

# STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

June 26, 2024

MEMORANDUM TO: Division Environmental and Construction Units

FROM: Michael A. Turchy, ECAP Group Leader

Environmental Analysis Unit

SUBJECT: Environmental Permits for the Proposed Widening of SR 1818 / SR 1850

(Johnson Street / Sandy Ridge Road) from SR 1820 to I-40 in Guilford

County, Division 7, TIP: U-4758.

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide Permit 14	March 14, 2026
NC Division of Water Resources Section 401 Water Quality Certification	Individual Certification No. 006816	March 14, 2026
NC Division of Water Resources Buffer Certification	Randleman Lake Water Supply Riparian Buffer Certification	June 2, 2029

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans.

The Environmental Coordination and Permitting Group or the Division Environmental Office must be consulted if any deviation from the permit(s) or accompanying drawings is required.

Telephone: (919) 707-6000

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at: https://xfer.services.ncdot.gov/pdea/PermIssued/ General Conditions and Certifications/

#### PROJECT COMMITMENTS

T.I.P Project No. U-4758 SR 1818 (Johnson Street) / SR 1850 (Sandy Ridge Road) Widening from SR 1820 (Skeet Club Road) to south of I-40 in High Point Guilford County

WBS Element 40251.1.1

#### COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

#### **NCDOT Project Management Unit**

- Continue to coordinate and support the City of High Point with the Land and Water Conservation Act (LWCF) conversion of use and non-conforming use requests to ensure process completion.
- Due to complexity and schedule of adjacent projects (I-5712, U-6068, and I-5981), additional coordination will be necessary in order to finalize roadway configurations of Norcross Road, Endicott Road, and the Piedmont Triad Farmers Market entrance.
- o During final design, determine feasibility and reasonableness of installing noise barriers NW5A, NW5B, and NW10.
- o Hazardous spill protection measures will be provided at stream crossings within ½ mile of the water supply watershed critical area for Oak Hollow Reservoir.

#### **NCDOT Division 7**

- O Unmarked graves are possible at the Sandy Ridge Methodist Cemetery. North Carolina General Statute, Chapter 65, Article 12 and North Carolina General Statute, Chapter 70, provide protections for the cemeteries. If avoidance is not possible, it will be necessary to comply with these statutes after consultation with the State Archaeologist to determine the method by which any burials are to be removed and relocated.
- o This project involves construction activities on or adjacent to a FEMA-regulated stream(s). Therefore, the Division will submit sealed as-built construction plants to the NCDOT Hydraulics Unit Upon completion of project construction, certifying the drainage structure(s) and roadway embankment located within the 100-year floodplain were built as shown in construction plans, both horizontally and vertically.
- O Due to total wetland and surface water impacts being less than one-half acre and permanent impacts to any given stream are less than 300 linear feet, a Nationwide 14 permit for Linear Transportation Projects or General Permit may be used. A NCDWR Water Quality Certification No. 3886 would also be required. If the above stated

thresholds are exceeded, the project will require Individual Section 404 and 401 permits. The USACE holds the final discretion as to what permit will be required to authorize project construction. If a Section 404 permit is required, then a Section 401 Water Quality Certification (WQC) from the NCWR will be needed.

#### **COMMITMENTS FROM PERMITTING**

#### **NCDOT Division 7 Construction**

404 Special Condition #1: The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (PBO) titled, "NCDOT Program Effects on the Northern Long-eared Bat in Divisions 1-8", dated November 6, 2020, contains agreed upon conservation measures for the NLEB. As noted in the PBO, applicability of these conservation measures varies depending on the location of the project. Your authorization under this Department of the Army permit is conditional upon your compliance with all applicable conservation measures in the PBO, which are incorporated by reference in this permit. Failure to comply with the applicable conservation measures would constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.

404 Special Condition #2: The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Conference Opinion (PCO) titled "NCDOT Program Effects on the Tricolored Bat in Divisions 1-8", dated November 20, 2023, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the PCO. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the PCO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the PCO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PCO, and with the ESA.



#### **DEPARTMENT OF THE ARMY**

U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT RALEIGH FIELD OFFICE 3331 HERITAGE TRADE DRIVE SUITE 105 WAKE FOREST NC 27587

June 25, 2024

Regulatory Program/Division SAW-2013-01044

Sent Via Email: recrowther@ncdot.gov

Robert Crowther NCDOT, NEU, ECAP 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Mr. Crowther:

This letter is in response to the application you submitted to the Wilmington District, Raleigh Field Office on May 1, 2024 for a Department of the Army general permit verification. This project has been assigned the file number SAW-2013-01044 and is known as NCDOT, TIP U-4758\_SR1818-SR1850\_Johnson St & Sandy Ridge Rd, Guilford. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would <u>include</u> the widening of existing Johnson Street and Sandy Ridge Road from Skeet Club Road to I-40, impacting 136 linear feet of tributaries (15 linear feet (<0.01 acre) of permanent stream bank impact with no stream loss, and 0.03 acre) of temporary stream impact) in Greensboro, Guilford County, North Carolina. <0.01 acre of forested wetlands will also be impacted by non-404 hand clearing. The project is centered along Johnson Street and Sandy Ridge Road from Skeet Club Road to I-40, at Latitude 36.064330 and Longitude -80.005640; north of High Point, Guilford County, North Carolina.

We have determined that the proposed work is authorized by Nationwide General Permit 14, pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the enclosed general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed permit drawings, Sheets 1-9 of 9. If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised application must be submitted to this office for written approval before work is initiated. Any deviation from the terms and conditions of the permit, or your submitted plans, may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless the subject general permit(s) is suspended, revoked, or is modified prior to that date such that the activity no longer complies with the terms and conditions of the general permit.

#### **Project Specific Special Conditions:**

- 1. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (PBO) titled, "NCDOT Program Effects on the Northern Long-eared Bat in Divisions 1-8", dated November 6, 2020, contains agreed upon conservation measures for the NLEB. As noted in the PBO, applicability of these conservation measures varies depending on the location of the project. Your authorization under this Department of the Army permit is conditional upon your compliance with all applicable conservation measures in the PBO, which are incorporated by reference in this permit. Failure to comply with the applicable conservation measures would constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.
- 2. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Conference Opinion (PCO) titled "NCDOT Program Effects on the Tricolored Bat in Divisions 1-8", dated November 20, 2023, contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that are specified in the PCO. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the PCO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the PCO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with your Corps permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PCO, and with the ESA.

This general permit verification and any associated authorizations does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Eric Alsmeyer, Regulatory Project Manager of the Raleigh Field Office at 919.817.1570, by mail at the above address, or by email at eric.c.alsmeyer@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at https://regulatory.ops.usace.army.mil/customerservice-survey/.

Sincerely,

Morte 2024.06.25 Matthews 10:00:13-04'00'

Monte Matthews

Chief, Transportation Permitting Branch

**Enclosures** 

## **Compliance Certification Form**

File Number: SAW-2013-01044	County: Guilford
Permittee: NCDOT, NEU, ECAP, Robert Crowther	
Project Name: NCDOT, TIP U-4758_SR1818-SR1850_Joh Rd, Guilford	nson St & Sandy Ridge
Date Verification Issued: 6/25/2024	
Project Manager: Eric Alsmeyer	
Upon completion of the activity authorized by this permit and the permit, sign this certification and return it to the following	
US ARMY CORPS OF ENGINEERS Wilmington District Attn: Eric Alsmeyer Raleigh Field Office 3331 Heritage Trade Drive Suite 10 Wake Forest, NC 27587 or eric.c.alsmeyer@usace.army.mil	95
Please note that your permitted activity is subject to a complet Army Corps of Engineers representative. Failure to comply of this authorization may result in the Corps suspending, mo authorization and/or issuing a Class I administrative penalty, appropriate legal action.	with any terms or conditions difying or revoking the
I hereby certify that the work, and mitigation (if applicable), a referenced permit has been completed in accordance with the said permit including any general or specific conditions.	
Date Authorized Work Started: Comp	oleted:
Describe any deviations from permit (attach drawing(s) depic	cting the deviations):
*Note: The description of any deviations on this form does not cons	stitute approval by the Corps.

Date

Signature of Permittee

ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR. Director



June 3, 2024

Mr. Robert Crowther NCDOT 1598 Mail Service Center Raleigh, NC 27699-1598 recrowther@ncdot.gov

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with

ADDITIONAL CONDITIONS for the proposed upgrades to SR 1818 (Johnson Street)/ SR1850 (Sandy Ridge Road) Improvements from SR 1820 (Skeet Club Road) to South of I-40 in High Point,

Guilford County. NCDWR Project No. 20240633, TIP U-4758. SAW-2013-01044

Dear Mr. Crowther,

Attached hereto is a copy of Certification No. 006816 issued to the NCDOT dated June 3, 2024. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Richard E. Rogers, Jr. Director Division of Water Resources

Electronic copy only distribution:

Eric Alsmeyer, US Army Corps of Engineers, Charlotte Field Office Erin Cheely, NCDOT Western Team Lead Beth Harmon, Division of Mitigation Services

# 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 Resources (NCDWR) Regulations in 15 NCAC 2H .0500 and 15A.NCAC.02B.0724. This certification authorizes the NCDOT to impact 136 linear feet of jurisdictional streams and to impact 0.004 acres of wetlands in Guilford County. The project shall be constructed pursuant to the application dated received May 1, 2024. The authorized impacts are as described below:

Stream Impacts in the Cape Fear River Basin

Site	Perm. Fill in Stream (linear ft)	Temp. Fill in Stream (linear ft)	Total Stream Impact (linear ft)
S1- Site 1- Construction Access		38	38
S2- Site 2- Construction Access		34	34
S3- Site 2- Construction Access		49	49
S4- Site 2- Culvert Construction	15		15
Totals	15	121	136

Total Stream Impacts: 136 linear feet.

Wetland Impacts in the Cape Fear River Basin

Site	Perm. Fill in Wetlands (acres)	Temp. Fill in Wetlands (acres)	Total Wetland Impact (acres)
1- Hand Clearing		0.004	0.004
Totals		0.004	0.004

Total Wetland Impacts: 0.004 acres.

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your application dated received May 1, 2024. Should your project change, you are required to notify the NCDWR 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.



This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded. Upon the presentation of proper credentials, the Division may inspect the property.

#### Condition(s) of Certification:

#### **Project Specific Conditions**

- 1. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species. [15A NCAC 02H .0506(b)(2)
- 2. As a condition of this 401 Water Quality Certification, the bridge demolition and construction must be accomplished in strict compliance with the most recent version of NCDOT's Best Management Practices for Construction and Maintenance Activities. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
- 3. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means (grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. To meet the requirements of NCDOT's NPDES permit NCS0000250, please refer to the most recent version of the North Carolina Department of Transportation Stormwater Best Management Practices Toolbox manual for approved measures. [15A NCAC 02H .0507(d)(2) and 15A NCAC 02H .0506(b)(5)]
- 4. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWR first. [15A NCAC 02H.0506(b)(2)]
- 5. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly. [15A NCAC 02H .0506(b)(3)
- 6. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)].
- 7. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 8. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]



9. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]

#### **General Conditions**

- 1. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
- 2. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. [15A NCAC 02H.0506(b)(2)]
- 3. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
- 4. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 5. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 6. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 7. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
- 8. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials. [15A NCAC 02H.0506(b)(3)]
- 9. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 10. Discharging hydroseed mixtures and washing out hydro seeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 11. 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 the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
- 12. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
- 13. 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]



- 14. 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. [15A NCAC 02H.0501 and .0502]
- 15. 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.
- 16. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 17. Upon completion of the project (including any impacts at associated borrow or waste sites), NCDOT project engineer (or appointee) shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 18. 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. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 19. 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 [15A NCAC 02H.0506(b)(3) and (c)(3]):
  - 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.
- 20. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 21. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 {b)(3) and (c)(3) and 15A NCAC 02B .0200]
- 22. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
- 23. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and



implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) within sixty (60) calendar days. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at http://www.ncoah.com/ or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on:

William F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S 150B-23(a).

This the 3<sup>rd</sup> day of June, 2024

DIVISION OF WATER RESOURCES

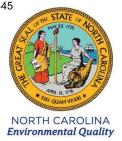
Richard E. Rogers Fundan Director

DocuSigned by:

WQC No. 006816



ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR. Director



June 3, 2024
Guilford County
NCDWR Project No. 20240633
NCDOT TIP Project: U-4758
Proposed upgrades to SR 1818 (Johnson Street)/ SR1850 (Sandy Ridge Road) with Improvements from SR 1820 (Skeet Club Road) to South of I-40 in High Point

APPROVAL of Randleman Lake Water Supply Riparian Buffer Impacts with Additional Conditions for:

NCDOT TIP Project U-4758, Proposed Upgrades to SR 1818 (Johnson Street)/ SR1850 (Sandy Ridge Road) with Improvements from SR 1820 (Skeet Club Road) to South of I-40

West Fork Deep River (Oak Hollow Reservoir) in the Cape Fear (CPF03); Index No. 17-3-(0.7) Water Supply (WS-IV, CA)

West Fork Deep River in the Cape Fear (CPF03); Index No. 17-3-(0.3); Water Supply (WS-IV)

East Fork Deep River in the Cape Fear (CPF03); Index No. 17-2-(0.3); Water Supply (WS-IV)

#### Dear Mr. Crowther:

You have our approval for the impacts listed below for the purpose described in your application dated May 1, 2024 received by the Division of Water Resources. These impacts are covered by Randleman Lake Water Supply Watershed Riparian Buffer Protection Rules and the Conditions listed below. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

The following impacts are hereby approved, provided that, all the conditions listed below, and all the conditions of the Randleman Lake Supply Watershed Riparian Buffer Rules are met. No other impacts are approved, including incidental impacts. (15A NCAC 02B .0724).

#### Randleman Lake Water Supply Watershed Riparian Buffer Impacts

Site	Zone 1 Impact (sq ft)	Zone 1 Buffer Mitigation Required (3:1 ratio)	Zone 2 Impact (sq ft)	Zone 2 Buffer Mitigation Required (1.5:1 ratio)
Site 1- Road Crossing – Allowable	807		1,245	
Site 2- Road Crossing – Allowable	0		1,247	
Site 2- Bridge – Allowable	9,215		3,869	
Site 3- Road Crossing – Allowable	32		2,255	
Site 4- Outlet Channel – Allowable	1,272		1,177	
Site 5- Roadway Fill- Allowable w/ Mitigation	1,057	1,057	9,765	9,765
Totals	12,383	1,057	19,558	9,765

Total Buffer Impact for Project: 31,941 square feet.

The project shall be constructed in accordance with your application, dated May 1, 2024. After reviewing your application, we have decided that these impacts are covered by Individual Water Quality Certification Number 006816. This certification corresponds to the Nationwide Permit 14 issued by the Corps of Engineers. This approval is also valid for the Randleman Lake Riparian Buffer Rules (15A NCAC 2B.0724). 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 approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Authorization Certificate. If you change your project, you must notify the Division and you may be required to submit a new application package. If the property is sold, the new owner must be given a copy of this Authorization Certificate and is responsible for complying with all conditions. 15A NCAC 02B .0611(b)(2). The permittee shall report any noncompliance with the conditions of this Authorization Certificate and/or any violation of state regulated riparian buffer rules (15A NCAC 02B .0724).

If you are unable to comply with any of the conditions below, you must notify Ryan Conchilla with the Transportation Permitting Branch at <a href="mailto:Ryan.Conchilla@deq.nc.gov">Ryan.Conchilla@deq.nc.gov</a> within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

#### **Additional Conditions:**

- 1. All stormwater runoff shall be directed as sheetflow through stream buffers at non-erosive velocities, unless otherwise approved by this Certification. (15A NCAC 02B .0724)
- 2. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular NCDOT maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated with native woody species before the next growing season following completion of construction. (15A NCAC 02B .0724)



- 3. Pursuant to 15A NCAC 2B.0724, sediment and erosion control devices shall not be placed in Zone 1 of any Randleman Lake Water Supply Watershed Riparian Buffer without prior approval by NCDWR. At this time, NCDWR has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised, and that discharge is released as diffuse flow. The stream in the project area is class WS-IV waters of the State.
- 4. Compensatory mitigation for impacts to 1,057 square feet of protected riparian buffers in Zone 1 and 9,765 square feet in Zone 2 shall be required. We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through use of the North Carolina Division of Mitigation Services (DMS) (formerly NCEEP). Mitigation for unavoidable impacts to Randleman Lake Riparian Buffers shall be provided in the Cape Fear River Basin (CF003) and done in accordance with 15A NCAC .02B .0724. The DMS has indicated in a letter dated April 12, 2024 that they will assume responsibility for satisfying the compensatory mitigation requirements for the above-referenced project, in accordance with DMS's Mitigation Banking Instrument signed June 14, 2016.
- 5. Tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian areas. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with an appropriate native seed mix on disturbed soils within the riparian area and on disturbed steep slopes with the following exception. Erosion control matting is not necessary if the area is contained by perimeter erosion control devices such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Erosion control matting placed in riparian areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydroseeding along with wood or cellulose based hydro mulch applied from a fertilizer- and limestone-free tank is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters in prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank.

This approval and its conditions are final and binding unless contested. [G.S. 143-215.5]

This Authorization Certificate can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) within sixty (60) calendar days. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <a href="http://www.ncoah.com/">http://www.ncoah.com/</a> or by calling the OAH Clerk's Office at (919) 431-3000.

One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601



ROY COOPER Governor ELIZABETH S. BISER Secretary MARC RECKTENWALD Director



April 12, 2024

Mr. Jamie Lancaster, P.E. Environmental Analysis Unit North Carolina Department of Transportation Mail Service Center 1598 Raleigh, North Carolina 27699-1598

Dear Mr. Lancaster:

Subject: Mitigation Acceptance Letter: **TIP U-4758**, SR 1818 (Johnson Street) / SR 1850

(Sandy Ridge Road) Improvements from SR 1820 (Skeet Club Road) to South of I-40

in High Point, Guilford County

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the mitigation for the subject project. Based on the information supplied by you on April 12, 2024, the impacts are located in CU 03030003 of the Cape Fear River basin as follows:

Stream	River	River CII		CII Fee		CU Eco- Stream				Wetlands				
and Wetlands	Basin	Location	Region	Cold	Cool	Warm	Riparian	Non- Riparian	Coastal Marsh					
Impacts	Cape Fear	03030003	СР	0	0	15.000	0	0	0					

<sup>\*</sup>Some of the impacts may be proposed to be mitigated at various ratios. See permit application for details. DMS will provide the amount of stream and wetland mitigation included in the environmental permits.

### \* USACE determined mitigation for these 15' of stream impacts not required.

All buffer mitigation requests and approvals are administrated through the Riparian Restoration Buffer Fund. The NCDOT will be responsible to ensure that appropriate compensation for the buffer mitigation will be provided in the agreed upon method of fund transfer. Upon receipt of the NCDWR's Buffer Authorization Certification, DMS will transfer funds from the NCDOT Stream and Wetland Mitigation Fund into the Riparian Restoration Buffer Fund. Upon completion of transfer payment, NCDOT will have completed its riparian buffer mitigation responsibility for TIP U-4758. Subsequently, DMS will conduct a review of current NCDOT ILF Program mitigation projects in the river basin to determine if available buffer mitigation credits exist. If there are buffer mitigation credits available, then the Riparian Restoration Buffer Fund will purchase the appropriate amount of buffer mitigation credits from NCDOT ILF Program.



Mr. Lancaster April 12, 2024 Page Two NCDOT TIP U-4758

Buffer	Divon Posin	CU	Eco-		Buffer Impa	acts
Duller	River Basin	CU	Region	Zone 1	Zone 2	TOTAL
Impacts	Cape Fear	03030003	СР	1,057.000	9,765.000	10,822.000

DMS commits to implementing sufficient compensatory mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies in accordance with the In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from NCDEQ-DMS.

If you have any questions or need additional information, please contact Beth Harmon at 919-707-8420.

Sincerely,

Elizabeth A. Harmon

**DMS NCDOT ILF Coordinator** 

Clizabeth Harmon

cc: Mr. Monte Matthews, USACE – Raleigh Regulatory Field Office

Ms. Amy Chapman, NCDWR Mr. Brad Chilton, NCDOT

File: U-4758

#### This Authorization shall expire five (5) years from the date of this letter.

This letter completes the review of the Division under the Randleman Lake Water Supply Watershed Riparian Buffer Protection Rules as described in 15A NCAC 02B. 0724. Please contact Ryan Conchilla at Ryan.Conchilla@deg.nc.gov if you have any questions or concerns.

Sincerely,

Richard E. Rogers, Director Division of Water Resources

Cc:

Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office Erin Cheely, NCDOT Western Team Lead Beth Harmon, Division of Mitigation Services NCDOT ILF Coordinator



#### North Carolina Department of Transportation



Version 3.00; Released WBS Element:	August 2021)		ST		vater Program NAGEMENT PLAN PROJECTS					Sales on which
	40251.1.1	TIP/Proj No: U-4	758	County(ies):					Page 1	of
	.5251			General Project					· ~g~ '	<u> </u>
VBS Element:		40251.1.1	TIP Number:	U-4758	iiii OfficatiOff	Project	Type:	Roadway Widening	Date:	3/27/2024
CDOT Contact:		Bryan Key	TIP NUMBER:	U-4/30	Contractor / Desig		Josh Dalto		Date:	3/2//2024
CDOT Contact:	Address:		Raleigh, NC 27610 (Deliv	ery)	Contractor / Desig			Franklin Road		
		1582 Mail Service Cent	er, Raleigh, NC 27699-158	2 (Mail)			Raleigh, N	C 27606		
		(919) 707-6263					(919) 859-			
	Email:	bckey@ncdot.gov					idalton@no	<u>odot.gov</u> T		
ity/Town:			High Point		County(ies):	Guilfo				
iver Basin(s):		Cape Fear			CAMA County?	No	)			
etlands within Pr	oject Limits?	Yes								
				Project Des						
roject Length (lin.	. miles or feet):	4.492 miles		ng Land Use:	Residential & Com	mercial				
			Proposed Pro	ject				Existing Site		
roject Built-Upon	Area (ac.)		67.0	ac.			23.0	ac.		
ypical Cross Sect		Four 12' lanes (2 lanes	in each direction) with 4' bil	ke lanes each dire	ction, raised median,	Two 11' lanes	with grass	shoulder.		
ypical cross section bescription.		and 5' sidewalks each s	ide.							
nnual Avg Daily T	raffic (veh/hr/day):	Design/Future:	37,100	Year	r: 2041	Existing:		24,400	Ye	ar: 2021
General Proi	ect Narrative:		with the City of High Point				n Street / S			



#### **North Carolina Department of Transportation**



### Highway Stormwater Program STORMWATER MANAGEMENT PLAN

FOR NCDOT PROJECTS Version 3.00; Released August 2021) WBS Element: 40251.1.1 TIP/Proj No.: U-4758 County(ies): Guilford Page **General Project Information** Waterbody Information Surface Water Body (1): West Fork Deep River (Oak Hollow Reservoir) NCDWR Stream Index No.: 17-3-(0.7) **Primary Classification:** Water Supply IV (WS-IV) NCDWR Surface Water Classification for Water Body Supplemental Classification: CA Other Stream Classification: Impairments: Aquatic T&E Species? No Comments: NRTR Stream ID: Buffer Rules in Effect: Randleman Lake Project Includes Bridge Spanning Water Body? Yes No N/A Deck Drains Discharge Over Buffer? Dissipator Pads Provided in Buffer? (If yes, provide justification in the General Project Narrative) (If yes, describe in the General Project Narrative; if no, justify in the Deck Drains Discharge Over Water Body? No General Project Narrative) (If yes, provide justification in the General Project Narrative) West Fork Deep River NCDWR Stream Index No.: Surface Water Body (2): 17-3-(0.3) Primary Classification: Water Supply IV (WS-IV) NCDWR Surface Water Classification for Water Body Supplemental Classification: Other Stream Classification: Impairments: Fish Community Benthos Aquatic T&E Species? Comments: NRTR Stream ID: Buffer Rules in Effect: Randleman Lake Project Includes Bridge Spanning Water Body? No Dissipator Pads Provided in Buffer? N/A Deck Drains Discharge Over Buffer? (If yes, provide justification in the General Project Narrative) (If yes, describe in the General Project Narrative; if no, justify in the Deck Drains Discharge Over Water Body? N/A General Project Narrative) (If yes, provide justification in the General Project Narrative) Surface Water Body (3): East Fork Deep River NCDWR Stream Index No.: 17-2-(0.3) Primary Classification: Water Supply IV (WS-IV) NCDWR Surface Water Classification for Water Body Supplemental Classification: Other Stream Classification: Impairments: **Benthos** Aquatic T&E Species? Comments: NRTR Stream ID: Buffer Rules in Effect: Randleman Lake Project Includes Bridge Spanning Water Body? No Deck Drains Discharge Over Buffer? N/A Dissipator Pads Provided in Buffer? N/A (If yes, provide justification in the General Project Narrative) (If yes, describe in the General Project Narrative; if no, justify in the N/A Deck Drains Discharge Over Water Body? General Project Narrative) (If yes, provide justification in the General Project Narrative)



#### North Carolina Department of Transportation

### Highway Stormwater Program

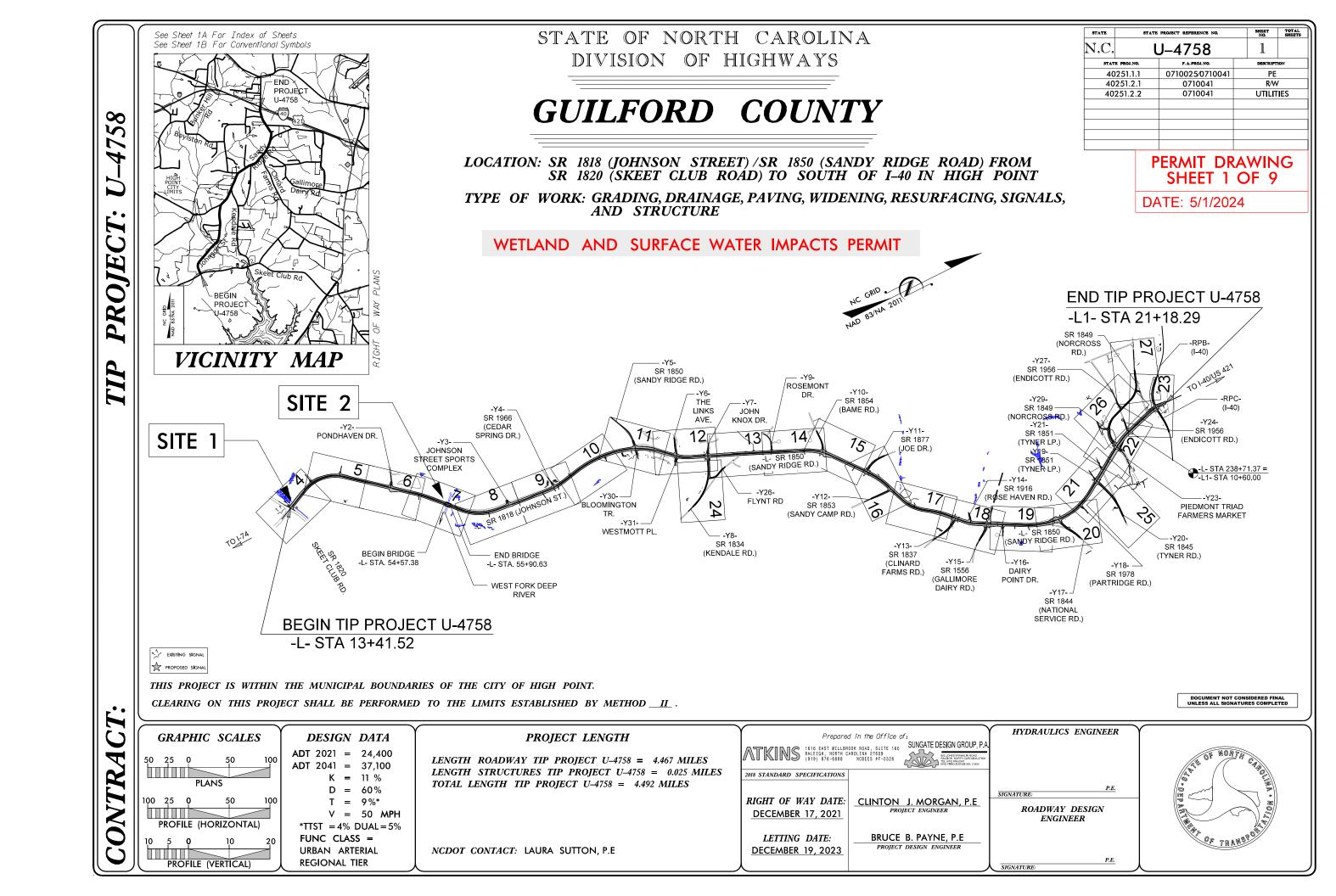
(Version 3.00; Released August 2021)

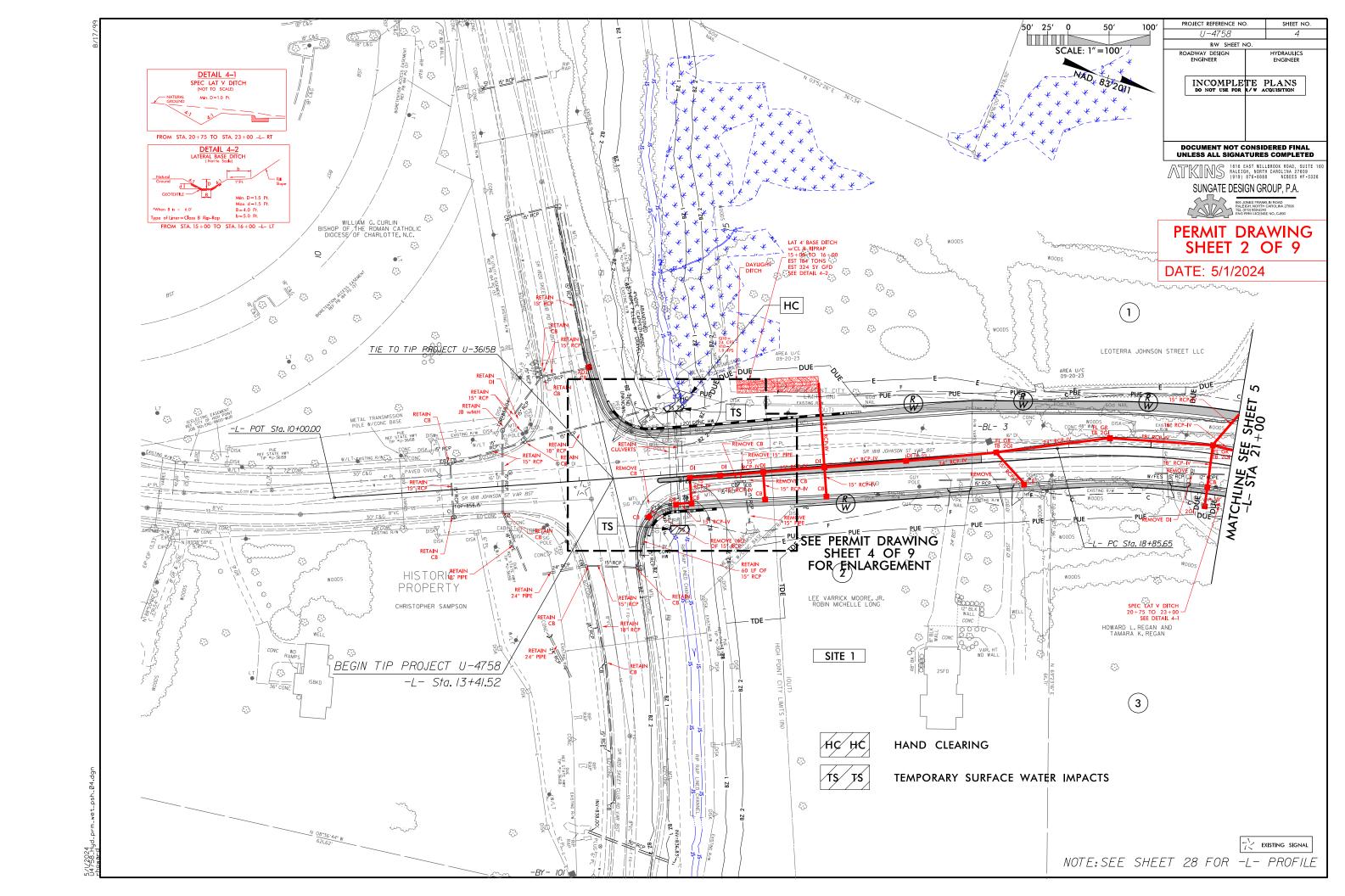
STORMWATER MANAGEMENT PLAN

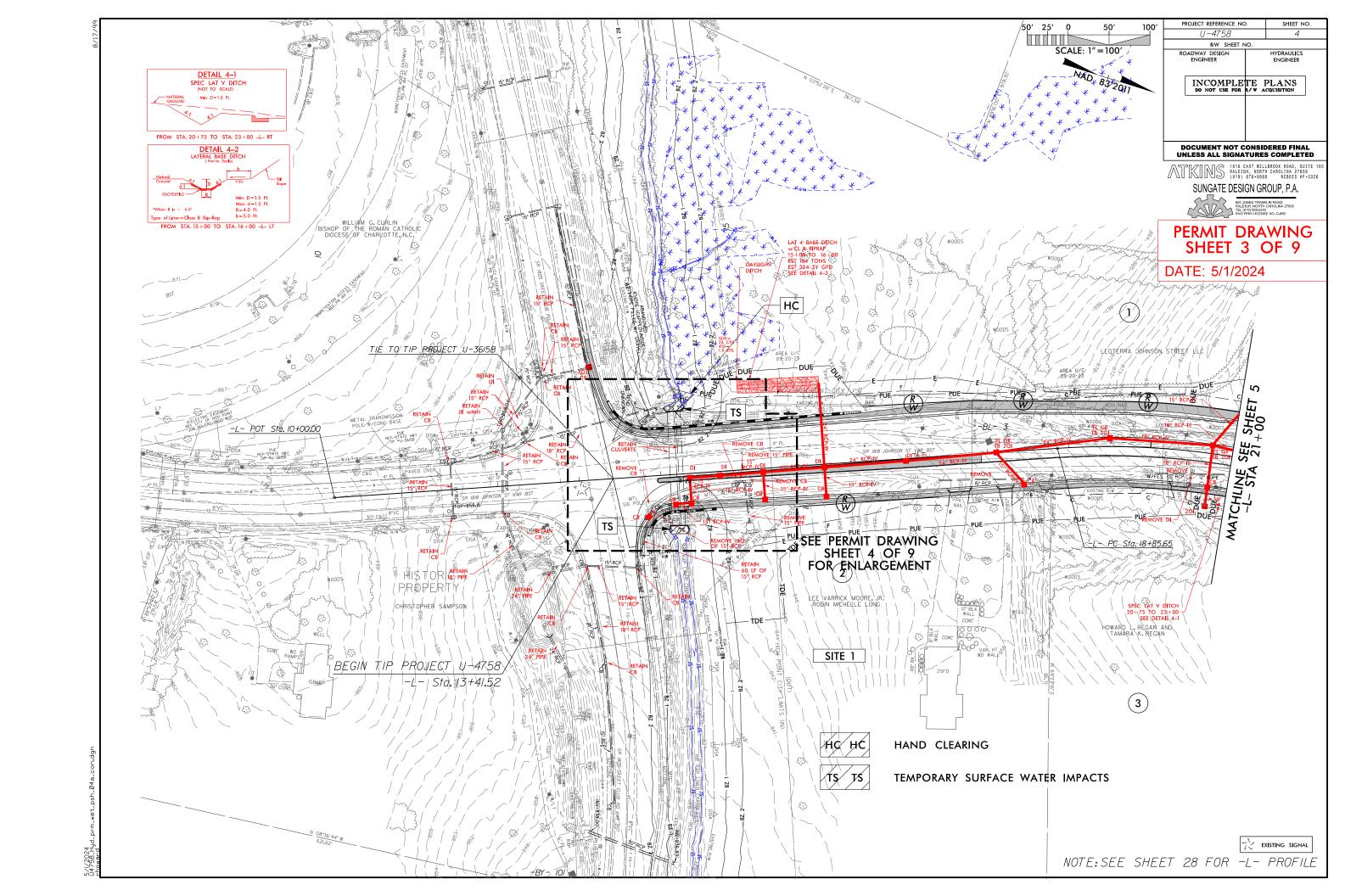
FOR NCDOT PROJECTS TIP/Proj No.: U-4758 Page WBS Element: 40251.1.1 County(ies): Guilford

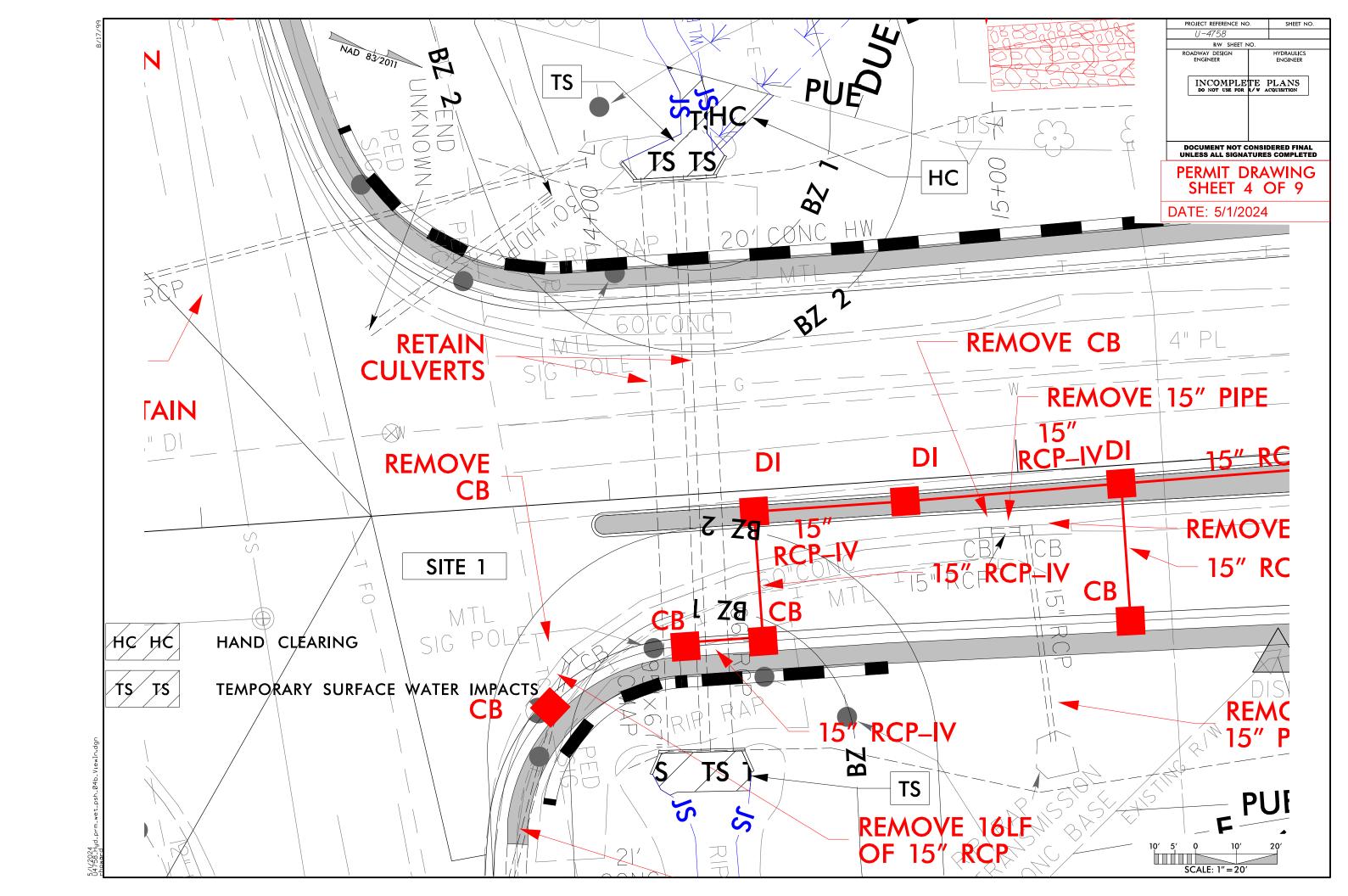
				DO Elomont.			Other Toolbox	Best Management Prac	etices		i ago o	<u> </u>
Sheet No.	Line	Station	Location (LT,RT,CL)	Latitude	Longitude	Surface Water Body	BMP Type	Drainage Area (ac)	New Built-Upon Area (ac)	Volume Treated (ac-ft)		BMP Associated w/ Buffer Rules?
8	L	59+05	RT	36.04683	-80.01313	(1)West Fork Deep River (Oak Hollow Reservoir)	Dry Detention Basin	3.3	2.9	0.2	0.87	No
16	L	170+83	LT	36.07367	-79.99906	(1)West Fork Deep River (Oak Hollow Reservoir)	Dry Detention Basin	6.1	4.3	0.19	0.56	Yes
22	Y29	33+00	LT	36.08767	-79.99583	(1)West Fork Deep River (Oak Hollow Reservoir)	Dry Detention Basin	5.3	1.6	0.276	2.18	No

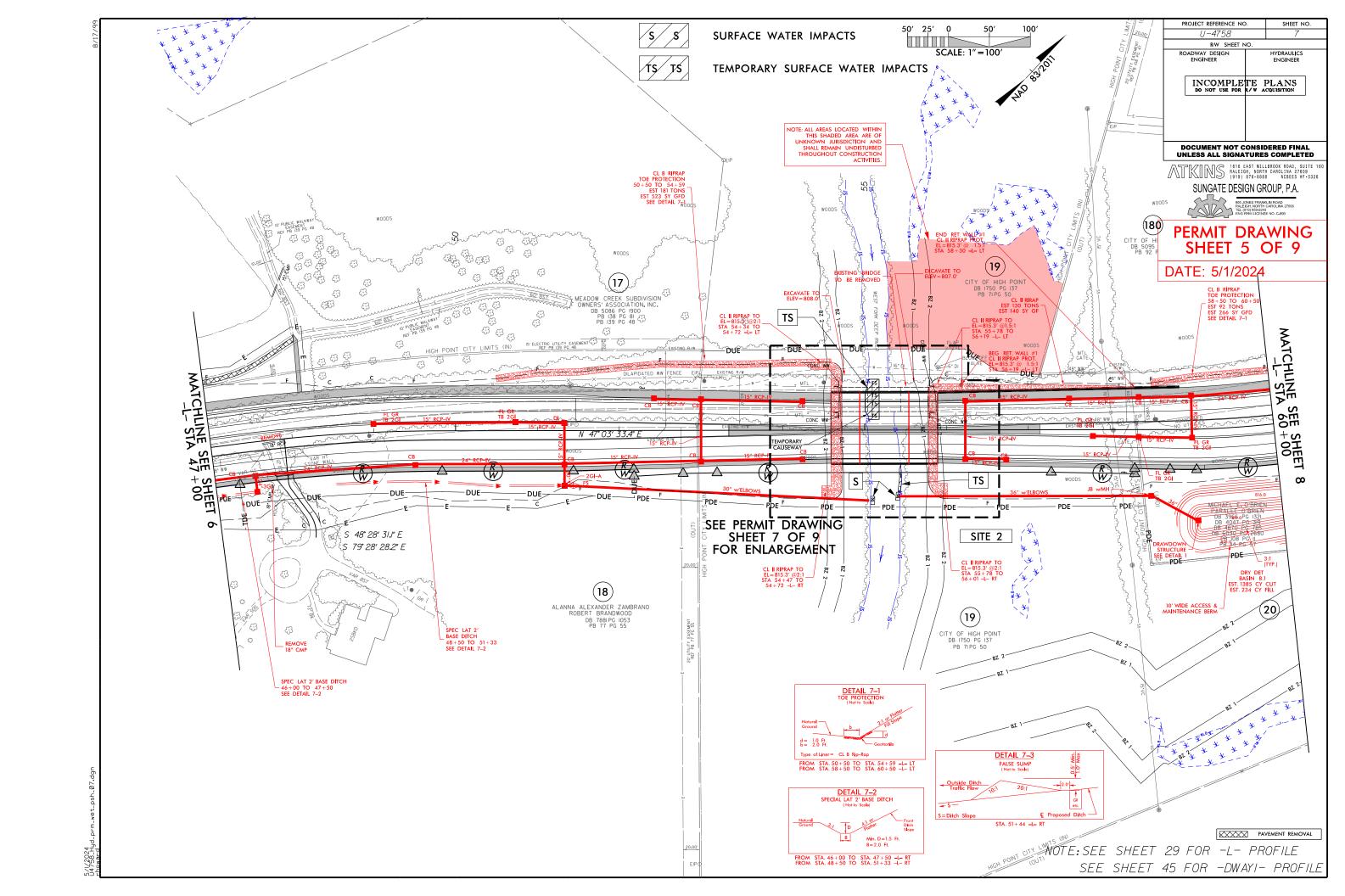
Additional Comments

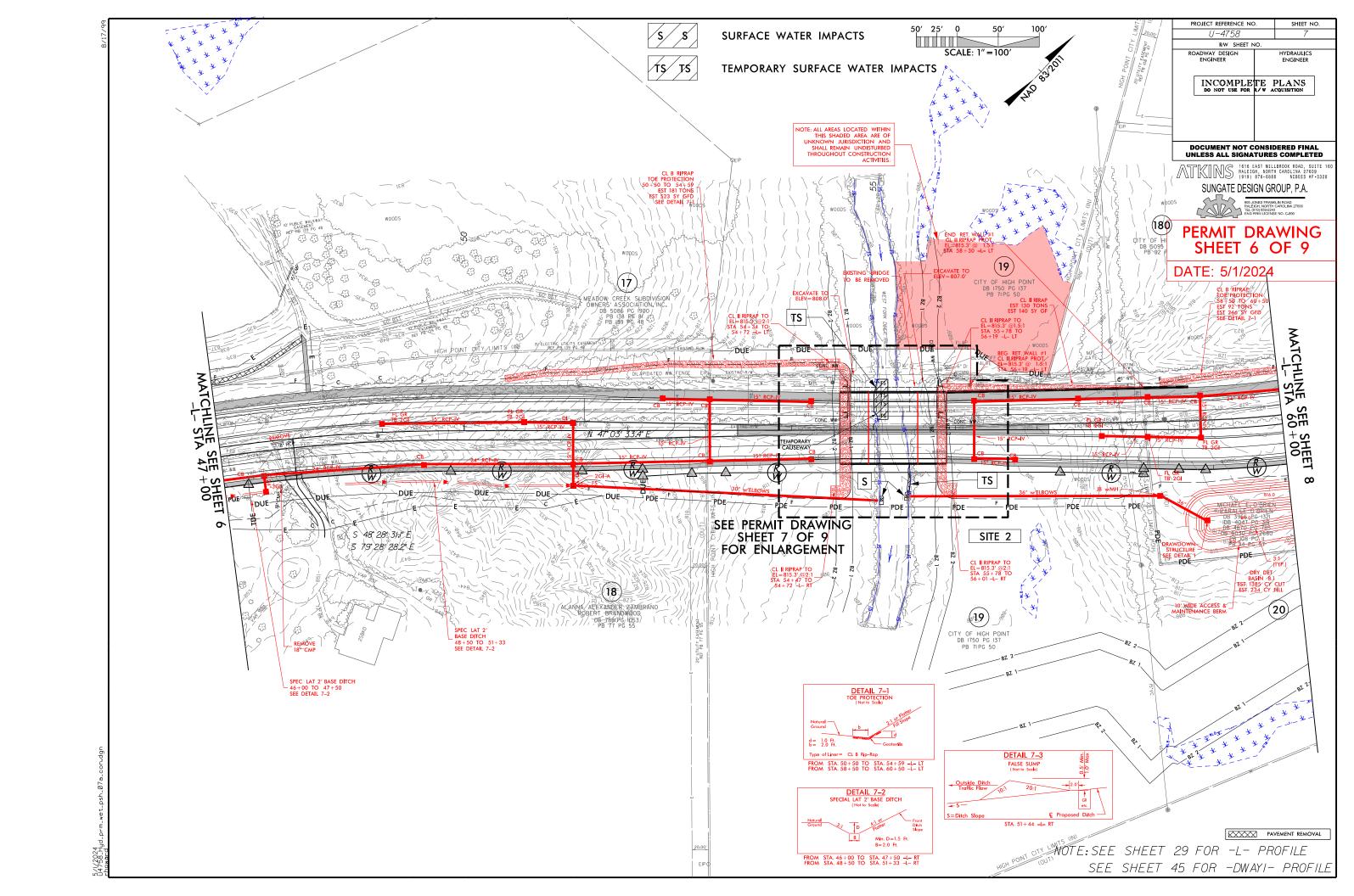


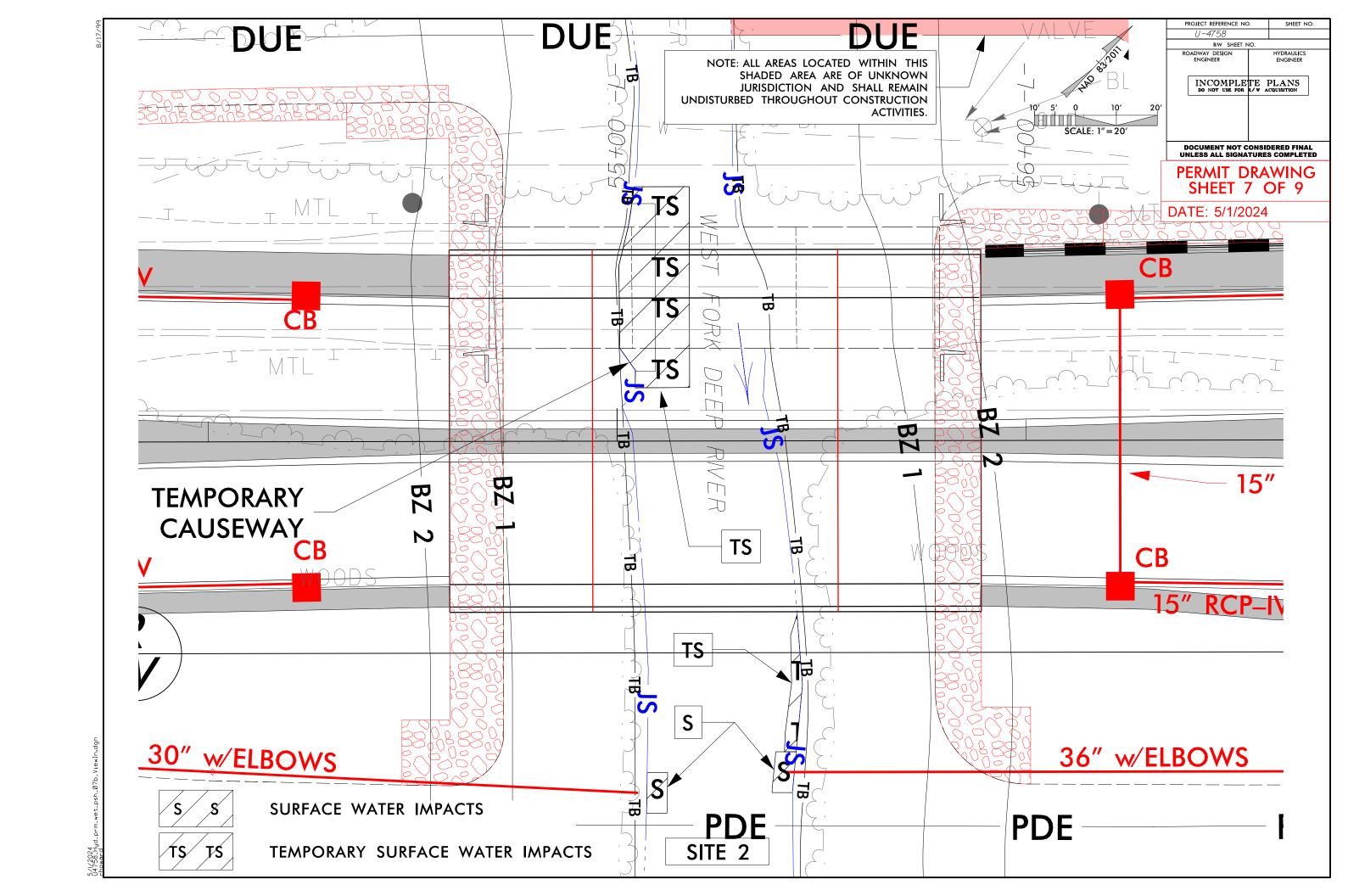


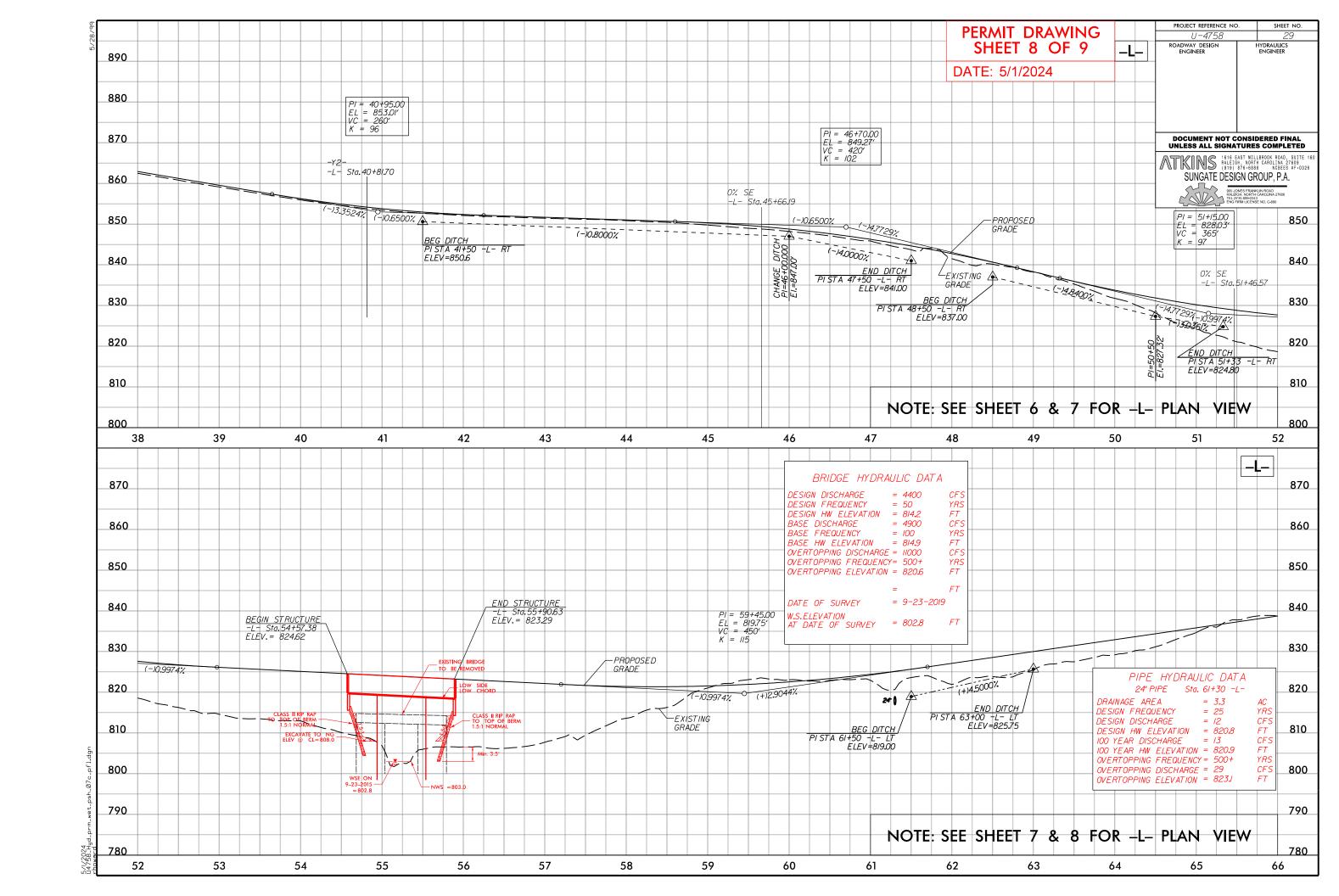












				WE	TLAND IMP	ACTS		SURFACE WATER IMPACTS				
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natura Strean Desigr (ft)
1	14+08 / 14+47 -L- LT	Existing Culvert	(ac)	(ac)	(40)	(ac)	< 0.01	(ac)	< 0.01	(11)	28	(11)
	14+05 / 14+30 -L- RT	Existing Culvert					1 0.01		< 0.01		10	
2	55+07 / 55+46 -L- RT	Bridge						< 0.01	0.02	15	83	

*Rounded	totals	are ·	niis	of a	actual	impacts
Nounded	lulais	aı c	oulli	$\circ$	ıcıuaı	IIIIDacio

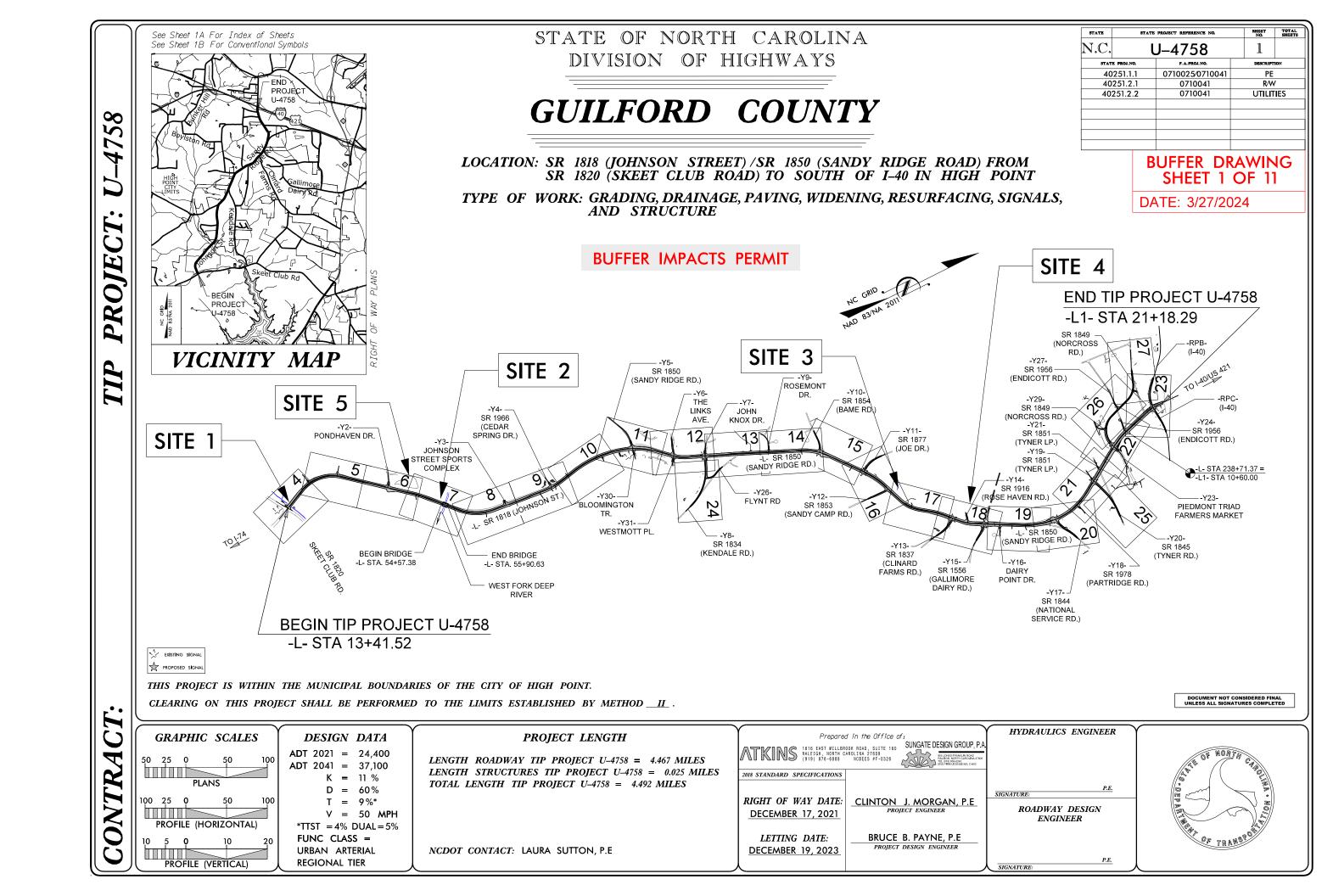
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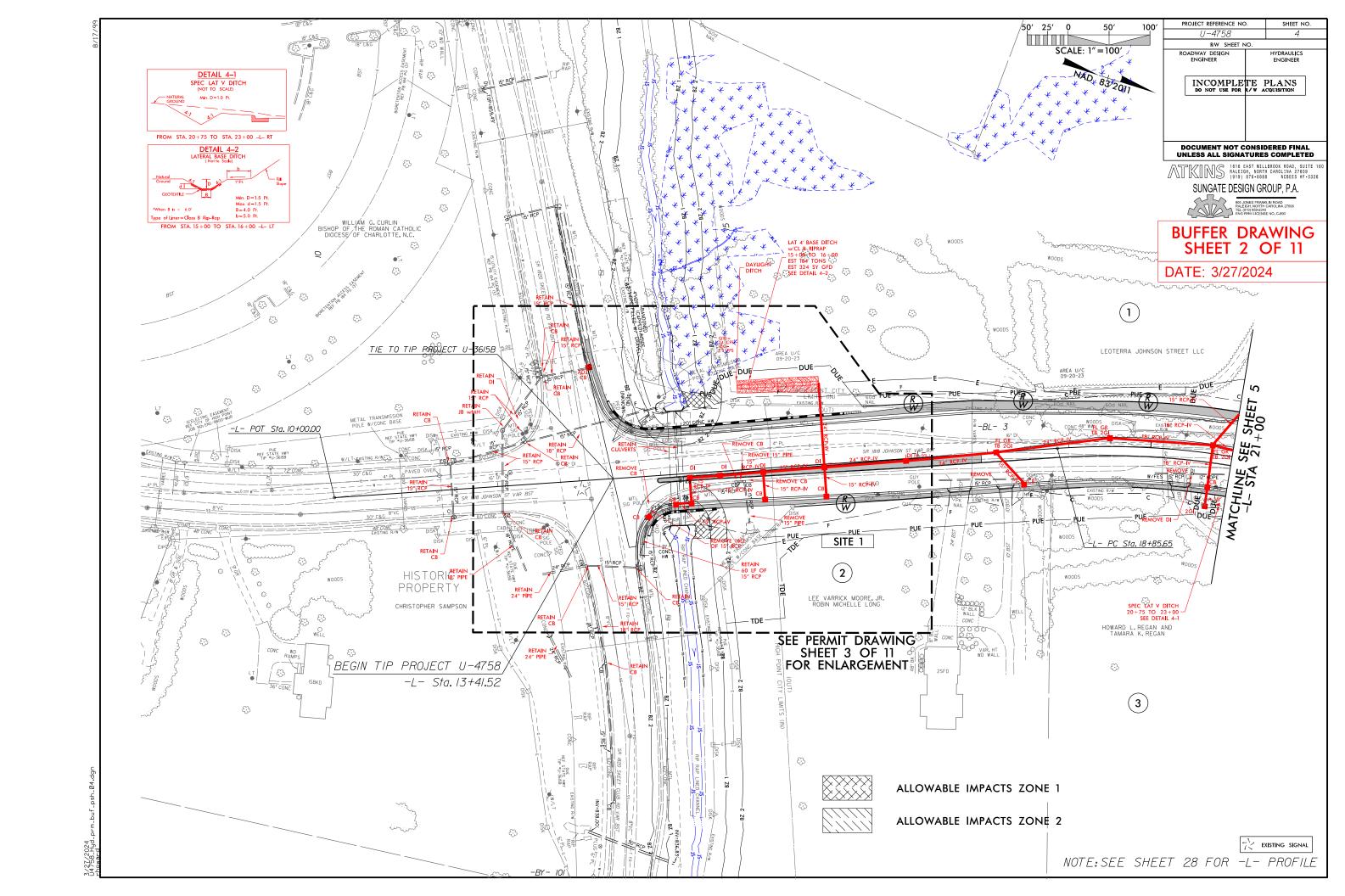
NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 5-1-2024 GUILFORD COUNTY U-4758 40251.1.1 SHEET

