



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

November 20, 2012

MEMORANDUM TO: Mr. Louis Mitchell, PE
Division 10 Engineer

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

SUBJECT: Cabarrus County; Widening of NC 49 from east of SR 2630
(Cline Road) to east of NC 73; Federal Project No. NHS-
0049(26); WBS Element 34448.1.1; **TIP R-2533CC.**

E. P. Fush

Attached are modifications to the U.S. Army Corps of Engineers Section 404 Individual Permit and the N.C. Division of Water Quality Section 401 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>

Cc: w/o attachment (see website for attachments):
Mr. Randy Garris, P.E. State Contract Officer
Mr. Larry Thompson, Division Environmental Officer
Mr. Majed Alghandour, P. E., Programming and TIP
Mr. Jay Bennett, P.E., Roadway Design Unit
Mr. Dewayne Sykes, P.E. Utilities Unit
Dr. Art McMillan, P.E., Hydraulics Unit
Mr. Tom Koch, P.E., Structure Design Unit
Mr. Mark Staley, Roadside Environmental Unit
Mr. Ron Hancock, P.E., State Roadway Construction Engineer
Mr. Mike Robinson, P.E., State Bridge Construction Engineer
Ms. Jennifer Harris, P.E., PDEA Western Region Unit Head
Mr. Clarence Coleman, FHWA
Ms. Beth Harmon, EEP
Mr. Phillip Ayscue, NCDOT External Audit Branch

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-707-6100
FAX: 919-212-5785
WEBSITE: WWW.NCDOT.ORG

LOCATION:
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610-4328

PROJECT COMMITMENTS

NC 49 Improvements
From East of SR 2630 to East of SR 2444
Cabarrus County
Federal Aid Project NHS-0049(26)
WBS 34448.1.1
T.I.P. No. R-2533 CC

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

PDEA, Roadway Design, Hydraulics Unit, and Structures Unit

1. The final roadway design will accommodate continued flow in all stream segments. Bridging will be implemented at Dutch Buffalo Creek. Pipes and culverts at all other crossings will be adequately sized in order to insure continuity of flow and to maintain aquatic habitat integrity.
2. Any stream channel modification or relocation that may be required will be coordinated with the United States Fish and Wildlife Service (USFWS) and the North Carolina Wildlife Resources Commission (NCWRC) in accordance with the Fish and Wildlife Coordination Act. Consideration for restoring natural drainage patterns will be given during the final design stages of the project.

PDEA, Hydraulics Unit, Structures Unit, and Division 10 Resident Engineer

3. The Division Resident Engineer will erect signs directing emergency response teams to the hazardous spill catch basins if the signs are deemed appropriate.

COMMITMENTS FROM PERMITTING

Division 10 Construction Engineer, Hydraulics Unit, Roadside Environmental Unit

401 Condition #1 The use of riprap at Permit Sites 1 and 4 shall be minimized to the greatest extent practical and should be limited to the streambanks. If riprap is placed in the streambeds of the relocated Unnamed Tributary (UT) to Adams Creek (Permit Site 1) or the UT to McAllister Creek (Permit Site 4), it shall be embedded such that low flow of water and aquatic passage are not impeded.

401 Condition #2 All riprap used for streambank stabilization, ditchline stabilization along streambanks and floodplain bench construction shall be of sufficient size to prevent migration of the riprap into the active stream channel.

401 Condition #3 The floodplain bench at the outlet of the culvert on Adams Creek (Permit Site 1) shall be constructed as per Detail Sheet 2-Y, and shall include coir fiber matting.

401 Condition #4 An 1800mm RCP, conveying a jurisdictional stream, at Permit Site 4 will be discharging into a 2.7m x 2.7m reinforced concrete box culvert, approximately nine (9) feet from the culvert outlet. The slope of the 1899mm RCP is greater than 5%. Please be advised that if stream destabilization occurs at the culvert outlet due to energy dissipation, NCDOT will be required to install corrective measures to address the stream destabilization.

401 Condition #5 The stream at Permit Site 5 will be relocated to a culvert. If the stream needs to be reconstructed at the culvert inlet to allow for proper alignment with the culvert, NCDOT shall notify the Division 10 Environmental Officer and/or Environmental Specialist to ensure that the stream realignment/reconstruction does not result in further impacts or stream destabilization.

Project Development & Environmental Analysis – Natural Environment Unit

404 Condition U Compensatory mitigation for the unavoidable impacts to 0.31 acres of non riparian wetlands and 3,011 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 16, 2010 from William D. Gilmore, EEP Director. Pursuant to the In-Lieu-Fee Instrument signed July 28, 2010 between the State of North Carolina, Ecosystem Enhancement Program and the US Army Corps of Engineers the EEP will provide 0.62 acres of restoration equivalent riparian wetlands and 6,022 linear feet of restoration equivalent warm water stream channel in the Yadkin River Basin (Hydrologic Cataloging Unit 03040105) in accordance with Section F of the instrument. For wetlands, a minimum of 1:1 (impact to mitigation must be in the form of wetland restoration).

COMMITMENTS FROM PERMITTING MODIFICATION

Division 10 Construction Engineer, Roadside Environmental Unit

401 Modification Condition 1: The log sills at Permit Site 7 shall be installed such that the maximum drop from each sill is one (1) foot or less. DWQ will require periodic inspections of the structures to ensure stability. If instability is observed, corrective measures will be required. The disturbed streambanks shall be stabilized with coir fiber matting and the appropriate native seed mix.

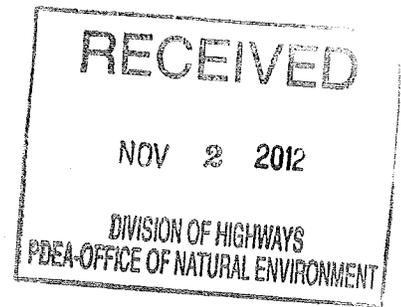
401 Modification Condition 2: The use of riprap at Permit Site 1A shall be minimized to the greatest extent practical and should be limited to the streambanks. If riprap is placed in the streambed, it shall be embedded such that low flow of water and aquatic passage are not impeded.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

October 31, 2012



Regulatory Division

Action ID: SAW-2010-00729
TIP R-2533 CC

North Carolina Department of Transportation
Project Development and Environmental Analysis
Attn: Gregory J. Thorpe, PhD
1598 Mail Service Center
Raleigh, North Carolina 27699

Dear Dr. Thorpe:

Reference the Department of the Army permit issued on September 16, 2011 for permanent impacts jurisdictional wetlands and streams in order to facilitate the widening of existing NC 49 State Transportation Improvement Project R-2533 CC for approximately 2.1 miles, from east of NC 73 to east of SR 2630 (Cline Road) and your written request of March 5, 2012, for a permit modification to address an elevation issue that occurred during the placement of a 1650 mm RCP at site 7, and to impact two additional sites (Site 1 A and 2A) found along the project corridor during an onsite inspection on February 9, 2012.

