

ROY COOPER GOVERNOR J. ERIC BOYETTE Secretary

May 11, 2020

NCDEQ Water Resources 1611 Mail Service Center Raleigh, NC 27699-1611

ATTN: Mr. Rob Ridings

- Subject: Request for Modification of the Neuse River Riparian Buffer Authorization for the construction of the Triangle Expressway Southeast Extension from NC-55 Bypass in Apex to I-40, Wake and Johnston Counties. TIP Nos. R-2721, R-2828, and R-2829. Debit \$570 from WBS 35516.1.TA1.
- Reference: NCDWR Water Quality Certification Number 4179 and Neuse River Riparian Buffer Authorization, issued February 15, 2019, modified January 21, 2020, issued January 30, 2020, modified March 30, 2020 and issued April 23, 2020 (20181249 version 3).

Dear Sir:

As you are aware, the North Carolina Department of Transportation (NCDOT) applied for a phased Section 404 Individual Permit, Section 401 Individual Water Quality Certification (WQC), Neuse River Riparian Buffer Authorization, Non-404 Jurisdictional Wetlands and Waters Permit for the subject project in September 2018. The project, also known as Complete 540, encompasses three NCDOT Transportation Improvement Plan (TIP) projects: R-2721 (NC-55 Bypass to US-401), R-2828 (east of US-401 to I-40 Interchange) and R-2829 (east of I-40 to US 64/264). Revised permit applications were submitted in February 2019 and the NCDWR 401 and USACE 404 Permits were issued in February and October of 2019. Additionally, NCDOT received a modified 401 WQC for the Complete 540 Project on January 30, 2020 and April 23, 2020 from the NC Division of Water Resources (NCDWR) and a revised Department of the Army authorization #SAW-2009-02240 on February 7, 2020 and April 29, 2020.

During clearing operations for TIP R-2828, vegetation clearing in several areas has gone outside the permitted clearing limits adjacent to streams with riparian buffers. The purpose of this correspondence is to request an After-The-Fact modification of the Neuse River Riparian Buffer Authorization. The sites that are impacted and the reason for the impact, are listed below. Please note that there are two new sites associated with the borrow areas for this project; Sites 79A and 88A.

Telephone: (919) 707-2700 Fax: (919) 715-5511 Customer Service: 1-877-368-4968

- Permit Site 78 (Buffer Drawing 30 of 42, Plan Sheet 48):
 - Clearing outside permitted clearing limits:
 - Increase of 213 Sq Ft of Zone 1 buffer impact
 - Increase of 969 Sq Ft of Zone 2 buffer impact
- Permit Site 79 (Buffer Drawing 31 of 42, Plan Sheet 49):
 - Clearing outside permitted clearing limits:
 - Increase of 226 Sq Ft of Zone 1 Buffer Impacts
 - Increase of 2,322 Sq Ft of Zone 2 Buffer Impacts
- Permit Site 79A (Buffer Drawing 31 of 42, Plan Sheet 49):
 - Clearing due to Borrow Site Excavation:
 - Increase of 721 Sq Ft of Zone 2 Buffer Impacts
- Permit Site 87 (Buffer Drawing 36 of 42, Plan Sheet 57):
 - Clearing due to Borrow Site Excavation:
 - Increase of 397 Sq Ft of Zone 2 Buffer Impacts
- Permit Site 88A (Buffer Drawing 36 of 42, Plan Sheet 57):
 - Clearing due to Borrow Site Excavation:
 - Increase of 1,075 Sq Ft of Zone 2 Buffer Impacts

Revised Impacts Summary R-2828

Due to the clearing of additional buffers for R-2828, the total buffer impact on buffers will now be 1,892,876 ft² of riparian buffer impacts.

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Impact Type	Riparian Wetlands Temp./	Non- Riparian Wetlands Perm	Isolated Wetlands	Ponds (ac)	Isolated Ponds	Streams (lf)			Riparian Buffer (sq ft) Zone 1/2
	(ac)	(ac)	(ac)		(ac)	Perm.	Temp.	Structure* Stab.	
Neuse River Basin (HUC 03020201)	4.73 / 19.49	0.07	0.25	8.32	n/a	16,820	1,636	1,636	1,176,815/ 716,061

Revised Table 19 has been modified to show the updated riparian buffer impacts and the amount that each total increased is noted in parenthesis below. Please note that the wetlands in buffer Zone 1 at site 79 were previously reported inaccurately. This modification also accounts for that adjustment and does not reflect additional clearing in a buffer or wetland area.

