

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER GOVERNOR J.R. "JOEY" HOPKINS Secretary

June 27, 2024

MEMORAND	UM TO:	Division Environmental and Construction Units
FROM:	mat	Michael A. Turchy, ECAP Group Leader Environmental Analysis Unit
SUBJECT:		Environmental Permits for the Replacement of Bridge 109 on SR 1706 (Martin Luther King Jr. Avenue) over US 29 (N. Cannon Blvd.) in Cabarrus County, Division 10, TIP: B-5372.

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide Permit 14	March 14, 2026
NC Division of Water Resources Section 401 Water Quality Certification	Individual Certification	March 14, 2026

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans. The Environmental Coordination and Permitting Group or the Division Environmental Office must be consulted if any deviation from the permit(s) is required.

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at: https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/

The Project Commitments "Greensheet" is located on the Preconstruction SharePoint Dashboard at: https://connect.ncdot.gov/site/preconstruction



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT WILMINGTON REGULATORY OFFICE 69 DARLINGTON AVENUE WILMINGTON NORTH CAROLINA 28403

June 26, 2024

Regulatory Division SAW-2024-00888

Sent Via email: recrowther@ncdot.gov

Mr. Robert Crowther Environmental Program Consultant, EAU NCDOT 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Mr. Crowther:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District on April 29, 2024, for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAW-2024-00888 and is known as NCDOT B-5372 SR 1706, Bridge# 109 Replacement. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include the replacement of the existing NC DOT Bridge # 109 on SR 1709 across US 29 in Kannapolis, Cabarrus County. The activities in waters of the United States include the replacement of the existing overpass bridge and construction of improved bridge approach/ramp for the new bridge. The project involves replacement of an existing culvert within the roadway/bridge approach that will include a total of 235 linear feet of permanent impacts from the placement of the culvert/channel relocation and 24 linear feet of temporary dewatering activities. The project area for this determination includes approximately 2 acres area which is illustrated on the enclosed site plans/maps. The project/review area is located across an unnamed tributary to Cold Water Creek; east of the existing SR 1706 (Martin Luther King Jr. Avenue) bridge across US 29, at Latitude 35.492650 and Longitude -80.611050; in Kannapolis, Cabarrus County, North Carolina.

We have determined that the proposed work is authorized by Nationwide Permit 14 (NWP-14) pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of

permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific Special Conditions:

- All work must be performed in strict compliance with (a) the description of work in the PCN and (b) the Wetlands and Surface Water Impact Permit Drawing(s) (Permit Plans) in the application dated April 3, 2020. Any modification to the description of work and/or the permit plans must be approved by the USAGE prior to implementation.
- 2. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this authorization letter 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 authorization letter, all conditions, and any authorized modifications. A copy of this authorization letter, all conditions, and any authorized modifications, shall be available at the project site during construction and maintenance of this project.
- The permittee agrees to implement the follow conservation measures for the NCDOT NCDOT B-5372 SR 1706, Bridge # 109 Replacement in Cabarrus County: See subsequent permit modification letter from USACE dated 10/24/24
 - a. Tree clearing will take place from October 16 to March 31, pending federal listing of the tricolored bat (Perimyotis subflavus).
 - b. Bridge demolition will occur outside of the bat active season.
 - c. Should night work occur during the bat active season (April 1-October 15), temporary lighting will only be used to illuminate work areas and will avoid lighting the surrounding landscape.
 - d. No additional permanent lighting will be added to the roadway.
 - e. No blasting will occur.
- 4. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Forms. The requirements of these forms, including any special conditions listed on these forms, are hereby incorporated as special conditions of this permit authorization.

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Stephen Brumagin, WRDA Project Manager of the Charlotte Field Office at (704) 798-6471, by mail at the above address, or by email at stephen.a.brumagin@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at https://regulatory.ops.usace.army.mil/customer-service-survey/.

Sincerely,

Monte Mat 2024.06.26 14:26:07 -04'00'

Monte K. Matthews NCDOT/WRDA Branch Chief Wilmington District

Enclosures

Permit Plans 401WQC NWP-14

cc (w/enclosures)

Michael Turchy, NCDOT (via <u>maturchy@ncdot.gov</u>) Erin Cheely, NCDOT (via <u>ekcheely@ncdot.gov</u>)

Compliance Certification Form

File Number: SAW-2024-00888

County: Cabarrus

Permittee: NCDOT, Mr. Robert Crowther

Project Name: NCDOT B-5372 SR 1706, Bridge# 109 Replacement

Date Verification Issued: 6/26/2024

Project Manager: Stephen Brumagin

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS Wilmington District Attn: Stephen Brumagin Charlotte Field Office 8430 University Executive Park Suite 615 Charlotte, NC 28262 or stephen.a.brumagin@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work, and mitigation (if applicable), authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions.

