



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

August 19, 2024

Regulatory Division

Action ID. SAW-2018-02113, NCDOT R-2577 ABC US 158 Road Widening Project, Forsyth and Guilford Counties, Modification #1

Ms. Amy Euliss, Division 9 PDEA Engineer  
North Carolina Department of Transportation  
375 Silas Creek Parkway  
Winston-Salem, NC 27127  
[aeuliss@ncdot.gov](mailto:aeuliss@ncdot.gov)

Dear Ms. Euliss:

Reference the Department of the Army (DA) permit issued on November 16, 2023, for the discharge fill material to elevate vertical grade and widen existing 18.8-mile-long section of US 158 (Reidsville Road) in Forsyth and Guilford Counties to a multi-lane, median divided facility. This proposed three phase roadway widening project will include a total of 1.74 acres of permanent wetland impacts and 8,022 linear feet of permanent stream impact. Specifically, for Phase A, this phase of the project will include 0.06 acre of permanent impacts to wetlands and 1,632 linear feet of permanent impacts to streams. For Phase B (based upon preliminary design), this phase of the project will include 2,210 linear feet of stream impacts and 0.32-acre wetland impacts. For Phase C (based upon preliminary design), this phase of the project will include 4,179 linear feet of stream impacts and 1.36-acre wetland impacts.

This permit only authorized work on Sections R-2577 A of the STIP R-2577 project. The permittee is authorized to impact regulated waters along R-2577 A as follows: permanent discharge of fill material into 1496 linear feet of streams and 0.06 acres of wetlands. The permittee is also authorized to temporarily impact 136 linear feet of streams during construction. Construction on the remaining sections of STIP R-2577 (B & C) shall not commence until final designs have been completed for these sections; the permittee has minimized impacts to waters and wetlands to the maximum extent practicable, and any modifications to the plans, and the compensatory mitigation plans, have been approved by the US Army Corps of Engineers (the Corps).

On July 8, 2024, NCDOT requested a modification (Modification #1) to modify existing permit special conditions developed from the US Fish and Wildlife Service (USFWS) recommended conservation measures from the Corps Section 7 conferencing related to project impacts to Tricolored bat (*Perimyotis subflavus*) considering the updated Tricolored bat range map. Specifically, NCDOT made a request to modify the

existing permit special conditions to limit NCDOT tree clearing no longer for Section A between October 16 and March 31 effective with the federal listing of the Tricolored bat and require riparian tree plantings within Section A.

The Corps has determined that the proposed project modifications described above are not contrary to the public interest and are consistent with the 404(b)(1) Guidelines and therefore, the DA permit is hereby modified. The authorized work shall be completed in accordance with the enclosed revised drawings. Please be aware that all other conditions of the original permit remain applicable, with the following General/Special conditions from the original authorization which have been revised;

**Modified Special Conditions:** See enclosed Special Conditions Modification #1 dated August 19, 2024, as part of the Department of Army Authorization for this project. This includes all special conditions from the existing permit dated November 16, 2023, and revisions as required as part of Modification #1 dated August 19, 2024. In addition to the original Special Condition language, the project's revised special conditions include original language that has been either crossed out and/or the includes additional language which is highlighted.

Also, please be aware that the terms of the Department of the Army permit dated November 16, 2023, related to impacts, mitigation and expiration date shall remain in effect.

This approved modification should be attached to the original permit and will be utilized for future compliance reviews of the project. If you have questions, please contact Stephen Brumagin of the Charlotte Regulatory Field Office, at telephone (704)798-6471 or via e-mail at [stephen.a.brumagin@usace.army.mil](mailto:stephen.a.brumagin@usace.army.mil).

FOR THE DISTRICT COMMANDER

 2024.08.19  
12:22:56 -04'00'  
Monte K. Matthews  
Chief, WRDA/Transportation Branch  
Wilmington District

Enclosures:  
Special Conditions for Modification #1 revised August 19, 2024

Copies Furnished with Enclosures (Electronic):  
Matthew W. Jones, P.E NCDOT  
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Susan Locklear, NC DEQ  
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Ms. Holland Youngman, USFWS  
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Mr. David McHenry, NC WRC  
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**Special Condition 1: Work Limits:** All work authorized by this permit shall be performed in strict compliance with the attached permit plans as provided in the February 3, 2023, permit application, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.

**Special Condition 2: Permit Distribution:** The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and drawings shall be available at the project site during construction and maintenance of this project.

**Special Condition 3: Preconstruction Meeting:** The Permittee shall conduct an onsite preconstruction meeting between its representatives, the contractor's representatives, and the appropriate U.S. Army Corps of Engineers Project Manager prior to undertaking any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all terms and conditions contained within the Department of the Army permit. The Permittee shall schedule the preconstruction meeting for a time frame when the Corps and NCDWR Project Managers can attend. The Permittee shall invite the Corps and NCDWR Project Managers a minimum of thirty (30) days in advance of the scheduled meeting to provide those individuals with ample opportunity to schedule and participate in the required meeting. The thirty (30) day requirement can be waived with the concurrence of the Corps.

**Special Condition 4: Notification of Construction Commencement and Completion:** The Permittee shall notify the U.S. Army Corps of Engineers in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

**Special Condition 5: Reporting Address:** All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District, Charlotte Regulatory Field Office, Attn: Stephen Brumagin 8340 University Executive Park Drive, Charlotte, North Carolina 28262, or [stephen.a.brumagin@usace.army.mil](mailto:stephen.a.brumagin@usace.army.mil). The Permittee shall reference the following permit number, SAW-2018-00393, on all submittals.

**Special Condition 6: Permit Revocation:** The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army

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or his authorized representative may direct, restore the water or wetland to its pre-project condition.

**Special Condition 7: Reporting Violations:** Violation of these permit conditions or violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 704-798-6471 within 24 hours of the Permittee's discovery of the violation.

**Special Condition 8: Clean Fill:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, construction debris, metal and plastic products, and concrete block with exposed reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.

**Special Condition 9: Endangered Species Act:** The Permittee shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally listed threatened or endangered species. While accomplishing the authorized work, if the Permittee discovers or observes an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District Charlotte Field Office, Attn: Stephen A. Brumagin at (704) 798-6471, or stephen.a.brumagin@usace.army.mil will be immediately notified to initiate the required Federal coordination.

**Special Condition 10: Endangered Species Act:** The Wilmington District, U.S. Fish and Wildlife Service (USFWS), and the North Carolina Department of Transportation (NCDOT) have conducted Section 7(a)(2) consultation for the Tricolored bat (TCB) for this project. The result of this consultation is a Conference Opinion (CO) letter from the USFWS dated October 30, 2023, that includes conservation measures to minimize all adverse effects specifically for the Tricolored bat. **Since that time, the USFWS has released a Tricolored bat range map and these conservation measures have been modified (August 19, 2024).** These conservation measures include:

1. Tree clearing **in R-2577 Sections B and C** will not take place from April 1 – October 15, effective with the federal listing of the tricolored bat (*Perimyotis subflavus*).
2. Tree clearing will be minimized to the maximum extent possible and limits will be clearly marked for the contractor.
3. NCDOT will ensure that tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field. Clearing limits follow the most recent version of the NCDOT Manual for Construction Layout and are typically marked by placing

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blue and white striped flagging on 36-inch stakes or trees.

