

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE GOVERNOR EUGENE CONTI Secretary

December 9, 2010

Λ .

MEMORANDUM TO:	Division Nine Engineer
FROM:	Philip S. Harris, III, P.E., Unit Head Natural Environment Unit Project Development and Environmental Analysis Branch
SUBJECT:	Rowan- Davidson Counties, North of SR 2120 (Exit 81) in Rowan County to US 29-52-70/I-85 Business (Exit 87); T.I.P. Number I-2304 AC; Federal Aid Project No. NHF-85-3(164)80; State Project No. 8.1631403

Attached are the modifications to the U.S. Army Corps of Engineers Section 404 Individual Permit and N.C. Division of Water Quality Section 401 Individual Water Quality Certification, Section 401 Letter of Correction and Section 404 Letter of Concurrence for the above referenced project. All environmental permits have been received for the construction of this project.

A copy of this permit package will be posted on the NCDOT website at: http://www.ncdot.gov/doh/preconstruct/pe/neu/permit.html

PSH/gyb

Attachment

Cc:	W/attachment
	Mr. Randy Garris, P.E. State Contract Officer
	Ms. Kent Boyer, Division Environmental Officer
Cc:	W/o attachment (see website for attachments)
	Mr. Majed Alghandour, P. E., Programming and TIP
	Mr. Jay Bennett, P.E., Roadway Design
	Dr. David Chang, P.E., Hydraulics
	Mr. Art McMillan, P.E., Highway Design
	Mr. Tom Koch, P.E., Structure Design
	Mr. Dewayne Sykes, P.E., Utilities Unit
	Mr. Mark Staley, Roadside Environmental
	Mr. John F. Sullivan, FHWA
	Mr. Ron Hancock, P.E., State Roadway Construction Engineer
	Mr. Mike Robinson, P.E., State Bridge Construction Engineer
	Ms. Beth Harmon, EEP
	Mr. Eric Midkiff, P.E., PDEA Central Region Unit Head

TELEPHONE: 919-733-3141 FAX: 919-715-1501

PROJECT COMMITMENTS

I-85

North of SR 2120 (Exit 81) in Rowan County to US 29-52-70/I-85 Business (Exit 87) in Davidson County, Rowan-Davidson Counties Federal Aid Project No. NHF-85-3(164)80 State Project No. 8.1631403 WBS Project No. 35871.1.1 T.I.P. Project No. I-2304 A

<u>COMMITMENTS DEVELOPED THROUGH PROJECT</u> <u>DEVELOPMENT AND DESIGN</u>

Project Development and Environmental Analysis Branch (PDEA)

Because the subject project lies within a Federal Energy Regulatory Commission (FERC)-licensed hydro plant project boundary (the Yadkin Project), approval for land transfer must be obtained by NCDOT in the form of a FERC license revision. Coordination with the proper FERC officials shall take place, and the process to obtain a FERC permit will be followed

A portion of the subject project lies within the Yadkin Hydroelectric Project boundary. (Project No. 2197), as licensed by the Federal Energy Regulatory Commission (FERC). For this reason, NCDOT must receive prior written permission from Alcoa Power Generating, Incorporated (APGI), before beginning construction. This permission would most likely be in the form of a Construction Permit and/or easement, in accordance with the Yadkin Project Shoreline Management Plan (SMP). More specifically, the Industrial Use Approval Procedures are outlined in Appendix F to the SMP. Because the project is considered a 'new bridge or road,' the SMP requires 1) agency consultation, 2) 45-day prior notices to FERC and 3) APGI written permission (SMP Appendix F, Table 2). The Transportation Program Management Unit will coordinate with the proper APGI officials to obtain a FERC permit revision for this project.

Geotechnical Unit

It is anticipated that the proposed widening of I-85 and interchange reconstruction along I-85 will encroach on one property identified as an underground storage tank (UST) site. The project has been designed to minimize impacts to this UST site to prevent the possibility of long-term, costly remediation. This impacted site will be further evaluated before the project's construction.

I-2304 Green Sheets December 2010

Project Development and Environmental Analysis Branch

Due to its historical significance, Bridge # 46, which carries US 29-70 over the Yadkin River in the southbound direction, will remain in place but will be closed to vehicular traffic. The bridge will remain in place to serve pedestrian and bicycle traffic. Ownership, liability, and maintenance responsibilities are currently being discussed by the Rowan and Davidson County Commissioners, the Transportation Museum, and the State Historic Preservation Office (SHPO). It is anticipated that these issues will be resolved before the project construction. The issues related to ownership, liability, and maintenance responsibilities have not been resolved by the above-mentioned parties. These issues continue to be discussed by the local officials.

Rehabilitation of Bridge No. 46 (Wil-Cox Bridge) is not an option due to the present state of deterioration. After submission of the Notice of Adverse Effect to the Council in February 2009, FHWA entered into negotiations with NCDOT, NC HPO and other consulting parties to develop a Memorandum of Agreement (MOA) to mitigate the effects of the project on the Yadkin River Crossing Historic District. Davidson and Rowan Counties attended the initial meeting and informed all parties that they may not be able to honor their original intention to take ownership of the historic Wil-Cox Bridge. Rowan County commissioners voted against participating in preservation of the bridge, while Davidson County commissioners have decided to work in good faith with FHWA and NCDOT towards taking ownership of the Wil-Cox Bridge, once the entire I-85 Yadkin River Bridge Project is completed. The ultimate fate of the bridge is unknown at this time, but the attached MOA has been drafted to accommodate for the effects of either outcome.

<u>Right of Way Branch</u>

It is anticipated that thirteen Geodetic Survey markers will be impacted by this project. The North Carolina Geodetic Survey will be contacted prior to construction regarding the relocation of survey markers along the project.

Project Development and Environmental Analysis Branch / Structure Design Unit

Removal of Bridge #137, which spans the Yadkin River, results in potentially 1,254 cubic yards of temporary fill. NCDOT will implement Best Management Practices for Bridge Demolition and Removal.