Date Authorized Work Started: ____

Completed: ____

Describe any deviations from permit (attach drawing(s) depicting the deviations):

*Note: The description of any deviations on this form does not constitute approval by the Corps.

Signature of Permittee



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT WILMINGTON REGULATORY OFFICE 69 DARLINGTON AVENUE WILMINGTON NORTH CAROLINA 28403

October 24, 2024

Regulatory Program/Division

SAW-2024-00888 NCDOT B-5372 SR 1706, Bridge #109 Cabarrus Co

Sent Via Email: ekcheely@ncdot.gov

Ms. Erin Cheely, Western Team Lead NC Department of Transportation, Environmental Coordination & Permitting Environmental Analysis Unit 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Ms. Cheely:

Please reference the following projects and permit verifications issued on the below corresponding dates:

Corps Project Number	Project Description	Date of Authorization
SAW-2024-00888	B-5372, SR 1706, Bridge #109 Replacement in Kannapolis, Cabarrus County	June 26, 2024

Please note, when this permit verification was issued this project fell within the range of the Tricolored Bat (*Perimyotis subflavus*) (TCB) and the U.S. Army Corps of Engineers (Corps) determined that this project may affect but was not likely to adversely affect this species. The U.S. Fish and Wildlife Service (USFWS) concurred with the determination and conditions were included in the project permit verification to protect the TCB.

By email dated April 8, 2024, the USFWS notified the Corps that the TCB range maps had been updated. The Corps reviewed the new range mapping and determined that this project is currently outside of the TCB range. Therefore, the Corps determination for this project is revised to no effect. A map depicting the current limits of the TCB range in relation to this project is attached for your reference.

Because of the effect determination change as stated above, the special conditions related to conservation measures included in the June 26, 2024, authorization to protect TCB are no longer required for this project and are hereby modified. Specifically, Special Condition 3.a.- 3.e. will no longer apply to this project. However, since the TCB remains proposed for listing as an endangered species and may become listed during

the duration of the construction of the B-5372 Cabarrus project, the Corps will include the following special condition with the modified authorization to construct the B-5372 Cabarrus project:

"Suitable habitat for the tricolored bat (*Perimyotis subflavus*, TCB) may be present at the site. On September 14, 2022, the U.S. Fish and Wildlife Service (USFWS) published a proposal in the Federal Register to list the TCB as endangered under the Endangered Species Act (ESA). If the USFWS list the TCB and the identified project is located within TCB range, the proposed action may affect its suitable habitat. If work associated with the project is not completed before the listing's effective date, then work must cease, and the permittee must contact Mr. Stephen Brumagin, WRDA Project Manager, to determine if additional coordination with the USFWS is required under Section 7 of the ESA prior to continuing work."

Please note that all other permit conditions included in the authorization for this project issued on June 26, 2024 (to include the expiration date) are still applicable.

This letter, along with the original permit verifications listed above, constitute the entirety of the Section 10/404 decision for this project. If you have any questions related to this letter, please contact Stephen Brumagin, WRDA Project Manager at 704-798-6471, or by email at stephen.a.brumagin@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at: https://regulatory.ops.usace.army.mil/customer-service-survey/.

Sincerely,

M. Scott Jones, PWS WRDA / Transportation Branch Chief USACE - Wilmington District

Enclosures

USFWS Tricolored bat range map with B-5372 Cabarrus project Prepared by the Corps 10-24-24



NCDOT B-5372 SR 1706 Bridge # 109 Replacement, Cabarrus Co. created from USFWS tricolored bat range map 10-24-2024

US Army Corps of Engineers – Wilmington District Compensatory Mitigation Responsibility Transfer Form

Permittee: Mr. Robert Crowther Project Name: NCDOT B-5372 SR 1706, Bridge # 109 Replacement

Action ID: SAW-2024-00888 County: Cabarrus

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that Wilmington District Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one Mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate Mitigation Sponsors.