The total additional impacts authorized at the sites are as follows: Site 1A- 85 linear feet of stream channel and 0.10 acre of wetland cleared; Site 2A- 0.07 acre of additional wetland impact due to clearing and grubbing activities; Site 7- 26 linear feet of stream channel to correct the elevation change where the stream enters the pipe. NC DOT proposed to rectify this issue by the installing a log sill. No additional compensatory mitigation will be required for the stream impacts at site 7.

In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit.

The permit is hereby modified to include the work as shown on the enclosed plan. It is understood that all conditions of the original permit remain applicable and that the expiration date is unchanged.

Sincerely,



Scott Jones, PWS
Chief, Asheville Regulatory Field Office

Enclosures

Copies Furnished with enclosure:

NC DOT, Division 12
Attn: Barry S. Moose, Division Engineer
716 West Main Street
Albemarle, North Carolina 28001

NCDWQ, Mooresville Regional Office
Attn: Alan Johnson
610 East Center Avenue, Suite 301
Mooresville, North Carolina 28115

NC Wildlife Resources Commission
Western NC DOT Permit Coordinator
Attn: Marla Chambers
12275 Swift Road
Oakboro, North Carolina 28129

US Fish and Wildlife Service
Attn: Marella Buncick
160 Zillicoa Street
Asheville, North Carolina 28801

Mr. Chris Militscher
USEPA Region 4 Office,
NEPA Program Office- AFC 13th floor
61 Forsyth Street, SW,
Atlanta, GA 30303

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: North Carolina Department of Transportation
Project Name: R-2533 CC, NC 49 Widening Project

Action ID: SAW-2010-00726
County: Cabarrus

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

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the appropriate ledger and provide a copy of the signed form to the Permittee and to the USACE Bank/In-Lieu Fee Program Manager. The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

Permitted Impacts Requiring Mitigation*			8-digit HUC and Basin: 03040105, Yadkin River Basin			
Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
3,096				0.48		

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

Compensatory Mitigation Requirements:			8-digit HUC and Basin: 03040105, Yadkin River Basin			
Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
6,192				0.96		

Mitigation Site Debited: NC EEP

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCEEP, list NCEEP. If the NCEEP acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

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

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

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

Comments/Additional Conditions:

The original permit dated September 16, 2010 authorized permanent impacts to 3,011 linear feet of stream channel and 0.31 acre wetland within the Yadkin River Basin (HUC 03040105). Additional impacts requested requiring mitigation are 85 linear feet of stream channel and 0.17 acre wetland. Total permanent impacts authorized associated with R-2533 CC are 3,096 linear feet of stream channel and 0.48 acre wetland.

This form is not valid unless signed by the mitigation Sponsor and USACE Project Manager. For questions regarding this form or any of the conditions of the permit authorization, contact the Project Manager at the address below.

USACE Project Manager: Liz Hair
USACE Field Office: Asheville Regulatory Field Office
US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

Email: sarah.e.hair@usace.army.mil

HAIR.SARAH.E

A.1054693512

Digitally signed by HAIR.SARAH.E
A.1054693512
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA, cn=HAIR.SARAH.E
A.1054693512
Date: 2012.10.19 15:32:10 -04'00'

October 19, 2012

USACE Project Manager Signature

Date of Signature

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

Page 2 of 2

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://regulatory.usacesurvey.com/> to complete the survey online.



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild
Director

Dee Freeman
Secretary

April 5, 2012

APR - 6 2012

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

Subject: Modification/Approval of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with Additional Conditions for the Proposed Widening of NC 49 from East of NC 73 to East of SR 2630 (Cline Road), Cabarrus County, TIP No. R-2533CC; WBS 34448.1.1, NCDWQ Project No. 10-0782

Dear Dr. Thorpe:

Attached hereto is a **modification** of Certification No. 003847, issued to The North Carolina Department of Transportation (NCDOT) dated January 18, 2011. This modification is applicable only to the additional proposed activities. All authorized activities and conditions of the certification associated with the original Water Quality Certification, dated January 18, 2011, still apply except where superceded by this certification.

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

Sincerely,

Charles Wakild
Director

Attachments

cc: Sarah Hair, US Army Corps of Engineers, Asheville Field Office
Carla Dagnino, NCDOT PDEA
Larry Thompson, NCDOT Division 10 Environmental Officer
Sonia Carrillo, NCDWQ Transportation Permitting Unit
Polly Lespinasse, NCDWQ Mooresville Regional Office
File Copy

Mooresville Regional Office
Location: 610 East Center Ave., Suite 301 Mooresville, NC 28115
Phone: (704) 663-1699 \ Fax: (704) 663-6040 \ Customer Service: 1-877-623-6748
Internet: <http://portal.ncdenr.org/web/wq>

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Wetland Impacts in the Yadkin River Basin (Riverine) – R2533CC

Permit Site No./ Station No.s	Fill/Clearing Impacts (ac)	Temporary Impacts (ac)	Total Wetland Impact (ac)	Wetland Impacts Requiring Mitigation (ac)
*Site 1A/Station number not provided	0.10 ac (fill and clearing)		0.10 ac	0
Site 1/Station 200+17/201+21-L-REV	0.03 ac (fill)		0.03 ac	0
*Site 2A/Station number not provided	0.07 ac (fill and clearing)		0.07 ac	0
Site 3/Station 213+52/214+02-L-REV	0.20 ac (fill)		0.20 ac	0
Site 5/Station 9+90/12+47-Y1-REV RT	0.09 ac (fill)		0.09 ac	0
Total	0.49 acres	0	0.49 acres	0

* New wetland impact as of 4/2/12 - no mitigation required, less than 1.0 acre of impact

Total Wetland Impacts for Project: 0.49 acres

The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin River Basin and associated wetlands, 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 received March 8, 2012**. **All the authorized activities and conditions of certification associated with the original Water Quality Certification dated January 18, 2011, still apply except where superceded by this certification.** This approval will expire with the associated 404 permit unless otherwise specified in the Water Quality Certification. Should your project change, you are required to notify the 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.