Upon further analysis of the amount of temporary fill resulting from bridge demolition, it was determined that only the amount of fill from the substructure would result in temporary fill. The likely potential amount of fill resulting from bridge demolition will be approximately 430 cubic yards. NCDOT will implement Best Management Practices for Bridge Demolition and Removal.

Project Development and Environmental Analysis Branch

The project may have an impact on a low income community in the Williams Trailer Park area located along 1-85 south of SR 2124 (Hackett Road). During the project development process, no concerns have been raised by the public or local government officials concerning environmental justice issues. NCDOT will aggressively seek participation of this low-income community in the public involvement process.

NCDOT held two meetings with the citizens of the Williams Trailer Park. The first meeting was held in the Spencer Town Hall on 6/19/2001, and the second meeting was held in the North Carolina Transportation Museum on 6/24/2002. During these meetings, the design was presented to the trailer park residents, and their input and concerns related to the project were obtained. In addition to these meetings, a more detailed analysis was performed to determine the impacts to this area, and the determination has been made that this project does not create impacts related to Environmental Justice for the Williams Trailer Park.

An on-site community studies review and analysis was conducted by the NCDOT Community Studies staff on March 6, 2009. No major area development or land use changes were observed inside the project limits since the Design Public Hearing was held.

Project Development and Environmental Analysis Branch / Design Services Unit

Based on preliminary studies, five areas were identified as possible noise barrier locations. These noise barriers were determined to be unreasonable, due to the cost of the noise reduction benefits versus the cost of the abatement measures. However, the project will be re-evaluated for noise abatement measures once more detailed designs are complete.

The project was re-evaluated for noise abatement measures. Noise mitigation in the form of a wall was analyzed for several areas along the project. For the I-2304AA section, one location, known as Barrier Location 2, it was determined that a barrier in this location is considered reasonable and feasible by NCDOT guidelines. Hence, a noise wall is recommended in this area. Further coordination with the affected residents and/or business will take place concerning this proposed noise wall.

One traffic noise barrier is proposed for construction on I-2304AA and is located on the west side of I-85, immediately south of the I-85 Business/I-85 interchange. The projects are proposed to be concurrently let as Design/Build. To facilitate the Design/Build process, NCDOT will revise the existing Design Noise Reports by using the current TNM® versinn2.5 software and incorporating the analytical results for both project sections into one report. The proposed noise barrier is anticipated to remain. Completion of the revised NCDOT Design Noise Report is expected in mid-May 2009

<u>Project Development and Environmental Analysis Branch / Design Services Unit /</u> <u>Construction Unit</u>

A roadside memorial exists within the project limits; however it is not anticipated to be impacted by this project. This memorial, dedicated in 1929 by the North Carolina

Historic Commission, which currently owns the property, was investigated for its historical significance. It was determined that this Trading Ford Monument is not eligible for the National Register of Historic Places. Based on this site visit and other information compiled by NCDOT, no additional archaeological work was deemed necessary for this site. The Historic Preservation Office has requested that the bronze plaque be returned to them if the monument has to be removed during construction. Additionally, NCDOT will coordinate with local officials and SHPO to determine if there is a more suitable location for the marker.

According to the current plans, the roadside memorial (Trading Ford Monument) will not be affected by the construction of this project.

Design Services Unit / Structure Design Unit

In accordance with the FERC requirements, a Construction Permit will be issued to NCDOT once all requested information is reviewed and approved by FERC. The construction permit will contain a condition, among many others, that with regard to existing bridges, that NCDOT will be required to remove all concrete down to the existing muck line so that it will not be a hazard or act as a "catch" for floating debris.

Project Development and Environmental Branch

The biological conclusion for the bald eagle was revised to "Not Likely to Adversely Affect." This conclusion was approved by the USFWS. Because eagles may potentially nest in this area prior to bridge construction, NCDOT will re-survey for bald eagles prior to the project's construction.

As of January 31, 2008, the United States Fish and Wildlife Service (USFWS) lists two federally protected species for Davidson County. Those species are the bog turtle and Schweinitz's sunflower. The USFWS lists one federally protected species for Rowan County, which is Schweinitz's sunflower. No new species have been added by the USFWS since the completion of the Environmental Assessment (EA); however, the bald eagle has been delisted since then. The bald eagle was officially delisted on August 8, 2007 (CFR 50 part 17) and is still afforded protection under the Bald and Golden Eagle Protection Act. The biological conclusion of "No Effect" remains valid for the above mentioned species. The NCDOT Natural Environment Unit will update the project Threatened or Endangered Species Report during the fall 2009 survey window.

The NCDOT Natural Environment Unit updated the Threatened and Endangered Species Surveys in September 2009. None of the above mentioned threatened species were found during the survey.

I-2304 Green Sheets December 2010

COMMITMENTS DEVELOPED THROUGH PERMITTING

SECTION 401 WATER QUALITY CERTIFICATION CONDITIONS FROM 2004 PERMIT

Division 9, Roadside Environmental Unit (REU)

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 within 30 days after the project has been released.

Division 9

Stormwater management shall be constructed in accordance with the hydraulic design plans submitted in the February 20, 2004 application.

Hydraulics Unit

The hazardous spill catch basins (I-2304AA Plan Sheet 9) shall be designed and located to afford ready access to maintenance and emergency response personnel and equipment.

- The volume of spill containment storage provided will be approximately 10,000 gallons plus the estimated runoff volume from rainfall intensity equating to a two year return period event.
- A means will be provided such that the normal free flow of runoff at the basin outlet can be interrupted to cause containment of hazardous runoff. This can be accomplished by providing a mechanical control gate or by constructing a minimum control section in the outlet channel. The mechanical gate alternative will generally be utilized in areas where normal operational activities would allow close scrutiny and control, reducing the potential for problems with vandalism.
- Maintenance plans for constructed basins shall be developed in accordance with Best Management Practices (BMPs) and good engineering practices. Additional guidance for properly maintaining containment basins can be found at 40 CFR Part 112, §112.7, et al. (Spill Prevention Control and Countermeasures).
- Inspections of the hazardous spill catch basin and opening/shutting of the gate should be performed annually at a minimum, and within six (6) months after a spill incident to ensure integrity of the catch basin.
- Repairs should occur in a timely manner.
- NCDOT should provide annually, a site location map of all hazardous spill catch basins and similar devices to Federal (USEPA, USCG), DENR, State Emergency Response Coordinator, and all applicable county and urban center response groups.