Mitigation Requirement	Allowable with mitigation*	Allowable with mitigation**	Allowable^	Total Impacts^	Wetlands in Buffer^^	Impacts Requiring Mitigation
Zone 1	158,309	885,686	132,820	1,176,815	179,656	864,545
Impact	(439)	(0)	(0)	(439)	(206)	(439)
Zone 2	103,074	528,324	84,663	716,061	84,166	547,232
Impact	(5,484)	(0)	(0)	(5,484)	(0)	(5,484)

Revised Table 19. Riparian Buffer Impacts (sq ft)

* Impacts other than Road Crossing. **Road Crossing, ^ Includes utility impacts, ^^ Allowable non-mitigable buffer impacts have been deducted from wetlands in buffers

Compensatory Mitigation

Revised Table 15. Proposed Compensatory Mitigation For Riparian Buffers

Mitigation Type	Riparian Calculat ft.)	Riparian Buffer Total (sg	
туре	Zone 1	Zone 2	ft)
Neuse River	864,545 x	547,232	
Basin (HUC	3.0 =	x 1.5 =	3,414,483
03020201)	2,593,635	820,848	

^^ Allowable non-mitigable buffer impacts have been deducted from wetlands in buffers

NCDOT has requested mitigation for R-2828 from NCDMS to cover riparian buffer in the Neuse for Zone 1 impacts of 864,106 square feet. The new proposed request is for 864,545 square feet, which is an increase of 439 square feet. For Neuse Zone 2 riparian buffer impacts, NCDOT has requested mitigation of 541,748 square feet. The new proposed request is for 547,232 square feet, which is an increase of 5,484 square feet. The revised NCDMS acceptance letter for the increased mitigation will be provided at a later date. The new proposed impact amounts approved by NCDMS for R-2828 were multiplied by the appropriate mitigation ratios to calculate the proposed mitigation amounts in Revised Table 25 (3:1 for Zone 1 riparian buffer impacts, and 1.5:1 for Zone 2 riparian buffer impacts).

REGULATORY APPROVALS

<u>Section 401:</u> We are requesting a modification to the Neuse Riparian Buffer Authorization. We are providing this application to NCDEQ, for their approval. Authorization to debit the \$570.00 Permit Modification Fee from TIP No. R-2828/WBS 35516.1.TA1 is hereby given.

The Neuse Riparian Buffer Authorization modification package for STIP R-2828 part of Complete 540 Project is available at <u>https://xfer.services.ncdot.gov/pdea/PermApps/</u>

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Deanna Riffey at driffey@ncdot.gov or 919-707-6151.

Sincerely,

-DocuSigned by: Rodger Rochelle

Rodger Rochelle, P.E. North Carolina Turnpike Authority Chief Engineer

cc: NCDOT Permit Application Standard Distribution List







		RIF		JFFER II	MPACTS	SUMMA	RY				Pe La	ermit Drawing st Revised or	Package n 05/07/20
IMPACTS										BUE	FFR		
			TYPE			A	LLOWABL	E	MITIGABLE			REPLACEMENT	
Site No.	Station (From/To)	Structure Size / Type	ROAD CROSSING	BRIDGE	PARALLEL IMPACT	ZONE 1 (ft ²)	ZONE 2 (ft ²)	TOTAL (ft ²)	ZONE 1 (ft ²)	ZONE 2 (ft ²)	TOTAL (ft ²)	ZONE 1 (ft ²)	ZONE 2 (ft ²)
78	Y22FLYCC 75+50	60" RCP Pipe Removal (SET)	x			785	618	1403	213	969	1182		
79	Y22FLYBD 82+61/84+16	54" RCP (SET)	x						37554	25277	62831		
79A	Y22RPDE 26+30/28+76	Borrow Site Excavation			x				0	721	721		
82	Y22FLYBD 113+57/113+98	Widening HSB (SEH)	x			2133	1426	3559					
82A	Y22 382+23/385+82	New Channel Tie In			x				13251	880	14131		
83	Y22 395+85/397+04	54" RCP (SEK)	x			1507	377	1884					
84	Y22 403+56/405+39	60" CMP & 72" WSP (SEL)	x			2355	565	2920					
87	Y22_SEC2 473+60/474+66	36" RCP (SES)	x			2764	1099	3863	0	397	397		
88	Y22RPDE 19+72/17+57	42" RCP (SES)	x						16259	8963	25222		
88A	Y22RPDE 13+30	Borrow Site Excavation			x				0	1075	1075		
90	Y22LPA 14+70/16+90	Roadway Fill (SDT)			x	551	405	956		857	857		
	SHEET 1 SUBTOTALS SHEET 2 SUBTOTALS					13360	10234 69644	23594 179009	513905 420452	295720 268480	809625 688932	0 0	0 0
NOTES	:								NC	DEPARTM DIVIS WA	1ENT OF T 51ON OF HI 03/04/20 KE & JOH FIP NO. R-2	RANSPOR IGHWAYS D20 INSTON 2828	ΓΑΤΙΟΝ

