### U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW-2008-03229 County: Rowan U.S.G.S. Quad: NC-CONCORD

# GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: North Carolina Department of Transportation

Mr. Philip S. Harris III, P.E.

Address: 1548 Mail Service Center

Raleigh, NC, 27699-1548

Telephone Number: <u>919-707-6100</u>

Size 7.6 mile corridor Nearest Town Nearest Waterway Cold Water Creek River Basin Rocky

USGS HUC 03040105 Coordinates Latitude: <u>35.4681124465766</u>

Longitude: -80.5901896486423

Location description: The proposed project is located along an approximately 7.6 mile corridor of existing I-85 from north of NC 73 (Davidson Highway/Exit 55) to north of SR 2180 (Lane Street/Exit 63), in Cabarrus and Rowan Counties, North Carolina.

Description of projects area and activity: \_This permit verification replaces the previously issued permit verification for the Interstate 85 (I-85) Widening and Interchange Improvements Project (TIP Project No. I-3802A).

Revisions have been made to seventeen impact sites and are discussed in detail below. Two new impact sites are also discussed below (Site 36 and the Troutman waste site).

Previously authorized permanent stream impacts for the entire project, including all previous permit modifications, totaled 4,241 linear feet, which included 1,006 linear feet of bank stabilization. Previously authorized temporary stream impacts totaled 674 linear feet. Previously authorized wetland impacts included 0.34 acre of permanent impacts, no temporary impact, and 0.08 acre of hand clearing.

The revised project impacts total 4,393 linear feet of permanent stream impacts (which includes 854 linear feet of stream bank stabilization impacts), 796 linear feet of temporary stream impacts, 0.34 acre of permanent wetland impacts, 0.01 acre of temporary wetland impacts, and 0.09 acre of hand clearing in

wetlands. There are 72 linear feet of permanent stream impacts located in the Troutman waste area that were not included in the Wetland Permit Impact Summary sheets but are included in the total listed above. This modification will result in 0.01 acre of additional temporary wetland fill impacts, 304 linear feet of additional permanent stream impacts, and 7 linear feet of additional temporary stream impacts. There will be 152 linear feet less stream bank stabilization impacts than previously permitted.

There are two additional impact sites; one (Site 36) is included in the revised permit drawings and the other (Troutman Waste Area Site 1) is shown on the last drawing attached. Permit impact sites where no changes were made to the drainage design or type of impact are not included in the revised permit drawings.

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

Authorization: Regional General Permit Number or Nationwide Permit Number: <u>GP 198200031 NCDOT Bridges, Widening</u> **Projects....** (Authorized 2020)

# SEE ATTACHED RGP or NWP GENERAL, REGIONAL AND SPECIAL CONDITIONS

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

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or

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

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) 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 in Elizabeth City, NC, at (252) 264-3901.

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 Crystal Amschler at (828) 271-7980 or Crystal.C.Amschler@usace.army.mil.

AMSCHLER.CRYSTAL. Digitally signed by AMSCHLER.CRYSTAL.CAMILLE.1238

Corps Regulatory Official: CAMILLE.1238614178 614178 Date: June 25, 2021

Expiration Date of Verification: May 25, 2025

#### SPECIAL CONDITIONS

# 1) Endangered Species

## Endangered Species

The USACE conducted a GIS review of the project and surrounding areas and also reviewed the most current maps of confirmed/known hibernation and maternity (tree) sites for the NLEB (Myotis septentrionalis) at http://www.fws.gov/asheville/htmls/project\_review/NLEB\_in\_WNC.html .

This project is located outside of the highlighted areas/red 12-digit HUCs and does not require prohibited incidental take; as such, this project (with the exception of the area around the Moose Bridge Road structure addressed below) meets the criteria for the 4(d) rule and any associated take is exempted/excepted.

#### Moose Road Structure:

NCDOT has committed to measures to avoid and minimize any potential impacts to NLEB as described below.

- 1. In January 2017, representatives from NCDOT Division 10 will investigate the bridge for the presence of bats;
- 2. During the investigation, Division staff will inspect the expansion joints for bats by utilizing crane equipment that will be lowered over the side of the bridge, and;
- 3. Upon immediate completion of the January 2017 surveys, when it is determined that the bridge is clear of bats, representatives from NCDOT Division 10 will install foam sealant in the expansion joints to eliminate further roosting of bats.

### 2) 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 authorization.

- 3.) 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, shall be available at the project site during construction and maintenance of this project.
- **4.) Notification of construction commencement and completion:** The permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
- 5.) Pre Construction Meetings: The permittee shall schedule and attend a preconstruction meeting between its representatives, the contractors representatives, and the Corps of Engineers, Asheville Field Office, NCDOT Regulatory Project Manager, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all the terms and conditions contained with this Department of Army Permit. The permittee shall schedule the preconstruction meeting for a time frame when the USACE, NCDCM, and NCDWQ Project Managers can attend. The permittee shall invite the Corps, NCDCM, and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedules and participate in the required meeting.
- **6.)** Water Contamination: All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

- 7.) 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 to borrow material or to dispose of dredged, fill or waste material. The permittee shall provide the Corps of Engineers with appropriate maps indicating the locations of proposed borrow or waste sites as soon as such information is available. The permittee will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any stream or wetland. All jurisdictional wetland delineations on borrow and waste areas shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with the Special Condition (b) of this permit and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This documentation will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with Special Condition (b). All information will be available to the Corps of Engineers upon request. The permittee shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.
- **8.)** Sediment sluicing: The permittee shall take measures to control any bottom sediment that may be sluiced by draining the pond(s) on the project site. Sediment sluicing from ponds is not authorized by this permit.
- **9.)** Violations of these conditions or violations of Section 404 of the Clean Water must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the permittee's discovery of the violation.

# **Determination of Jurisdiction:**

A. There are waters, including wetlands, on the above described project area that may be subject to Section 404 of the Clean Water Act (CWA) (33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction. Please note, if work is authorized by either a general or nationwide permit, and you wish to request an appeal of an approved JD, the appeal must be received by the Corps and the appeal process concluded prior to the commencement of any work in waters of the United States and prior to any work that could alter the hydrology of waters of the United States.
<b>B.</b> 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 (RHA) (33 USC § 403) and 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.
C. There are waters, including wetlands, within the above described project area that are 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.
<b>D.</b> The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued 6/6/2014. Action ID: <b>SAW-2008-03229</b> .
Basis For Determination: There are stream channels within the project site which are tributaries of Town Creek, Cold Water Creek and Irish Buffalo Creek which flows into the Yadkin River, a Section 10 water.
E. Attention USDA Program Participants
This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.
F. Appeals Information (This information applies only to approved jurisdiction determinations as indicated in B and C above).
This correspondence constitutes an approved jurisdiction determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:
US Army Corps of Engineers South Atlantic Division Attn: Jason Steele, Review Officer 60 Forsyth Street SW, Room 10M15 Atlanta, Georgia 30303-8801 Phone: (404) 562-5137
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by  **It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.**
Corps Regulatory Official: AMSCHLER.CRYSTAL.CAMILLE.1238614178  Digitally signed by AMSCHLER.CRYSTAL.CAMILLE.1238614178  Date: 2021.06.25 16:26:02 -04'00'

Crystal Amschler
Date of JD: 1/9/2018

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <a href="http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0">http://corpsmapu.usace.army.mil/cm\_apex/f?p=136:4:0</a>.

