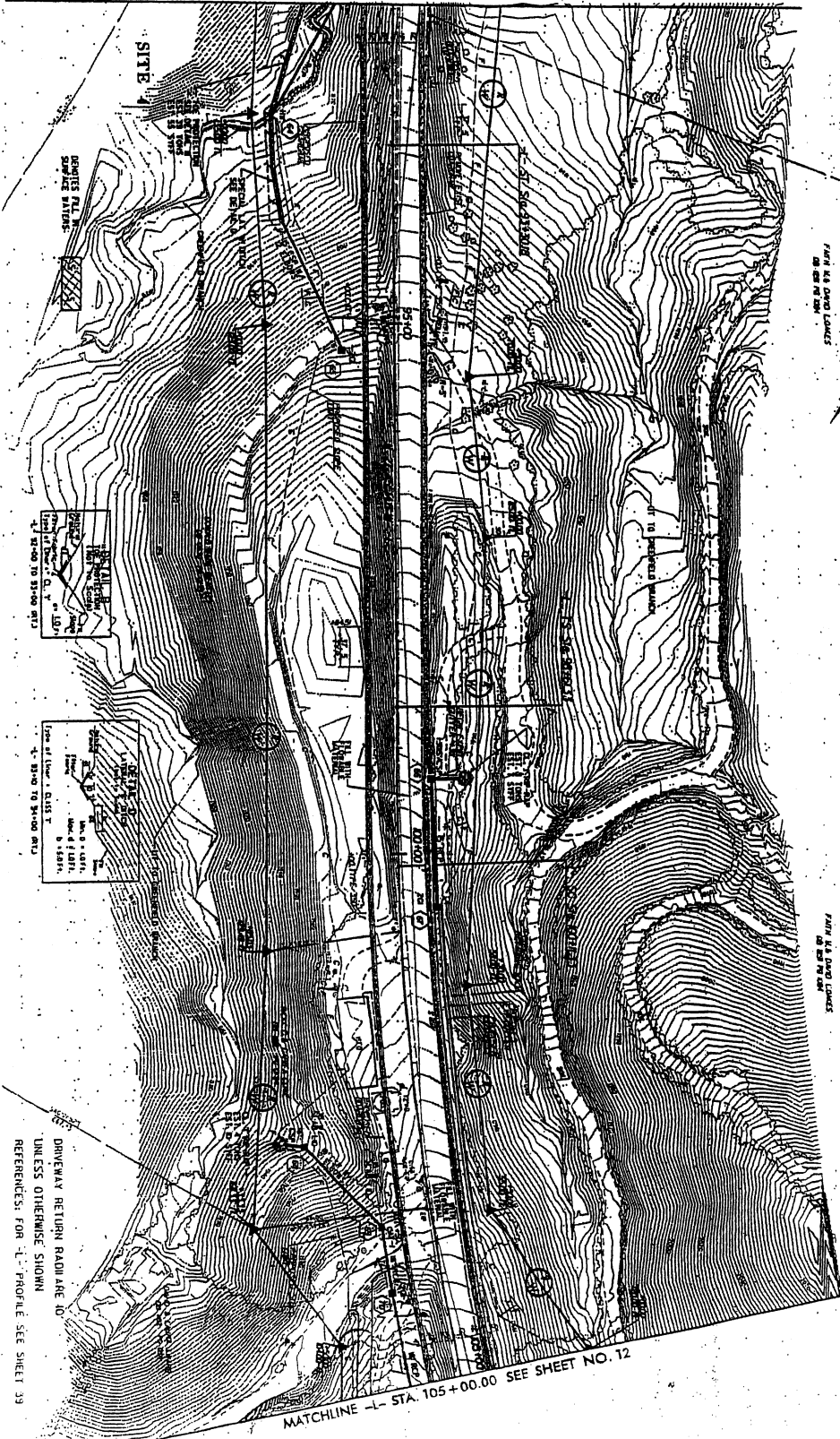
MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 11