OF

39

SHEET

42

		WETLAND	S IN BU	FFER IN	/IPACTS SUMMA
			WETLA BUFI	NDS IN FERS	
SITE NO.	STATION (FROM/TO)	Description	ZONE 1 (ft ²)	ZONE 2 (ft ²)	
79	Y22FLYBD 82+61/84+16	54" RCP (SET)	2469	0	1
82	Y22FLYBD 113+57/113+98	Widening HSB (SEH)	0	0]
					1
					1
					1
					-
					-
					-
					4
			0.1/0	<u>^</u>	4
IOTAL:			2469	0	J

Revised 2018 Feb

Permit Drawing Package Last Revised on 05/07/20

NC DEP	ARTMENT OF 1	RANSPORT	ATION
	DIVISION OF H	IIGHWAYS	
	03/04/2	020	
	WAKE & JOH	INSTON	
	TIP NO. R-	2828	
	WBS NO. 376	73.1.TA2	
SHEET	42	OF	42



ROY COOPER GOVERNOR J. ERIC BOYETTE Secretary

May 8th, 2020

CONTRACT ID:	C204196
WBS ELEMENT:	37673.3.GV3
TIP NO.:	R-2721A
FEDERAL AID NO.:	NHP-0540(041)
COUNTY:	Wake
DESCRIPTION:	NC-540 - Triangle Expressway Southeast Extension from NC-55 Bypass to east of Pierce Olive Road (SR 1389)

SUBJECT:

Clearing and Grubbing 'Plan of Action'

Caleb Linn Area Manager Flatiron Constructors, Inc. – Branch Civil, Inc. Joint Venture 200 Mackenan Parkway Cary, NC 27511

Dear Mr. Linn,

As a result of recent concerns arising from Clearing and Grubbing operations on the above referenced project, NCDOT has requested for a written 'Plan of Action' for how Flatiron Branch Joint Venture, FBJV, will ensure these issues do not continue and for the project to remain compliant. Attached to this letter is the procedure provided to me by FBJV on 5-5-20 with additional steps my office is committed to providing, 'Additional Support from NCTA/NCDOT'. It is expected this 'Plan of Action' be implemented immediately and continue for the life of the project.

Sincerely,

alw alm

Robert Hoffman, PE Resident Engineer

Mailing Address: NC DEPARTMENT OF TRANSPORTATION DIVISION FIVE OFFICE 2612 NORTH DUKE STREET DURHAM, NORTH CAROLINA 27704 CS 17-27-03 Telephone: (919) 220-4600 Fax: (919) 560-3371 Customer Service: 1-877-368-4968 *Location:* 2612 NORTH DUKE STREET DURHAM, NORTH CAROLINA 27704

Website: www.ncdot.gov

RJH/MWC

Cc: Mark Craig, PE, Division 5 Boyd Tharrington, PE, Division 5 Joey Hopkins, PE, Division 5 Rodger Rochelle, PE, NCTA Dennis Jernigan, PE, NCTA

R-2721A Clearing and Grubbing 'Plan of Action'

Robby,

Our team has implemented/updated procedures in our work plans to address the recent events related to Clear-Con and our clearing efforts. In addition, we made a supervision change this week by adding Walter Jordan and his sole responsibilities will include ensuring environmental compliance. Walter will be the main POC and David DiVincenzo will be the backup POC (their contacts are attached). If there is a stand down directive from NCTA/NCDOT, Matt Baldes will be the main POC and I will be the backup POC.