<b>Action ID Number:</b>	SAW-2008-03229	County: Rowan and Cabarrus
Permittee:	North Carolina Depar	tment of Transportation
Project Name:	NCDOT I-85 widening	Rowan and Cabarrus Counties (TIP I-3802)
<b>Date Verification Iss</b>	sued: <u>6/25/2021</u>	
Project Manager: <u>C</u>	rystal Amschler	
	the activity authorized n and return it to the fo	by this permit and any mitigation required by the permit, llowing address:
	WIL Attn: Cry Ashev 151	Y CORPS OF ENGINEERS MINGTON DISTRICT stal Amschler, Project Manager rille Regulatory Field Office Patton Avenue, Room 208 ville, North Carolina 28801
<b>Engineers represent</b> result in the Corps s	ative. Failure to compleuspending, modifying o	ubject to a compliance inspection by a U.S. Army Corps or y with any terms or conditions of this authorization may or revoking the authorization and/or issuing a Class I ppropriate legal action.
	terms and condition of	y the above referenced permit has been completed in the said permit, and required mitigation was completed in
Signature of Permit	ttee	Date

#### U.S. ARMY CORPS OF ENGINEERS

# **Wilmington District**

# **Compensatory Mitigation Responsibility Transfer Form**

Permittee: Permittee: NCDOT Action ID: SAW-2008-03229

Project Name: I-85 Widening and Interchange Improvements Project (TIP Project No. I-3802A).

**County: Cabarrus and Rowan** 

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

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

#### **Permitted Impacts and Compensatory Mitigation Requirements:**

Permitted Impacts Requiring Mitigation\*

8-digit HUC and Basin: 03040105, Yadkin River Basin

Stre	eam Impacts (linear	feet)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal
3,352			0.34			

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

**Compensatory Mitigation Requirements:** 

8-digit HUC and	Basin: 03040105.	Yadkin R	iver Basin

Strea	am Mitigation (cre	edits)	Wetland Mitigation (credits)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-riverine	Non-Riparian	Coastal	
5,190			0.68				

Mitigation Site Debited: NC DMS

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

#### Section to be completed by the Mitigation Sponsor

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

ensure compliance associated with the mitigation requirements.  Mitigation Sponsor Name: NCDEQ DMS	
Name of Sponsor's Authorized Representative:	Beth Harmon
Elizabeth Harmon	06/28/2021
Signature of Sponsor's Authorized Representative	Date of Signature

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

#### **Conditions for Transfer of Compensatory Mitigation Credit:**

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

#### **Comments/Additional Conditions:**

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

**USACE Project Manager:** Crystal Amschler

**USACE Field Office:** Asheville Regulatory Field Office

US Army Corps of Engineers 151 Patton Avenue, Room 208

Asheville, North Carolina 28801-5006

Email:

614178

AMSCHLER.CRYSTAL.CAMILLE.1238 Digitally signed by

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Date: 2021.06.25 16:26:57 -04'00'