Conditions of Certification:

1. The log sills at Permit Site 7 shall be installed such that the maximum drop from each sill is one (1) foot or less. DWQ will require periodic inspections of the structures to ensure stability. If instability is observed, corrective measures will be required. The disturbed streambanks shall be stabilized with coir fiber matting and the appropriate native seed mix.

- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
11. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
12. 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 Permit. This Certification shall expire upon the expiration of the 404 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:

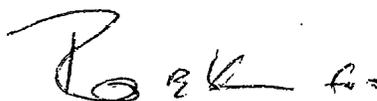
Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919)-733-2698, Facsimile: (919)-733-3478

A copy of the petition must also be served on DENR as follows:

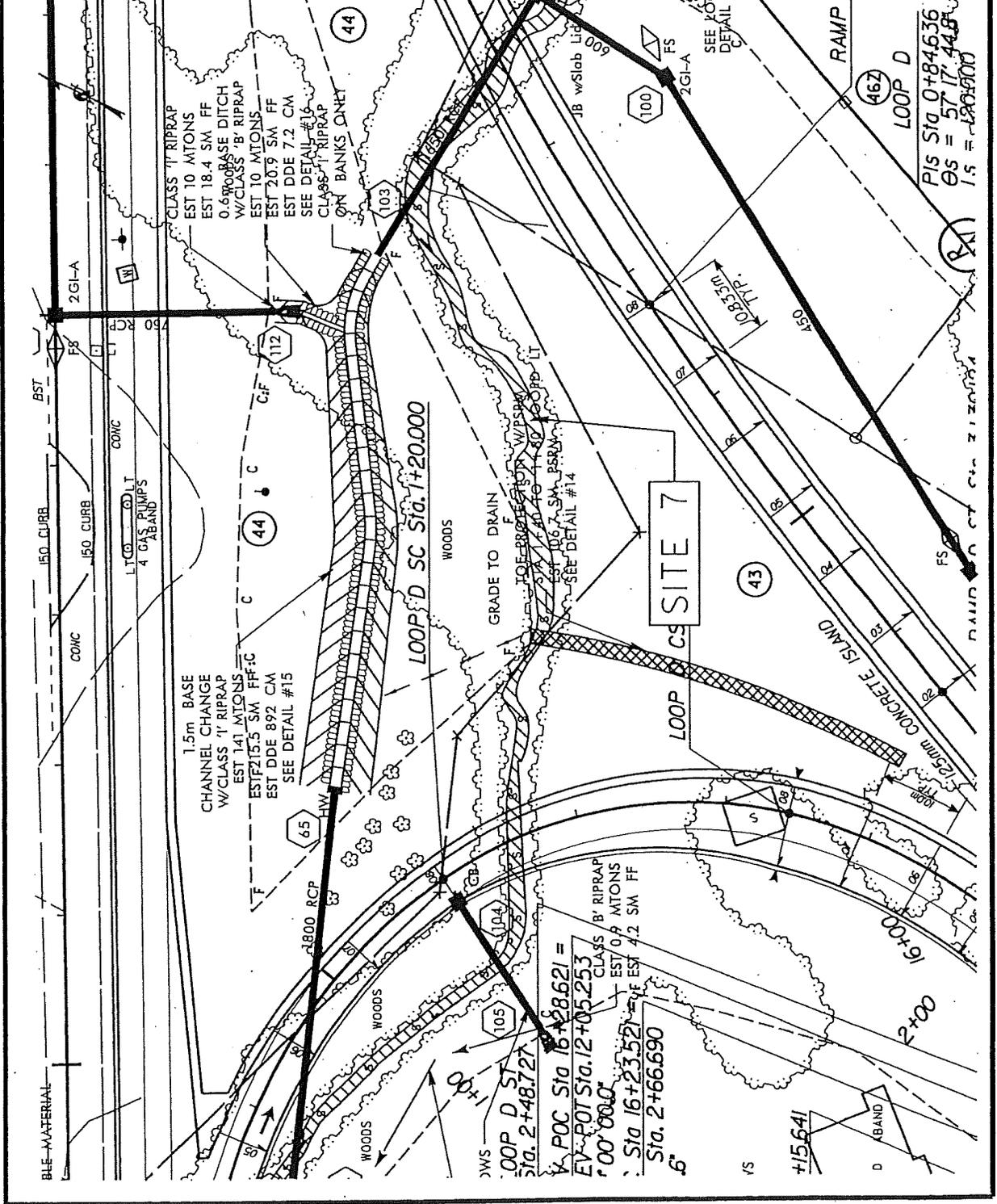
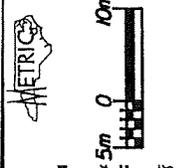
Ms. Mary Penny Thompson, General Counsel
Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

This, the 5th day of April 2012

DIVISION OF WATER QUALITY



Charles Wakild
Director



CLASS '1' RIPRAP
 EST TO MTONS
 EST 18.4 SM FF
 0.5m BASE DITCH
 W/CLASS 'B' RIPRAP
 EST TO MTONS
 EST 20.9 SM FF
 EST DDE 7.2 CM
 SEE DETAIL #15
 CLASS '1' RIPRAP
 ON BANKS ONET

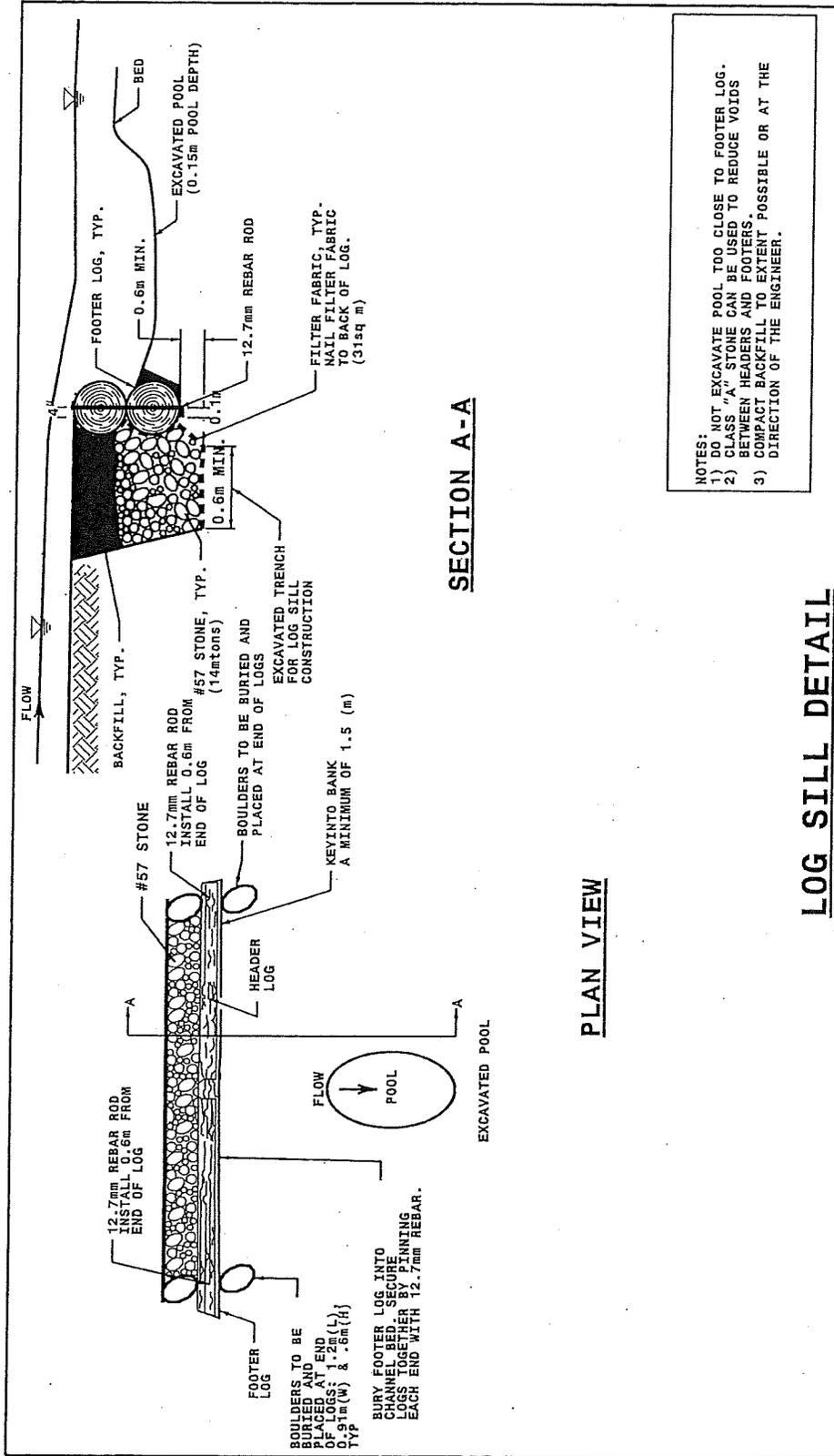
1.5m BASE
 CHANNEL CHANGE
 W/CLASS '1' RIPRAP
 EST 141 MTONS
 EST 1215.5 SM FFF-C
 EST DDE 892 CM
 SEE DETAIL #15

CLASS 'B' RIPRAP
 EST TO MTONS
 EST 0.9 SM FF
 EST 4.2 SM FF
 EST 4.2 SM FF

DENOTES TEMPORARY
 IMPACTS IN SURFACE WATER
 DENOTES IMPACTS IN
 SURFACE WATER

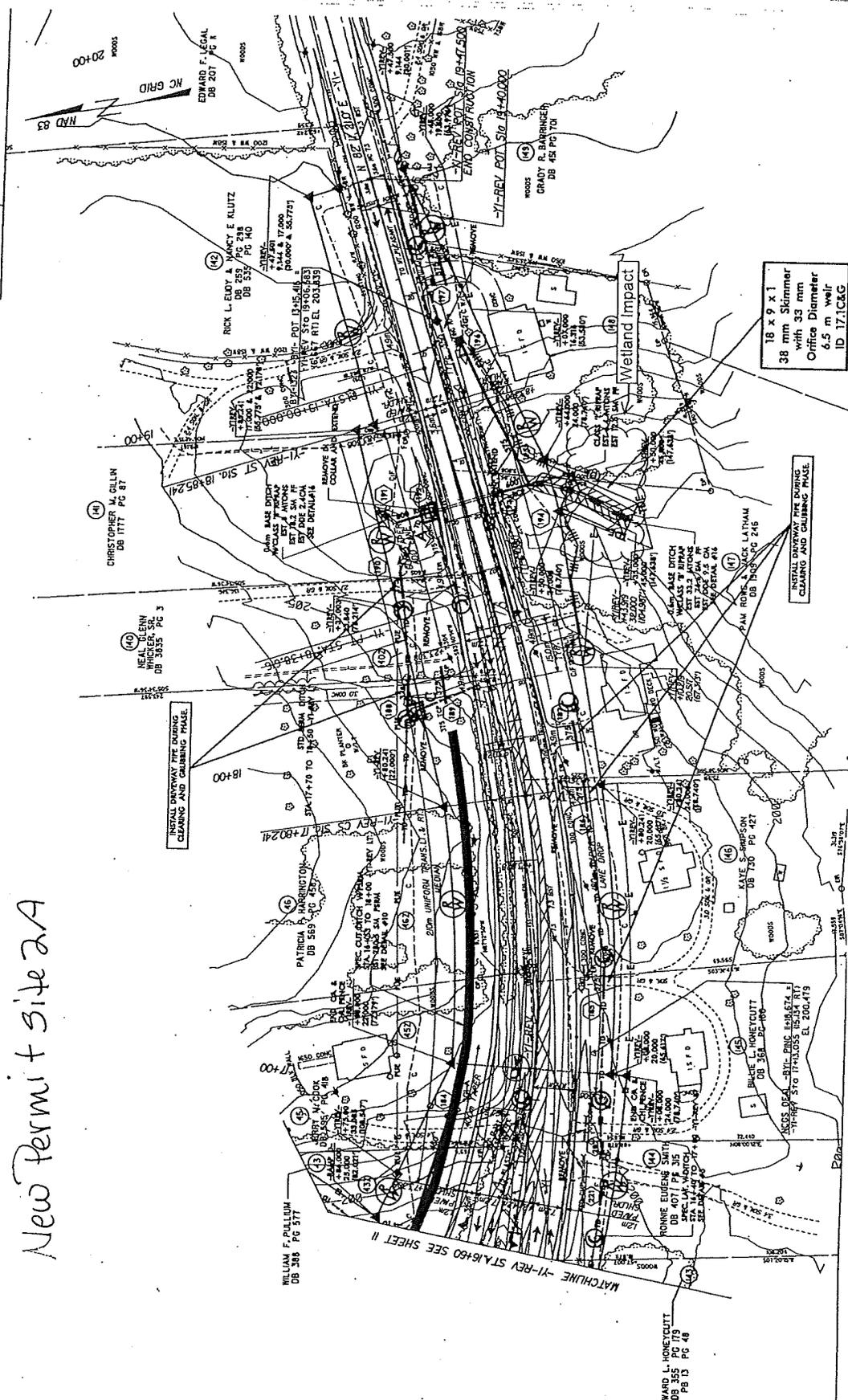
PIS Sta. 0+84.636
 GS = 57.17' 44.8"
 IS = 150.000

Revised 3/5/12



New Revised 3/5/12

MY. 5/28/15
 SHEET NO. 1
 PROJECT NO. A-2513CC
 HIGHWAY 68/217
 PROJECT LOCATION
 PROJECT NUMBER
 CONTRACT NO.
 DATE REV.

New Permit Site 2A

NOTE: PLACE TEMPORARY ROCK SEDIMENT DAMS TYPE B AND TEMPORARY ROCK SILT CHECKS TYPE-A AT DRAINAGE OUTLET.

CURING AND GRUBBING PERSON CONTROL FOR CONSTRUCTION SHEET 17

18 x 9 x 1
 38 mm Slitter
 with 33 mm
 Orifice Diameter
 6.5 m well
 ID: 17.1C&G

INSTALL DRIVEWAY PILE DURING CLEANING AND GRUBBING PHASE

New Permit Site 2A
 3/5/18



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild
Director



April 5, 2012

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

Subject: Modification/Approval of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with Additional Conditions for the Proposed Widening of NC 49 from East of NC 73 to East of SR 2630 (Cline Road), Cabarrus County, TIP No. R-2533CC, WBS 34448.1.1, NCDWQ Project No. 10-0782

Dear Dr. Thorpe:

Attached hereto is a **modification** of Certification No. 003847, issued to The North Carolina Department of Transportation (NCDOT) dated January 18, 2011. This modification is applicable only to the additional proposed activities. All authorized activities and conditions of the certification associated with the original Water Quality Certification, dated January 18, 2011, still apply except where superseded by this certification.

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

Sincerely,

Charles Wakild
Director

Attachments

cc: Sarah Hair, US Army Corps of Engineers, Asheville Field Office
Carla Dagnino, NCDOT PDEA
Larry Thompson, NCDOT Division 10 Environmental Officer
Sonia Carrillo, NCDWQ Transportation Permitting Unit
Polly Lespinasse, NCDWQ Mooresville Regional Office
File Copy

Mooresville Regional Office
Location: 610 East Center Ave., Suite 301 Mooresville, NC 28115
Phone: (704) 663-1699 \ Fax: (704) 663-6040 \ Customer Service: 1-877-623-6748
Internet: <http://portal.ncdenr.org/web/wq>

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**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 authorizes the NCDOT to permanently impact 3,058 linear feet of jurisdictional streams, 0.32 acres of jurisdictional wetlands, and temporarily impact 480 linear feet of streams in Cabarrus County. The project shall be constructed pursuant to the application received September 17, 2010, and additional information received December 29, 2010. The authorized impacts are as described below:

Stream Impacts in the Yadkin River Basin R-2533CC

Permit Site No. / Station No.s	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	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)
**Site 1A/Station number not provided	85 lf (60 lf for culvert and 25 for bank stabilization)				85 lf	0
Site 1/Station 200+17/201+21-L-REV			242 lf* (108 lf for culverts, 98 lf for bank stabilization and floodplain bench construction, 36 lf for stream relocation)	125 lf	367 lf	151 lf
Site 2/Station 212+13/212+79-L-REV			85 lf (46 lf for culvert, 39 lf for bank stabilization)	184 lf	269 lf	0
Site 4/Station 218+26/219+34-L-REV			407 lf (361 lf for culverts, 46 lf for bank stabilization)	39 lf	446 lf	407 lf
Site 5/Station 9+90/12+47-Y1-REV RT			847 lf (837 lf for stream relocation, 10 lf for bank stabilization)		847 lf	847 lf
Site 6/Station 11+87/12+70-Y1-REV, Station 12+11.6-Y16-REV			437 lf (371 lf for culverts, 66 lf for bank stabilization)	89 lf	526 lf	437 lf
***Site 7/Station 219+45/219+59-L-REV			928 lf (for stream relocation)	43 lf	971 lf	902 lf
Site 8/Station 11+06-Y16-REV-RT	20 lf (10 lf for culvert, 10 lf for bank stabilization)				20 lf	0
Site 9/Station 220+00/220+28-L-REV-LT	118 lf (for culvert)				118 lf	0
Total	223 lf	0	2,946 lf	480 lf	3,649 lf	2,744 lf

*91 linear feet of this impact associated with the construction of a floodplain bench – no mitigation required

** New stream impact as of 4/2/12 - no mitigation required, less than 150 lf of impact

***New stream impact as of 4/2/12 – no mitigation required as the impacts are required to correct a headcut caused by culvert installation

Total Stream Impacts for Project: 3,649 linear feet

Wetland Impacts in the Yadkin River Basin (Riverine) – R2533CC

Permit Site No./ Station No.s	Fill/Clearing Impacts (ac)	Temporary Impacts (ac)	Total Wetland Impact (ac)	Wetland Impacts Requiring Mitigation (ac)
*Site 1A/Station number not provided	0.10 ac (fill and clearing)		0.10 ac	0
Site 1/Station 200+17/201+21-L-REV	0.03 ac (fill)		0.03 ac	0
*Site 2A/Station number not provided	0.07 ac (fill and clearing)		0.07 ac	0
Site 3/Station 213+52/214+02-L-REV	0.20 ac (fill)		0.20 ac	0
Site 5/Station 9+90/12+47- Y1-REV RT	0.09 ac (fill)		0.09 ac	0
Total	0.49 acres	0	0.49 acres	0

* New wetland impact as of 4/2/12 - no mitigation required, less than 1.0 acre of impact

Total Wetland Impacts for Project: 0.49 acres

The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin River Basin and associated wetlands, 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 received March 8, 2012**. **All the authorized activities and conditions of certification associated with the original Water Quality Certification dated January 18, 2011, still apply except where superceded by this certification.** This approval will expire with the associated 404 permit unless otherwise specified in the Water Quality Certification. Should your project change, you are required to notify the 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.