Permitted Sites:

***In addition to the already established procedure for Hold Point Meetings and Pre-Clearing Walk Throughs:

1. Before Clearing

- a. Survey to continue to layout all permitted clearing limits and orange safety fence as shown in the Permit Drawings and RFC Erosion Control Plans
- b. Install all silt fence, special sediment control fence and safety fence along jurisdictional area as shown in the RFC Erosion Control Plans
- c. Install silt fence to delineate the limits of the Buffer Zone 2.
 - i. Field Engineers to label silt fence as "BZ2" with marking paint.
 - ii. Field Engineers/Field Personnel are to flag the limits for silt fence by measuring at least 55ft-60ft from the edge of jurisdictional stream bank.
 - 1. Project Engineer to support determination of buffer limits if needed
 - iii. As shown in the attached example, the silt fence can be installed in a more linear fashion, but the minimum offset of 55ft-60ft from the stream bank must be maintained. Survey can also assist with layout of buffer zone if required.
- d. Pre-Clearing Walk Thru to be held as previously established but will now incorporate review of buffer zone delineation.

2. During Clearing

- a. Field Engineers/Field Personnel will monitor clearing subcontractor to ensure they <u>follow the permit guidelines and clearing limits</u>
- b. Field Personnel will coordinate and support clearing subcontractor's access through the silt fence buffer into the buffer zone for clearing. Limit damage to silt fence.
- c. Field Personnel will ensure limited ground disturbance by clearing subcontractor within the buffer zone and Field Engineers will coordinate with inspectors/seeding subcontractor if stabilization is required.

3. After Clearing and Before Grubbing

- a. Field Engineers will verify that the silt fence buffer is still intact and coordinate repair as necessary
- b. Field Engineers/Project Engineers determine areas to be grubbed based and permit conditions and work to be installed
 - i. In accordance with the permit, "Grubbing of riparian vegetation [buffer zones] will not occur until immediately before construction begins on a given segment of stream channel."
- c. <u>Pre-Grubbing Walk Thru</u> with clearing subcontractor and inspectors to review areas to be grubbed and discuss EC and permit requirements.

4. After Grubbing

a. Maintain EC devices and silt fence buffer until next phase of construction

5. Additional Support from NCTA/NCDOT:

- a. Resident Engineer, Robby Hoffman, is dedicating additional staff to monitor clearing operations and Permit Compliance specifically related to clearing and grubbing across all 3 projects (R-2721A, R-2721B and R-2828).
 - i. Paul Hobson TT IV
 - 1. Paul.Hobson@summitde.net
 - 2. 910-520-2001
 - 3. Started Monday, 5-4-20
 - ii. Dane Haithcock TT I
 - 1. Dane.Haithcock@summitde.net
 - 2. 919-604-4370
 - 3. Started Monday, 5-4-20
 - iii. Casey White TT I
 - 1. Starting Monday, 5-11-20
- b. The role of this staff is to focus solely on Clearing and Grubbing operations across all 3 projects.
 - i. They will participate in the:
 - 1. 'Environmental Hold Point Meetings'
 - 'Pre-Clearing Walk Thru with the Clearing and Grubbing Subcontractor and Flatiron Branch JV Project Engineer/Superintendent
 - 3. Monitor operations throughout the clearing process.
 - 4. These will be their ONLY responsibilities.
- c. They will be in direct contact with the responsible representative(s) from Flatiron Branch JV (Walter Jordan/David DiVincenzo)

Thank you,

Jordan Doolittle, PE Project Manager C | 919-609-1482 BRANCH CIVIL



ROY COOPER GOVERNOR JAMES H. TROGDON, III Secretary

May 8th, 2020

CONTRACT ID:	C204198
WBS ELEMENT:	37673.3.GV4
TIP NO.:	R-2721B
FEDERAL AID NO.:	NHP-0540(042)
COUNTY:	Wake
DESCRIPTION:	Triangle Expressway Southeast Extension from east of Pierce Olive Road (SR 1389) to east of US 401

SUBJECT:

Clearing and Grubbing 'Plan of Action'

Caleb Linn Area Manager Flatiron Constructors, Inc. – Branch Civil, Inc. Joint Venture 200 Mackenan Parkway Cary, NC 27511

Dear Mr. Linn,

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Sincerely,

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Robert Hoffman, PE Resident Engineer

Mailing Address: NC DEPARTMENT OF TRANSPORTATION DIVISION FIVE OFFICE 2612 NORTH DUKE STREET DURHAM, NORTH CAROLINA 27704 CS 17-27-03 Telephone: (919) 220-4600 Fax: (919) 560-3371 Customer Service: 1-877-368-4968 *Location:* 2612 NORTH DUKE STREET DURHAM, NORTH CAROLINA 27704

Website: www.ncdot.gov

RJH/MWC

Cc: Mark Craig, PE, Division 5 Boyd Tharrington, PE, Division 5 Joey Hopkins, PE, Division 5 Rodger Rochelle, PE, NCTA Dennis Jernigan, PE, NCTA

R-2721B Clearing and Grubbing 'Plan of Action'

Robby,

Our team has implemented/updated procedures in our work plans to address the recent events related to Clear-Con and our clearing efforts. In addition, we made a supervision change this week by adding Walter Jordan and his sole responsibilities will include ensuring environmental compliance. Walter will be the main POC and David DiVincenzo will be the backup POC (their contacts are attached). If there is a stand down directive from NCTA/NCDOT, Matt Baldes will be the main POC and I will be the backup POC.

Permitted Sites:

***In addition to the already established procedure for Hold Point Meetings and Pre-Clearing Walk Throughs:

1. Before Clearing

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- d. Pre-Clearing Walk Thru to be held as previously established, but will now incorporate review of buffer zone delineation.

2. During Clearing

- a. Field Engineers/Field Personnel will monitor clearing subcontractor to ensure they <u>follow the permit guidelines and clearing limits</u>
- b. Field Personnel will coordinate and support clearing subcontractor's access through the silt fence buffer into the buffer zone for clearing. Limit damage to silt fence.
- c. Field Personnel will ensure limited ground disturbance by clearing subcontractor within the buffer zone and Field Engineers will coordinate with inspectors/seeding subcontractor if stabilization is required.

3. After Clearing and Before Grubbing

- a. Field Engineers will verify that the silt fence buffer is still intact and coordinate repair as necessary
- b. Field Engineers/Project Engineers determine areas to be grubbed based and permit conditions and work to be installed
 - i. In accordance with the permit, "Grubbing of riparian vegetation [buffer zones] will not occur until immediately before construction begins on a given segment of stream channel."
- c. <u>Pre-Grubbing Walk Thru</u> with clearing subcontractor and inspectors to review areas to be grubbed and discuss EC and permit requirements.

4. After Grubbing

a. Maintain EC devices and silt fence buffer until next phase of construction

5. Additional Support from NCTA/NCDOT:

- a. Resident Engineer, Robby Hoffman, is dedicating additional staff to monitor clearing operations and Permit Compliance specifically related to clearing and grubbing across all 3 projects (R-2721A, R-2721B and R-2828).
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 - 1. Paul.Hobson@summitde.net
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 - 3. Started Monday, 5-4-20
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 - 1. Dane.Haithcock@summitde.net
 - 2. 919-604-4370
 - 3. Started Monday, 5-4-20
 - iii. Casey White TT I
 - 1. Starting Monday, 5-11-20
- b. The role of this staff is to focus solely on Clearing and Grubbing operations across all 3 projects.
 - i. They will participate in the:
 - 1. 'Environmental Hold Point Meetings'
 - 'Pre-Clearing Walk Thru with the Clearing and Grubbing Subcontractor and Flatiron Branch JV Project Engineer/Superintendent
 - 3. Monitor operations throughout the clearing process.
 - 4. These will be their ONLY responsibilities.
- c. They will be in direct contact with the responsible representative(s) from Flatiron Branch JV (Walter Jordan/David DiVincenzo)

Thank you,

Jordan Doolittle, PE Project Manager C | 919-609-1482 BRANCH CIVIL



ROY COOPER GOVERNOR J. ERIC BOYETTE Secretary

May 8th, 2020

CONTRACT ID:	C204197
WBS ELEMENT:	35516.3.GV1
TIP NO.:	R-2828
FEDERAL AID NO.:	NHP-0540(043)
COUNTY:	Wake
DESCRIPTION:	NC-540 - Triangle Expressway Southeast Extension from East of US-401 (Fayetteville Road) to East of I-40

SUBJECT:

Clearing and Grubbing Plan of Action

Tom Meador Project Director The Lane Blythe Joint Venture 3929 Benson Road Garner, NC 27529

Mr. Meador,

On Thursday, 4-30-20, it was observed clearing had been performed within the Buffer Zone #2 of 2 jurisdictional areas, Sites #78 and #79, that are not permitted to be impacted. It appeared this clearing was performed within the buffer zones as a result in confusion/lack of supervision with the Clearing Subcontractor, Clear-Con, and not willful negligence by any party. Regardless, this causes the Department to have increased concern with regards to Clearing and Grubbing operations throughout the project.