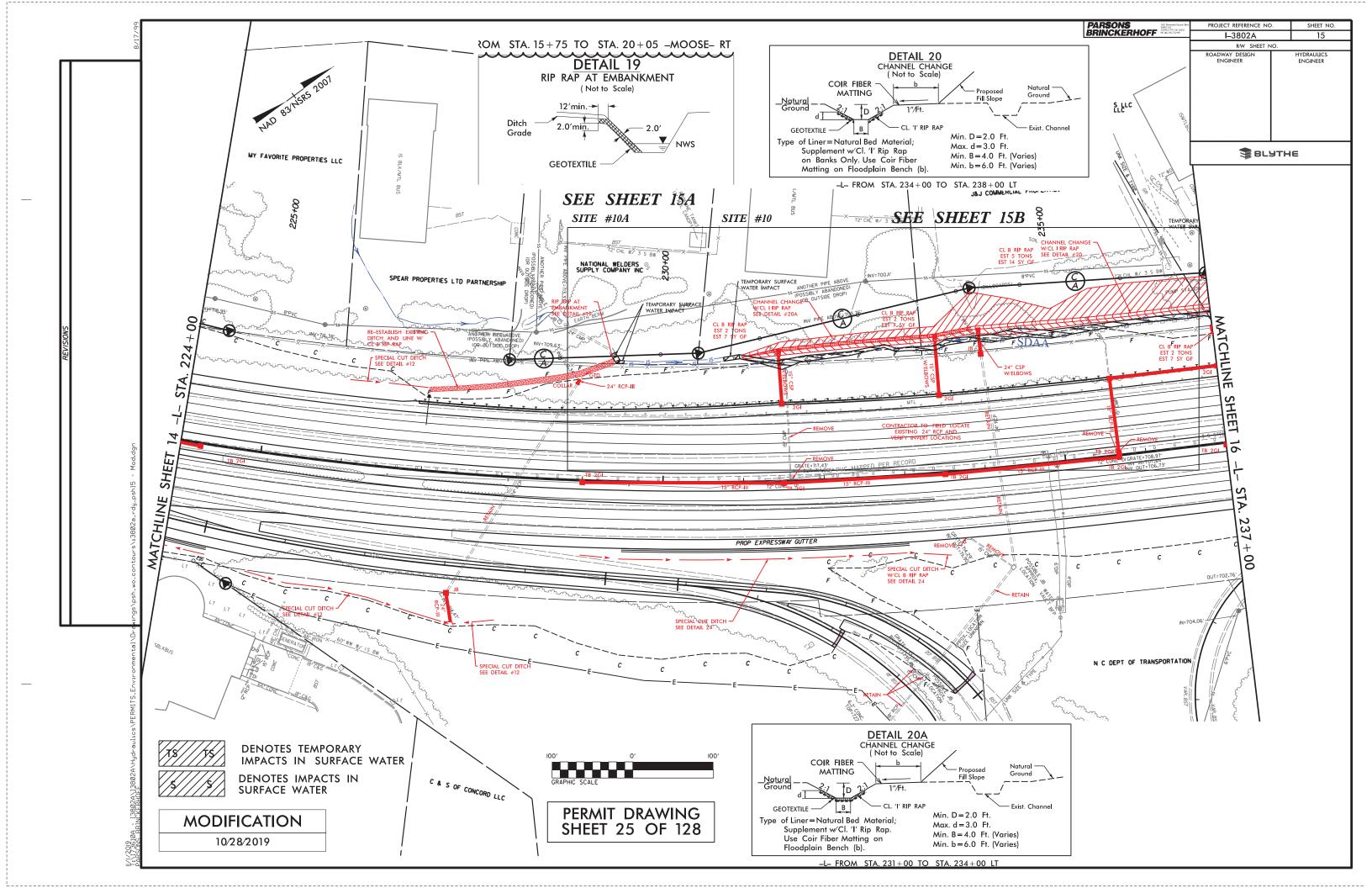
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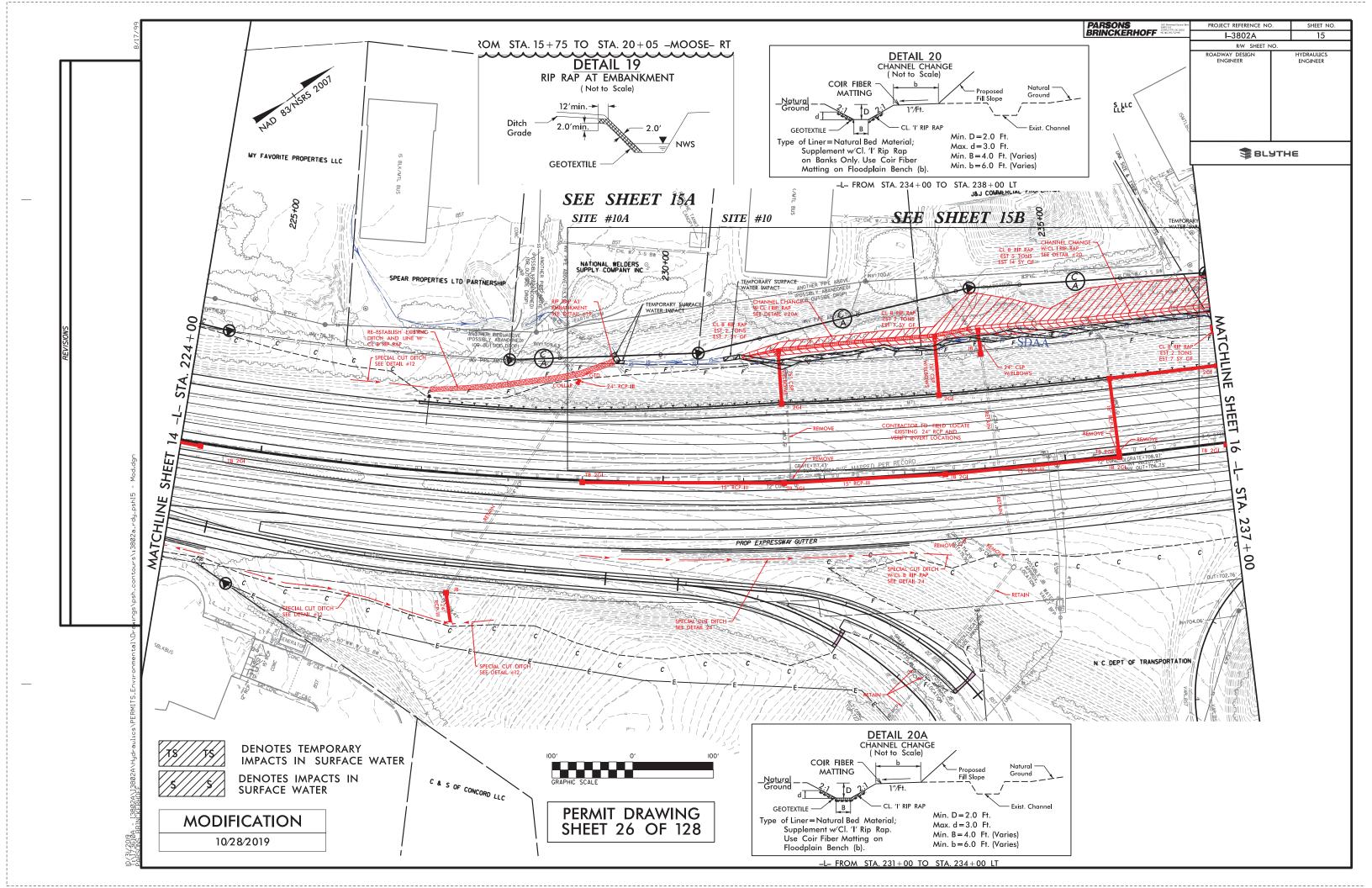
#### **USACE Project Manager Signature**