- ~~4. On the A section, NCDOT commits to planting native, fast-growing, containerized trees at the following locations: L Sta. 139+50 to L Sta. 144+00+/- LT and L Sta. 147+50 +/- to L Sta. 151+00 LT (plan sheet 15) and L Sta. 164+00+/- to L Sta. 166+60+/- (plan sheet 16). If native trees are already established at any of the locations, then no planting will occur. Plan sheets UO-13 (Figure 1), UO-14 (Figure 2), and UO-15 (Figure 3) with planting locations highlighted in yellow are included for reference in Appendix A.~~
4. NCDOT will install riparian plantings utilizing native, fast-growing containerized trees for the riparian areas in the B and C sections, where feasible. These riparian areas include but are not limited to Belews Creek and Troublesome Creek. These areas will be reviewed at Merger points CP4B and CP4C for each section.
  - a. Note: Riparian plantings cannot be done in easements (utility, drainage, and construction).
  - b. At the bridge sites, NCDOT cannot commit to planting riparian trees or shrubs for the entire width of the right of way beginning at a station 3 feet beyond the beginning and ending extremity of the structure. If excess property outside of normal maintenance limits is available at bridge locations, riparian plantings will be installed where feasible.
5. NCDOT will use downcast lighting for all permanent lighting. Any existing lights that are impacted by the project and relocated will be replaced with downcast lights.
6. NCDOT will use shoulder/median mounted LED light fixtures with Backlight-Uplight-Glare (BUG) ratings not to exceed 3-0-3. High mast lighting will have BUG ratings not to exceed 5-0-5.
7. With the exception of high mast lights, NCDOT will use the shortest poles possible that still meet highway requirements and safety parameters while limiting excess lighting within the project area.
8. NCDOT will provide the U.S. Fish and Wildlife Service (Service) the opportunity to review and comment on the lighting plans prior to finalization of the plans for the B and C projects. Portions of lighting plans in proximity to riparian corridors will be called out as priority sections for Service review.
9. Lighting used for nighttime construction will be limited to what is necessary to maintain safety standards. Temporary lighting will only direct light towards active work areas except in instances necessitating balloon lighting.
10. No blasting will occur at night.
11. Blast monitoring will occur per NCDOT standard specifications for all blasting in the project area.
12. Blast mats or soil cover will be used over all blast sites, which minimizes noise, air blasts, and debris. In general, NCDOT blasting activities are not strong

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- enough to cause trees to fall or glass to break.
13. Blasting and pile driving will not occur until the trees within the project clearing limits that are immediately adjacent to the blasting site or pile driving site have been removed.
  14. Prior to modifying the Individual permit for final design of the B and C sections, NCDOT will update the protected species surveys for each section at the time of final design in accordance with the current NCDOT Protected Species Protocols.

**Special Condition 11: Sediment and Erosion Control:**

1) During the clearing phase of the project, heavy equipment shall not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

2) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.

3) The Permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.

4) The Permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices to ensure compliance with the appropriate turbidity water quality standards. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project shall remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4). Adequate sedimentation and erosion control measures shall be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall

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events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering adjacent waters or wetlands.

**Special Condition 12: Temporary Fills:** Within thirty (30) days of the date of completing the authorized work, the Permittee shall remove all temporary fills in waters of the United States and restore the affected areas to pre-construction contours and elevations. The affected areas shall be re-vegetated with native, non-invasive vegetation as necessary to minimize erosion and ensure site stability.

**Special Condition 13: Borrow and Waste:** To ensure that all borrow, and waste activities occur on high ground and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used as borrow and/or waste sites associated with this project. The Permittee shall provide the U.S. Army Corps of Engineers with appropriate maps indicating the locations of proposed borrow and/or waste sites as soon as such information is available. The Permittee shall submit to the Corps site-specific information needed to ensure that borrow and/or waste sites comply with all applicable Federal requirements, to include compliance with the Endangered Species Act and the National Historic Preservation Act, such as surveys or correspondence with agencies (e.g., the USFWS, the NC-HPO, etc.). The required information shall also include the location of all aquatic features, if any, out to a distance of 400 feet beyond the nearest boundary of the site. The Permittee shall not approve any borrow and/or waste sites before receiving written confirmation from the Corps that the proposed site meets all Federal requirements, whether or not waters of the U.S., including wetlands, are located in the proposed borrow and/or waste site. All delineations of aquatic sites on borrow and/or waste sites shall be verified by the U.S. Army Corps of Engineers and shown on the approved reclamation plans. The Permittee shall ensure that all borrow and/or waste sites comply with **Special Condition 14** of this permit. Additionally, the Permittee shall produce and maintain documentation of all borrow and waste sites associated with this project. This documentation will include data regarding soils, vegetation, hydrology, any delineation(s) of aquatic sites, and any jurisdictional determinations made by the Corps to clearly demonstrate compliance with **Special Condition 14**. All information will be available to the U.S. Army Corps of Engineers upon request. The Permittee shall require its contractors to complete and execute reclamation plans for each borrow and/or waste site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the U.S. Army Corps of Engineers within 30 days of the completion of the reclamation work.

