

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY PERDUE GOVERNOR EUGENE CONTI SECRETARY

February 4, 2010

MEMORANDUM TO:	Mr. Jay Swain, Jr., PE Division Thirteen Engineer
FROM:	Mr. Jay Swain, Jr., PE Division Thirteen Engineer Philip S. Harris, III, P.E., Unit Head Natural Environment Unit Project Development and Environmental Analysis Branch
SUBJECT:	Yancey County, from SR 1336 (Jacks Creek Road) to SR 1186 (US 19) west of Micaville; T.I.P. Number R-2519 A; Federal Aid Project No. BRZ-1318(8); State Project 6.909001T

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 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 Mr. Roger Bryan, Division Environmental Officer Ms. Beth Harmon, EEP
- 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. 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. Teresa Hart, P.E., PDEA Western Region Unit Head

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

PROJECT COMMITMENTS

T.I.P Project No. R-2519A, From SR 1336 (Jacks Creek Road) to SR 1186 (US 19) west of Micaville Yancey County Federal Aid Project No. BRZ-1318(8); State Project No. 6.909001T

The modifications for R-2518A (retaining wall mod) and R-2519A were combined into one modification by the Army Corps of Engineers. This greensheet refers only to 404 and 401 conditions pertaining to R-2519A. The R-2518A permit mod and conditions are addressed in a separate greensheet/permit package.

This Modification to the R-2518A, R-2518B, & R-2519A, Individual Section 404 Permit and the 401 Water Quality Certification has resulted in no changes to the project green sheets originally issued April 2008. All previous commitments remain valid with the following exceptions.

NEU, Division 13

Modification to 401 Water Quality Certification (September 4, 2009) - Condition 2:

"Compensatory mitigation for impacts to 3,688 linear feet of streams at a replacement ratio of 1:1 is required. Compensatory mitigation for impacts to jurisdictional streams shall be provided by a combination of onsite stream restoration, enhancement preservation, and through the NC Ecosystem Enhancement Program (EEP). EEP will provide the required mitigation that cannot be provided onsite. The onsite stream relocation shall be constructed in accordance with the mitigation plans submitted in your July 31, 2009 application. All onsite 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. Please be reminded that as-builts for the completed streams shall be submitted to the NC Division of Water Quality Transportation Permitting Unit with the as-builts for the rest of the project. If the parameters of this condition are not met, then the permittee shall supply additional stream mitigation for the 3,688 linear feet of impacts. We understand that you have chosen to perform compensatory mitigation for impacts to steams 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 October 22, 2007 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 July 22, 2003 and the Dual Party MOA signed on April 12, 2004."

David Baker of the Army Corps of Engineers stated via phone on January 21, 2010, that the stream impact amount of 4,509 linear feet will be mitigated for R-2519A. NCDOT proposes compensatory mitigation through 3,702 linear feet of onsite stream mitigation with 807 linear feet of mitigation being obtained from EEP at a ratio of 1:1. NCDOT will also obtain 0.30 acre of mitigation from EEP for permanent wetland impacts.

R-2519A Permit Mod Greensheet February 3, 2010

Sheet 1 of 2

Email correspondence with Marla Chambers dated January 25, 2010 stated concerning moratoria for Section R-2519A: "According to our moratoria letter, the UT to Cane River would fall under the same moratorium that we requested for Cane River - April 1 to June 30. We can waive the trout moratorium for Pine Swamp Branch and Bailey Branch, but all other waters, not addressed specifically by our letter dated July 19, 2007, should adhere to the short trout moratorium - January 1 to April 15".

In summary, the in-water moratoria for R-2519A are as follows:

UTs to the Cane River (Permit Sites 1-6): April 1 to June 30 (Mussel spawning)

Bailey Branch, Pine Swamp Branch (Permit Sites 7-10): No moratoria

Little Crabtree Creek, Ray Creek, Sugar Hollow Creek, Allen Branch, George's Fork Shoal Creek, Plum Branch and their UTs (Permit Sites 11-16, 18, 21 -37): January 1 to April 15 (trout moratorium)

R-2519A Permit Mod Greensheet February 3, 2010

Sheet 2 of 2



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

January 6, 2010

Regulatory Division

REPLY TO ATTENTION OF

Hemphill
RECEIVED
JAN 11 2010
DIVISION OF HIGHWAYS
UNAL ENVIRONMENT

Action ID No. SAW-2007-2197-357/300, TIP No. R-2518 A/B and R-2519 A

Gregory J. Thorpe, Ph.D., Director Project Development and Environmental Analysis Branch North Carolina Department of Transportation 1598 Mail Service Center Raleigh, North Carolina 27699-1598