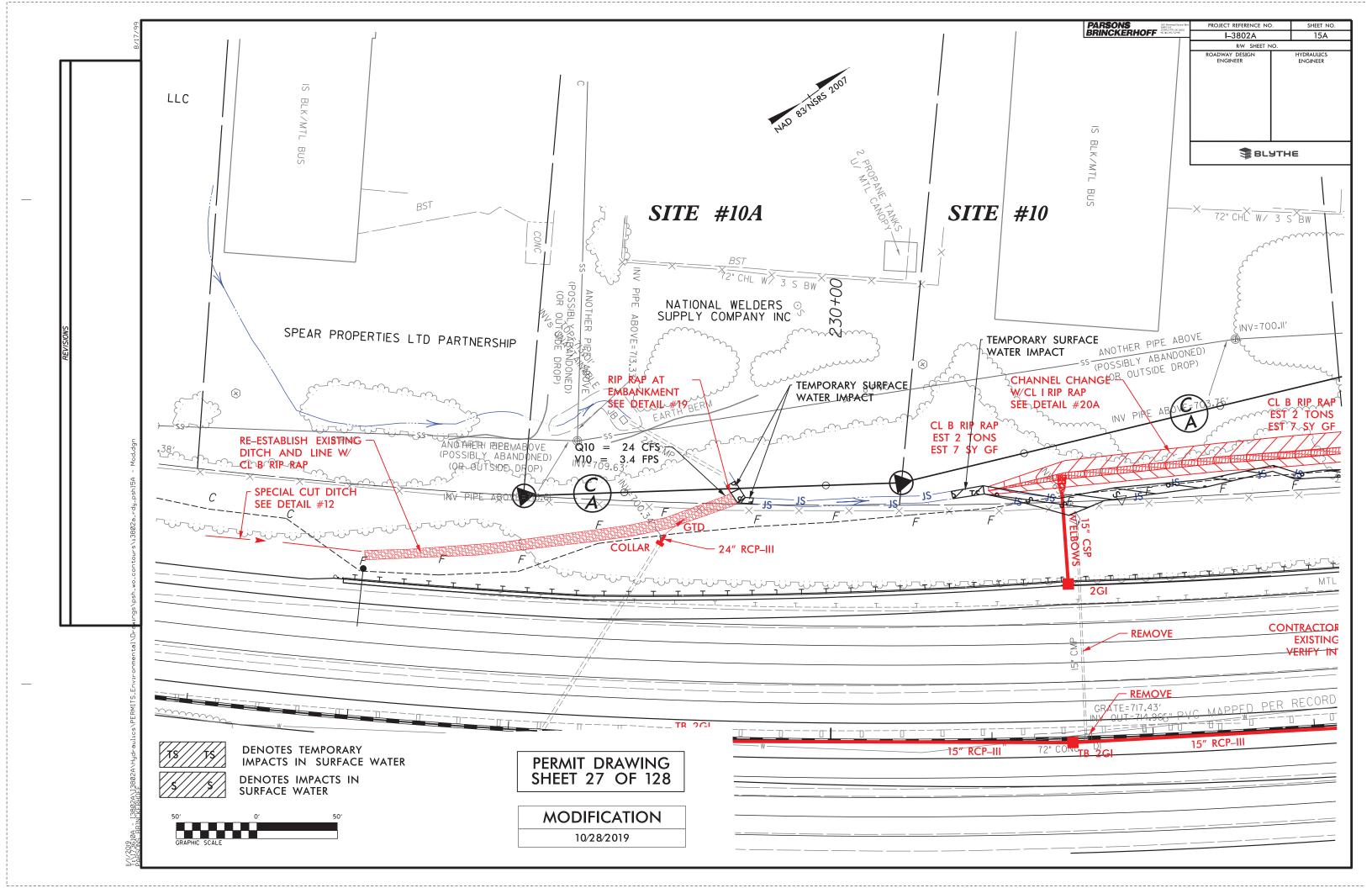
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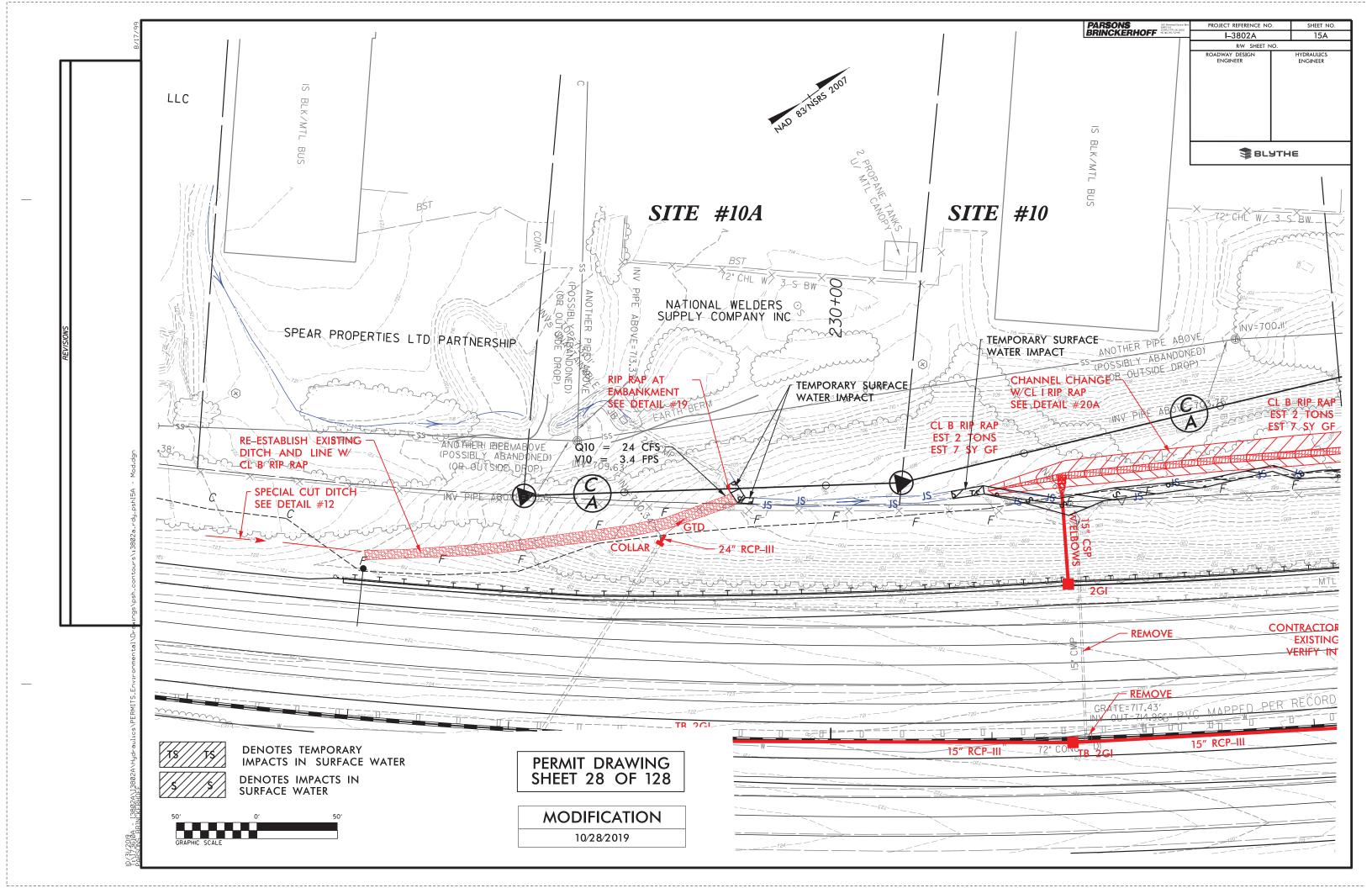
Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <a href="http://ribits.usace.army.mil">http://ribits.usace.army.mil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