On Friday, 5-1-20, additional surveys were performed by both Contractor and Resident Office Staff to determine the extent of the impacts noted above. Below is a table of the additional buffer impact, as surveyed by Resident Office Staff, that have occurred which were not permitted to be impacted. As I understand there were additional impacts to Buffer Zones which were not captured by my surveyors which will need to be mitigated.

Telephone: (919) 220-4600 Fax: (919) 560-3371 Customer Service: 1-877-368-4968 *Location:* 2612 NORTH DUKE STREET DURHAM, NORTH CAROLINA 27704

Website: www.ncdot.gov

Site #	Area (SF)	Area (acres)
78	218.8	0.005
78	418.2	0.010
79 (West side)	484	0.011
79 (West side)	1861	0.043
79 (West side)	100.4	0.002
79 (East side)	192.3	0.004
79 (East side)	251.1	0.006
79 (East side)	222.5	0.005
79 (East side)	150.8	0.003
Total	3899.1	0.090

Table of Buffer Zone Impacts no permitted to be impacted:

As a result of the issues mentioned above, arising from Clearing and Grubbing operations, on the R-2828 project, NCDOT has requested for a written 'Plan of Action' for how The Lane Blythe Joint Venture, LBJV, will ensure these issues do not continue and for the project to remain compliant. Attached to this letter is the letter provided to me by LBJV on 5-6-20 which includes additional steps my office is committed to providing, 'Additional Support from NCTA/NCDOT', to ensure we remain compliant. It is expected this 'Plan of Action' be implemented immediately and continue for the life of the project.

As you know, the Department takes environmental compliance and erosion control very seriously. Until this incident, this project has been very successful in maintaining good standing with our permit compliance and roadside units. Let this serve as notice that further actions by any employee that results in violations of permit conditions on the project will not be tolerated and the individual(s) involved will be subject to removal from the project. All Resident Engineer Staff on this project have been granted authority to initiate a work suspension if the clearing operations appears to be headed towards exceeding the work area or other potential violation.

If you have any questions or require any additional information, please contact me at (910) 213-7034.

Sincerely,

alus Alm

Robert Hoffman, PE Resident Engineer

Cc: Mark Craig, PE, Division 5 Boyd Tharrington, PE, Division 5 Joey Hopkins, PE, Division 5 Rodger Rochelle, PE, NCTA Dennis Jernigan, PE, NCTA



May 6, 2020

Robby Hoffman, PE Resident Engineer NCDOT Division 5 Summit Design and Engineering

RE: Design-Build Project R-2828, NC 540 in Wake and Johnson Counties

Permit Compliance Action Plan

Dear Mr. Hoffman,

In accordance with your request, The Lane-Blythe Construction JV has prepared the following permit compliance action plan to be implemented immediately:

1. Lane-Blythe Additional Staffing

- a. Rodney Cannon, Superintendent, (919 291-1869) will be the main point of contact for clearing operations. Rodney's primary responsibility will be to coordinate with our clearing sub, Clear Con, to ensure they stay out of jurisdictional areas until such time that we have approval and are ready to begin continuous operations.
- b. Eric Schiefer, Field Engineer 919-819-7699 will be working with Rodney to ensure all orange fencing is in place prior to pre-clearing walk thru and pre-construction meetings with Summit and NCDOT.

2. Subcontractor Notification and Accountability

- a. A meeting was held between Lane-Blythe and Clear Con to discuss the severity of the current permit violations and zero tolerance moving forward.
- b. Both parties agree that the addition of orange silt fence around the permitted buffer zones and orange tree fence around the non-permitted buffer zones will increase awareness and provide a visual barrier significantly reducing the chance of a future violation.
- c. Clear Con was issued the attached memo clearly defining the expectations and consequences regarding orange fencing. All Clear Con employees working on the project will be required to sign and return the memo.
- d. Lane-Blythe and NCDOT inspection staff have stop work authority over Clear Con's field operations if there are any questions regarding permit layout.