Dear Dr. Thorpe:

Reference the Department of the Army (DA) permit issued on April 17, 2008 to the North Carolina Department of Transportation to discharge dredged or fill material into 0.94 acres of wetland and 14,766 linear feet of stream channel within the Little Ivy Creek, Cane River, and South Toe River drainages associated with the widening of approximately 21 miles of US Highway 19/19E in Madison and Yancey Counties, North Carolina (TIP No's. R-2518 A/B and R-2519 A). Also reference your written requests of July 31, 2009 and November 4, 2009 to modify permitted impacts to waters of the United States within two segments of the US Highway 19 construction corridor.

Your July 31, 2009 modification request addresses Section R-2519A of the US 19E widening project. The original permit, based upon preliminary design, authorized impacts of 5,309 linear feet to surface waters and 0.29 acre to jurisdictional wetlands. Current impacts, now based upon final design plans received with your submittal, have been reduced to 4,509 LF of stream loss, increased slightly to 0.30 acre of wetland impacts, and include 1,019 LF of bank stabilization

Your November 4, 2009 modification request addresses the additional piping of 1,228 LF of Ivy Gap Branch as a result of the elimination of a retaining wall which was depicted on the original Roadway Plan Sheets 30-31 within the R-2518A Section of the project. The change is necessary due to poor soil conditions discovered during geotechnical studies. This revision has been coordinated with and agreed to by all NEPA/404 Merger Team members. The resulting additional stream channel loss includes a 307 linear foot segment of stream which was utilized for preservation mitigation credits in the original permit authorization. This segment, coupled with the aforementioned piping of Ivy Gap Branch, will require additional mitigation for the equivalent of 1,535 linear feet of stream channel. NCEEP has indicated in a letter dated November 5, 2009, that they agree to implement the additional mitigation for the project up to a 3:1 ratio within the French Broad HUC 06010105.

We have reviewed the above proposals and in accordance with your written requests have hereby modified your original authorization. The plans submitted with your requests replace those authorized by our original April 17, 2008 permit. Any further modification to the permit plans must be approved by the USACE prior to implementation.

Special Condition No. 15 of the referenced permit is hereby modified to include the additional language:

"In order to compensate for the additional unavoidable impacts to stream channels, the permittee shall mitigate for unavoidable impacts to 1,535 linear feet of cold-water stream channel associated with this modification by payment to the North Carolina Ecosystem Enhancement Program (NCEEP) in an amount determined by the NCEEP, sufficient to perform 4,605 linear feet of cold-water stream restoration within Cataloging Unit 06010105 of the French Broad River Basin in accordance with the NCEEP Mitigation Acceptance Letter of July 9, 2009 from William D. Gilmore, Director, NCEEP

Special Condition No. 19 of the original permit is modified to read as follows:

"All conditions of the North Carolina Division of Water Quality's Section 401 Water Quality Certification No. 3706, original dated October 11, 2007, and subsequently modified on March 17, 2008, February 20, 2009, September 4, 2009, and December 11, 2009, are hereby incorporated as special conditions of this permit.

It is understood that all other conditions of the original permit remain applicable and that the expiration date is unchanged.

If you have any questions, please contact Mr. David Baker, Asheville Field Office, Regulatory Division, telephone (828) 271-7980, extension 225.

Sincerely,

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

Copies furnished:

J.J. Swain, Jr., P.E., Division Engineer NC Department of Transportation, Division 13 Post Office Box 3279 Asheville, North Carolina 28802 Mr. Brian Wrenn NC Division of Water Quality Transportation Permitting Unit 1650 Mail Service Center Raleigh, North Carolina 27699-1650



North Carolina Department of Environment and Natural Resources

Division of Water Quality Coleen H. Sullins Director

Beverly Eaves Perdue Governor

September 4, 2009

SEP

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DIVISION OF HIGHWAYS
 OFFICE OF NATURAL ENVIRONMENT

2009

Dee Freeman Secretary

Approval of 401 Water Quality Certification with Additional Conditions

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 for Proposed Improvements to US Highway 19/US 19E from future I-26 (existing US 19-23) to NCSR 1186 in Yancey County, State Project No. 6.869005T and 6.909001T, TIP No. R-2518A, R-2518B and R-2519A. DWQ Project No. 2007-1134V.4, Individual Certification No. 3706.

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3706 issued to the North Carolina Department of Transportation dated September 4, 2009. This modification is applicable only to the additional proposed activities and is applicable only to Section R-2519A. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated October 11, 2007 and subsequent modifications (dated March 17, 2008 and February 20, 2009), still apply, except where superceded by this Certification.

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

Sincerely, for Coleen Sullins,

Attachments

cc: David Baker, USACE, Asheville Field Office
J. J. Swain, Division Engineer, NCDOT Division 13
Kathy Matthews, Environmental Protection Agency
Marla Chambers, NCWRC
Marella Buncick, USFWS
Transportation Permitting Unit
Mike Parker, Asheville Regional Office

071134V.4 (Thorpe) US Highway 19-19E

SURFACE WATER PROTECTION SECTION – ASHEVILLE REGIONAL OFFICE Location: 2090 U.S. Highway 70, Swannanoa, North Carolina 28778 Phone: 828-296-4500\ FAX: 828-299-7043 \ Customer Service: 1-877-623-6748 Internet: www.ncwaterquality.org An Equal Opportunity \ Affirmative Action Employer RECEIVED

SEP 0 9 2009

Preconstruction Project Development and Environmental Analysis Branch



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 92-217 of the United States and subject to the North Carolina Division of Water Quality (DWQ) Regulations in 15 NCAC 2H, Section .0500. This certification authorizes the NCDOT to impact 6,101 linear feet of streams and 0.30 acres of wetlands in the French Broad River Basin in Yancey County. The project shall be constructed pursuant to the modification request dated July 31, 2009. The authorized impacts are as described below:

	Table1-Stream Imp				L	
Site	Stream	Stream bank	Permanent	Temporary Fill	Total	Stream
	Relocation in	Stabilization	Fill in	in Perennial	Stream	Impacts
	Perennial	in Perennial	Perennial	Stream (lf)	Impact	Requiring
R-2519A	Stream (lf)	Stream (lf)	Stream (lf)		(lf)	Mitigation
						(lf)
1	0	13	55	16	84	0
2	0	26	59	18	103	0
3	0	13	41	8	62	0
.4	0	33	13	12	58	0
5	0	0	83	13	96	0
6	0	30	51	11	92	0
7	0	0	0	0	0	0
8	0	0	19	9	28	0
9	0	16	16	25	57	0
9A	0	25	0	0	25	0
10	0	23	691	47	761	714
11	0	19	13	10	42	0
12	0	98	34	20	152	0
13	0	16	66	15	97	0
14	0	270	0	0	270	0
15	0	48	82	38	168	0
16	0	0	41	15	56	0
17	0	0	0	0	0	0
18	0	40	69	0	109	0
19	0	0	0	0	0	0
20	0	0	0	0	0	0
21	0	20	46	35	101	0
22	0	40	211	19	270	251
23	0	87	45	9	141	0
24	0	0	535	0	535	535
25	0	0	186	34	220	186
26	583	0	0	11	594	583
27	0	0	143	11	154	0
28	0	133	42	58	233	175
29	0	0	294	14	308	294
30	0	0	200	7	207	200

Table1-Stream Impacts in the French Broad River Basin for R-2519A

Total	800	1,019	3,709	573	6,101	3,688
37	0	0	59	10	69	0
36	0	0	24	12	36	0
35	0	55	18	20	93	0
34	0	0	208	20	228	208
33	0	0	325	26	351	325
32	217	0	0	10	227	217
31	0	14	40	20	74	0

Total Additional Stream Impact for R-2519A: 6,101 linear feet.

Table 2-Wetland Impacts for R-2519A in the French Broad River Basin

Site R-2519A	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)
17 - Non-Riverine	0.02	0	0	0.02	0	0.04
19 - Riverine	0.15	0	0	0.09	0	0.24
20 - Riverine	0.01	0	0	0.01	0	0.02
Total	0.18	0	0	0.12	0	0.30

Total Wetland Impact for R-2519A: 0.30 acres.

The application provides adequate assurance that the discharge of fill material into the waters of the French Broad 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 July 31, 2009 and received on August 6, 2009. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated October 11, 2007 and modifications dated March 17, 2008 and February 20, 2009, still apply except where superceded by this certification. Should your project change, you are required to notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of the 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 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, Costal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding US Army Corps of Engineers Permit.

Conditions of Certification:

Project Specific Conditions

- 1. This Certification authorizes only impacts to streams and wetlands for Section R-2519A from Station No. -L-228+50 to Station No. L-340+50.
- 2. Compensatory mitigation for impacts to 3,688 linear feet of streams at a replacement ratio of 1:1 is required. Compensatory mitigation for impacts to jurisdictional streams shall be provided by a combination of on-site

stream restoration, enhancement, preservation, and through the NC Ecosystem Enhancement Program (EEP). EEP will provide the required mitigation that cannot be provided onsite. The on-site stream relocation shall be constructed in accordance with the mitigation plans submitted in your July 31, 2009 application. 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. Please be reminded that as-builts for the completed streams shall be submitted to the NC Division of Water Quality Transportation Permitting Unit with the as-builts for the rest of the project. If the parameters of this condition are not met, then the permittee shall supply additional stream mitigation for the 3,688 linear feet of impacts. We understand that you have chosen to perform off-site compensatory mitigation for impacts to streams through the North Carolina Ecosystem Enhancement Program (EEP), and that EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated October 22, 2007 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.

3. The onsite stream mitigation shall be constructed in accordance with the design submitted in you July 31, 2009, application. Please be reminded that as-builts for the completed streams shall be submitted to the NC Division of Water Quality Transportation Permitting Unit with the as-builts for the rest of the project. If the parameters of this condition are not met, then the permittee shall supply additional stream mitigation for the 3,688 linear feet of impacts. All channel relocations will be constructed in a dry work area, shall be completed and stabilized, and must be approved by DWQ staff, 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 an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. All stream banks shall be matted with coir fiber matting. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.

Site	Mitigation Type	Length (ft.)	Buffer (ft./side)
26 (George Fork)	Restoration	580	30
29 (Shoal Creek)	Restoration	233	24
32 (UT to Plum Creek)	Restoration	210	20
33 (Plum Creek)	Restoration	157	25
	Total	1, 180	279

Table 3 - On-site Stream Mitigation for R-2519A

Additional mitigation credits may be available on R-2518A and R-2518B.

- 4. The permittee shall monitor the stream relocation sites following the Level 1 protocols outlined in the "Stream Mitigation Guidelines" dated April 2003 with the following exceptions:
 - a. Pebble counts shall not be conducted.
 - b. Two cross sections shall be conducted for streams less than 500 linear feet and five cross sections shall be conducted for streams greater than 500 linear feet.
 - c. Riparian success shall be by visual inspection of plant survival. Photos will be taken and comments noted on plant survival.

The monitoring shall be conducted annually for a minimum of five years after final plantings. The monitoring results shall be submitted to NCDWQ in a final report within sixty (60) days after completing monitoring. After five years the NCDOT shall contact the NCDWQ to schedule a site visit to "close out" the mitigation site.

5. NCDOT shall adhere to all appropriate in-water work moratoriums (including the use of pile driving) prescribed by the US Fish and Wildlife Service and the NC Wildlife Resources Commission.

Cane River and South Toe River- no in-water work from April 1 to June 30 - Appalachian Elk-toe Mussel,

Big Crabtree Creek-no in-water work from October 15 through April 15 - Brook or Brown Trout,

Little Crabtree Creek, Brushy Creek and Long Branch- no in-water work from January 1 through April 15 - Rainbow Trout.

All other unnamed tributaries should use the moratorium appropriate for the named stream they flow to, unless survey data indicate otherwise.

- 6. For projects impacting waters classified by the NC Environmental Management Commission as High Quality Waters (HQW), or Water Supply I or II (WS-I or WS-II) stormwater shall be directed to vegetated buffer areas, grass-lined ditches other means appropriate to the site for the purpose of pre-treating stormwater runoff prior to discharging directly into streams. Mowing of existing vegetated buffers is strongly discouraged.
- 7. The permittee shall use /Design Standards in Sensitive Watersheds/ [15A NCAC 4B.0124(a)-(e)] in areas draining to trout waters. However, due to the size of the project, NCDOT shall not be required to meet 15A NCAC 4B.0124(a) regarding the maximum amount of uncovered acres. Temporary cover (wheat, millet, or similar annual grain) or permanent herbaceous cover should be planted on all bare soil within 15 business days of ground disturbing activities, to provide erosion control. Coir fiber matting should be used in conjunction with appropriate seeding on disturbed soils in steep slope and riparian areas, and should be secured in place with staples and wherever possible, include live stakes of native trees.

