



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

July 25, 2008

MEMORANDUM TO: Mr. Pat Ivey, PE  
Division Nine Engineer

FROM: Philip S. Harris, III, P.E., Unit Head   
Natural Environment Unit  
Project Development and Environmental Analysis Branch

SUBJECT: Davie/Forsyth Counties, Replace Bridge No.35 over the  
Yadkin River; T.I.P. Number B-3835; Federal Aid Project  
No. BRSTP-158(12); State Project 8.1611401;

Attached are the modifications to the U.S. Army Corps of Engineers Section 404 Nationwide Permit Numbers 23 & 33 for the above referenced project. No written modifications to the Water Quality Certifications are required. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

Cc:

Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design  
Dr. David Chang, P.E., Hydraulics  
Mr. Randy Garris, P.E. State Contract Officer  
Mr. Art McMillan, P.E., Highway Design  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. John F. Sullivan, FHWA  
Ms. Beth Harmon, EEP  
Mr. Eric Midkiff, P.E., PDEA Central Region Unit Head  
Ms. Kent Boyer, Division Environmental Officer

## PROJECT COMMITMENTS

US 158  
Bridge No. 35 over the Yadkin River  
Davie/Forsyth Counties  
Federal Aid Project No. BRSTP-158(12)  
State Project No. 8.1611401  
WBS. 33283.1.1  
T.I.P. No. B-3835

### Commitments Developed Through Project Development and Design

#### **Resident Engineer, Roadway Design Unit, Roadside Environmental and Project Development and Environmental Analysis Branch.**

The construction limits (slope stake line) originally shown on the preliminary plans in the project's southeast quadrant (River Oaks Development) provided by the Department to the Design-Build Teams can not be exceeded if the revised alignment alternative is used by the Design-Build contractor.

*No further action is required.*

NCDOT will provide the following for Tanglewood Park due to the proposed five-lane curb and gutter section on the east approach causing minor impacts adjacent to the existing right of way resulting in a "no adverse effect" on Tanglewood Park.

- a) Installation of continuous curb and gutter from Tanglewood Park to the bridge;
- b) Grade the property adjacent to the construction easement with at least a 4:1 lateral/vertical slope;
- c) Install pre-approved, mutually agreeable landscaping from the Park entrance to the bridge;
- d) Investigate replacing overhead utilities underground along US 158 during the final design;
- e) Maintain access to the Park entrance and to the canoe launch access throughout construction;
- f) Maintain the existing drainage pattern and/or investigate minimizing additional stormwater discharge into the park.
- g) Keep the County, who has jurisdiction over the Park, informed as to the status of this project throughout its planning and construction.

*All of the items shown above except for items (c) and (d), are requirements in the Final Request for Proposals.*

*Item (c) - NCDOT will be responsible for designing and construction of the landscaping within the limits of Tanglewood Park. This work will be accomplished after completion of the Design-Build construction project.*

*Item (d) - NCDOT has investigated the possibility of placing overhead electric power lines along US 158 within the limits of Tanglewood Park underground. Duke Power has indicated these overhead power lines can not be placed underground.*

NCDOT will prepare a landscape design in consultation with the State Historic Preservation Office (HPO) and the property owner of Win-Mock Farm resulting in a “no adverse effect” on Win-Mock Farm.

*The historic boundary for Win-Mock farm has been revised due to development occurring on the property. The project will not require the use of any of the property within the historic boundary and will have “No Effect” on the historic property. Landscape planting will not be required.*

A survey for the Michaux’s sumac will be completed prior to letting.

*A survey for Michaux’s sumac was completed on May 1, 2007 resulting in a biological conclusion of “No Effect”.*

### **Structure Design Unit and Hydraulics Unit**

Curb and gutter sections will be utilized on the immediate bridge approaches

*The Final RFP specifies that curb and gutter is to be used on the bridge approaches.*

NCDOT will pipe the stormwater from the proposed curb and gutter sections on the approaches to grassed swale areas. No weep holes will discharge stormwater from the bridge directly into the Yadkin River.