- Signage indicating the presence of a hazardous spill catch basin shall be provided.
- Roadside Environmental Unit, Division 9

The removal of vegetation in riparian areas should be minimized. NCDOT is encouraged to use existing on-site vegetation and materials for stream bank stabilization and to minimize the use of rip rap. Rip rap shall not be placed in the stream bottom. Riparian vegetation, using native trees and shrubs, must be re-established within the construction limits of the project by the end of the growing season following completion of construction to re-establish the riparian zone and to provide long-term erosion control.

<u>Division 9</u>

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 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. If any of the existing pipes are perched, they shall be removed and replaced, and re-installed correctly, unless demonstrated that this is topographically unfeasible.

Project Development and Environmental Analysis Unit

Summary of Compensatory Mitigation: Compensatory mitigation shall be the same as that approved by the US Army Corps of Engineers, as long as the mitigation required equals a ratio of 1: 1 restoration or creation of lost wetland acres as described in 15A NCAC 2H.0506 (h)(6), and consists of the following:

I-2304 Section AA

- 0.02 acres of on -site riverine wetland restoration within I-2304 Section AA.
- 2644 linear feet of stream impacts will be mitigated through NCDENR Ecosystem Enhancement Program (EEP).
- 1.08 acres of impacts to non-riverine wetlands will be mitigated through EEP.

I-2304 Section AB

- 1.03 acres of on site riverine wetland restoration within I-2304 Section AA.
- 1811 linear feet of stream will be mitigated through EEP.
- 0.16 acres of impacts to non-riverine wetlands will be mitigated through EEP.

In accordance with 15A NCAC 2R.0500, this contribution will satisfy NC Division of Water Quality's compensatory mitigation requirements under 15A NCAC 2H.0506(h). Until the EEP receives and clears NCDOT's payments, wetland or stream fill shall not occur. The payments to EEP shall be sent within two (2) months of issuance of the 404 permit.

Division 9, Design Services Unit, Hydraulics Unit

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 permit drawings contained in the Application dated February 20, 2004 and May 11, 2004.

Division 9

The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions. All stream relocation and restoration activities shall comply with the final natural channel design plans approved by the NC Division of Water Quality.

Division 9, Roadside Environmental Unit

All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be competed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transition phase incorporating coir fiber and seeding establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but NCDOT must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.

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 pre-construction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.

SECTION 404 INDIVIDUAL PERMIT CONDITIONS FROM 2004 PERMIT

Compliance With Plans

Division 9, Design Services Unit

All work must be performed in strict compliance with the plans, which are a part of the Section 404 permit. Any modification to the permit plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

Construction Plans

NCDOT will ensure that the construction design plans for this project do not deviate from the permit plans. 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 waters or wetlands.

Sedimentation and Erosion Control Measures

Division 9, Roadside Environmental Unit

NCDOT 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.

Mitigation

Project Development and Environmental Analysis Unit

NCDOT shall mitigate for 2.29 acres of wetland impacts, and 4,455 linear feet of impacts to streams with important aquatic function, for this project, as described below (1.05 acres of riverine bottomland hardwood wetland restoration at the Yadkin River Swamp Hardwoods Restoration Mitigation Site. And 2.48 acres of restoration equivalent non-riverine wetlands, and 8,910 linear feet of restoration equivalent warm water stream channel, through EEP, in the Yadkin River basin (Cataloging Unit 03040103).

The Department of the Army (DA) permit was modified October 7, 2010, to state that NCDOT will provide 2.54 acres of restoration wetland credits from the onsite wetland restoration project instead of the current 1.05 acres of wetland restoration credits.

YADKIN RIVER SWAMP HARDWOODS RESTORATION MITIGATION SITE

NCDOT shall implement the compensatory wetland mitigation plan entitled "Restoration Plan for Swamp Hardwoods Wetlands At Existing Bridge Causeway of the 1-85 Yadkin River In Rowan County", dated July 12,2004, to provide the restoration described in conditions below. NCDOT shall complete grading for the mitigation within one year of demolition of the existing 1-85 Yadkin River bridge, and complete planting of the site within the first planting season (November 15 to March 15) after grading is completed. NCDOT shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, a minimum of sixty days before completion of grading at the mitigation site, and inform the Project Manager of the expected completion date of the grading.

NCDOT shall mitigate for 1.05 acres of unavoidable impacts to riverine bottomland hardwood forest wetlands associated with this project with 1.05 acres of riverine

bottomland hardwood forest wetland restoration, at the Yadkin River Swamp Hardwoods Restoration Mitigation Site (Yadkin Site).

NCDOT will do a boundary survey of the 1.05 acres of wetland restoration at the Yadkin Site, and submit a copy of the survey to the District Engineer within 90 days after construction of the site is completed.

NCDOT will monitor the site vegetation between June 1 and November 30, inclusively, of each year, and document plant mortality and stress. A minimum of one 0.05-acre sample plots will be established within the 1.05 acre restoration area, and will be placed randomly within a representative position. NCDOT will continue monitoring of the planting area annually until the specified performance criteria is met, as described below.

The Department of the Army (DA) permit was modified October 7, 2010, to state that NCDOT will provide 2.54 acres of restoration wetland credits from the onsite wetland restoration project instead of the current 1.05 acres of wetland restoration credits.

YADKIN SITE MITIGATION MONITORING

<u>Project Development and Environmental Analysis Unit, Division 9, Roadside</u> Environmental Unit

Performance criteria for tree planting areas will be met if sample plots demonstrate that for each of the first three complete years of monitoring, 320 target-species trees per acre have survived, such that at the end of three years, 320 three-year old target-species trees per acre have survived on the site, and, in years four and five, 288 and 260 trees per acre, respectively, have survived on the site, such that at the end of year five, 260 five year old target-species trees per acre have survived on the site.