PROJECT NUMBER	NO. SHEET	TOTAL SHEETS
8-237B	0	0
INCONCLUSIVE PLANS PRELIMINARY PLANS		
Sheet 11 of 21		

UNLESS OTHERWISE SHOWN,  
 DRIVEWAY RETURN ROAD ARE 10'  
 REFERENCES FOR 'L' PROFILE SEE SHEET 30



MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 10

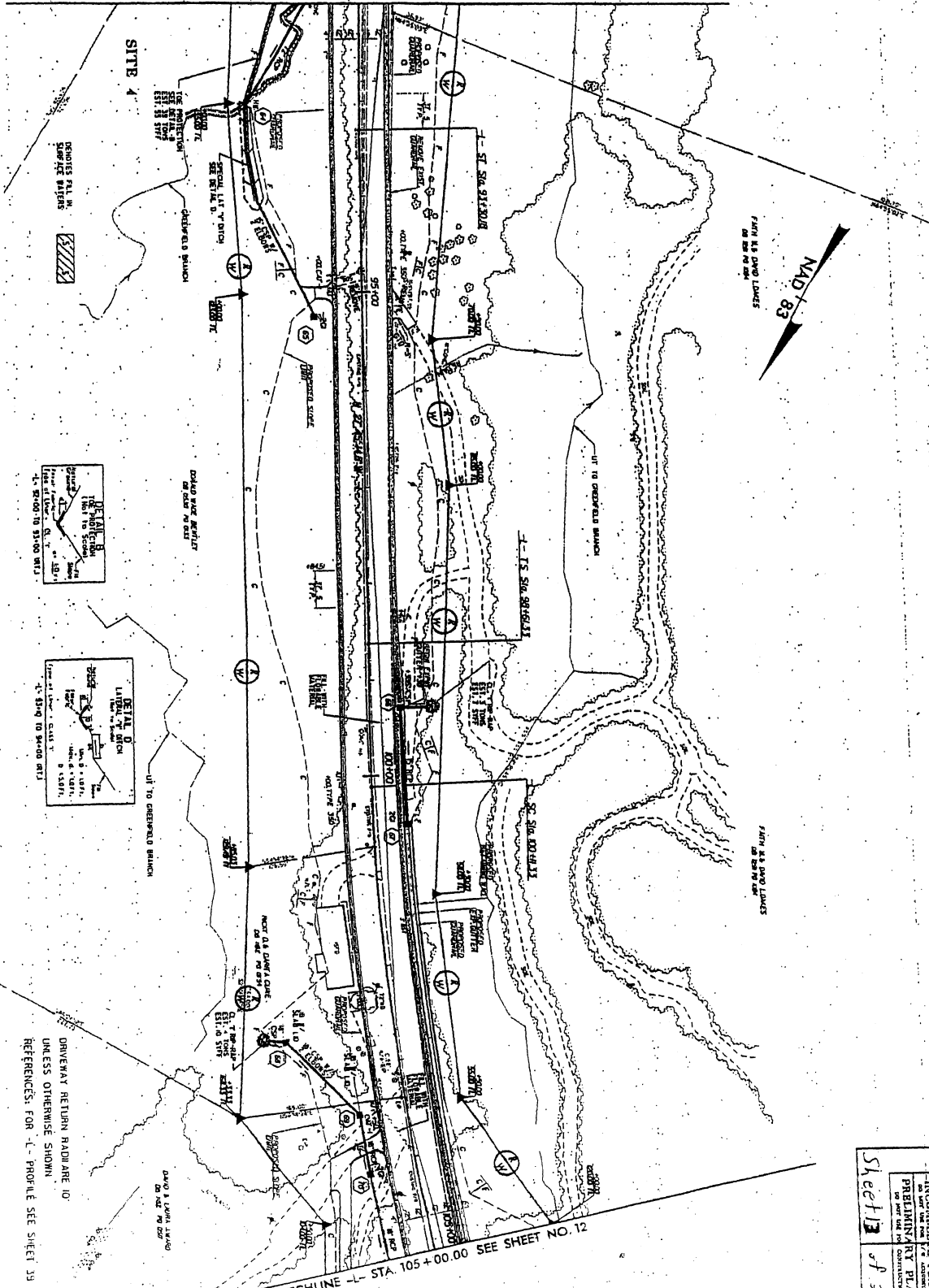


MATCHLINE -L- STA. 105+00.00 SEE SHEET NO. 12

DRIVEWAY RETURN ROAD ARE TO UNLESS OTHERWISE SHOWN REFERENCES FOR 'L' PROFILE SEE SHEET 39

PROJECT NUMBER NO.		SHEET NO.	
A-2237/B		11	
DRAWING DESIGN		PROPOSED	
BRIDGE		BRIDGE	
INCOMPLETE PLANS		PRELIMINARY PLANS	
SHEET 12		OF 21	