*All of these requirements are specified in the RFP’s Hydraulics Scope of Work.*

The project floodway and floodplain impacts will be coordinated with the Winston-Salem/Forsyth County Planning Department and the Winston-Salem/Forsyth County Inspections Department.

*The RFP’s Hydraulics Scope of Work requires floodway and floodplain impacts to be coordinated with Davie County Development Services, the Winston-Salem/Forsyth County Planning Department and the Winston-Salem/Forsyth County Inspections Department.*

### **Commitments Developed Through the Permit Process**

During the demolition of the existing bridge the Stage 4 / Stage 4A causeway will encroach on more than 50% of the conveyance area of the river, however, the Stage 4A causeway will be immediately removed once the demolition of existing bent number 11 is complete.

No additional conditions are contained in the permit modification.

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

McLamb  
**RECEIVED**  
JUL 17 2006  
DIVISION OF HIGHWAYS  
OFFICE OF NATURAL ENVIRONMENT

Action ID: SAW 200801261 County: Davie USGS Quad: Clemmons

**GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION**

Property Owner / Authorized Agent: NCDOT / Gregory J. Thorpe  
Address: 1598 Mail Service Center  
Raleigh, North Carolina 27699

Telephone No.: 919 733-3141

Size and location of property (water body, road name/number, town, etc.): Bridge No. 35 on US 158, east of Hillsdale, in Davie County, North Carolina. The project is located adjacent to tributaries of the Yadkin River. TIP B-3835 .

Description of projects area and activity: Mechanized landclearing, excavation and the discharge of fill material associated with the replacement of Bridge No. 35 with a new bridge north of the existing location resulting in 0.06 acre of wetland fill and 0.01 acre of open waters fill (bridge bents) to the jurisdictional waters of the Yadkin River. Traffic will be maintained onsite by use of the existing bridge during construction. This project will require temporary work pads during the replacement of the bridges resulting in approximately 1.33 acres of temporary impact to the jurisdictional waters of the Yadkin River (4 stages / 4 causeways). During the demolition of the existing bridge the stage 4 /4a causeway will encroach more than 50% of river to safely remove existing bent 11. Note: This verification does not include impacts to waters of the United States, including wetlands, from any spoil disposal or borrow sites. These impacts would have to be permitted separately if they become necessary. NCDOT shall follow the current version of the Best Management Practices for Bridge Demolition and Removal for the existing bridges.

Per your request of July 7, 2008, this verification is modified as defined by the plans included with your request to include an additional 0.33 acre of temporary impact to the jurisdictional waters of the Yadkin River associated with the 4 stage / 4 causeways included in this project.

Applicable Law:  Section 404 (Clean Water Act, 33 USC 1344)  
 Section 10 (Rivers and Harbors Act, 33 USC 403)  
Authorization: Regional General Permit Number: \_\_\_\_\_  
Nationwide Permit Number: NW 23 & 33

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted plans. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management .

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact John Thomas @ 919 554-4884 ext. 25.

Corps Regulatory Official

*[Handwritten Signature]*

Date: 04/09/2008

Expiration Date of Verification: 04/09/2010

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 attached customer Satisfaction Survey or visit <http://www.saw.usace.army.mil/WETLANDS/index.html> to complete the survey online.

**Determination of Jurisdiction:**

- Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331).
- 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 US and/or wetlands within 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.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued \_\_\_\_\_. Action ID \_\_\_\_\_

Basis of Jurisdictional Determination: Property has tributary which flows to the Yadkin River and the Atlantic Ocean.

**Appeals Information (This information applies only to approved jurisdictional determinations.)**

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Division  
Attn: Jean Manuele, Project Manager,  
Raleigh Regulatory Field Office  
3331 Heritage Trade Drive, Suite 105  
Wake Forest, North Carolina 27587

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **June 9, 2008.**

**\*\*It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official:

*[Handwritten Signature]*

Date 04/09/2008

Expiration Date 04/09/2010

**SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.**

Copy Furnished:







