



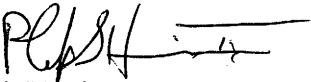
STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 1, 2005

MEMORANDUM TO: Mr. J. M. Mills, P.E.  
Division 7 Engineer

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

SUBJECT: Guilford County; Replace No. 102 on SR 2124 over Bush Creek;  
T.I.P. Number B-3848; State Project No. 8.2496201;  
F. A. Project No. BRZ-2124(1)

Attached is the U. S. Army Corps of Engineers revised Nationwide Permit Number 23 for the construction of the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

cc: Mr. Art McMillan, P.E.  
Mr. Omar Sultan  
Mr. Jay Bennett, P.E.  
Mr. David Chang, P.E.  
Mr. Randy Garris, P.E.  
Mr. Greg Perfetti, P.E.  
Mr. Mark Staley  
Mr. John F. Sullivan, III, FHWA  
Mr. Jerry Parker, Division 7 DEO

## PROJECT COMMITMENTS

Replace Bridge No. 102  
on SR 2124 over Brush Creek  
Federal Aid Project BRZ-2124(1)  
State Project 8.2496201  
TIP No. B-3848

In addition to the standard Nationwide Permit 23 conditions, the General Nationwide Permit Conditions, Section 404 Only Conditions, Regional Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for the Protection of Surface Waters, NCDOT's Guidelines for Best Management Practices for Bridge Demolition and Removal, General Certification Conditions, and the Section 401 Conditions of Certification, the following Environmental Commitments have been agreed to by NCDOT:

### **Conditions Developed Through Project Development and Design**

#### **Project Services Unit/Division 7**

Per conversation with NCDOT biologists in March 2002, the project study area needs to be revisited during the bald eagle nesting season prior to the signing of the FHWA right-of-way consultation. A bald eagle survey was performed in March 2003. No nests were found within a 1.3 miles of the project study area.

*Action: NCDOT biologists conducted a bald eagle survey in October 2005. No nests were found and concurrence was received from USFWS in October 2005 that this project may affect but will not likely adversely affect the bald eagle.*

NCDOT will provide the Greensboro Parks and Recreation Department an opportunity to review plan sheets prior to construction.

NCDOT will consider alternative methods of construction with an aggressive construction schedule to minimize time of the road closure.

### **Conditions Developed Through Permitting**

Special Condition #1 for mitigation was changed from the original permit. The enclosed permit is for your files. All standard permit conditions apply to this project.

*Action taken: No further action required for special condition #1.*

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

*Beauregard*  
*B-3848*

Action ID: 200121185

County: Guilford

USGS Quad: Summerfield

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

Property Owner: **Mr. Gregory J. Thorpe, Ph.D.**  
**NC Department of Transportation, Project Development and Environmental Analysis Branch**  
Address: **1548 Mail Service Center**  
**Raleigh, NC 27699-1548** Telephone No.: **(919) 733-3141**

Authorized Agent: NA

Address: Telephone No.:

Size and location of property (waterbody, road name/number, town, etc.): **The property is located on SR 2124 (Lewiston Road), at Bridge Number 102 over Brush Creek, north of Greensboro, in Guilford County, North Carolina.**

Site Coordinates: **36.1498 °N 79.9004 °W** Waterway: **Lake Higgins (Brush Creek)** River Basin: **Cape Fear**

Description of project area and activity: **The project includes mechanized landclearing, excavation, and placement of fill material, which may include riprap, associated with the replacement of the existing bridge with a new 3-span, 120-foot cored slab bridge. An off-site detour will be used to maintain traffic during construction.**

Applicable Law:  Section 404 (Clean Water Act, 33 USC 1344)  
 Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Nationwide or Regional General Permit Number(s): **23**

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

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all new and/or modified terms and conditions. The District Engineer may, at any time, exercise his discretionary authority to modify, suspend, or revoke a case specific activity's authorization under any NWP.

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

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

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

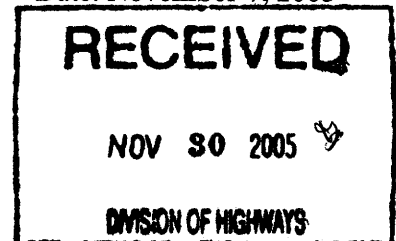
If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Todd Tugwell** at telephone **(919) 876-8441, ext 26**.

Corps Regulatory Official: *Todd Tugwell*

Expiration Date of Nationwide Permit Verification: **March 18, 2007**

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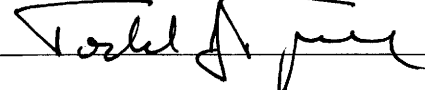
Date: November 7, 2005



**Determination of Jurisdiction:**

- Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The jurisdictional areas within the above described project area have been identified under a previous action. Please reference the jurisdictional determination issued on **February 17, 2004 (Action ID: 200121185)**.

Basis of Jurisdictional Determination: **The site contains a finger of Lake Higgins, and adjacent wetlands, that flow into Reedy Fork, a tributary to the Cape Fear River and the Atlantic Ocean.**

Corps Regulatory Official: 

Date: **November 7, 2005**

Expiration Date of Jurisdictional Determination: **February 17, 2009**

**Summary of Authorized Impacts and Required Mitigation**

Action ID #	NWP / GP #	Open Water (ac)		Wetland (ac)		Unimportant Stream (lf)		Important Stream (lf)		
		Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	
<b>200121185</b>	<b>23</b>	<b>0</b>	<b>0.001</b>	<b>0</b>	<b>0.091</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Impact Totals		<b>0</b>	<b>0.001</b>	<b>0</b>	<b>0.091</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Total Loss of Waters of the U.S. (ac)				<b>0</b>		Total Loss of Waters of the U.S. (lf)				<b>0</b>
Required Wetland Mitigation (ac)		<b>0.091</b>	<b>In-Lieu/EEP</b>	Required Stream Mitigation (lf)		<b>0</b>				

Additional Remarks and/or Special Permit Conditions:

**1. Compensatory mitigation for the unavoidable impacts to 0.091 acres of riverine wetlands associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 16, 2005 from William D. Gilmore, EEP Transition Manager. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide 0.091 acres of restoration equivalent riverine wetlands in the Cape Fear River basin (Hydrologic Cataloging Unit 03030002 by one year of the date of this permit. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.**