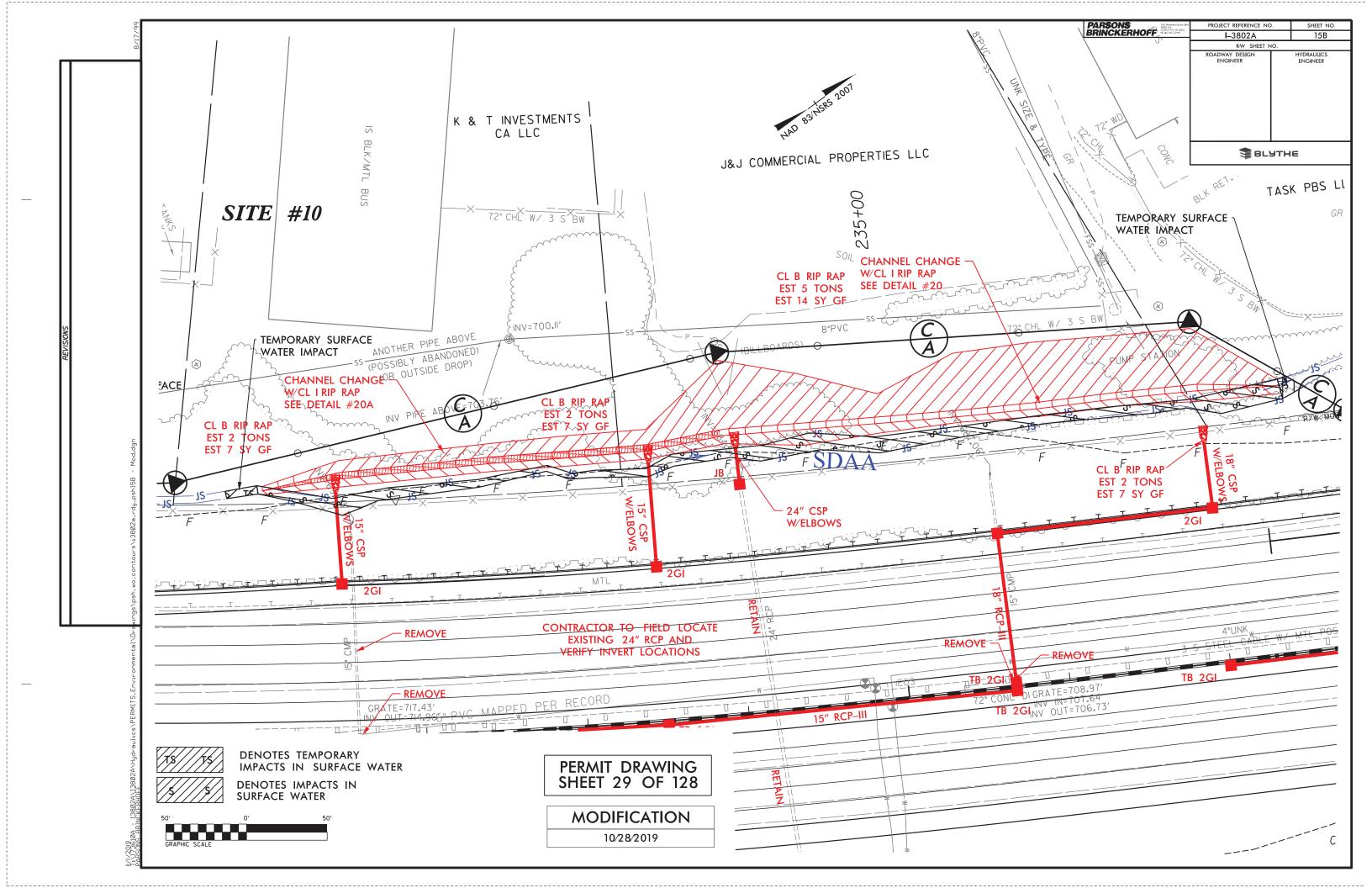
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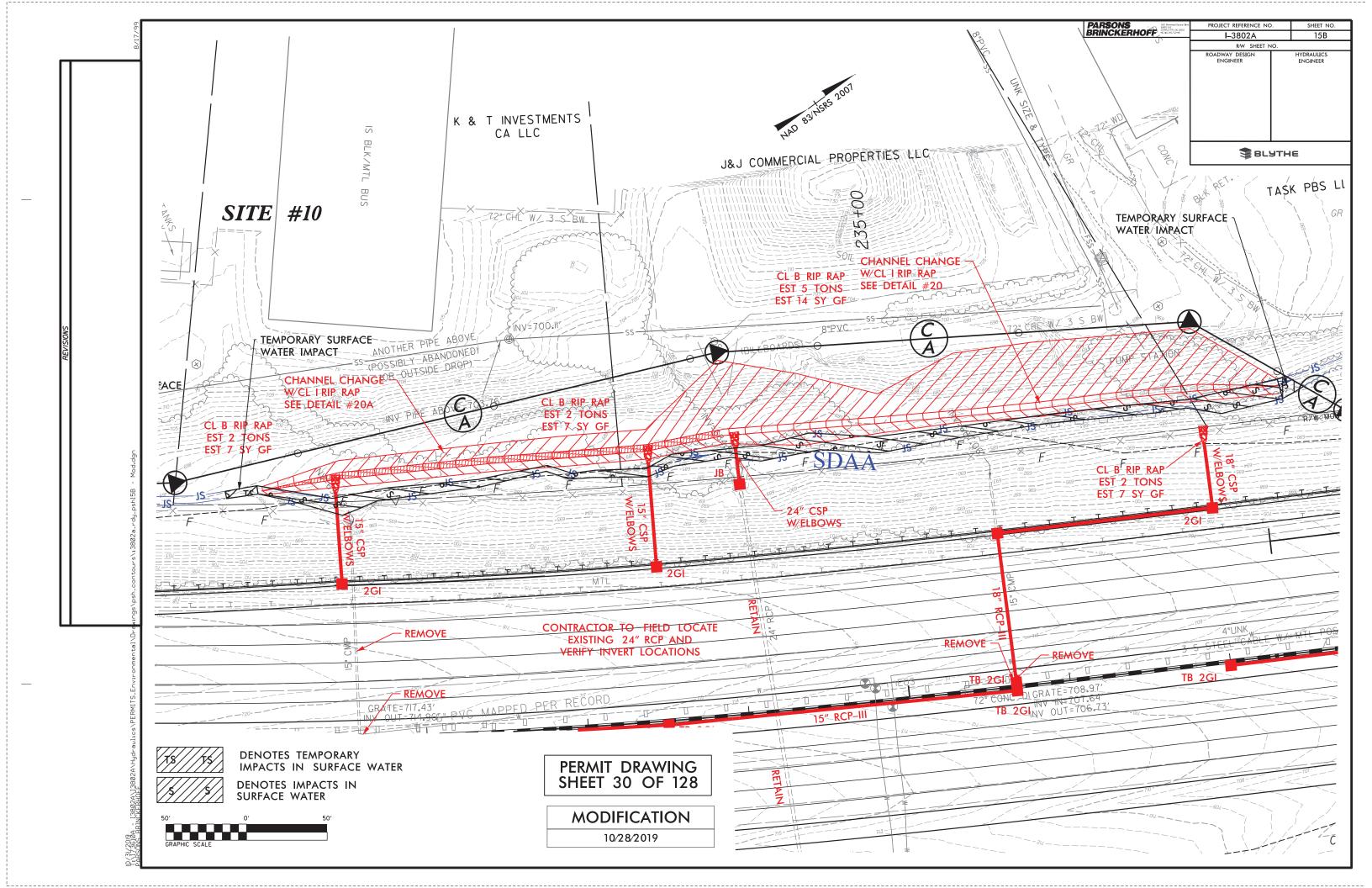