- e. Donald Johnson, Superintendent, 919-605-3055 will be Clear Con's main point of contact and will coordinate with Rodney Cannon on a daily basis.
- f. Thomas Davis, Owner, 919-414-8128 and Wil Wilson, Operations Manager 919-345-3044 are available by phone in the event Donald cannot be reached.

3. Before Clearing

- a. Lane-Blythe survey will layout Orange Fence and Jurisdictional Buffers. Jurisdictional buffers will be laid out 5' beyond the outer buffer limit and in a linear fashion to provide additional clarity and minimize risk.
- b. Orange tree fence will be installed in accordance with the Orange Fence Drawings and in addition along any non-permitted jurisdictional buffers.
- c. Orange silt fence will be staked along all permitted buffer zones and will remain in place until continuous operations are ready to begin in a permitted site.
- d. An immediate effort will be given to staking all of the non-permitted jurisdictional sites on the project.
- e. Clearing crews will not enter any zones delineated by either orange tree fence or orange silt fence.
- f. Moving forward, the pre-clearing walk thru and preconstruction meetings will take place at the same time after all orange fencing is installed. All Subcontractors and Lane-Blythe Superintendents involved in the work will be present for the walk thru.

4. During Clearing

- a. Rodney Cannon will coordinate with Clear Con at the beginning of each shift.
- b. Clear Con employees will be directed not to take down or cross orange fence at any time.
- c. Clear Con should immediately notify Rodney or Eric if they identify any orange fence that has been knocked down.
- d. When Lane-Blythe is ready to begin clearing operations inside of a permitted buffer zone Rodney Cannon or Eric Schiefer will notify NCDOT prior to taking down orange silt fence.

5. Swift Creek

- a. Quarter mile buffer stakes have been installed at each approach to Swift Creek.
- b. Orange silt fence will be installed from ROW to ROW in these locations.
- c. A schedule activity has been created to provide an additional reminder when the ROW becomes available in the area of Swift Creek.

6. ROW Verification

- a. Prior to staking clearing limits Lane-Blythe's survey manager will review the available ROW.
- b. The survey manager will then prepare a survey file and PDF of the clearing limits for a particular area.
- c. The PDF is then distributed to Lane-Blythe management and Summit Engineering to review for accuracy prior to clearing.

7. Additional Support from NCTA/NCDOT:

- a. Staff dedicated to monitor clearing operations and Permit Compliance specifically related to clearing and grubbing across all 3 projects (R-2721A, R-2721B and R-2828).
 - Paul Hobson TT IV
 - Started Monday, 5-4-20
 - Dane Haithcock TT I
 - Started Monday, 5-4-20
 - Casey White TT I
 - Starting Monday, 5-11-20
- b. Staff will participate in:
 - o 'Environmental Hold Point Meetings'
 - 'Pre-Clearing Walk Thru with the Clearing and Grubbing Subcontractor and Prime Project Engineer/Superintendent
 - Monitor operations throughout the clearing process.
 - These will be their ONLY responsibilities.
- c. They will be in direct contact with the responsible representative(s) from Prime

Please let me know if you have and questions or concerns.

Best regards,

The Lane-Blythe Construction JV



Digitally signed by Thomas C. Meador Date: 2020.05.06 16:28:37 -04'00'

Thomas Meador Project Director 704-614-4965 tcmeador@laneblythe540.com

MEMO



Date: 3/20/2020 Subject: Orange Fencing and Permit Compliance

To: All Lane-Blythe Joint Venture Employees and Subcontractors

Please be advised that in accordance with the requirements of the R-2828, C204197 environmental permit, you will see orange construction/safety fence installed throughout the project. The orange fence designates jurisdictional areas that fall outside the scope of the project permit. Any disturbance outside of the orange fencing is considered a permit violation and can result in the suspension of the project.

Additionally, in the Swift Creek flood plain, which is considered a highly sensitive area, Lane-Blythe is required to provide NCDOT 30 days' notice prior to working within a quarter mile of Swift Creek. Violations involving Swift Creek could result in additional litigation and a long term suspension of the project.

It is the responsibility of all employees including subcontractor employees to uphold the requirements of the permit. Failure to comply with these terms is cause for termination for any employee and will result in a Breach of Contract following any Subcontractor violations. Protection of these environmentally sensitive areas is of the upmost importance to Lane-Blythe and NCDOT and we appreciate everyone's continuous efforts to comply with the project permit conditions.

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Thomas Meador Design-Build Project Manager 704-614-4965 tcmeador@laneconstruct.com