Instructions to Sponsor: The Sponsor verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements

Permitted Imp	acts Requiring N	litigation*:	8-digit HUC and Basin: 03040105, Yadkin River Basin					
Stream Impacts (linear feet)			Wetland Impacts (acres)					
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal		
235								

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: 8

8-digit HUC and Basin: 03040105, Yadkin River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)						
Warm	Cool	Cold	Riparian Riverine	Non-Riparian	Coastal				
470									

Mitigation Site Debited: NCDMS

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the Wilmington District, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name:___

Name of Sponsor's Authorized Representative:

Signature of Sponsor's Authorized Representative

Date of Signature

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the District is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the District is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. When NCDMS provides mitigation for authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the District Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the District, the Sponsor must obtain case-by-case approval from the District Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the District administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions: NCDMS Mitigation Acceptance Letter dated February 16, 2024.

This form is not valid unless signed below by the District Project Manager and by the Mitigation Sponsor on Page 1. Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to <u>SAWMIT@usace.army.mil</u>). Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

USACE Project Manager:	Stephen Brumagin				
USACE Field Office:	Charlotte Field Office				
	US Army Corps of Engineers				
	8430 University Executive Park				
	Charlotte				
Email: Block a Br	stephen.a.brumagin@usace.army.mil Digitally signed by BRUMAGIN.STEPHEN.A.12835 20737 Date: 2024.06.26 09:29:16 -04'00'				
Wilmington Di	strict Project Manager Signature				

June 26, 2024 Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at http://ribits.usace.army.mil.

ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR. Director



June 25, 2024 Cabarrus County NCDWR Project No. 20210444 Bridge 109 on SR 1706 STIP No. B-5372 WBS Element No. 46087.1.1

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. Robert Crowther Environmental Analysis Unit North Carolina Department of Transportation 1598 Mail Service Center Raleigh, North Carolina, 27699-1598

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to Bridge 109 on State Road 1706 (Martin Luther King Jr. Avenue) in Cabarrus County, TIP B-5372, NCDWR Project No. 20210444, WBS Element No. 46087.1.1.

Dear Mr. Crowther:

Attached hereto is a copy of Certification No. 4246 issued to The North Carolina Department of Transportation (NCDOT) dated June 25. 2024.

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)]. This Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Mary Plummer at 704-235-2193 or <u>mary.plummer@deq.nc.gov</u> if you have any questions or concerns.

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Richard E. Rögers Jr., Director Division of Water Resources

Electronic copy only distribution:

Erin Cheely, NC Department of Transportation Joel Howard, NC Department of Transportation, Division 10 Steve Brumagin, US Army Corps of Engineers, Charlotte Field Office Rebekah Reid, US Fish and Wildlife Service David McHenry, NC Wildlife Resources Commission File Copy



North Carolina Department of Environmental Quality | Division of Water Resources 512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617 919.707.9000

401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with 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 Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 259 linear feet of jurisdictional streams in Cabarrus County. The project shall be constructed pursuant to the application dated and received April 29, 2024. The authorized impacts are as described below:

Stream Impacts (Linear Feet) in the Vadkin-Pee Dee River Basin

SD Site	Site	Perm Fill in Stre	n Perennial eam	Temp Fill in Perennial Stream	Total Stream	Stream Impacts Requiring
		Culvert	Relocation	Construction	Impacts	Mitigation
SD 1	1	45	-	-	45	45
SD 1	2		85	-	85	85
SD 1	3	-	-	12	12	-
SD 2	4	50	50 -		50	50
SD 2	5	-	55	-	55	55
SD 2	6		1	12	12	-
Tot	ala	95 140		24	250	225
Totals		23	85	24	259	235

Total Stream Impacts for Project: 259 linear feet.

The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin-Pee Dee 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 dated and received April 29, 2024. Should your project change, you are required to notify the NCDWR 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 300 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 on the same day as the expiration date of the corresponding Corps of Engineers Permit.

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded. Upon the presentation of proper credentials, the Division may inspect the property.

Condition(s) of Certification:



Project Specific Conditions

- 1. All work in or adjacent to stream waters shall be conducted per approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 2. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
- 3. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (as described in the stormwater management plan) before entering the stream. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
- 4. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H. 0506(b)(2)]
- 5. The post -construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H. 0506(b)(2)]
- 6. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
- 7. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H. 0506(b)(3)
- A turbidity curtain will be installed in the stream if driving or drilling activities occur within the stream channel, on the stream bank, or within 5 feet of the top of bank, or during the removal of bents from an old bridge. This condition can be waived with prior approval from the NCDWR. [15A NCAC 02H 0506(b)(3)
- 9. All bridge construction shall be performed from the existing bridge, temporary work bridges, temporary causeways, or floating or sunken barges. If work conditions require barges, they shall be floated into position and then sunk. The barges shall not be sunk and then dragged into position. Under no circumstances should barges be dragged along the bottom of the surface water. [15A NCAC 02H 0506(b)(3)
- 10. Design and placement of culverts and other structures shall be installed in such a manner that the original stream profiles are not altered (i.e., the depth of the channel must not be reduced by a widening of the streambed). Existing stream dimensions (including pattern and profile) are to be maintained above and below locations of each culvert. The structures shall be designed and installed to allow for fish and other wildlife movement as well as prevent headcutting of the stream. The applicant may be required to provide evidence that the equilibrium has been maintained if requested in writing by the NCDWR. [15A NCAC 02H.0506(b)(2)]
- 11. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. 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 or upstream and downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]