MATCHLINE -L- STA. 92+00.00 SEE SHEET NO. 10

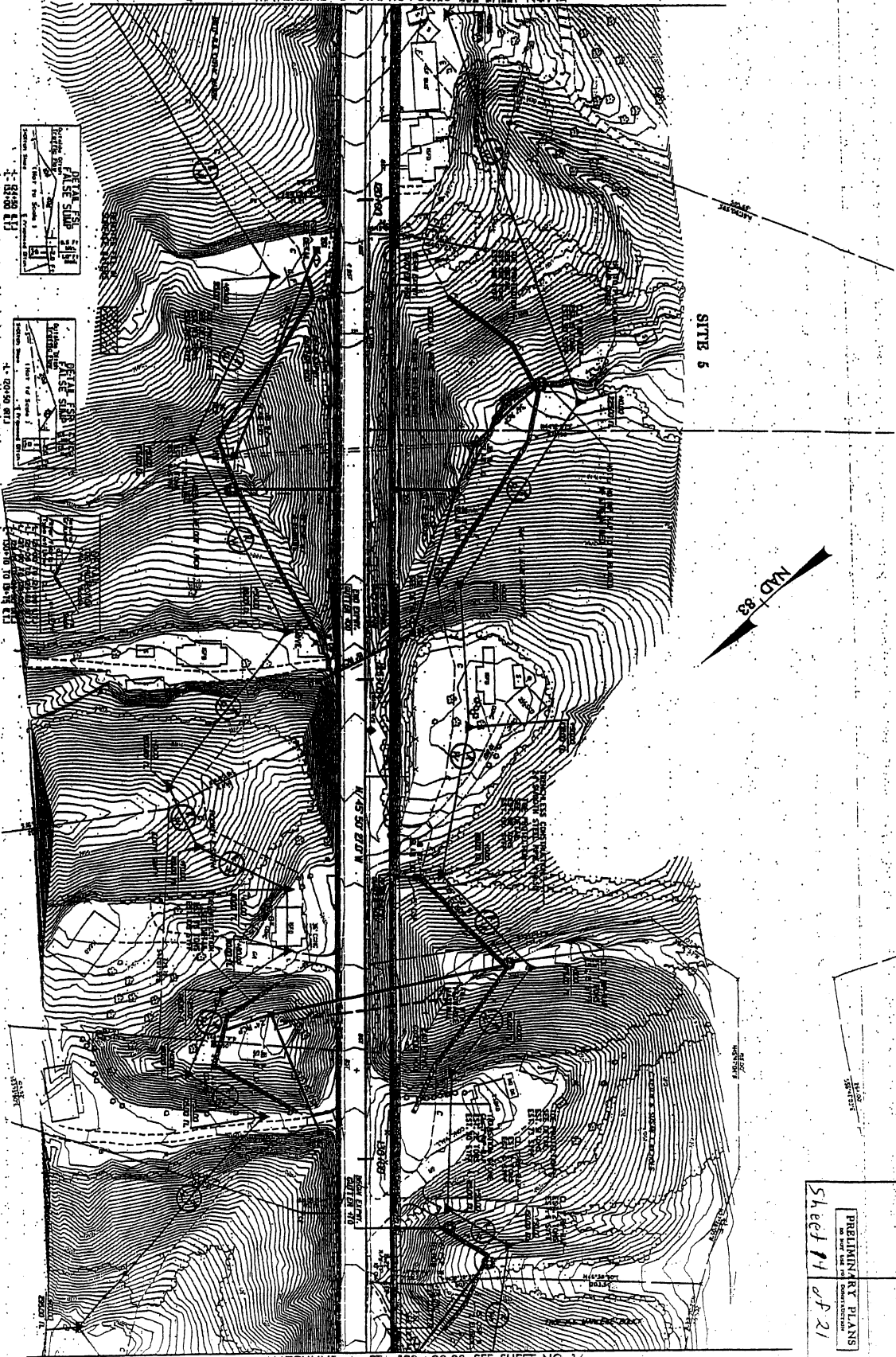


PROJECT NUMBER	100-100000
DATE	8-23-83
DESIGNED BY	BRUNNEN
DRAWN BY	BRUNNEN
CHECKED BY	BRUNNEN
INCHES	1/4" = 1'-0"
SCALE	AS SHOWN
DATE	8-23-83
PROJECT	PRELIMINARY PLANS
CONTRACT	100-100000
NO.	21
SHEET	21
TOTAL SHEETS	39

DRIVEWAY RETURN ROADWAY TO UNLESS OTHERWISE SHOWN REFERENCES FOR 'L' PROFILE SEE SHEET 39

MATCHLINE -L- STA. 105+00.00 SEE SHEET NO. 12

MATCHLINE -L- STA. 118+00.00 SEE SHEET NO. 12

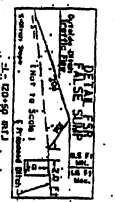
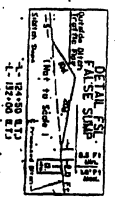
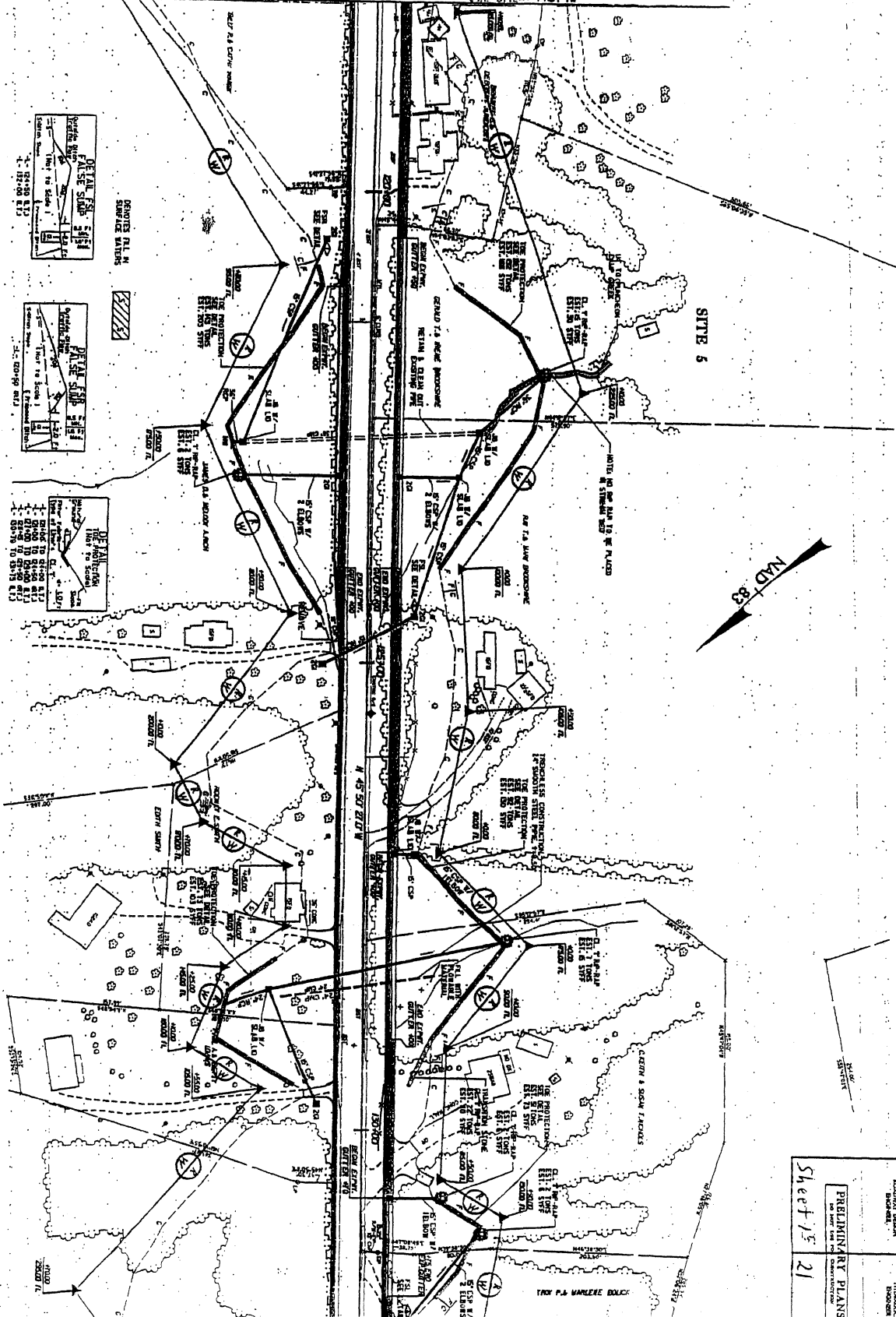


MATCHLINE -L- STA. 132+00.00 SEE SHEET NO. 14

PROJECT NUMBER	DATE	SHEET NO.
A-2518	8/17/70	13
DESIGNED BY	INVESTIGATOR	
B-2518	D-2518	
PRELIMINARY PLANS		
NO PART TO BE CONSTRUCTION		
Sheet #1	of 21	