**Special Condition 14:** Except as authorized by this permit or any U.S. Army Corps of Engineers approved modification to this permit, no excavation, fill, or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands, or shall any activities take place that cause the

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degradation of waters or wetlands. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and waste activities connected with this project. In addition, except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

**Special Condition 15: Culverts:**

1) Unless otherwise requested in the application and depicted on the approved permit plans, culverts greater than 48 inches in diameter shall be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter and less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain existing channel slope. The bottom of the culvert shall be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Culverts shall be designed and constructed in a manner that minimizes destabilization and head cutting.

2) Measures shall be included in the culvert construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a culvert or pipe shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bank full flow can be used as a comparable level.

3) The Permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The Permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.

4) Culverts placed within wetlands must be installed in a manner that does not restrict the flows and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water shall not be

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buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

**Special Condition 16: Historic Properties:** The Permittee shall implement all necessary measures to ensure the authorized activity avoids or mitigates an adverse effect upon eligible for listing historic properties, Edgewood Baptist Church, and Bel Air Drive-In Theatre within the R-2577 A project. The initial findings were dated July 9, 2013, and were amended on September 22, 2015. Then on June 12, 2018, these findings were superseded with an updated Concurrence Form for Assessment of Effects for the NCDOT R-2577 A project. Finally, in a supplemental concurrence form signed November 30, 2022, NCDOT and SHPO agreed that this minimization alternative constitutes no adverse effect to the Edgewood Baptist Church if the specified commitments are met. These commitments include the following;

Edgewood Baptist Church

- Incorporate best-fit widening with a reduced median (23 feet instead of 30 feet) and a retaining wall in front of the church to minimize impacts to both the church and the residences located across from the church; will not require relocations of residences across from the church but will result in the loss of some parking spaces in front of the church and will require the church sign (two if needed) to be relocated.
- Include safety treatments along retaining wall in front (southeast of) church building.
- The rear (northwest side) of the retaining wall facing the church building will be finished with a brick veneer matching the church facade in bond and color. The barrier with moment slab will receive a warm, neutral stain to complement the brick veneer.
- The one-foot-tall fence will be black in color and conform.
- A seven-foot-wide grassed planting strip is also included in the design.
- The structure will not compromise any contributing element of the historic property.
- The driveway on Churchland Drive will be relocated further from the Reidsville Road intersection per request of the church. New location is at similar grade to existing.
- Temporary construction easement will be shifted northwest, and existing driveway removed (see attached aerial in the supplemental concurrence form).
- Driveway relocation will not impact any contributing element of the historic property.

Bel Air Drive-In Theater

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- Minimizes ROW acquisition to the drive-in; preservation of access; no impacts to components; maintains 2:1 side slopes along the parcel.

**Special Condition 17: Mitigation:** 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.

**Special Condition 18: Phased Construction:** This permit only authorizes work on Section A of TIP R-2577. Construction on Sections B and C of TIP 2577 shall not commence until: (a) final design has been completed for those sections and submitted to the U.S. Army Corps of Engineers (Corps); (b) the Permittee has minimized impacts to waters and wetlands to the maximum extent practicable and the Corps concurs with this assessment through standard Merger 4B and 4C meetings; (c) any modification to the plans have been approved by the Corps in writing; and (d) a final compensatory mitigation plan has been submitted by the Permittee and approved by the Corps