- 12. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross sections as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 13. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]
- 14. Compensatory mitigation for 235 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated February 16, 2024 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the DMS Mitigation Banking Instrument signed July 28, 2010.

General Conditions

- 1. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
- 2. The use of rip-rap above the Normal High-Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 3. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 4. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 5. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 6. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 7. The permittee 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 and Federal law. If the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
- 8. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
- 9. A copy of this Water Quality Certification shall always be maintained on the construction site. 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 10. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to



areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]

- 11. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e., local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
- 12. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 13. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 14. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 15. 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 to protect surface waters standards [15A NCAC 02H.0506(b)(3) and (c)(3]):
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The 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.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 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. [15A NCAC 02H.0506(b)(2)]
- 17. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H. 0506(b)(2)]
- 18. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H. 0506(b)(3)]
- 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. 15A NCAC 02H. 0506(b)(3)]

- 21. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H. 0506(b)(3) and (c)(3)]
- 22. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 {b)(3) and (c)(3) and 15A NCAC 02B .0200]
- 23. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *NCDOT Sediment and Erosion Control Manual*.
- 24. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
- 25. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) within sixty (60) calendar days. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition forms may be accessed at http://www.ncoah.com/ or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on: William F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S 150B-23(a).

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Mary Plummer at 704-235-2193 or <u>mary.plummer@deq.nc.gov</u> if you have any questions or concerns.



This the 25th day of 2024

DIVISION OF WATER RESOURCES

DocuSigned by: obert Ridinge -80ECA32C7C38490...

Richard E. Rogers, Jr, Director

WQC No. 4246



ROY COO Governor	OPER	STATE - MORE
Secretary	I II S. DISEK	+ Car CLAN YOR *
RICHARD Director	DE. ROGERS, JR.	NORTH CAROLINA Environmental Quality
	NCDWR Project No.:	County:
	Applicant:	
	Project Name:	
	Date of Issuance of 401 Water	Quality Certification:
	Certificate of Completion Upon completion of all work ap any subsequent modifications, t Unit, North Carolina Division of may be returned to NCDWR by necessary to send certificates fr <i>Applicant's Certification</i>	pproved within the 401 Water Quality Certification or applicable Buffer Rules, and he applicant is required to return this certificate to the 401 Transportation Permittin of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This for the applicant, the applicant's authorized agent, or the project engineer. It is not om all of these.
	I,	, hereby state that, to the best of my abilities, due care and diligenc he construction such that the construction was observed to be built within substanti- 1 Water Quality Certification and Buffer Rules, the approved plans and tring materials.
	Signature:	Date:
	Agent's Certification	
	I,	, hereby state that, to the best of my abilities, due care and diligence. he construction such that the construction was observed to be built within substantion. Water Quality Certification and Buffer Rules, the approved plans and string materials.
	Signature:	Date:
	Engineer's Certification	
	Partial	Final
	I, Carolina, having been authorize Permittee hereby state that, to t construction such that the const Water Quality Certification and	, as a duly registered Professional Engineer in the State of North ed to observe (periodically, weekly, full time) the construction of the project for the he best of my abilities, due care and diligence was used in the observation of the ruction was observed to be built within substantial compliance and intent of the 401 Buffer Rules, the approved plans and specifications, and other supporting material
	Signature	Registration No
	Date	
	Completed hard copies can be of NCDEQ Transportation Permit 1617 Mail Service Center Raleigh NC 27699-1617	mailed to <u>kristilynn.carpenter@deq.nc.gov</u> or mailed to: ting
_		