DRIVEWAY RETURN RADI ARE 10'  
 UNLESS OTHERWISE SHOWN  
 REFERENCES FOR -L- PROFILE SEE SHEET 41

MATCHLINE -L- STA. 118+00.00 SEE SHEET NO. 12

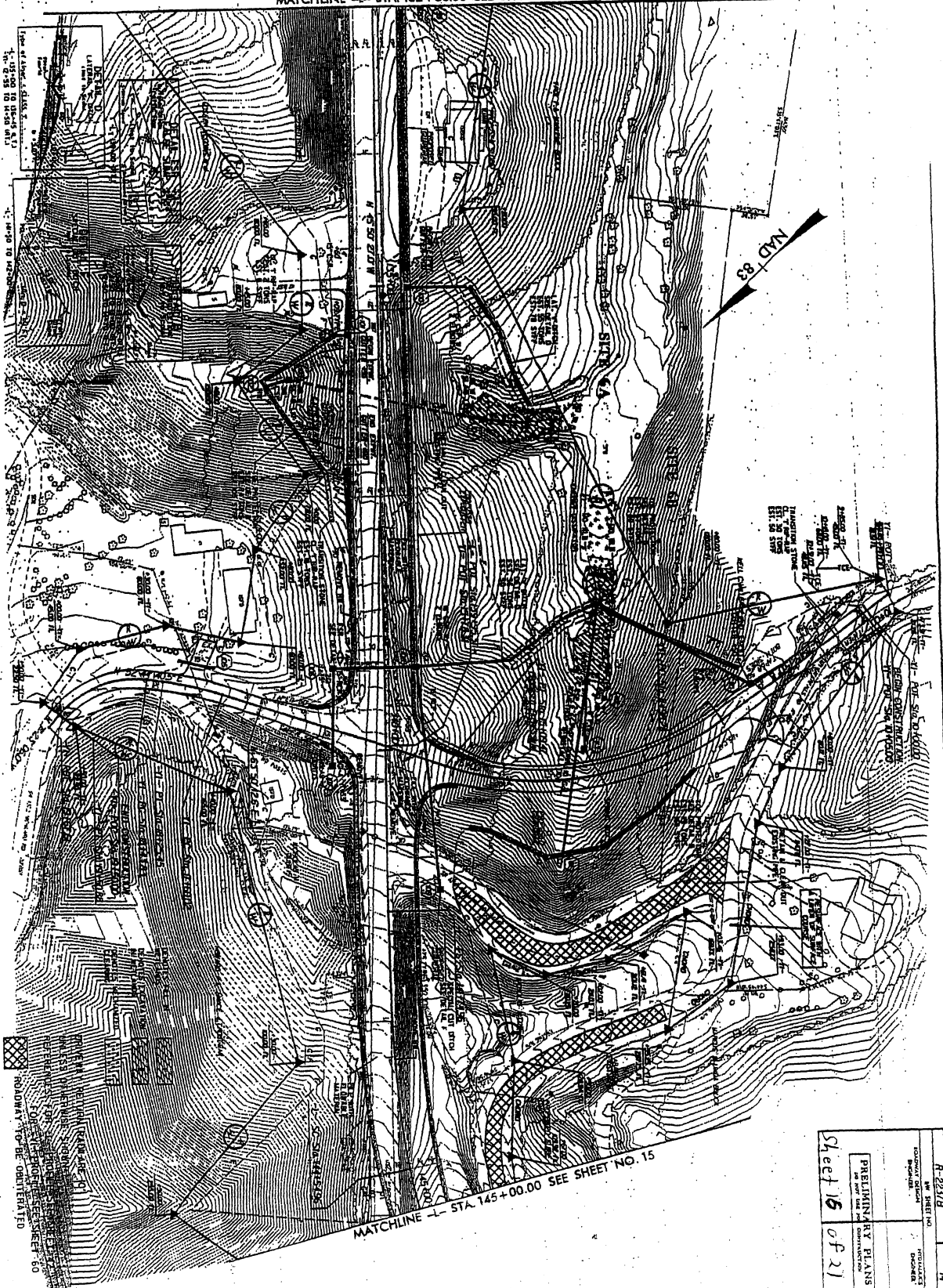


UNLESS OTHERWISE SHOWN  
 DRIVEWAY RETURN PAVI ARE 10"  
 REFERENCES: FOR "1" - PROFILE SEE SHEET 41

MATCHLINE -L- STA. 132+00.00 -SEE SHEET NO. 14

PROJECT NUMBER N-2278	SHEET NO. 13
DATE 11/15/88	SCALE AS SHOWN
DESIGNER M. J. ...	INCHES ...
<b>PRELIMINARY PLANS</b>	
Sheet 13 of 21	

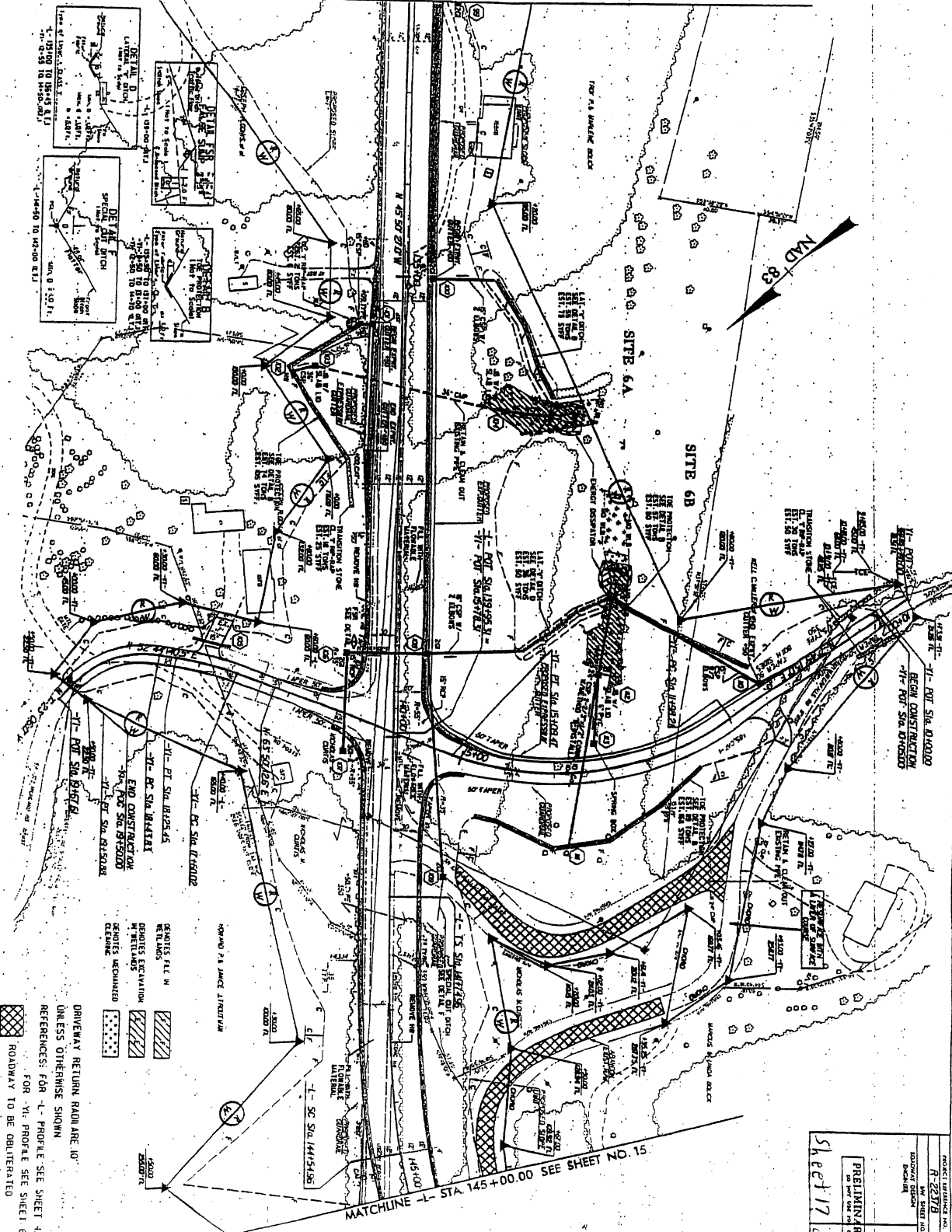
MATCHLINE -L- STA. 132+00.00 SEE SHEET NO. 13



MATCHLINE -L- STA. 145+00.00 SEE SHEET NO. 15

PROJECT NUMBER	NO. DRAWING	SHEET NO.
11-2373		14
DATE		
8/17/77		
DESIGNED BY	DRAWN BY	CHECKED BY
PRELIMINARY PLANS		
Sheet 15 of 21		

MATCHLINE -L- STA. 132+00.00 SEE SHEET NO. 13



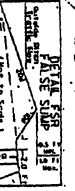
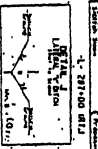
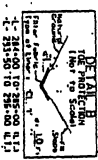
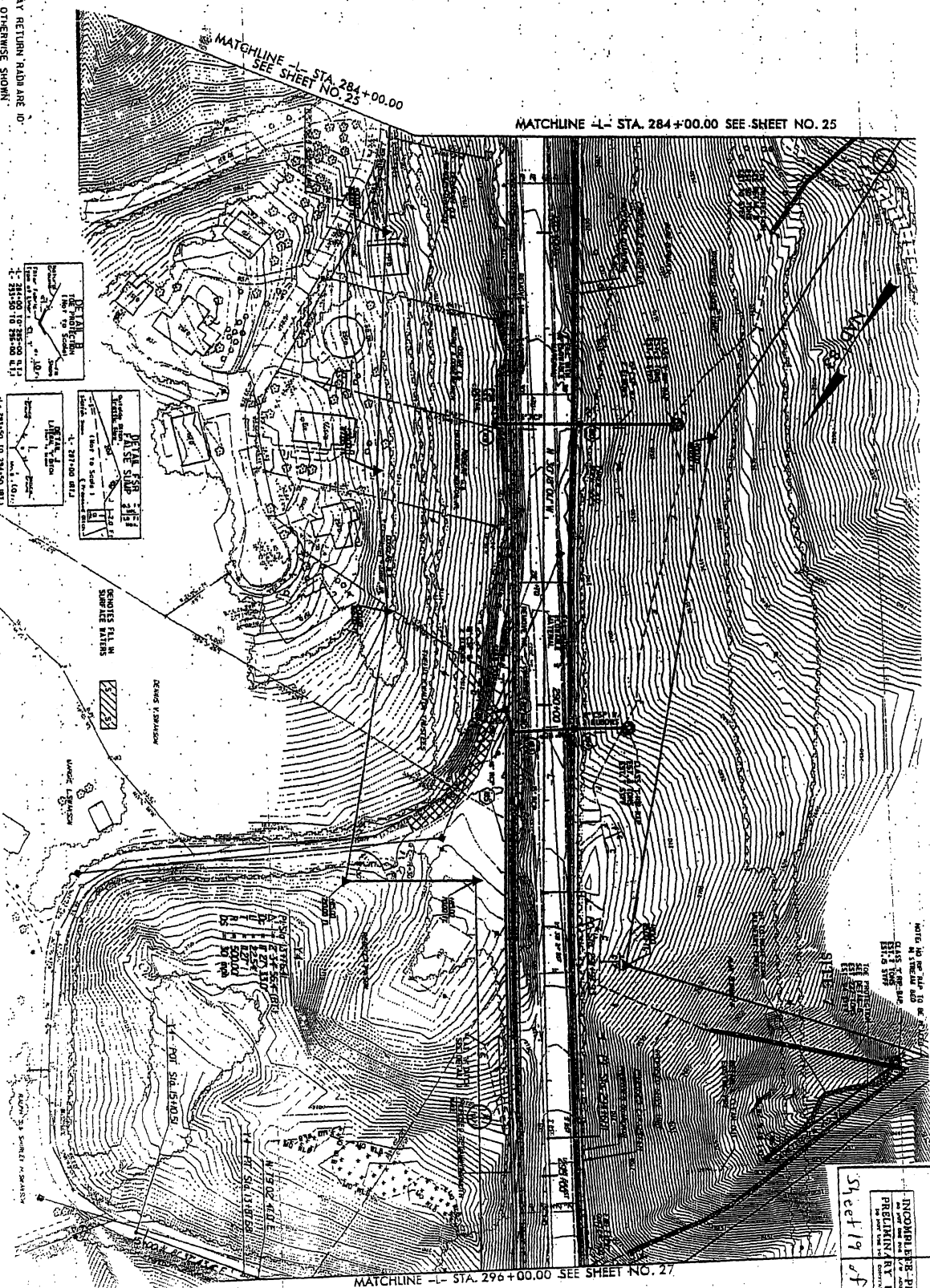
MATCHLINE -L- STA. 145+00.00 SEE SHEET NO. 15

DRIVEWAY RETURN ROAD ARE TO  
UNLESS OTHERWISE SHOWN  
REFERENCES FOR 'I' PROFILE SEE SHEET 42  
FOR 'II' PROFILE SEE SHEET 60  
ROADWAY TO BE OBLITERATED

PROJECT NUMBER	R-2237B
DATE	11/11/11
DESIGNER	INTEGRAL
CHECKER	INTEGRAL
DATE	11/11/11
PROJECT	PRELIMINARY PLANS
SHEET	17 of 21



DRIVEWAY RETURN RADIUS ARE 10'  
UNLESS OTHERWISE SHOWN  
REFERENCES: FOR 'L' PROFILE SEE SHEET 54  
FOR 'V3' PROFILE SEE SHEET 62



SAMPLE PATTERNS



REMOVE EXISTING ASPHALT

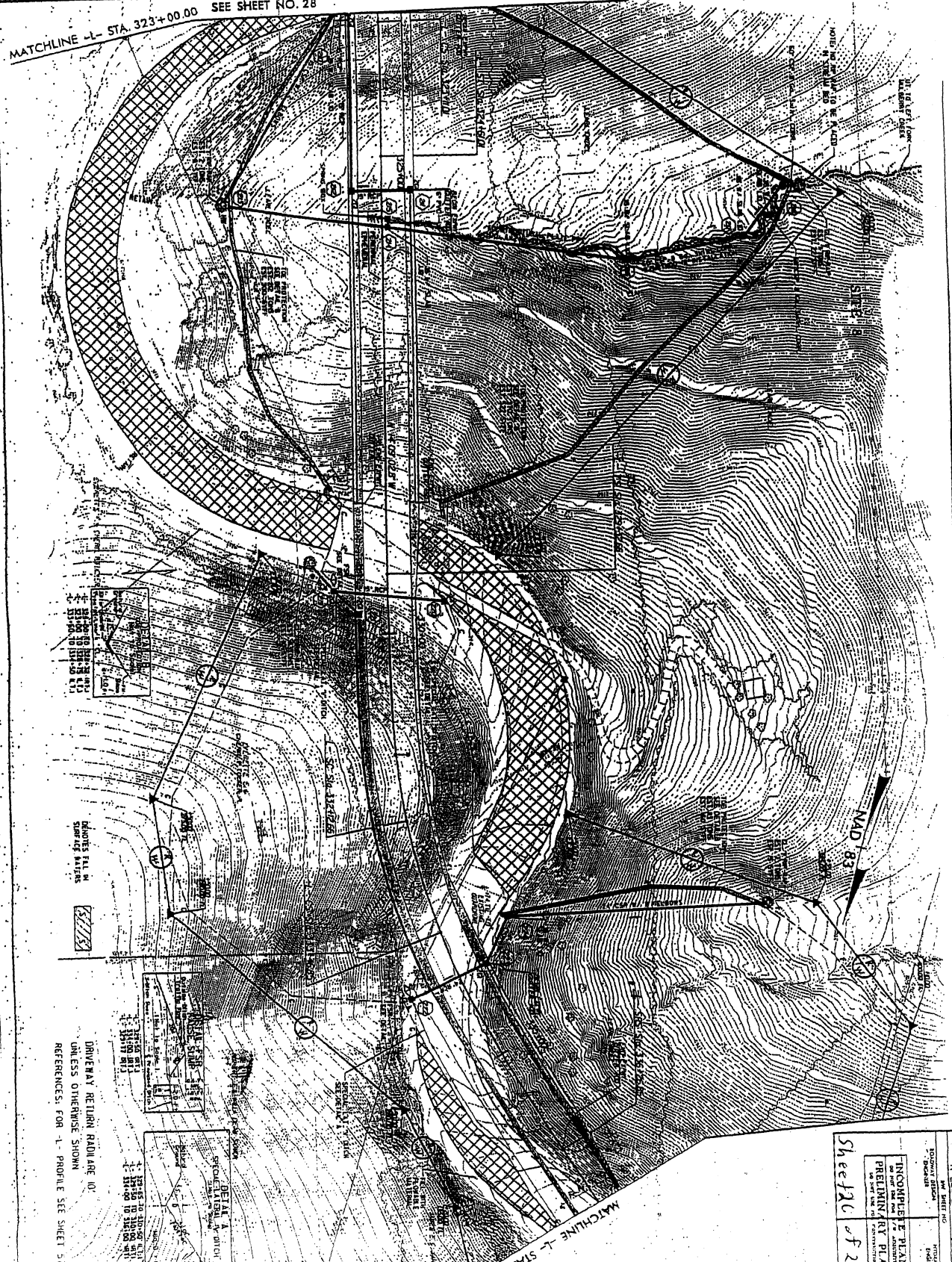


REMOVE EXISTING ASPHALT

PROJECT DISTRICT NO.	8-22/78
PROJECT NO.	8-22/78
DATE	8-22/78
DESIGNED BY	
CHECKED BY	
APPROVED BY	
SHEET NO.	19
TOTAL SHEETS	21
PROJECT NAME	
SCALE	
DATE	

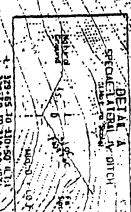


MATCHLINE -L- STA. 323+00.00 SEE SHEET NO. 28



ROADS FALL IN SHOULDER AREAS

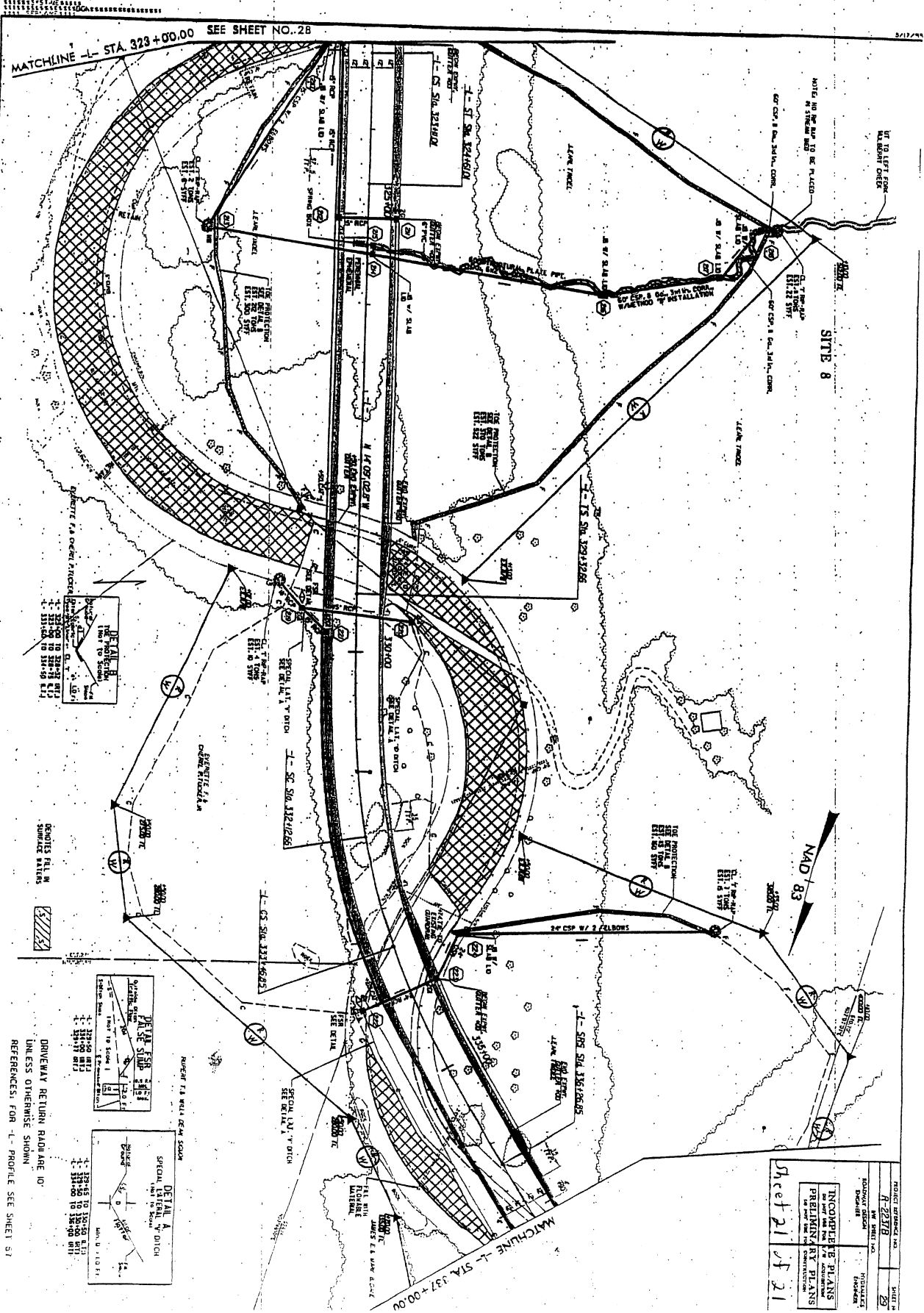
DRIVEWAY RETURN RAILS ARE 10' UNLESS OTHERWISE SHOWN REFERENCES FOR 1- PROFILE SEE SHEET 5/



MAD 183'

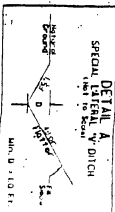
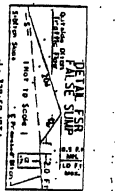
MATCHLINE -L- STA. 327+00.00

PROJECT NUMBER	100
DATE	11/23/78
DESIGNED BY	...
CHECKED BY	...
INCHES	1" = 40'
FEET	1" = 40'
SCALE	1" = 40'
SHEET NO.	21
TOTAL SHEETS	21
PROJECT TITLE	INCOMPLETE PLANS FOR PRELIMINARY PLANS
DATE	11/23/78
BY	...
CHECKED	...