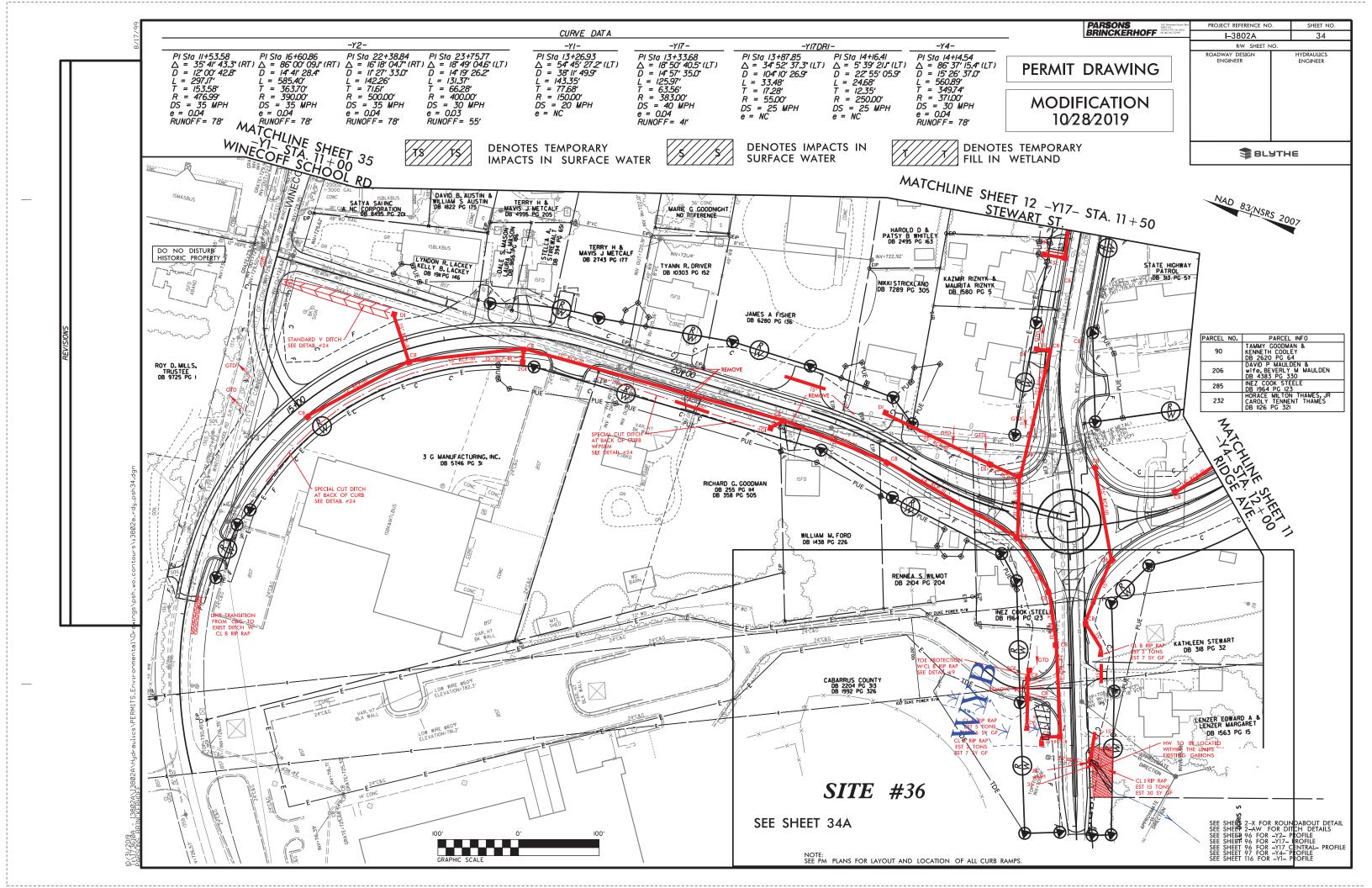


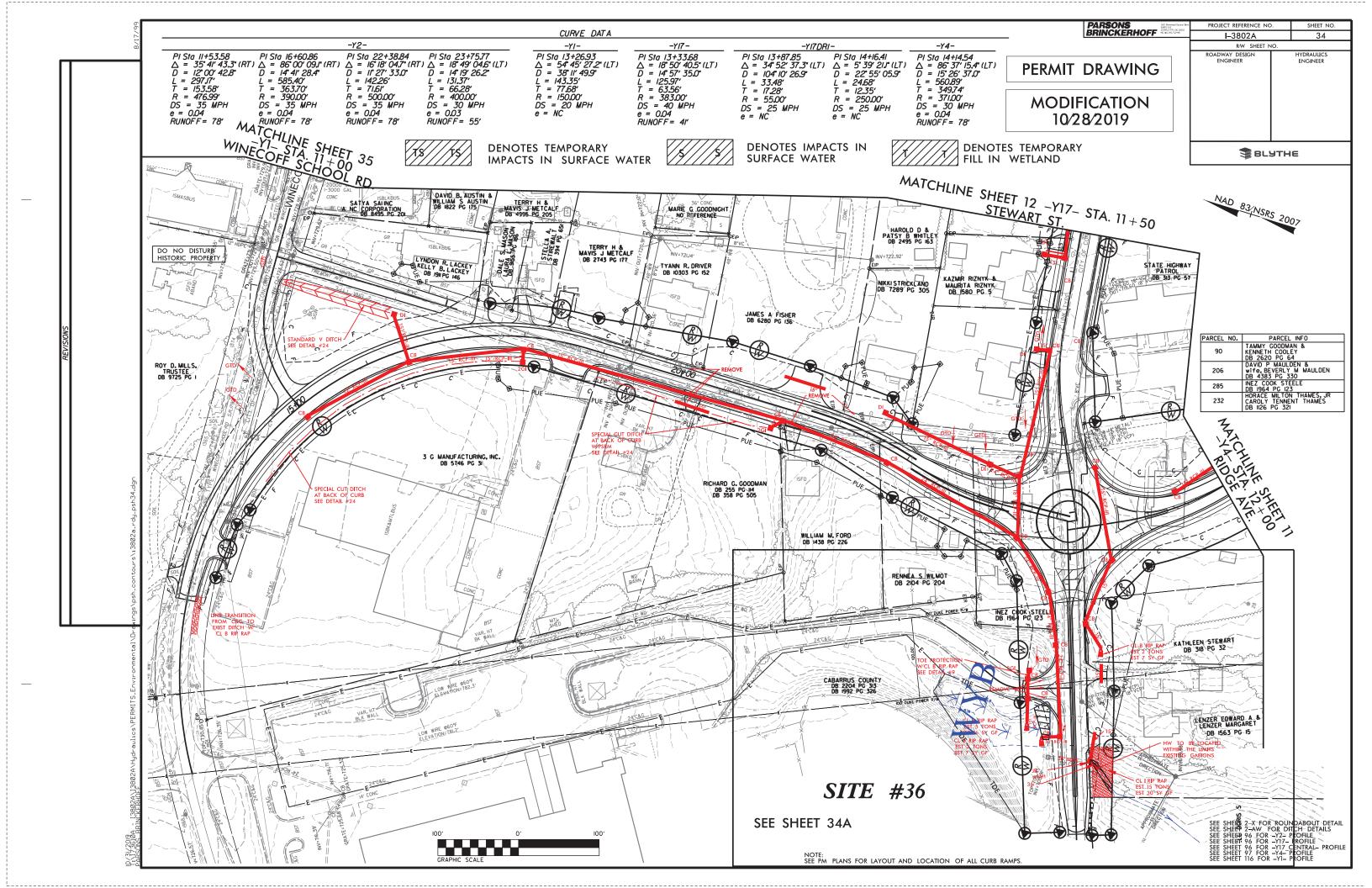