If for any monitoring year, vegetation survival is not favorable, as determined by the Corps of Engineers, any remedial action required by the Corps of Engineers will be performed, the required restoration areas will be replanted, and the five-year monitoring period will begin again with year one.

GENERAL WETLANDS MITIGATION

NCDOT and subsequent property owners shall maintain the Yadkin Site in its natural condition, as altered by work in the mitigation plan, in perpetuity. Prohibited activities within the mitigation site specifically include, but are not limited to: the construction or placement of roads, walkways, buildings, signs, or structures of any kind (i.e., billboards, interior fences, etc.); filling, grading, excavation, leveling, or any other earth moving activity or activity that may alter the drainage patterns on the property; the cutting, mowing, destruction, removal, or other damage of any vegetation; disposal or storage of any debris, trash, garbage, or other waste material; except as may be authorized by the mitigation plans, or subsequent modifications that are approved by the

Corps of Engineers. In addition, NCDOT shall take no action, whether on or offthe mitigation property, which will adversely impact the wetlands on the mitigation property, except as specifically authorized by this permit, or subsequent modifications that are approved by the Corps of Engineers.

NCDOT shall make every effort to convey the Yadkin Site property to a nonprofit conservation organization or a natural resource agency, which is willing to hold the areas in perpetuity for conservation purposes, and which is acceptable to the Corps of Engineers. The annual monitoring reports, as required, will include the status of the conveyance efforts.

NCDOT shall not sell or otherwise convey any interest in the property used to satisfy mitigation requirements for this permit, to any third party, without 10 days prior notification to Wilmington District Corps of Engineers in writing, which writing shall reference this permit Action ID number.

Any sale, lease, or other conveyance of the mitigation site property shall include restrictions on the use of the property as described in conditions above, which conditions shall be enforced by the North Carolina Department of Transportation. Such restrictions shall include language providing for third party enforcement rights in favor of the Corps of Engineers. Such restrictions must be approved prior to conveyance by the Corps of Engineers.

GENERAL MITIGATION

Project Development and Environmental Analysis Unit

NCDOT shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, to provide that individual with that opportunity to attend the yearly mitigation monitoring efforts.

NC-EEP STREAM AND WETLAND MITIGATION:

Project Development and Environmental Analysis Unit

Compensatory mitigation for the unavoidable impacts to 1.24 acres of non-riverine wetlands, and 4,455 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated April 30, 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 2.48 acres of restoration equivalent non-riverine wetlands, and 8,910 linear feet of restoration equivalent warm water stream channel in the Yadkin River basin (Cataloging Unit 03040103) 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.

The Department of the Army (DA) permit was modified October 7, 2010, to state that NCDOT will provide 2.54 acres of restoration wetland credits from the onsite wetland restoration project instead of the current 1.05 acres of wetland restoration credits.

Navigation

Division 9, Hydraulics Unit, Structure Design Unit

The authorized fill arid structures, and associated activities, in the Yadkin River must not interfere with the public's right to free navigation on the river. No attempt will be made by NCDOT to prevent the full and free use by the public of the river at or adjacent to the authorized work for reason other than safety. NCDOT shall not modify the design of the temporary work bridges to provide an unobstructed main channel less than fifty feet wide, with no vertical structural obstructions from the work bridges extending into the opening.

Construction Plans

Division 9, Hydraulics Unit, Design Services Unit

Prior to commencing construction within jurisdictional waters of the United States, NCDOT shall forward the latest version of project construction drawings to the USACE, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager. Half-size drawings are acceptable.

Historic Property

Division 9, Project Development and Environmental Analysis Unit

NCDOT shall leave Bridge NO. 46, which currently carries US 29-70 over the Yadkin River in the southbound direction, in place, due to its historical significance. NCDOT shall close the bridge to vehicle traffic, but it will serve pedestrian and bicycle traffic. NCDOT shall work out ownership and maintain responsibilities with the Rowan and Davidson County Commissioners, the Transportation Museum, and the North Carolina State Historic Preservation Office.

PERMIT CONDITIONS THROUGH SITES 3 - 13 PERMIT MODIFICATION

All other conditions written into previous Water Quality Certifications dated March 14, 2004 with a modification issued November 22, 2004, and September 27, 2010 for this project still apply except where they are superseded by this certification.

Natural Environmental Unit

Compensatory mitigation for impacts to 1.07 acres of riverine wetlands will be conducted through on-site mitigation. See table 3 below for tracking of wetland mitigation credits. The permittee shall comply with the on-site wetland mitigation plan submitted on July 30, 2004 dated received August 4, 2004. All on-site mitigation sites shall be protected in perpetuity by a conservation easement or through NCDOT fee simple acquisition and recorded in the NCDOT Natural Environment Unit mitigation geodatabase.

	Total Mitigation generated on- site (acres)	Amount of On- site used from site 2 (acres) no.1 (acres)	Amount of)n-site used from sites 3- 12 (acres)	Total On-site mitigation remaining (acres)
On-site Mitigation Credits	2.74	1.51	1.07	0.16

Table 3: On-site Riparian Wetland Mitigation Res	storation Credits Table
--	-------------------------

Compensatory mitigation for 1640 linear feet of impacts to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 30, 2004 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and Dual-Party MOA signed on April 12, 2004.

Hydraulics Unit

All portions of the proposed project draining to 303(d) listed watersheds that are impaired due to biological criteria exceedances shall not discharge stormwater directly to surface waters. Stormwater shall be treated using appropriate best management practices (e.g., vegetated conveyances, constructed wetlands; detention ponds, etc.) prior to discharging to surface waters. This condition shall supersede Condition 4 of Water Quality Certification No. 3455 dated March 19, 2004.