Highway – – Stormwate	er.			North Care Hig	olina Departme ghway Stormwa	ent of Transportatio ater Program	n					
				STOR	MWATER MAN							The December
WBS Flement	46087 1 1	TIP/Proi No:	B-5372		County(ies):	Cabarrus				Page	1	of 3
WEG Element.	40007.1.1	TH / Toj No.	0.0012	G	aneral Project l	nformation				Tuge	· ·	01 0
WBS Element		46087 1 1		TIP Number:	B-5372		Project	Type	Bridge Replacement	lr.)ato:	2/0/2024
NCDOT Contact:		David Stutts, PE		The Humber.	0012	Contractor / Desig	ner:	Jon Ford, P	E		vato.	2/0/2024
	Address:	1000 Birch Ridge	Drive				Address:	2550 West	Tyvola Road Suite 120			
		Raleigh, NC 2761	0					Charlotte, N	IC 28217			
	Phone:	919-707-6442				-	Phone:	704-357-04	88			
0:4./7	Email:	dstutts@ncdot.gov	<u> </u>			0	Email:	<u>ictord@jmt.</u>	<u>com</u>			
City/Town: Biver Basin(s):		Vadkin F	Kann	apolis		County(les):	Cabai	rrus				
Wetlands within Proi	ect Limits?	No	lee Dee			CAWA County ?	INC.)				
Totanus within Proj					Project Desc	ription						
Project Length (lin m	ules or feet):	885	feet	Surrounding	and Use	Suburban						
i roject cengui (iii. ii	1103 OF 1661).	085		Proposed Project					Existing Site			
Project Built-Linon A	rea (ac.)		0.2	rioposed Flojeci	ac			17				
Typical Cross Sectio	n Description:	2-lane road to brid	ge with sidewalks	s over 4-lane divideo	d highway		2-lane road wi	th 5' bike lar	nes and curb and gutter to	o bridae o	over 4-lane	divided highway
,,		2-lane road to bridge with sidewarks over 4-lane divided highway							g	g		
Annual Avg Daily Tra	ffic (veh/hr/day):	Design/Future	e:	5600	Year:	2040	Existing:		3,520		Year	2020
Quality In	npacts)	proposed rypical is that will outfall into culvert for the una	the jursidictional med tributary to (Stream on site. Rip Cold Water Creek w	julier and sole will be ill be removed a	installed at pipe out	1 ale proge. The p ets across the p 2" welded steel	culvert, the	uce flow velocities and e channel will be shifted to	align with	The existin h the new o	g 66° RCP zulvert.

Highway Stormwater Hoatar (Version 3.00; Released August 2021)		North Carolina Department of Transportation Highway Stormwater Program STORMWATER MANAGEMENT PLAN FOR NCDOT PROJECTS										
WBS Element: 46087.1.1	TIP/Proj No.:	B-5372	County(ies):	Cabarrus		Page	2	of 3				
			General Project	Information								
	Waterbody Information											
Surface Water Body (1):		UT to Cold	Water Creek	NCDWR Stream Index No.:		13-17-9-4-2-(1	1)					
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Water Supply IV (WS-IV)								
	- Hator Boay		Supplemental Classification:	None								
Other Stream Classification:								-				
Impairments:												
Aquatic T&E Species?		Comments:			-		1					
NRTR Stream ID:	SA		1		Buffer Rules in Effect:			N/A				
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	ffer? N/A	Dissipator Pads Provided	in Buffer?		No				
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the Ge	eneral Project N	Narrative; if no	o, justify in the				
(If yes, provide justification in the	General Project N	arrative)			Gene	eral Project Na	rrative)					
				l								
Surface Water Body (2):		UT to Cold	d Water Creek NCDWR Stream Index No.: 13-1/-		13-17-9-4-2-(1	1)	1					
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Water Supply IV (WS-IV)				-				
	,		Supplemental Classification:	None								
Other Stream Classification:								_				
Impairments:												
Aquatic T&E Species?		Comments:			-							
NRTR Stream ID:	SB	_	-		Buffer Rules in Effect:			N/A				
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	ffer? N/A	Dissipator Pads Provided	in Buffer?		N/A				
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the General Project Narrative; if no, justify in the			o, justify in the				
(If yes, provide justification in the	General Project N	arrative)			Gene	eral Project Na	rrative)					
	-											
Surface Water Body (3):		UT to Cold	Water Creek	NCDWR Stream Index No.:		13-17-9-4-2-(1	1)	1				
NCDWR Surface Water Classification fo	r Water Body		Primary Classification:	Water Supply IV (WS-IV)								
			Supplemental Classification:	None								
Other Stream Classification:												
Impairments:												
Aquatic T&E Species?		Comments:										
NRTR Stream ID:	SC				Buffer Rules in Effect:			N/A				
Project Includes Bridge Spanning Water	r Body?	No	Deck Drains Discharge Over Bu	ffer? N/A	Dissipator Pads Provided	in Buffer?		N/A				
Deck Drains Discharge Over Water Bod	y?	N/A	(If yes, provide justification in	the General Project Narrative)	(If yes, describe in the Ge	eneral Project N	Varrative; if no	o, justify in the				
(If yes, provide justification in the	General Project N	arrative)			Gene	eral Project Na	rrative)					