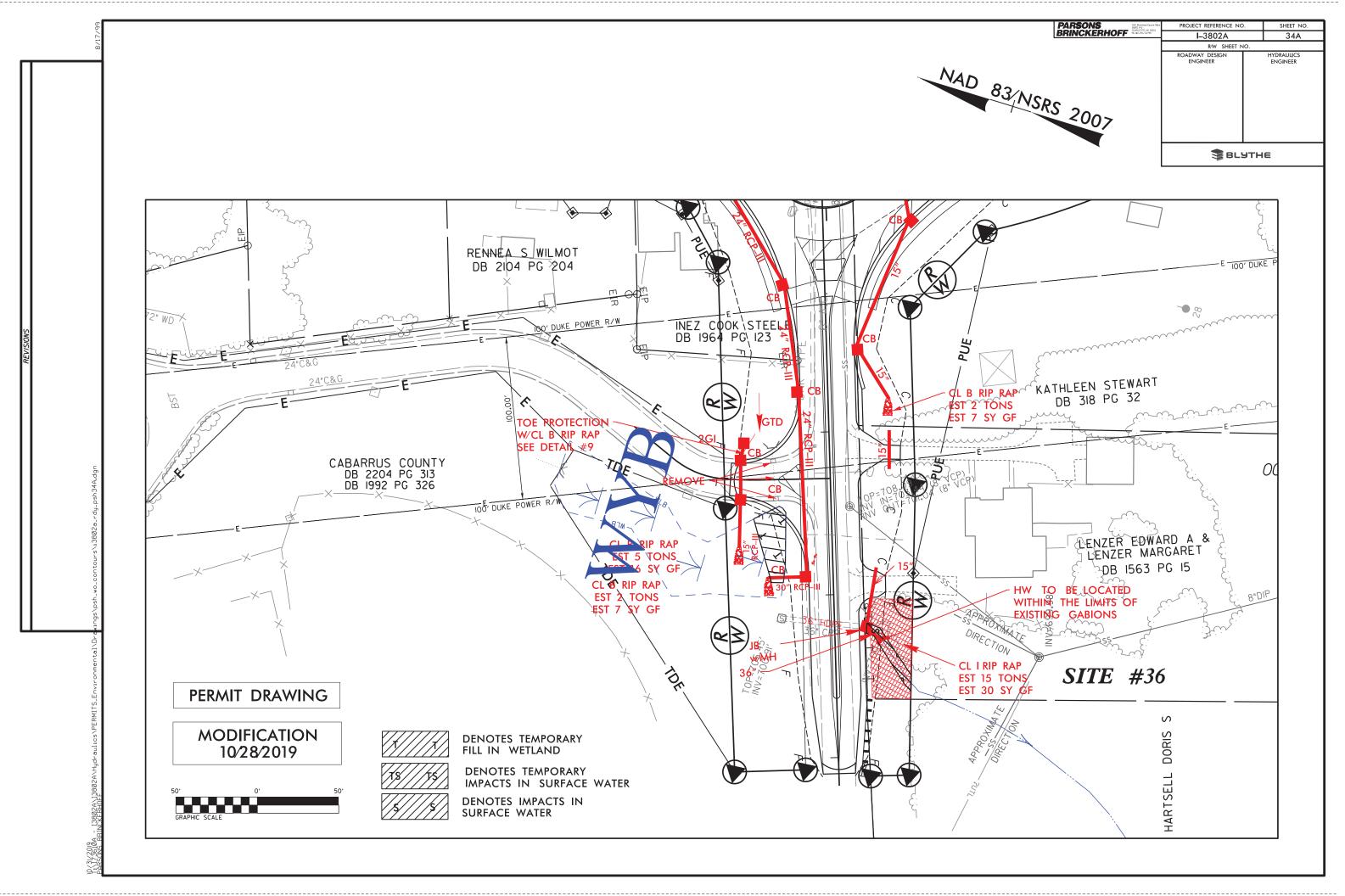