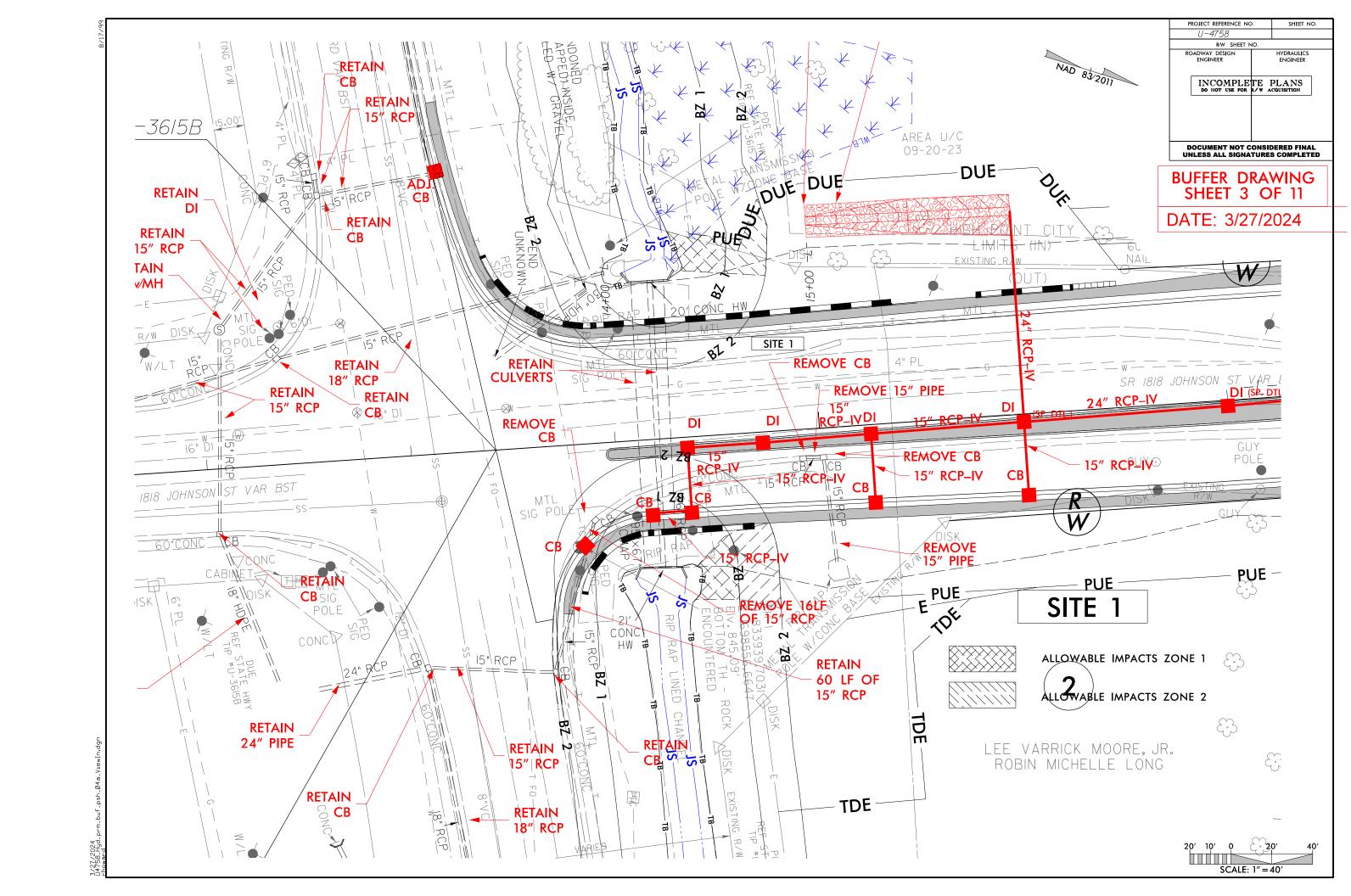
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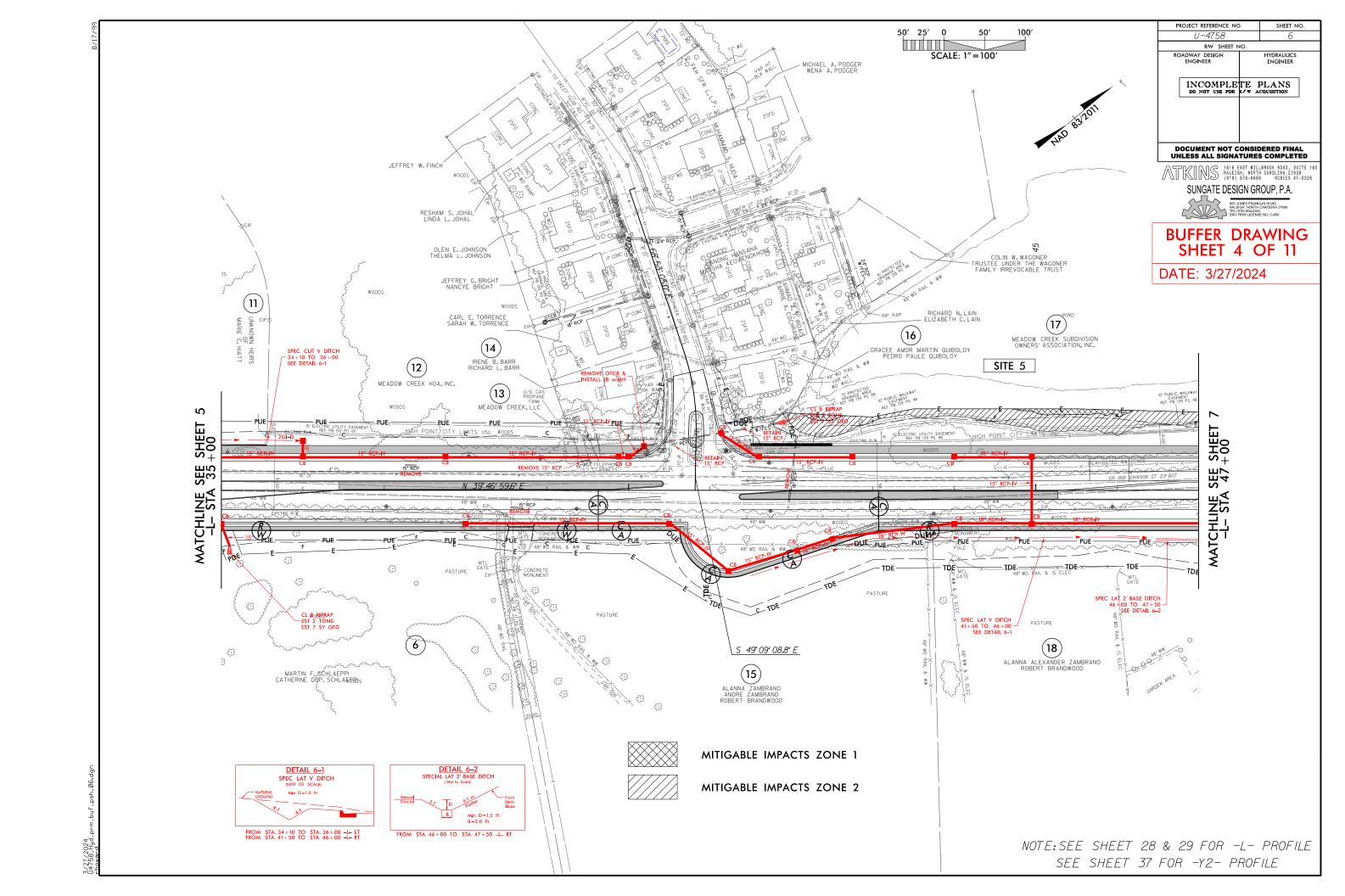
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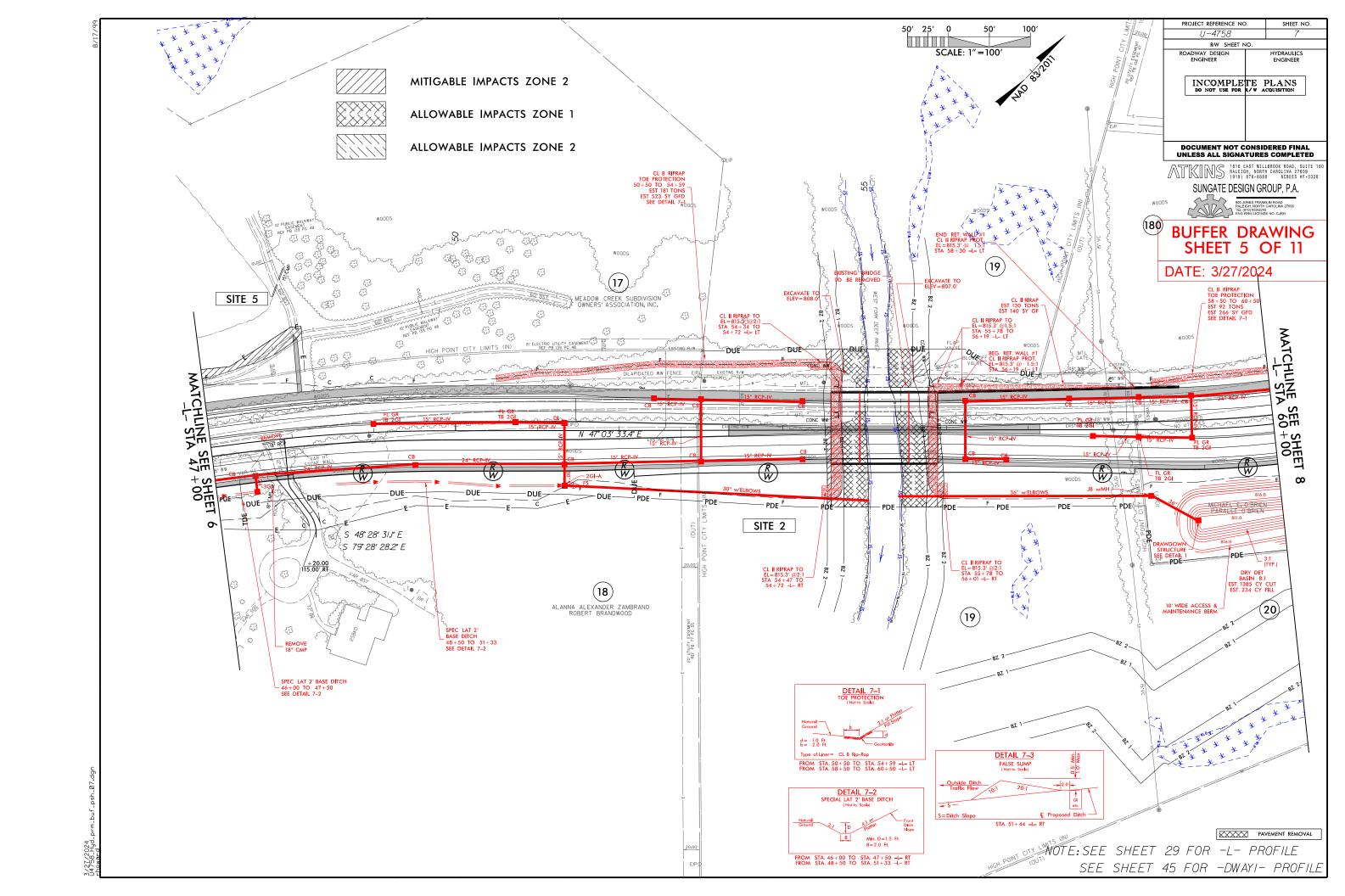
Revised 2018 Feb