Version 3.00; Released August 2021)	North Carolina Department of Transportation Highway Stormwater Program STORMWATER MANAGEMENT PLAN FOR NCDOT PROJECTS								
WBS Element: 46087.1.1	TIP No.:	B-5372	County(ies):	Cabarrus		Page	3	of	3
			Additional Waterboo	dy Information					
Surface Water Body (4):		UT to Cold	Water Creek	NCDWR Stream Index No.:	1	3-17-9-4-2-(1)			
NCDWP Surface Water Classification for V	Nator Body		Primary Classification:	Water Supply IV (WS-IV)					
NCDWR Surface Water Classification for V	valer Bouy		Supplemental Classification:	None					
Other Stream Classification:									
Aquatic T&F Species?		Comments:							
NRTR Stream ID: SI	D	Comments.			Buffer Rules in Effect:			N/A	
Project Includes Bridge Spanning Water Body? No		No	Deck Drains Discharge Over Bu	ffer? N/A	Dissipator Pads Provided in	Buffer?		N/A	
Deck Drains Discharge Over Water Body? (If yes, provide justification in the Ge	neral Project Na	N/A arrative)	(If yes, provide justification in	(If yes, describe in the General Gener	eral Project Narr al Project Narrati	ative; if no ive)	o, justify ir	ı the	



MILES	Johnson, Mirmiran, & Thompson Inc. 2550 West Tyvola Road, Suite 120, Charlotte, NC, 28217 License No: C-3097							
MILES	2024 STANDARD SPECIFICATIONS RIGHT OF WAY DATE:	REECE M. SCHULER, P.E, P.L.S PROJECT ENGINEER	Ē					
	APRIL 26, 2024	JON FORD, P.E. PROJECT DESIGN ENGINEER						
	LETTING DATE: NOVEMBER 29, 2024	DAVID STUTTS, P.E.						

STATE	STATE	SHEET NO.	TOTAL SHEETS					
N.C.	B-5372			1				
STATE PROJ.NO.		F. A. PROJ. NO.		DESCRIPT	ION			
46	087.1.1			P.E.				
46	087.2.1			ROW				















	PROJECT REFERENCE NO	D. SHEET NO.
	B-5372	5A
	R/W SHEET N	10.
KAD 83	ROADWAY DESIGN ENGINEER	HYDRAUUICS ENGINEER

PERMIT DRAWING SHEET 4 OF 7





	WETLAND AND SUDEACE WATER IMPACTS SUMMARY												
					WETLAND IMPACTS				SURFACE WATER IMPACTS				
							-	Hand			Existing	Existing	
				Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Natural
Site	Stream Name	Station	Structure	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Stream
No.	Stream ID	(From/To)	Size / Type	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Temp.	Design
				(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ft)	(ft)	(ft)
1	UT to Cold Water Creek	-Y- 18+73 to 19+17 LT	Replacement 72" Welded Steel Culvert, New Headwall 45 ft Upstream						0.009		45		
1	UT to Cold Water Creek	-Y- 17+76 to 18+73 LT	Stream Channel Relocation, Inlet Channel Change						0.017	0.002	85	12	
2	UT to Cold Water Creek	-Y- 20+77 to 21+22 LT	Replacement 72" Welded Steel Culvert, New Outlet 53 ft Downstream						0.009		50		
2	UT to Cold Water Creek	-Y- 21+22 to 21+71 LT	Stream Channel Relocation, Outlet Channel Change						0.014	0.001	55	12	
├		1			+	+ +							
┣───┤						+ +							
┣───┤						+ +							
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┝───┤						+							
├		+				┨────┤							
TOTAL	^ *.	<u> </u>				<u> </u>			0.05	10.01	005	0.4	
TOTAL	۵ ^۳ :								0.05	< 0.01	235	24	

*Rounded totals are sum of actual impacts

NOTES:

*1: Emedding Riprap

*2: No Riprap in Channel

Revised 2018 Feb

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 02/09/2024 Cabarrus County B-5372

SHEET 7 OF

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