Straw mulch and tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian zones. Coir fiber matting shall be used in conjunction with appropriate seeding for the establishment of permanent herbaceous cover on disturbed soils within the riparian area. Hydro seeding along with wood or cellulose based hydro mulch applied from a fertilizer and limestone free tank is allowable at the appropriate rate for the establishment of temporary groundcover within riparian zones. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters is prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank.

General Conditions

- 8. Bridge deck drains should not discharge directly into the streams. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*. Stormwater shall be managed in accordance with your State Stormwater Permit issued by DWQ.
- 9. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted area shall be revegetated with appropriate native species.
- 10. Strict adherence to the most recent version of NCDOT's Best Management Practices For Bridge Demolition and Removal approved by the US Army Corps of Engineers is a condition of the 401 Water Quality Certification.
- 11. 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.

- 12. Bridge deck drains should not discharge directly into the streams. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Please refer to the most current version of *Stormwater Best Management Practices*.
- 13. 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.
- 14. All pile driving or drilling activities shall be enclosed in turbidity curtains unless otherwise approved by NCDWQ in this certification.
- 15. All bridge construction shall be performed form 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.
- 16. 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.
- 17. Unless otherwise approved in this certification, placement of culverts and other structures in waters, streams, and wetlands 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 dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
- 18. 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.
- 19. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
- 20. 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.
- 21. 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.
- 22. 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 NCDWQ 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, NCDWQ may reevaluate and modify this certification.
- 23. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
- 24. 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.
- 25. 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.

- 26. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- 27. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify NCDWQ when all work included in the 401 Certification has been completed.
- 28. 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.
- 29. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - The erosion and sediment control measures for the project must be designed, installed, operated, and a. maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
 - The design, installation, operation, and maintenance of the sediment and erosion control measures must be b. 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.
 - For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and c. maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.
 - The reclamation measures and implementation must comply with the reclamation in accordance with the d. requirements of the Sedimentation Pollution Control Act.
- 30. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.

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 this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 4th day of September 2009

DIVISION OF WATER OUALITY

Roger C. Edwards for Coleen Sullins, Director

WQC No. 3706



Permit Drawing Sheet / of FG



Permit Drawing Sheet 2 of 76







				WETLAND PE	WETLAND PERMIT IMPACT SUMMARY	SUMMARY						
				Š	WETLAND IMPACTS	:TS			SURF,	SURFACE WATER IMPACTS	PACTS	
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands	Temp. Fill In Wetlands	Excavation in Wetlands	Mechanized Clearing in Wetlands	Hand Clearing in Wetlands (ac)	Permanent SW Impacts (ac)	Temp. SW Impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
-	-L- 228+50	1000mm CMP						0.01	<0.01	55	16	
-	-L- 228+50 RT	BANK STABILIZATION						<0.01		13		
2	-D1- 10+40	2.23m X 1.60m CS PIPE ARCH						0.02	<0.01	59	18	
2	-D1- 10+40 RT	BANK STABILIZATION						<0.01		26		
e	-L- 230+85	900mm CMP						0.01	<0.01	41	8	
e	-L- 230+85 RT	BANK STABILIZATION						<0.01		13		
4	-L- 231+50	1800mm CMP						<0.01	0.02	13	12	
4	-L- 231+50 RT	BANK STABILIZATION						0.01		33		
5	-L- 232+90	1500mm CMP						0.02	<0.01	83	13	
6	-L- 236+10	1400mm CMP						0.01	<0.01	51	11	
6	-L- 236+10 RT	BANK STABILIZATION						<0.01		30		
7	-L- 243+30	2100mm CMP						0.00	0.00	0	0	
8	-L- 249+65	1500mm CMP						<0.01	<0.01	19	6	
6	-D4- 10+30	2.41m X 1.70m CS PIPE ARCH						<0.01	<0.01	16	25	
6	-D4- 10+30	BANK STABILIZATION						<0.01		16		
9A	-L- 255+40 RT	BANK STABILIZATION						0.00		25		
10	-L- 257+35 / -Y10- 11+00	2@ 1.8m X 1.8m RCBC / BASIN						0.11	0.01	691	47	
10	-L- 257+35 RT	BANK STABILIZATION						<0.01		23		
11	-L- 270+55	1400mm CSP						<0.01	<0.01	13	10	
11	-L- 270+55 LT	BANK STABILIZATION						<0.01		19		
12	-717- 11+30	2@ 3.0m X 2.4m RCBC						0.01	<0.01	34	20	
12	-Y17- 11+30 LJ/RT	BANK STABILIZATION						0.01		86		
13	-L- 279+83	1@ 2.13m X 1.52m RCBC						0.01	<0.01	99	15	
13	-L- 279+93 LT	BANK STABILIZATION						<0.01		16		
14	-L- 284+30 Lt.	2 - 2@ 3.35m X 2.74m RCBC						0.00	0.00	0	0	
14	-L- 283+96 / -L- 284+98 LT	BANK STABILIZATION						0.07		270		
SHEET TOTAL	TAL:							0.29	0.03	1723	204	
									S	NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS YANCEY COUNTY WBS - 35609.1.1 (R2519A)	PARTMENT OF TRANSPORT/ DIVISION OF HIGHWAYS YANCEY COUNTY WBS - 35609.1.1 (R2519A)	ATION
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						TS			SURFA	SURFACE WATER IMPACTS	PACTS	
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands	Temp. Fill In Wetlands	Excavation in Wetlands	Mechanized Clearing in Wetlands	Hand Clearing in Wetlands	Permanent SW Impacts	Temp. SW Impacts	Existing Channel Impacts Permanent	Existing Channel Impacts Temp.	Natural Stream Design
15	-1- 285+00	2@ 3.6m X 2.4m RCBC	act	(44)	(ac)	1213		0.02	0.01	82	38	
15	-L- 285+00 RT	BANK STABILIZATION						0.01		48		
16	-γ19- 11+60	1050mm CMP						0.01	<0.01	41	15	
17	-L- 287+60	ROADWAY FILL	0.02			0.02						
18	-L- 289+80	1@ 1.83m X 1.83m RCBC						0.01		69		
18	-L- 289+80 RT	BANK STABILIZATION						0.01		40		
19	-L- 292+10	ROADWAY FILL	0.15			0.09						
20	-L- 293+40	1200mm RCP	0.01			0.01						
21	-L- 297+60	1800mm RCP						0.01	<0.01	46	35	
21	-L- 297+60 RT	BANK STABILIZATION						<0.01		20		
22	-L- 300+90	2@ 3.05m X 2.74m RCBC						0.08	0.01	211	19	
22	-L- 301+35 LT	BANK STABILIZATION						0.01		40		
23	-L- 301+40	2@ 1.8m X 1.8m RCBC						0.01	<0.01	45	6	
23	-L- 301+40 LT	BANK STABILIZATION						0.01		87		
24	-Y26- 9+44 LT to 12+26 RT	1050mm RCP						0.06	0.00	535	0	
25	-L- 312+60	2@ 2.13m X 1.83m RCBC						0.03	0.01	186	34	
26	-L- 314+05 to 315+67	STREAM RELOCATION						0.11	<0.01	583	11	580
27	-L- 314+40	1500mm RCP						0.02	<0.01	143	11	
28	-L- 316+60	4@ 3.05m X 2.44m RCBC						0.02	0.02	42	58	
28	-L- 316+60 LT/RT	BANK STABILIZATION						0.04		133		
29	-L- 318+15	2@ 2.44m X 2.13m RCBC						0.06	<0.01	294	14	233
30	-L- 320+10	1200mm CMP						0.02	<0.01	200	7	
31	-L- 324+50	1500mm RCP/CMP						0.01	<0.01	40	20	
31	-L- 324+50 RT	BANK STABILIZATION						<0.01		14		
32	-Y33- 9+90 to 10+40	STREAM RELOCATION						0.03	<0.01	217	10	210
33	-L- 327+90	1@ 3.0m X 1.8m RCBC						0.05	<0.01	325	26	157
SHEET TOTAL	TAL:		0.18			0.12		0.63	0.05	3441	307	1180
NOTE: SITE 25P	> FILL IN ISOLATED POND (-L- 310+60 RT) - 0.040 ac	310+60 RT) - 0.040 ac							N	NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS YANCEY COUNTY WBS - 35609.1.1 (R2519A)	PARTMENT OF TRANSPORT DIVISION OF HIGHWAYS YANCEY COUNTY WBS - 35609.1.1 (R2519A)	ATION

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	Natural Stream Design (ft)																1180	ION	03/13/09
ACTS	Existing Channel Impacts (ft)	20	20		12	10										62	573	NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS YANCEY COUNTY	
SURFACE WATER IMPACTS	Existing Channel Impacts Permanent (ft)	208	18	55	24	59				_		-				364	5528	DEPARTMENT OF DIVISION OF YANCEY	
SURFA	Temp. SW fmpacts (ac)	<0.01	0.01		<0.01	<0.01										0.01	0.09	NCI	SHEET OF
	Permanent SW Impacts (ac)	0.05	0.02	0.03	<0.01	0.01										0.11	1.03	L	0
	Hand Clearing in Wetlands (ac)							-											
Ņ	Mechanized Clearing in Wetlands (ac)																0.12		
WETLAND IMPACTS	Excavation I in Wetlands (ac)																		
	Temp. Fill In Wetlands (ac)																		
	Permanent Fill In Wetlands (ac)																0.18	N = 1017 FT	
	Structure Size / Type	1350mm RCP / 1200mm RCP	3@ 3.35m X 3.05m RCBC	BANK STABILIZATION	1350mm RCP	1500mm RCP												NOTE: TOTAL PERMANENT STREAM IMPACTS DUE TO BANK STABILIZATION = 1017 FT	
	Station (From/To)	-L- 333+15	-Y34- 10+51	-Y34-10+51 LT/RT	-L- 337+25	-L- 340+50										<u>ب</u> ـ	TOTAL:	L PERMANENT STREAM IMP	
	Site No.	34	35	35	36	37		_						-		IEET TOTA	PROJECT TOTAL:	оте: тот а	Pern Shee

				·····
	Site No.	Property Owner Name	Property Owner	Parcel Number
ł	1	Gary Adkins	Address Rt. 1 Box 406, Burnsville, NC 28714	4
		Norman Rabek	Rt. 8 Box 842, Burnsville, NC 28714	2
	2	Clarence Ball Rose Marilyn Angel	Rt. 10 Box 613, Burnsville, NC 28714 Rt. 3 Box 199, Burnsville, NC 28714	6 9
	3	Rose Marilyn Angel	Rt. 3 Box 199, Burnsville, NC 28714	9
	4	Rose Marilyn Angel	Rt. 3 Box 199, Burnsville, NC 28714	9
	5	Zula Wheeler Jerry Jerome McIntosh	Rt. 1 Box 256, Burnsville, NC 28714 Rt. 10 Box 94, Burnsville, NC 28714	12 13
	6	Vicki Banks Tipton	Rt. 10 Box 78, Burnsville, NC 28714	16
	7	Freda Bryson Charles Phillip Styles	619 Norwood Street, Shelby, NC 28150 Rt. 10 Box 814, Burnsville, NC 28714	28 25
	8	Bryant's Land and Development Ind. Ordie Brown	N/A 950 W. 19E, Burnsville, NC 28714	34 35
	9	Yancey Mobile Home Sales, Inc.	P.O. Box 278, Burnsville, NC 28714	49
	10	High Five Hospitality Holdings, LLC Properties on Main, LLC Charles Neill Ellis	N/A N/A P.O. Box 278, Burnsville, NC 28714	90 52 51
	11	Yancey County	Room 11 Courthouse, Burnsville, NC 28714	79
	12	Frank Fox Wallace B. Edge	404 Pensacola Road, Burnsville, NC 28714 P.O. Box 804, Burnsville, NC 28704	102 103
	13	Eloise Briggs E.J. Roland	P.O. Box 835, Burnsville, NC 28714 P.O. Box 234, Burnsville, NC 28714	104 105
	14	S.C.N. Enterprises	P.O. Box 309, Naples, NC 28760	115
	15	David McIntosh	P.O. Box 728, Burnsville, NC 28714	118
•	16	Samuel S. Styles	P.O. Box 534, Burnsville, NC 28714	117
	17	Yancey County	Room 11 Courthouse, Burnsville, NC 28714	122
	18	Glen Raven Silk Mills, Inc. Yancey County	Drawer 100, Burnsville, NC 28714 Room 11 Courthouse, Burnsville, NC 28714	123 122
	19	Yancey Railroad Company	C/O Walter Klements, 3127 Ponce De Leon Blvd, Coral Gables, Fl 33134	129
		List of Property Owners	NC Dept. of Transportation Division of Highways Yancey County Project: WBS 35609.1.1 (R-2519, US 19 E East of SR 1336	A)
			(Jacks Creek Road) to SR 1186 (Old	US 19)
			Sheet of	11/13/06

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Site No.	Property Owner Name	Property Owner Address	Parcel Number
19	Yancey County	Room 11 Courthouse, Burnsville, NC 28714	122
	Cotologo Comito Limito d		
20	Catalano Family Limited Partnership	3100 Airport West Drive, Vero Beach, FI 32960	135
	Grady P. Melton	Rt. 8 Box 50, Burnsville, NC 28714	133
21	Charles Junior Peterson	P.O. Box 712, Burnsville, NC 28714	145
21	Jay (Hannah) Styles	Rt. 8 Box 80, Burnsville, NC 28714	145
22	Yancey County	Room 11 Courthouse, Burnsville, NC 28714	155
	Farrell Hughes	Rt. 8 Box 230, Burnsville, NC 28714	156
	Quality Oil Company	N/A	152A
	Danny Leece Gouge	Rt. 8 Box 103, Burnsville, NC 28714	153
23	Farrell Hughes	Rt. 8 Box 230, Burnsville, NC 28714	156
	Dorothy Deyton	Rt. 8 Box 100, Burnsville, NC 28714	157
			107
24	Zenus Elkins	N/A	238
l	Vanaou Bailroad Company	C/O Walter Klements, 3127 Ponce De Leon	100
	Yancey Railroad Company	Blvd, Coral Gables, Fl 33134	129
	S. Gail Crisp	N/A	- 165
	Rodney D. Shepard	Rt. 8 Box 1250, Burnsville, NC 28714	166
	Edds Independent Station	Rt. 6 Box 152, Burnsville, NC 28714	167
	William Harold Presnell	Rt. 7 Box 778, Burnsville, NC 28714	162
	Johnny Bennett	Georges Fork Road, Burnsville, NC 28714	169
25	Norman Evans	143 Bear Wallow Road, Burnsville, NC 28714	179
	Shoal Creek Baptist Church	N/A	178
25P	Eugene Styles	Rt. 8 Box 525, Burnsville, NC 28714	174
26	Shoal Creek Baptist Church	N/A	178
27	Norma P. Evans	P.O. Box 23, Burnsville, NC 28714	185
21		P.O. Box 741, Burnsville, NC 28714	186
	Roger F. Penland Elizabeth Young Huskins	Rt. 8 Box 549, Burnsville, NC 28714	187
20		142 Deer Mellow Deed, Durren ille, NO 20714	000
28	Norman Evans Lewis J. McEntyre, Jr.	143 Bear Wallow Road, Burnsville, NC 28714 607 West By-Pass, Burnsville, NC 28714	233 189
	,		
29	William Ray Young	Rt. 8 Box 230, Burnsville, NC 28714	194
	Betty Revis	58 Ranchview Acres, Candler, NC 28715	195
30	Lillian Robinson	16 Prospect Street, Asheville, NC 28804	197
31	Beulah Hughes	N/A	201
	Dewey Pate, Jr.	Rt. 2 Box 5, Burnsville, NC 28714	198
	Allen D. Boone	Rt. 2 Box 8, Burnsville, NC 28714 NC Dept. of Transportation	236
		Division of Highways	
	List of Property Owners	Yancey County	• ·
		Project: WBS 35609.1.1 (R-2519)	()
		US 19 E East of SR 1336 (Jacks Creek Road) to SR 1186 (Old	US 19)
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Site No.	Property Owner Name	Property Owner Address	Parcel Number
32	Carrie Blevins	Rt. 8 Box 951, Burnsville, NC 28714	206
33	Carrie Blevins	Rt. 8 Box 951, Burnsville, NC 28714	206
34	Charles R. Dellinger	317 Hillside Drive, Burnsville, NC 28714	214
35	Crabtree Baptist Church Charles R. Dellinger James Luther Thomas	Rt. 2, Burnsville, NC 28714 317 Hillside Drive, Burnsville, NC 28714 P.O. Box 89, Micaville, NC 28755	216 214 215
36	Jennings E. Ray	Rt. 2 Box 1165, Burnsville, NC 28714	218
37	Ovel Tomberlin	Rt. 2 Box 1164, Burnsville, NC 28714	223
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	· · · · · · · · · · · · · · · · · · ·	NC Dept. of Transportation Division of Highways	n
	List of Property Owners	Yancey County Project: WBS 35609.1.1 (R-251	9A)
,		US 19 E East of SR 1336 (Jacks Creek Road) to SR 1186 (Ol	d US 19)
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