Conditions of Certification:

1. The log sills at Permit Site 7 shall be installed such that the maximum drop from each sill is one (1) foot or less. DWQ will require periodic inspections of the structures to ensure stability. If instability is observed, corrective measures will be required. The disturbed streambanks shall be stabilized with coir fiber matting and the appropriate native seed mix.

2. The use of riprap at Permit Site 1A shall be minimized to the greatest extent practical and should be limited to the streambanks. If riprap is placed in the streambed, it shall be embedded such that low flow of water and aquatic passage are not impeded.
3. 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.
4. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
5. 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.
6. 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.
7. 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.
8. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
9. 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.
10. 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:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.

- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
11. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
12. 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 Permit. This Certification shall expire upon the expiration of the 404 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 5th day of April 2012

DIVISION OF WATER QUALITY



Charles Wakild
Director

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW Impacts (ac)	Temp. SW Impacts (ac)	Existing Channel Impacts (ft)	Existing Channel Temp. Impacts (ft)	Natural Stream Design (ft)
1*	200+17/201+21-L-REV	3@3.7 x 3.7 RCBC Bank Stabilization	0.025					0.11	0.07	108	125	
		UT Channel Relocation					0.01		36			
2	212+13/212+79-L-REV	1@11.0 x 2.7 BOTTOMLESS RCBC Bank Stabilization					0.01	0.12	46	184		
3*	213+52/214+02-L-REV	Roadway Fill	0.200						39			
4	218+26/219+34-L-REV	2@2.7 x 2.7 RCBC					0.09	0.01	361	39		
	Shopping Center Access	2@2.7 x 2.7 RCBC							46			
5*	9+90/12+47-Y1-REV RT	Bank Stabilization 1050mm RCP	0.089				0.06		837			
		Bank Stabilization							10			
6	11+87/12+70-Y1-REV	2@2.7 x 2.7 RCBC					0.09	0.02	371	89		
	12+11.6-Y16-REV	Bank Stabilization							66			
7	219+45/219+59-L-REV	1 @ 1650mm RCP 1 @ 1800mm RCP					0.14		928	17		
8	11+06-Y16REV-RT	600 RCP Bank Stabilization					<0.01		10			
									10			
9	220+00/220+28-L-REV LT	450mm RCP					0.02		118			
1A	Pipe Extension				0.10							
2A	Pipe Placement				0.07							
TOTALS:			0.31		0.17		0.53	0.22	3169	454		

ENGLISH IMPACTS

* WETLAND CONSIDERED TOTAL TAKE.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CABARRUS COUNTY
WBS - 34448.1.1 (R-2533CC)

SHEET 1.13.2012

Revised 3/5/12

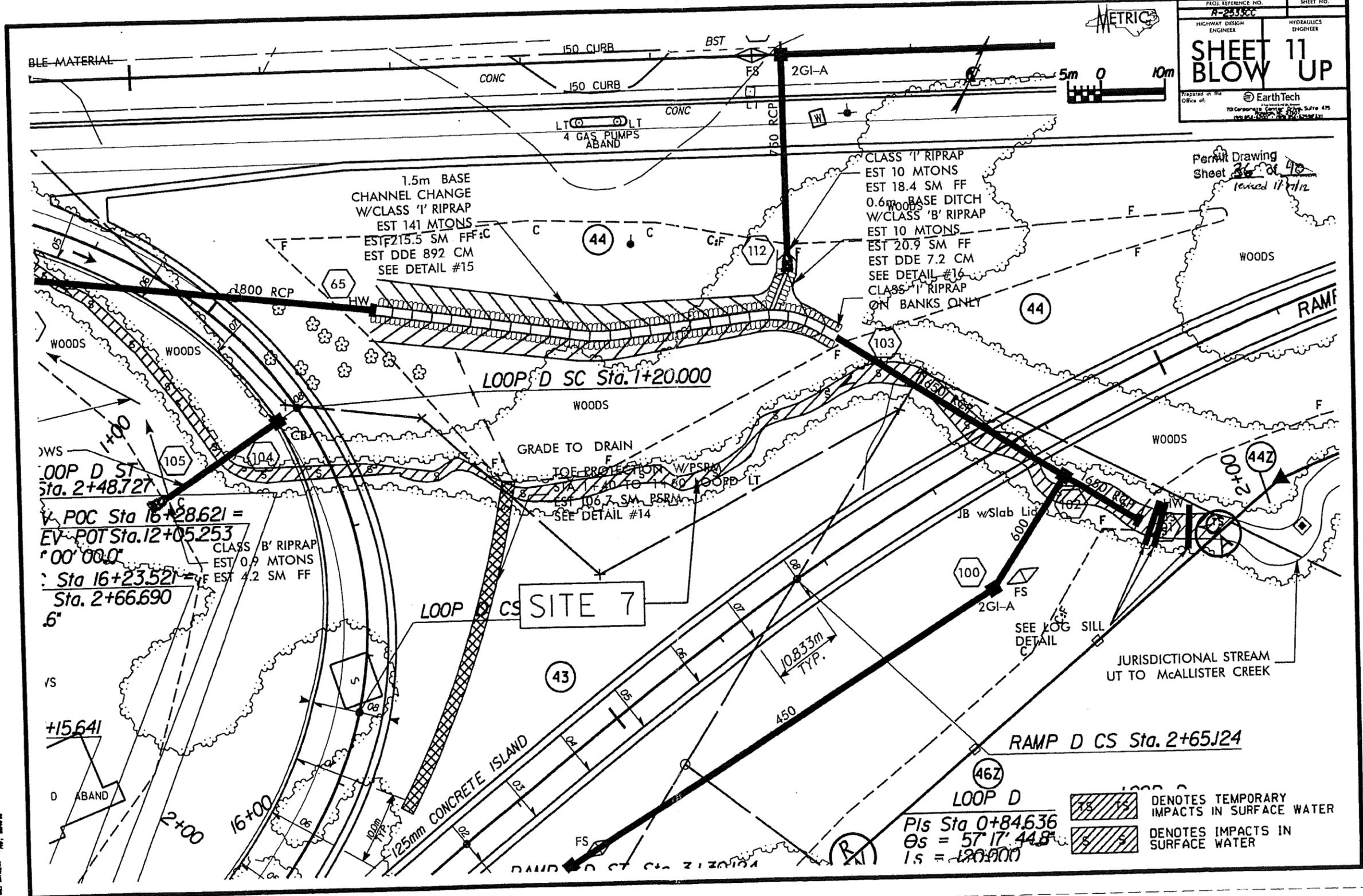
WETLAND PERMIT IMPACT SUMMARY															
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS								
			Permanent Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation in Wetlands (ha)	Mechanized Clearing in Wetlands (ha)	Hand Clearing in Wetlands (ha)	Permanent SW impacts (ha)	Temp. SW impacts (ha)	Existing Channel Impacts Permanent (m)	Existing Channel Impacts Temp. (m)	Natural Stream Design (m)			
1 *	200+17/201+21-L-REV	3@3.7 x 3.7 RCBC Bank Stabilization	0.010								0.046	0.026	33	38	
		UT Channel Relocation									0.003		11		
2	212+13/212+79 -L-REV	1@11.0 x 2.7 BOTTOMLESS RCBC									0.007	0.048	14	56	
3 *	213+52/214+02 -L-REV	Bank Stabilization Roadway Fill	0.081										12		
4	218+26/219+34 -L-REV	2@2.7 x 2.7 RCBC									0.037	0.006	110	12	
	Shopping Center Access	2@2.7 x 2.7 RCBC											14		
5	9+90/12+47 -Y1-REV RT	Bank Stabilization 1050mm RCP	0.036								0.026		255		
6	11+87/12+70 -Y1-REV	Bank Stabilization											3		
	12+11.6 -Y16-REV	2@2.7 x 2.7 RCBC									0.035	0.009	113	27	
7	219+45/219+59 -L-REV	Bank Stabilization 1 @ 1650mm RCP 1 @ 1800mm RCP									0.058		20	5	
8	11+06-Y16REV-RT	600 RCP Bank Stabilization									<0.001		3		
9	220+00/220+28 -L-REV LT	450mm RCP									0.008		36		
1A	Pipe extension				0.042								26		
2A	Pipe placement				0.028										
TOTALS:			0.127		0.070						0.220	0.089	966	138	