NCDOT shall design, construct, operate and maintain hazardous spill catch basins (HSCBs) at all crossings of the Yadkin River associated with Site 2. These HSCBs shall be designed to function as dry detention basins for post construction stormwater treatment, in accordance with additional information submitted for this permit modifications dated received September 16, 2010, and September 27, 2010. This condition refers only to the I-85 crossing of the Yadkin River at permit site 2.

Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (Hazardous Spill Catch basin-Dry Detention basin combinations) before entering the stream in

accordance with additional information submitted for this permit modifications dated received September 16, 2010, September 27, 2010, and October 13, 2010.

Division 9/ Roadside Environmental Unit

At permit site 5, the portion of the jurisdictional stream that is not to be impacted shall be visually monitored for stability throughout construction and one year post construction. If the stability of this reach is compromised, NCDOT will be required to stabilize the reached through natural channel design. If this is not achievable, then NCDOT will be required to stabilize through other means and mitigate for the impacts.

Turbidity curtains shall be used to isolate all work areas from the stream at the Yadkin River, including pile or casement installation, placement of riprap, excavation or filling. Strict adherence to the Construction and Maintenance Best Management Practices will be required.

<u>Division 9</u>

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 NCDWQ first.

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.

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.

Easterly, Sara E

From: Sent: To: Subject: Thomas, John T JR SAW [John.T.Thomas.JR@usace.army.mil] Thursday, December 02, 2010 10:20 AM Easterly, Sara E RE: I-2304AC Sites 3-13 (UNCLASSIFIED)

Classification: UNCLASSIFIED Caveats: FOUO

Sara,

Thank you for finding and correcting the actual stream channel impacts associated with the referenced DA permit modification for sites 3-13. I will included this e-mail to our file for the project as documentation of this correction.

John Thomas Regulatory Project Manager Raleigh Regulatory Field Office 919 554-4884 ext. 25

-----Original Message-----From: Easterly, Sara E [mailto:seeasterly@ncdot.gov] Sent: Wednesday, December 01, 2010 2:40 PM To: Thomas, John T JR SAW Subject: I-2304AC Sites 3-13

John,

As per our conversation this morning after I receive the 404 Individual Permit Modification for Sites 3-13 I will correct the 1644 linear feet of stream impacts to reflect the actual impacts of 1640 linear feet. Please see below (from the 401 Individual Permit Modification) the corrected stream impacts:

"Compensatory mitigation for 1640 linear feet of impacts to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 30,

2004 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and Dual-Party MOA signed on April 12, 2004."

I will include your email agreeing with the corrected impact number in the permit package for distribution.

Please let me know if you have any questions.

Thank you, Sara

Sara Easterly | Central Region Environmental Specialist | Project Management Group PDEA | Natural Environment Unit | N.C. Department of Transportation (919) 431-1605 office | (919) 431-2002 fax | seeasterly@ncdot.gov



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue Governor Division of Water Quality Coleen H. Sullins Director

November 4, 2010



Dee Freeman Secretary

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

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed widening of I-85 from north of SR 2120 (Long Ferry Road) in Rowan County to south of NC 150 in Davidson County, Federal Aid Project No. NHFIMF-85-3(197)81, WBS 34156.3.GV3, TIP No. 1-2304AC, NCDWQ Project No. 2004-0275 v.4.

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3455 issued to The North Carolina Department of Transportation (NCDOT) dated March 14, 2004 with modifications issued November 22, 2004 and September 27, 2010.

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

Sincerely,

Coleen H. Sullins Director

Attachments

cc: John Thomas, US Army Corps of Engineers, Raleigh Field Office Pat Ivey, PE, Division 9 Engineer Kent Boyer, Division 9 Environmental Officer Chris Militischer, Environmental Protection Agency (electronic copy only) Marla Chambers, NC Wildlife Resources Commission Jason Elliott, NCDOT, PDEA- Natural Environmental Unit Wetlands/401 Transportation Permitting Unity File Copy



Modification to the 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 Quality (NCDWQ) Regulations in 15 NCAC 2H .0500. This certification authorized the NCDOT to impact 1.06 acres of jurisdictional wetlands (Table 1) and 1882 linear feet of jurisdictional streams (Table 2) in Davidson and Rowan Counties, excluding those impacts authorized in DWQ permit number 2004-0275 v3. The project shall be constructed pursuant to the modification dated received October 13, 2010. The authorized impacts are as described below:

Site	Permanent	Temporary	Total	Pee Dee River Ba
	Fill in	Fill in	Stream	Impacts
	Perennial	Perennial	Impact	Requiring
	Stream	Stream	(linear ft)	Mitigation
	(linear ft)	(linear ft)		(linear ft)
Previously permitted impacts at Site 3	485	0	485	485
Revised impacts at Site 3	482	0	482	482
		I	L	
Previously permitted impacts at Site 4	190	0	190	190
Revised impacts at Site 4	184	0	184	184
		An toda statue or a second contract of the second	<u> </u>	
Previously permitted impacts at Site 5	619	0	619	619
Revised impacts at Site 5	554	0	554	554
	E	••••••••••••••••••••••••••••••••••••••	•••••••••••••••••••••••••••••••••••••••	
Previously permitted impacts at Site 6	863	0	863	863
Revised impacts at Site 6	424	0	424	424
	•	,		
Previously permitted impacts at Site 8	97	0	97	97
Revised impacts at Site 8	40	0	40	0
Previously permitted impacts at Site 9	128	0	128	0
Revised impacts at Site 9	128	0	128	0
Previously permitted impacts at Site 10	32	0	32	0
Revised impacts at Site 10	32	0	32	0
Previously permitted impacts at Site 12	0	0	0	0
Revised impacts at Site 12	0	38	38	0
Total Revised Impacts	1844	38	1882	1644

Table 1: Stream Impacts in the Yadkin-Pee Dee River Basin

Total Stream Impact for Project excluding site 2: 1882 linear feet

2

Site	Fill	Fill	Mechanized	Total Wetland
	(ac)	(temporary)	Clearing	Impact (ac)
		(ac)	(ac)	
Previously permitted impacts at Site 5	1.04	0	0.04	1.08
Revised impacts at Site 5	0.96	0	0.04	1.00
Previously permitted impacts at Site 12	0	0	0	0
Revised impacts at Site 12	0	0.01	0	0.01
Previously permitted impacts at Site 13	0	0	0	0
Revised impacts at Site 13	0.05	0	0	0.05
	1.01	0.01	0.04	1.06
Total Revised Impacts				

Table 2: Riverine Wetland Impacts in the Yadkin-Pee Dee River Basin

Total Wetland Impact for Project excluding site 2: 1.06 acres.