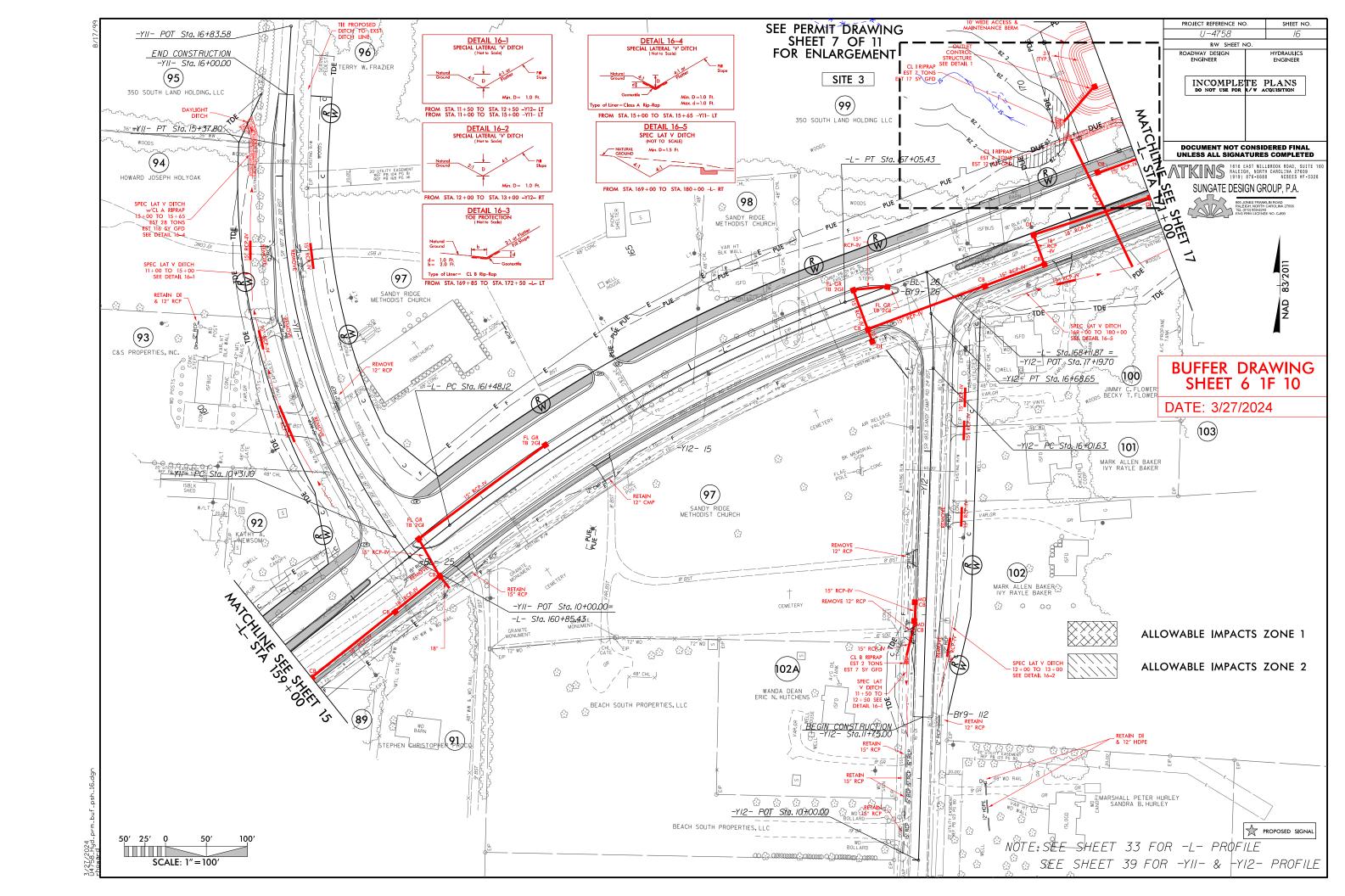


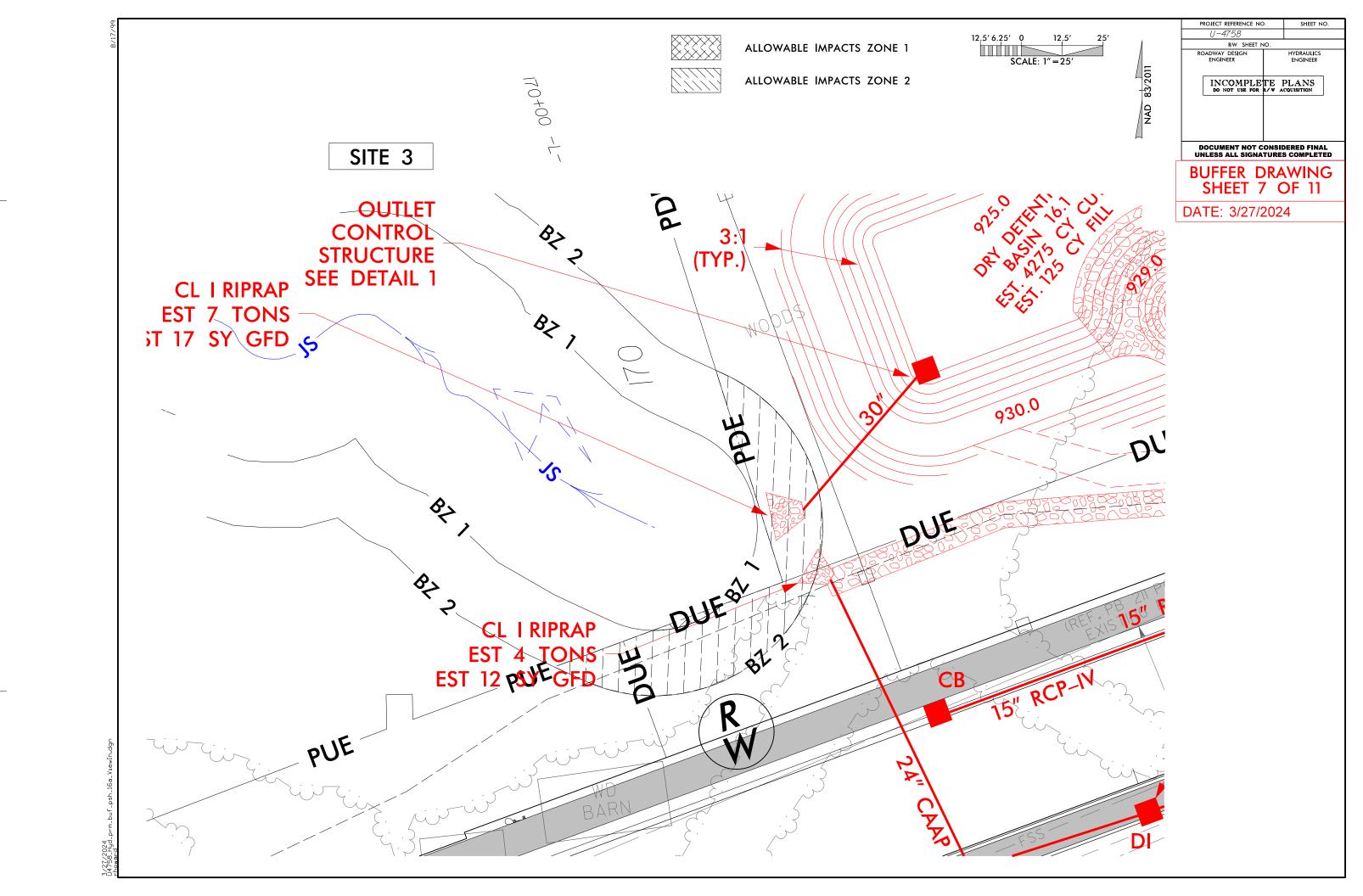


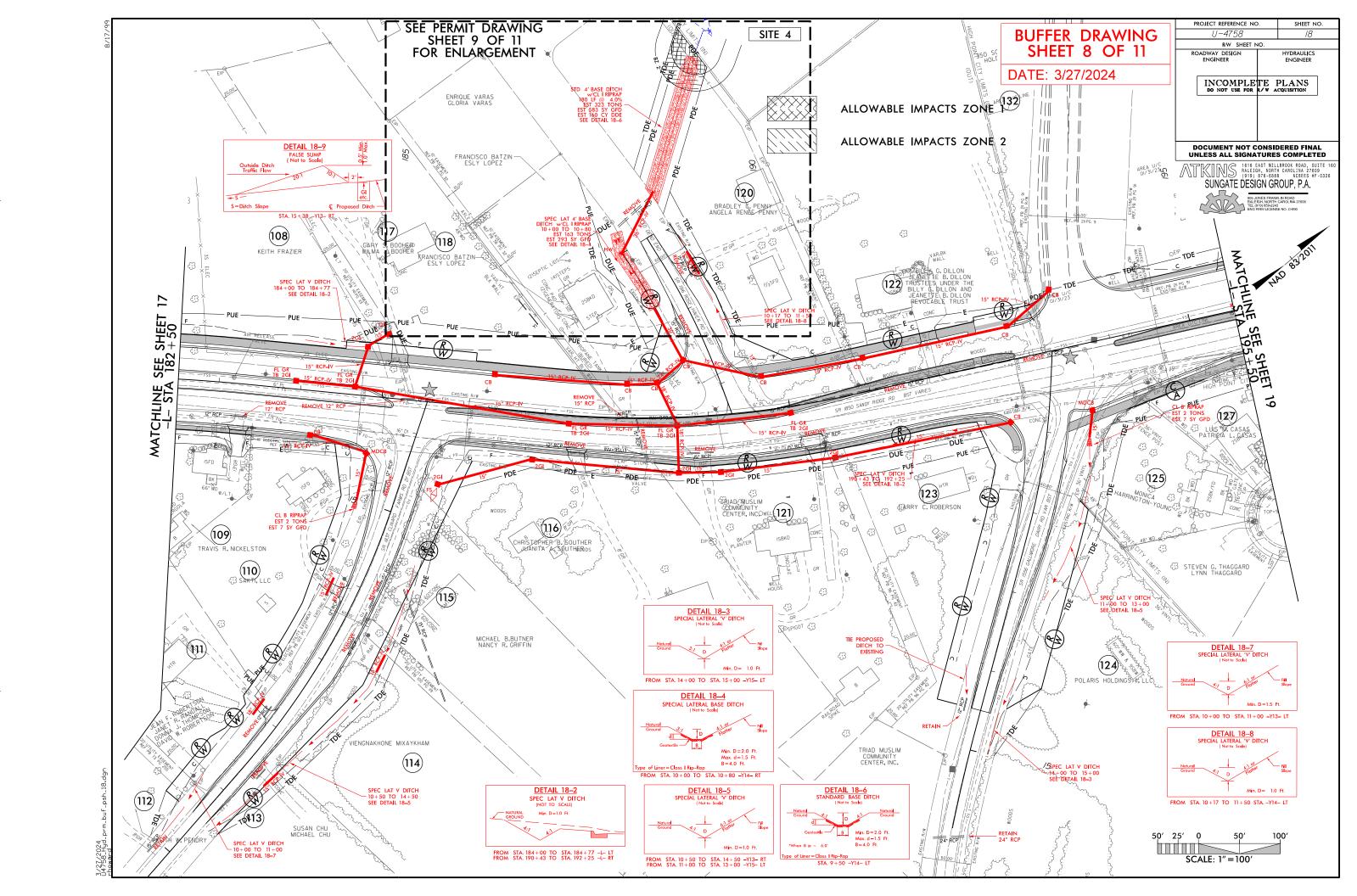


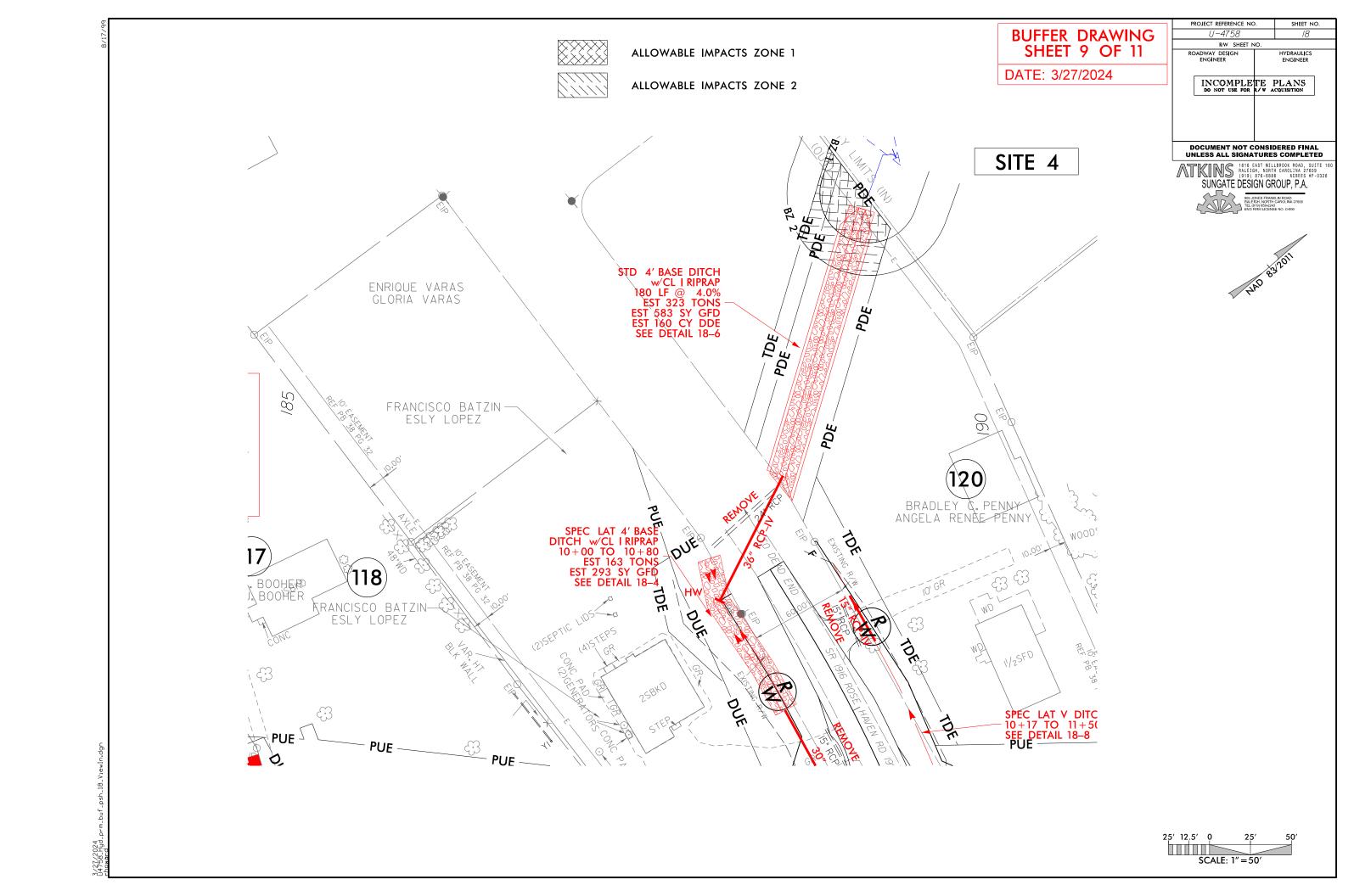












	, , , , , , , , , , , , , , , , , , ,					IMF	ACTS		1			BUFFER	
			TYPE			ALLOWABLE			MITIGABLE			REPLACEMEN	
Site No.	Station (From/To)	Structure Size / Type	ROAD CROSSING	BRIDGE	PARALLEL IMPACT	ZONE 1 (ft <sup>2</sup> )	ZONE 2 (ft <sup>2</sup> )	TOTAL (ft²)	ZONE 1	ZONE 2 (ft <sup>2</sup> )	TOTAL (ft²)	ZONE 1	ZONE 2
1	14+29 / 14+82 -L- LT	Cylinting Culvert	Х			331	488	819					
	14+27 / 14+79 -L- RT	Existing Culvert	Х			476	757	1233					
2	54+51 / 55+97 -L-	Roadway Fill	х				1247	1247					
		Bridge		Х		9215	3869	13084					
3	169+48 / 170+40 -L- LT	Roadway Fill	х			32	2255	2287					
4	188+58 / 189+43 -L- LT	Outlet Channel	х			1272	1177	2449					
5	41+89 to 48+22 -L-LT	Roadway Fill			X				1057	9765	10822		
OTAL	<u>                                     </u>		<u> </u>		1	11326	9793	21119	1057	9765	10822	0	0

NOTES:

NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 3-27-2024 GUILFORD COUNTY U-4758 40251.1.1 SHEET OF

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Revised 2018 Feb

11

			VVEILAN	ם אוו פע	FER IMPACTS SUMMARY
	Т		WETLANDS IN BUFFERS		
SITE NO.	STATION (FROM/TO)		ZONE 1 (ft²)	ZONE 2 (ft²)	
1	14+29/14+47	-L- LT	99	(11)	
OTAL:			99	0	