PROJECT NUMBER AND SHEET	4-2237B	SHEET	29
DATE		DESIGNED BY	MM
		DRAWN BY	MM
		CHECKED BY	MM
		IN CHARGE	MM
INCOMPLETE PLANS PRELIMINARY PLANS NO PART OF THIS DRAWING IS TO BE USED FOR CONSTRUCTION			
Sheet 21 of 21			

DRIVEWAY RETURN ROAD ARE 10' UNLESS OTHERWISE SHOWN REFERENCES FOR -L- PROFILE SEE SHEET 31





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October 21, 2004

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

Dear Dr. Thorpe:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act,  
Proposed Widening of US 321 from SR 1370 to SR 1500 in Bailey Camp, TIP No. R-2237B  
Individual WQC No. 3481  
Caldwell County

Attached hereto is a copy of Certification No. 3481 issued to The North Carolina Department of Transportation dated October 21, 2004. This Certification replaces the Certification issued October 5, 2004. The modification made to this Certification consists of editing Condition 1. in the Project Specific Conditions to remove any reference of Site 3 regarding baffle installation in the proposed reinforced box culvert. The revised condition reads as follows:

1. Baffles shall be installed in the reinforced concrete box culvert inlet at Site 2 in Greenfield Branch.

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

Sincerely,

Alan W. Klimek, P.E.  
Director

Attachments

cc: John Thomas, Army Corps of Engineers Raleigh Regulatory Field Office  
Mike Parker, DWQ Asheville Regional Office  
Central Files  
File Copy

**APPROVAL OF 401 Water Quality Certification and ADDITIONAL CONDITIONS**

**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 .0259. This certification authorizes the NCDOT to place fill material, to excavate, and to conduct mechanized clearing in 0.16 acres of wetlands and to place fill material, culverts, and piping in 1,680 linear feet of streams in Caldwell County. The project shall be constructed pursuant to the application dated July 21, 2004, to widen US 321 from SR 1370 to SR 1500. The approved design is that submitted in your application dated July 21, 2004. The authorized impacts are as described below:

**Table 1. Wetland Impacts in the Yadkin-Pee Dee River Basin**

Site	Station No.	Non-Riverine (acres)	Total (acres)
Site 6A	-L- 136+16 to 136+70	0.08	0.08
Site 6B	-L- 137+96 to 139+46	0.08	0.08
<b>Total</b>		<b>0.16</b>	<b>0.16</b>

**Table 2. Surface Water Impacts for the Yadkin-Pee Dee and Catawba River Basins**

Site	Station No.	Stream Impacts (linear feet)	Stream Type	Mitigation Required (linear feet)
<b>Impacts in the Yadkin-Pee Dee River Basin</b>				
1	Rocky Cove Creek -L-66+40 to 66+48	129	Perennial	0
2	Greenfield Branch -L- 77+05 to 78+18; -L- 78+80 to 80+15	266	Perennial	266
3	Greenfield Branch -L- 82+15 to 82+70; -L- 83+08 to 83+63	167	Perennial	167
4	Greenfield Branch -L- 91+12 to 91+40; -L-91+83 to 93+10	218	Perennial	218
5	UT to Puncheon Camp Creek -L- 121+92 to 122+64	109	Perennial	0
<b>Impacts in the Catawba River Basin</b>				
7	UT to Right Fork Mulberry Creek -L- 293+83 to 294+90	191	Perennial	191
8	UT to Left Fork Mulberry Creek -L- 324+96 to 325+82	600	Perennial	0

	<b>Total</b>	<b>1,680</b>		<b>842</b>
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The application provides adequate assurance that the discharge of fill material into the wetlands and waters of the Yadkin-Pee Dee River Basin and the Catawba 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:**

Project Specific Conditions

1. Baffles shall be installed in the reinforced concrete box culvert inlet at Site 2 in Greenfield Branch.
2. An extended wing wall shall be installed at the Site 2 reinforced concrete box culvert inlet to act as a retaining wall parallel to US 321.
3. An extended wing wall and a retaining wall shall be installed parallel to US 321 at the Site 3 reinforced concrete box culvert inlet.
4. A drop structure shall be installed at the outlet of the Site 5 reinforced concrete pipe to reduce the outlet velocity.
5. Energy dissipater basins shall be installed at pipe outlets to wetlands at Sites 6A and 6B.
6. Instream work and land disturbance within the 25-foot wide trout buffer zone are prohibited on all streams classified as trout waters within the project area during the trout spawning seasons of October 15 through April 15 to protect the egg and fry stages of trout.
7. Compensatory mitigation for impacts to streams shall be done for 842 linear feet of stream impact at a replacement ratio of 1:1. The NC Ecosystem Enhancement Program shall provide compensatory mitigation for impacts to jurisdictional streams for 842 linear feet of streams. Compensatory mitigation shall be provided for 651 linear feet of streams in the Yadkin-Pee

Dee River Basin, eight digit hydrologic unit 03040101 and for 191 linear feet of streams in the Catawba River Basin, eight digit hydrologic unit 03050101.

General Conditions of Certification:

8. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. 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 assure compliance with the appropriate turbidity water quality standard.
  - a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These 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.
  - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
9. 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.
10. 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.
11. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
12. 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.
13. Excavation of the stream crossings should be conducted in the dry, if possible. Sandbags, cofferdams, flexible pipe, or other diversion structures should be used to minimize excavation in flowing water.
14. 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.

15. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ.
16. 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.
17. 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.
18. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
19. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.
20. 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.
21. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
22. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided that the final construction drawings comply with the attached permit drawings contained in the application dated May 11, 2004.
23. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by orange fabric fencing prior to any land disturbing activities.
24. 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). Before modifying the certification, DWQ shall notify NCDOT and the US Army Corps of Engineers, provide public notice in accordance with 15A NCAC 2H.0503 and provide opportunity for public hearing in accordance with 15A NCAC 2H.0504. Any new or revised conditions shall be provided to NCDOT in

writing, shall be provided to the United States Army Corps of Engineers for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

25. 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.
26. Culverts that are less than 48-inch in diameter should be buried to a depth equal to or greater than 20% of their size to allow for aquatic life passage. Culverts that are 48-inch in diameter or larger should be buried at least 12 inches below the stream bottom to allow natural stream bottom material to become established in the culvert following installation and to provide aquatic life passage during periods of low flow. These measurements must be based on natural thalweg depths.

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 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 5th day of October 2004

DIVISION OF WATER QUALITY

Alan W. Klimek, P.E.  
Director



DWQ Project No.: 3481

County: Caldwell

Applicant: NC Department of Transportation

Project Name: Widening of US 321 from SR 1370 to SR 1500

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, 1650 Mail Service Center, Raleigh, NC, 27699-1650. 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 \_\_\_\_\_