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 modified application dated received October 13, 2010. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated March 14, 2004 with modifications issued November 22, 2001 and September 27, 2010 still apply except where superceded by this certification. Should your project change, you are required to notify NCDWQ 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 on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

- 1. All other conditions written into previous Water Quality Certifications dated March 14, 2004 with modifications issued November 22, 2001 and September 27, 2010 for this project still apply except where they are superseded by this certification.
- 2. Compensatory mitigation for impacts to 0.21 acres of riverine wetlands will be conducted through on-site mitigation. See table 3 below for tracking of wetland mitigation credits. The permittee shall comply with the on-site wetland mitigation plan submitted on July 30, 2004 dated received August 4, 2004. All on-site mitigation sites shall be protected in perpetuity by a conservation easement or through NCDOT fee simple acquisition and recorded in the NCDOT Natural Environment Unit mitigation geodatabase.

	Total Mitigation	Amount of On-	Amount of On-	Total on-site
	generated on-site			mitigation
	(acres)	site 2 (acres)	sites 3-12 (acres)	remaining (acres)
On-site Mitigation	2.74	1.51	1.07	0.16
Credits				

Table 3: On-site Riparian Wetland Mitigation Restoration Credits

- 3. Compensatory mitigation for 1644 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 Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 30, 2004 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.
- 4. Alls NCDOT shall design, construct, operate and maintain hazardous spill catch basins (HSCBs) at all crossings of the Yadkin River with the exception of site 12. These HSCBs shall be designed to function as dry detention basins for post construction stormwater treatment, in accordance with additional information submitted for this permit modifications dated received September 16, 2010, and September 27, 2010.
- 5. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means before entering the stream in accordance with additional information submitted for this permit modifications dated received September 16, 2010, September 27, 2010, and October 13, 2010.
- 6. Post-construction Stormwater shall be treated using appropriate best management practices (e.g., vegetated conveyances, constructed wetlands, detention ponds, etc.) prior to discharging to surface waters in accordance with additional information submitted for this permit modifications dated received September 16, 2010, and September 27, 2010.
- 7. At permit site 5, the portion of the jurisdictional stream that is not to be impacted shall be visually monitored for stability throughout construction and one year post construction. If the stability of this reach is compromised, NCDOT will be required to stabilize the reaches through natural channel design. If this is not achievable, then NCDOT will be required to stabilize through other measures and mitigate for the impacts.
- 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 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714 Telephone: (919)-733-2698, Facsimile: (919)-733-3478 A copy of the petition must also be served on DENR as follows:

Ms. Mary Penny Thompson, General Counsel Department of Environment and Natural Resources 1601 Mail Service Center Raleigh, NC 27699-1601

This the 4th day of November 2010

DIVISION OF WATER QUALITY

5

Coleen H. Sullins Director

WQC No. 3455 v. 4

NCDWQ Project No.:	County:	
Applicant:		
Project Name:		
Date of Issuance of 401 Water Quality Certification: _		

Certificate of Completion

a 3

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 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ 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 1	No.

Date _____



North Carolina Department of Environment and Natural Resources

Beverly Eaves Perdue Governor Division of Water Quality Coleen H. Sullins Director

November 30, 2010

RECEIVED Nov 30 2010 DIVISION PDEA-OFFIC

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

Subject: Second Correction to 401 Water Quality Certification No. 3455 v. 4, NCDWQ Project No. 20040275, v. 4, TIP no. I-2304AC.

Dear Dr. Thorpe:

This letter is in regards to the Individual Water Quality Certification No. 3455 v.4 issued November 4, 2010. This letter replaces the correction letter issued November 9, 2010. Please note the changes listed below to stream and wetland impact totals in the text below and tables 1 and 2. Also please note the changes to conditions 1, 2, 3, and 4.

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 (NCDWQ) Regulations in 15 NCAC 2H .0500. This certification authorized the NCDOT to impact 1.08 acres of jurisdictional wetlands (Table 2) and 1845 linear feet of jurisdictional streams (Table 1) in Davidson and Rowan Counties, excluding those impacts authorized in DWQ permit number 2004-0275 v3. The project shall be constructed pursuant to the modification dated received October 13, 2010. The authorized impacts are as described below:

Site	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
Previously permitted impacts at Site 3	485	0	485	485
Revised impacts at Site 3	482	0	482	482
Previously permitted impacts at Site 4	190	0	190	190
Revised impacts at Site 4	184	0	184	184
Previously permitted impacts at Site 5	619	0	619	619
Revised impacts at Site 5	550	0	550	550

Transportation Permitting Unit 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604 Phone: 919-733-1786 \ FAX: 919-733-6893 Internet: http://h2o.enr.state.nc.us/ncwellands/



An Equal Opportunity \ Affirmative Action Employer

١

Previously permitted impacts at Site 6	863	0	863	863
Revised impacts at Site 6	424	0	424	424
Previously permitted impacts at Site 8	97	0	97	97
Revised impacts at Site 8	40	0	40	0
Previously permitted impacts at Site 9	128	0	128	0
	95	0	95	0
Revised impacts at Site 9				0
Previously permitted impacts at Site 10	0	0	0	0
Revised impacts at Site 10	32	0	32	0
Previously permitted impacts at Site 12	0	0	0	0
Revised impacts at Site 12	0	38	38	0
	1807	38	1845	1640
Total Revised Impacts	2007			

Total Stream Impact for Project excluding site 2: 1845 linear feet

Table 2:	Riverine	Wetland	Impacts in	n the	Yadkin-Pee	Dee River Basin

Site	Fill (ac)	Fill (temporary)	Mechanized Clearing	Total Wetland Impact (ac)
		(ac)	(ac)	
Previously permitted impacts at Site 5	1.04	0	0.04	1.08
Revised impacts at Site 5	0.96	0	0.04	1.00
Previously permitted impacts at Site 12	0	0	0	0
Revised impacts at Site 12	0	0.01	0	0.01
·				
Previously permitted impacts at Site 13	0.03	0	0.02	0.05
Revised impacts at Site 13	0.05	0	0.02	0.07
	1.01	0.01	0.06	1.08
Total Revised Impacts				

Total Wetland Impact for Project excluding site 2: 1.08 acres.