METRIC IMPACTS

* WETLAND CONSIDERED A TOTAL TAKE.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CABARRUS COUNTY

Revised 3/5/12



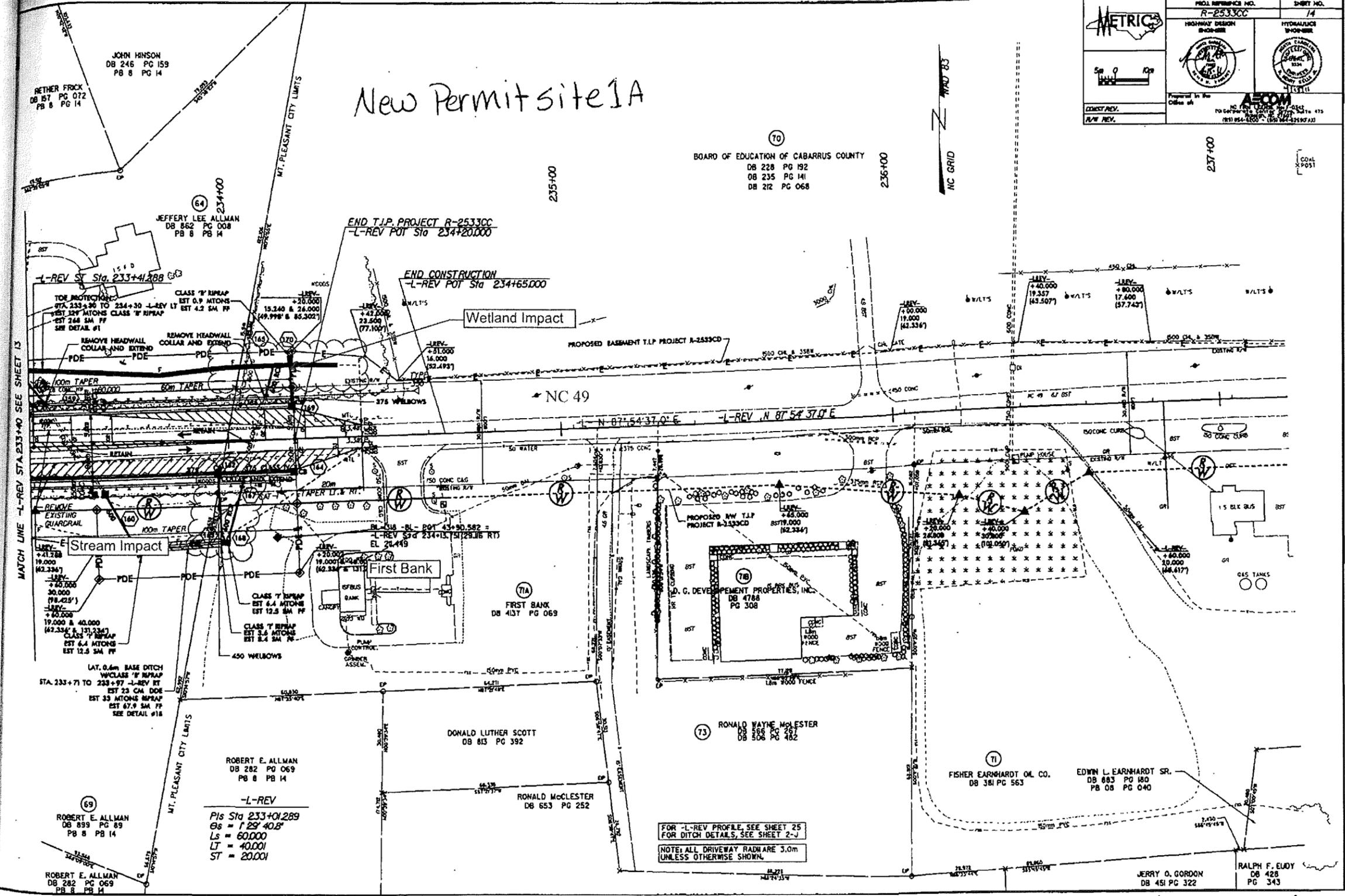
Permit Drawing
 Sheet 26 of 40
 Revised 11/1/12

Revised 3/5/12

	PROJ. REFERENCE NO. R-2533CC	SHEET NO. 14
	HIGHWAY DESIGN ENGINEER	HYDRAULIC ENGINEER
Prepared in the Office of AECOM <small>10000 North Central Expressway, Suite 475 Charlotte, NC 28217 (704) 544-2000 • Fax (704) 544-2100</small>		

