

**PROJECT SPECIAL PROVISION**

(10-18-95)

Z-1

**PERMITS**

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<b><u>PERMIT</u></b>	<b><u>AUTHORITY GRANTING THE PERMIT</u></b>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by \* are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-13 of the *2012 Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

**Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.**

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action ID. 2011-00132

County: Rowan

U.S.G.S. Quad: Salisbury

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner/Agent: NCDOT; Rail Division  
Address: ATTN: Marc Hamel  
1553 Mail Service Center  
Raleigh, North Carolina 27699-1553  
Telephone No.: (919) 733-7245, ext. 270

Property description: Study area for propose grade separation at Klumac Road and Norfolk Southern RR, SW of Salisbury, NC.

Size (acres)	<u>N/A</u>	Nearest Town	<u>Salisbury</u>
Nearest Waterway	<u>UT to Town Creek</u>	River Basin	<u>Yadkin</u>
USGS HUC	<u>03040103</u>	Coordinates	<u>N 35.653 W -80.489</u>

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331).

**B. Approved Determination**

There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are waters of the U.S. including wetlands on the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the waters of the U.S. including wetlands on your project area delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The waters of the U.S. including wetland on your project area have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on \_\_\_\_\_. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Eric Alsmeyer at 919-554-4884, Ext. 23.

C. Basis For Determination

The study area contains no waters, with indicators of ordinary high water marks, or wetlands, regulated under Section 404 of the Clean Water Act.

D. Remarks

This JD was done as a desktop jurisdictional determination. The only wetlands within the study area are isolated from any waters of the US, with no discrete surface flows connecting the wetlands. The drawings "Soils Map" and "Wetland Map" (copies att.), submitted on 12/8/2010, show the limits of the study area and the location of the non-404 isolated wetlands.

Corps Regulatory Official



Digitally signed by  
ALSMYER.ERIC.C.1087624486  
DN: cn=US, o=U.S. Government, ou=DoD,  
ou=PCO, ou=USA,  
c=ALSMYER.ERIC.C.1087624486  
Date: 2011.04.01 14:56:25 -04'00'

Date: 4/1/2011 Determination Expiration Date: 4/1/2016

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

Copy furnished (w/ att.):

Stantec  
Attn: Andrea L. Dvorak-Grantz  
801 Jones Franklin Road, Ste. 300  
Raleigh, NC 27606



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue  
Governor

Charles Wakild, P.E.  
Director

Dee Freeman  
Secretary

RECEIVED  
JAN 20 2012  
NCDOT RAIL DIVISION

January 17, 2012  
Rowan County  
DWQ Project No. 20120010  
Klumac Road Grade Separation  
TIP No. U-3459

**APPROVAL of ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 with ADDITIONAL CONDITIONS**

Mr. Ryan White, P.E., Rail Project Development Engineer  
NCDOT, Rail Division  
1553 Mail Service Center  
Raleigh, NC 27699-1553

Dear Mr. White:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of the proposed Klumac Road Grade Separation in Rowan County:

Isolated Wetland Impacts in the Yadkin-Pee Dee River Basin (non-riverine)

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)
1	0.17					0.17
<b>Total</b>	<b>0.17</b>					<b>0.17</b>

**Total Isolated Wetland Impact for Project: 0.17 acres.**

The project shall be constructed in accordance with your application dated received January 1, 2012 with additional information dated received January 17, 2012. After reviewing your application, we have decided that these impacts are covered by State General Permit IWGP100000. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This permit will expire at midnight on October 31, 2013 or unless otherwise rescinded or until deemed appropriate by the Director of the NC Division of Water Quality (DWQ).

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must notify the DWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 150 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification and any conditions listed below.

**Condition(s) of Certification:**

1. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities, unless otherwise approved by this certification.

2. 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.
- \* 3. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
4. 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.
5. 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.
6. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- \* 7. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Rail 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.
8. 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.

If you do not accept any of the conditions of this certification, you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition that conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699. This certification and its conditions are final and binding unless you ask for a hearing. This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please contact Amy Euliss at (336) 771-4959.

Sincerely,



*for* Charles Wakild

Attachments (State General Permit IWGP100000-permittee only and Certificate of Completion form)

cc: Wetlands/401 Transportation Permitting Unit  
File Copy



North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue  
Governor

Coleen H. Sullins  
Director

Dee Freeman  
Secretary

DWQ Project No.: \_\_\_\_\_ County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

**Certificate of Completion**

\* Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

***Applicant's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Agent's Certification***

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***If this project was designed by a Certified Professional***

I, \_\_\_\_\_, as a duly registered Professional \_\_\_\_\_ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Registration No. \_\_\_\_\_

Date \_\_\_\_\_