- 1. All other conditions written into previous Water Quality Certifications dated March 14, 2004 with modifications issued November 22, 2004 and September 27, 2010 for this project still apply except where they are superseded by this certification.
- 2. Compensatory mitigation for impacts to 1.07 acres of riverine wetlands will be conducted through onsite mitigation. See table 3 below for tracking of wetland mitigation credits. The permittee shall comply with the on-site wetland mitigation plan submitted on July 30, 2004 dated received August 4, 2004. All on-site mitigation sites shall be protected in perpetuity by a conservation easement or through NCDOT fee simple acquisition and recorded in the NCDOT Natural Environment Unit mitigation geodatabase.

	Total Mitigation generated on-site (acres)	site used from	site used from	Total on-site mitigation remaining (acres)
On-site Mitigation Credits	2.74	1.51	1.07	0.16

2

- 3. Compensatory mitigation for 1640 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 Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 30, 2004 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.
- 4. NCDOT shall design, construct, operate and maintain hazardous spill catch basins (HSCBs) at crossings of the Yadkin River associated with site 2. These HSCBs shall be designed to function as dry detention basins for post construction stormwater treatment, in accordance with additional information submitted for this permit modifications dated received September 16, 2010, and September 27, 2010.

Please keep a copy of this letter with the original certification. If we can be of further assistance, do not hesitate to contact us.

Sincerely Coleen H. Sullins

Director

 cc: John Thomas, US Army Corps of Engineers, Raleigh Field Office Anne Gamber, NCDOT Hydraulics Pat Ivey, PE, Division 9 Engineer Kent Boyer, Division 9 Environmental Officer Chris Militscher, Environmental Protection Agency (electronic copy only) Marla Chambers, NC Wildlife Resources Commission Jason Elliott, NCDOT, PDEA- Natural Environmental Unit File Copy



DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS 69 DARLINGTON AVENUE WILMINGTON, NORTH CAROLINA 28403-1343

November 1, 2010

R	EC	E	VED	
20	NOV	4	2 0 10	-
PDEA-0	DIVISION FFICE OF I		GHWAYS Al Environn	IENT

Regulatory Division

Action ID. 199821203; TIP No. I-2304A

Dr. Gregory J. Thorpe, Ph.D. Environmental Management Director, PDEA N.C. Department of Transportation 1598 Mail Service Center Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Reference is made to your Department of the Army (DA) permit issued on December 16, 2004, authorizing the discharge of fill material into waters of the United States (jurisdictional waters) for construction of Section A of the Interstate 85 (I-85) Improvements (T.I.P. No. I-2304A), from north of SR 2120 (Exit 81), northeast of Spence, in Rowan County, to north of I-85 Business (Exit 87), southwest of Lexington, in Davidson County, North Carolina. The project is adjacent to jurisdictional waters of the Yadkin River, Potts Creek, and unnamed tributaries of the Yadkin River. Reference also your written request of October 11, 2010, for a modification to your DA permit to authorize changes to impacts to jurisdictional waters as defined by plans dated September 29, 2010, included in your request associated with proposed construction changes for sites 3-13 of the section AC (formally section AA) of the proposed T.I.P. No. I-2304A project. These proposed changes/modifications to the construction plans would result in a net decrease of 0.06 acres of permanent wetland impacts and net decrease of 575 linear feet of stream channel impacts to the jurisdictional waters of the Yadkin River. We concur with your proposal to adjust your provided compensatory mitigation for the project to account for the net decrease of impacts to jurisdictional waters.

We have determined that the proposed changes/modifications to the construction plans including temporary/permanent impacts to jurisdictional waters are minor and therefor a supplemental public notice is not necessary. The permit is hereby modified to include the change in impacts to jurisdictional waters as described in the referenced provided construction plans dated September 29, 2010, included with your October 11, 2010, modification request. It is understood that all other conditions of the original permit and previous modifications remain applicable, including the permit expiration date of December 31, 2013.

If the permitted work is not completed on or before the date herein specified, the authorization, if not previously revoked or specifically further extended, will cease and become null and void. If additional time is required to complete the project, you should contact this office with a request for an additional time extension.

Should you have questions, please contact Mr. John Thomas, Raleigh Regulatory Field Office, telephone (919) 554-4884 extension 25.

Sinderely

Jefferson M. Ryscavage Colonel, U.S. Army District Commander



DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS 69 DARLINGTON AVENUE WILMINGTON, NORTH CAROLINA 28403-1343

November 29, 2010

Regulatory Division

Action ID: SAW-1998-21203; TIP No. I-2304A



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

Dear Dr. Thorpe:

Reference is made to your Department of the Army (DA) permit issued on December 16, 2004, authorizing the discharge of fill material into waters of the United States (jurisdictional waters) for construction of Section A of the Interstate 85 (I-85) Improvements (T.I.P. No. I-2304A), from north of SR 2120 (Exit 81), northeast of Spence, in Rowan County, to north of I-85 Business (Exit 87), southwest of Lexington, in Davidson County, North Carolina. The project is adjacent to jurisdictional waters of the Yadkin River. Reference also is made to approved modifications to your referenced DA permit for site 2 dated October 7, 2010, and sites 3-13 dated November 1, 2010.

Final reference is made to the NC Division of Water Quality letter of Sec 401 Water Quality Certification (i.e. Water Quality Certification No. 3455) dated November 9, 2010, for your referenced T.I.P. No. I-2304A project. I have reviewed the attached tables included with this referenced letter of Water Certification and concur with reference to the above identified DA permit modifications that these identified tables correctly outline the jurisdictional impacts and required wetland mitigation for your proposed road improvement project (i.e. sites 2-13).

Should you have questions, please contact Mr. John Thomas, Raleigh Regulatory Field Office telephone (919) 554-4884 extension 25.

Sincerely

John Thomas / Regulatory Project Manager Raleigh Regulatory Field Office





PROPERTY OWNERS

NAMES AND ADDRESSES

PARCEL NO.	NAMES	ADDRESSES	SITE NO.
1	YADKIN INCORPORATED	P.O. BOX 688 BADIN, NC 28009	2,10
2	ALUMINUM COMPANY OF AMERICA	P.O. BOX 688 BADIN, NC 28009	2
3	TOLIVER ELECTRICAL COMPANY	P.O. BOX 1167 Granite Quarry, NC 28072	3,4
4	JACK C.LITTLE, SUCCESSOR TRUSTEE U∥E OF JUNE CARTER LITTLE	P.O. BOX 1420 Lexington,nc 27293	5,6,9
5	SHED TIME, INC	5350 STATESVILLE BLVD. SALISBURY, NC 28147	6
6	EARNHARDT REAL PROPERTIES, LLC	1675 DALE EARNHARDT HWY 3 MOORESVILLE, NC 28115	7,8
7	ROBERT L.GRUBB TRUSTEE OF JUNE C.LITTLE	P.O. BOX 1420 Lexington,nc 27293	13

NORTH CAROLINA

DIVISION OF HIGHWAYS ROWAN // DAVIDSON COUNTY

PROJECT: 34156.1.1 // 34156.3.GV3 (I-2304AC)

RECONSTRUCTION OF I-85 FROM NORTH OF SR 2120 IN ROWAN COUNTY TO NORTH OF NC 150 IN DAVIDSON COUNTY SHEET 3 OF 33 09/29/10

	_			WETLA	WETLAND PERMIT IMPACT SUMMARY	IMPACT S	UMMARY			0-010	
			Met	WETLAND IMPACTS	CTS			SURFAC	SURFACE WATER IMPACTS	IPACTS	
	Structure	Permanent Fill In	Temp. Fill In	Excavation in	Excavation Mechanized in Clearing	Hand Clearing in	Permanent SW		Existing Channel Impacts		Natural Stream
	Size / I ype	(ac)	vvetiands (ac)	vvetiands (ac)	In vvetiands (ac)	vvetiands (ac)	(ac)	(ac)	(ft)	(ft)	(ft)
868+60 TO 897+27 -L-	BRIDGE	0.07	0.02		0.14	6:59	<0.01	0.02	06*	68	
	36" RCP						0.06		482		
909+45 TO 910+85 -L-	8" PVC						0.01		184		
9+00 -LPC-	48" RCP	0.96			0.04		0.05		550		
952+60 -L-	66" RCP						0.05		424		
27+10 -SRD-	Roadway Fill										
-	36" RCP						<0.01		40		
50+50 -Y1- 4	48" RCP/Roadway Cut			<0.01	<0.01		0.01		95		
31+07 TO 37+79 -SRB-	BRIDGE					-	<0.01		**32		
Existig I-85 Bridge	Temp. Work Bridge		<0.01					<0.01		38	
59+00 -SRD- RT	Roadway Fill	0.05			0.02						
		1.08	0.02	<0.01	0.20	6.59	0.18	0.02	1807	106	0
oiles: = 10 bu	*Open water fill from bridge piles: = 10 bents * 2 piles/bent * 15.9043 sf/pile = 318.09 sf = 90 ft.	9043 sf/pile = (318.09 sf = (90 ft.							
rrom priage pent = 16.84 square reet.	leel.							NC D	NC DEPARTMENT OF TRANSPORTATION	F TRANSPOR	LATION
									DIVISION OI	DIVISION OF HIGHWAYS	
									ROWAN/DAVIDSON COUNTY	DSON COUNT	X -
										NTI 007-1) 1.1	Derr
									Ê	57	NCV









ABLE: NCDOT_permits_NOCON.tbl 9:22:03 AM SCALE: 1:100

1 DRIVER: NCDOT_pdf.color_eng.100.plt 3. jmgssroc DATE: 9/23/2010



PENTABLE: NCDOT_permits.tb/ TIME: 9:25:01 AM SCALE: 1:100

> T DRIVER: NCDOT.pdf.color.eng.100.plt 3. jmassroc DATE: 9/29/2010




















:100 uulies>PERMITS_Enviromento\Drowings\I23044C.HYD_PRM.

PENTABLE: NCDOT.permits.tbl TTME: 7:53:46 AM SCALE: 1:100



07. permits. NOCON.tbl AM SCALE: 1:100 33.1330.400.400-permits Environmental Oceanien



PENTABLE, NCDOT.permits.tbl

DRIVER: NCD01.pdf.comor.eng.100.plt jmassroc DATE: 9710/2010



	PROJECT REFERENCE NO. SHEET NO.
	I-2304AC ROADWAY DESIGN HYDRAULICS
	ENGINEER ENGINEER
	INCOMPLETE PLANS
	DO NOT USE FOR R/W ACQUISITION
	PRELIMINARY PLANS DO NOT USE FOR CONSTRUCTION
	διαδεί το δελατικό το μεδιατό με το μετά το του το του του του του του του του τ
PERMIT	DRAWINGS OF 33
SHEET 2/	OF <u>55</u>







PENTABLE: NCDOT_permits.tbl TIME: 7:50:51 AM SCALE: 1:100

DRIVER: NCD01.pdf.color_eng.100.plt imaserat DATE.activity.org



PENIZA4.E. NCD07 permits NGCON th

DRIVER: NCD01.pdf.color.eng.100.plt : jmassroc DATE: 9/28/2010



PENIA865 NCD01 Dermits.tbl













ENT.



9/200