New Permit site 1A

(70)
 BOARD OF EDUCATION OF CABARRUS COUNTY
 DB 228 PG 192
 DB 235 PG 141
 DB 212 PG 068



FOR -L-REV PROFILE, SEE SHEET 25
 FOR DITCH DETAILS, SEE SHEET 2-J
 NOTE: ALL DRIVEWAY RADII ARE 3.0m
 UNLESS OTHERWISE SHOWN

New site 1A
 3/5/12

REYHER FRICK
 DB 157 PG 072
 PB 8 PG 14

JOHN HINSON
 DB 246 PG 159
 PB 8 PG 14

JEFFERY LEE ALLMAN
 DB 862 PG 008
 PB 8 PG 14

END T.I.P. PROJECT R-2533CC
 -L-REV POT Sta 234+20.000

END CONSTRUCTION
 -L-REV POT Sta 234+65.000

MATCH LINE -L-REV STA 233+00 SEE SHEET 13

LAT. 0.6m BASE DITCH
 W/CLASS 'F' R/RAP
 STA. 233+71 TO 233+97 -L-REV RT
 EST 23 CH. DOE
 EST 33 TONS R/RAP
 EST 67.9 SM FF
 SEE DETAIL #18

ROBERT E. ALLMAN
 DB 282 PG 069
 PB 8 PG 14

-L-REV
 Pis Sta 233+01.289
 Gs = 1' 29" 40.8"
 Ls = 60.000
 LT = 40.001
 ST = 20.001

DONALD LUTHER SCOTT
 DB 813 PG 392

RONALD McCLESTER
 DB 653 PG 252

(73) RONALD WAYNE McCLESTER
 DB 566 PG 261
 DB 508 PG 482

(71) FISHER EARNHARDT OL. CO.
 DB 381 PG 563

EDWIN L. EARNHARDT SR.
 DB 683 PG 180
 PB 08 PG 040

JERRY O. GORDON
 DB 451 PG 322

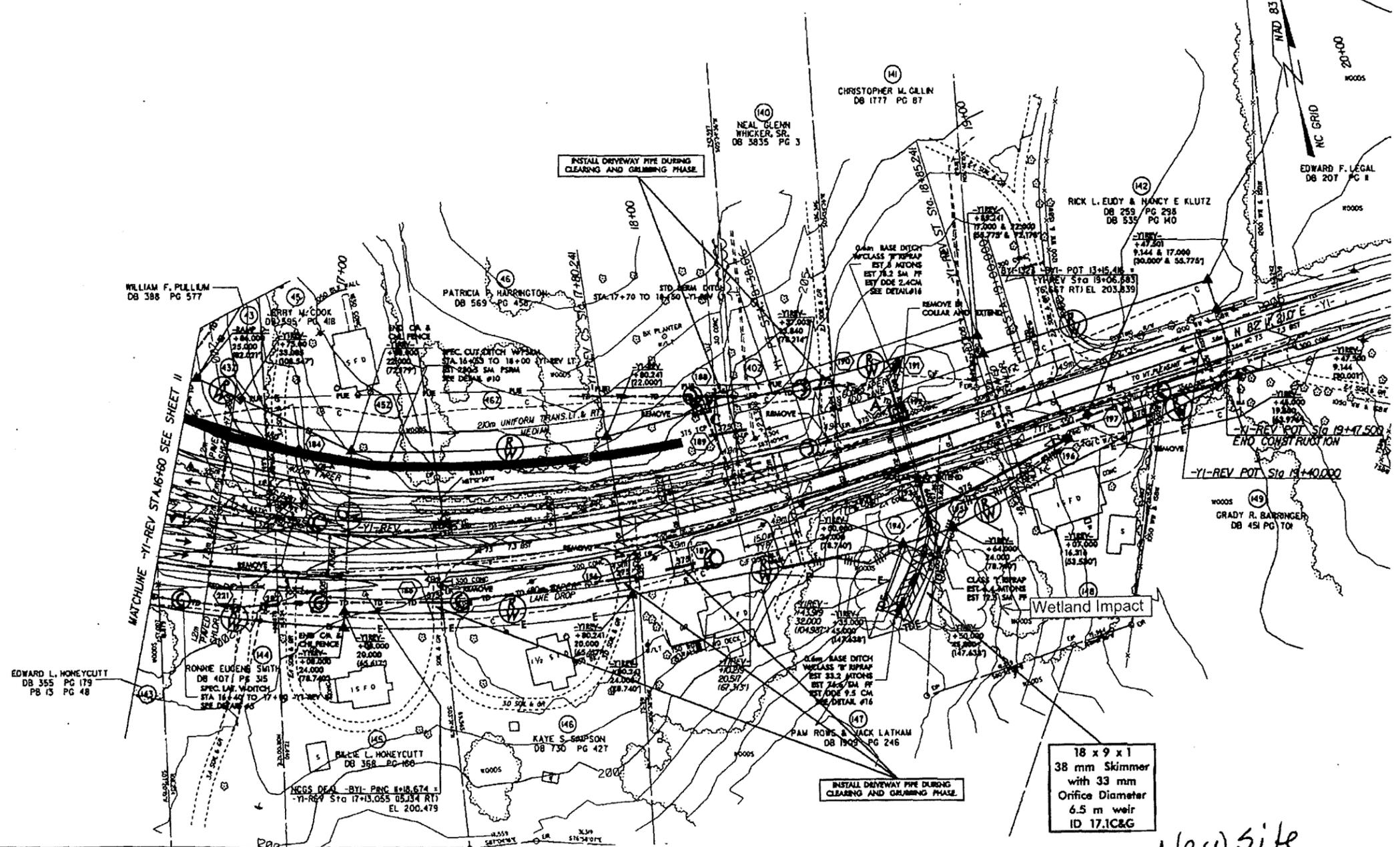
RALPH F. ELOY
 DB 428
 PG 343

CLEARING AND GRUBBING
EROSION CONTROL FOR
CONSTRUCTION SHEET 17

NOTE: PLACE TEMPORARY ROCK SEDIMENT DAMS TYPE-B AND TEMPORARY ROCK SILT CHECKS TYPE-A AT DRAINAGE OUTLETS.

	PROJ REFERENCE NO.	HW Sheet ID
	R-2533CC	SHEET NO.
	HIGHWAY DESIGN ENGINEER	EC-23/CONST. JT
		HYDRAULICS ENGINEER
	Prepared in the Office of	
CONST. REV.		
R/W REV.		

New Permit Site 2A



18 x 9 x 1
38 mm Skimmer
with 33 mm
Orifice Diameter
6.5 m weir
ID 17.1C&G

New site
3/5/17