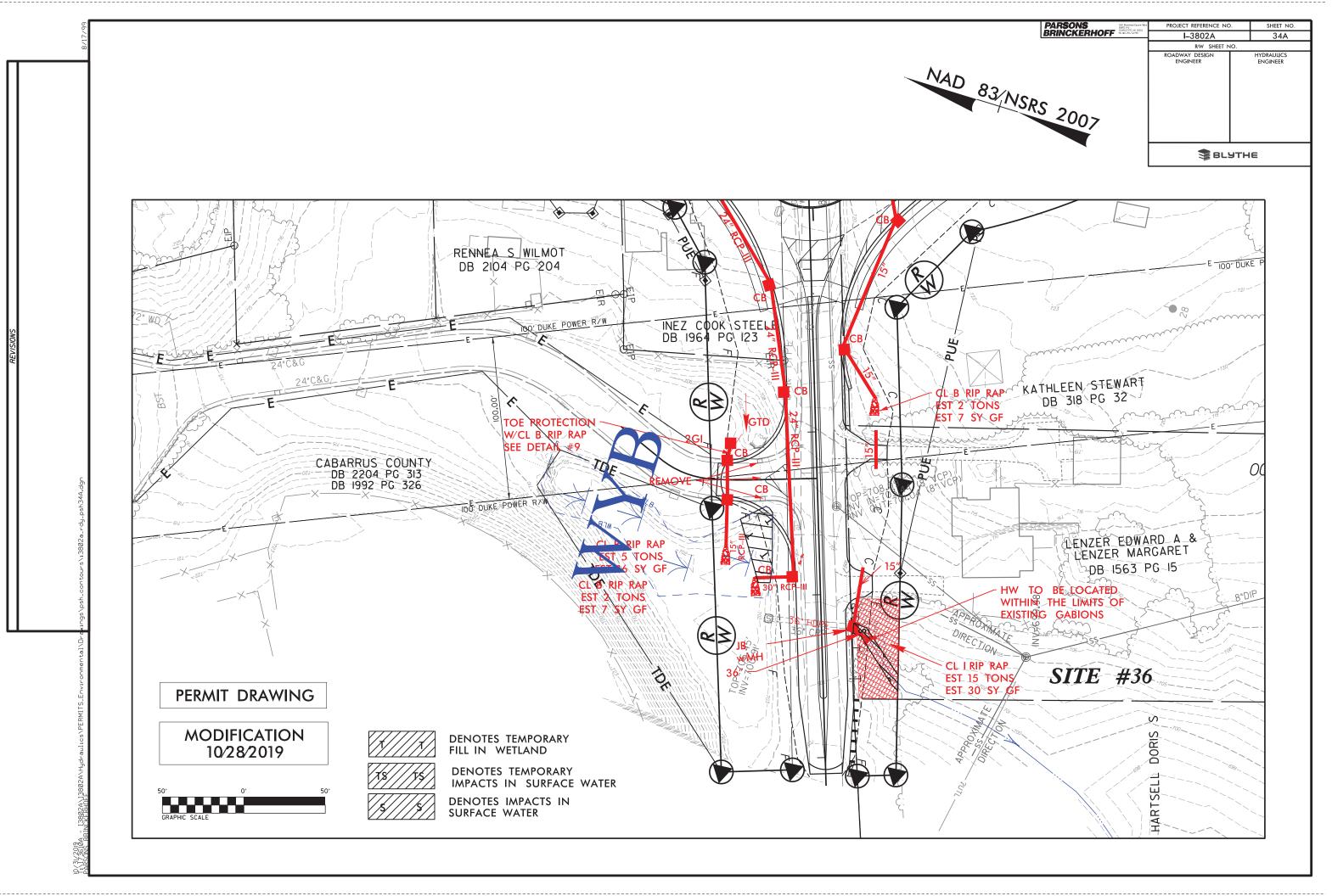


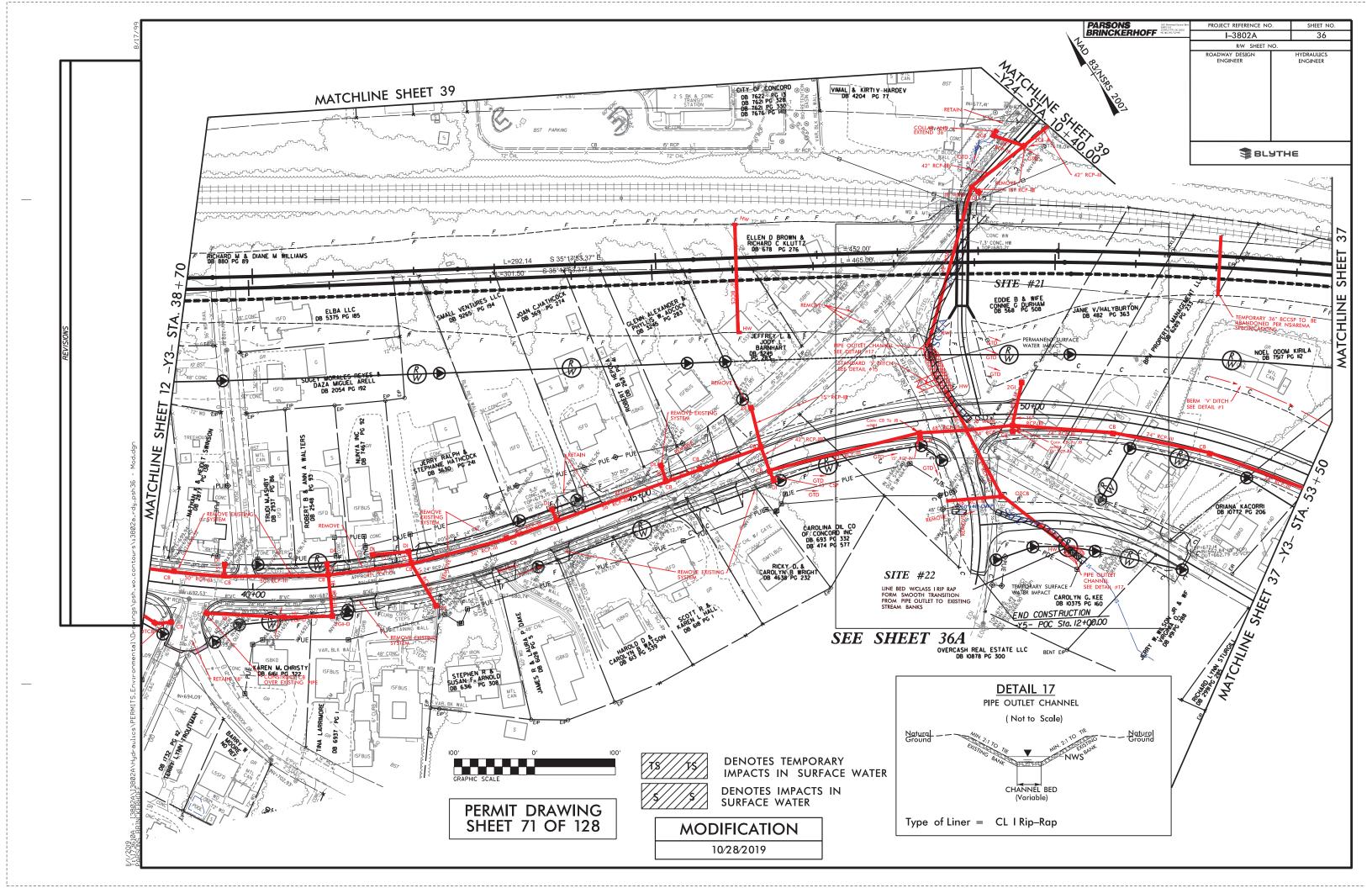


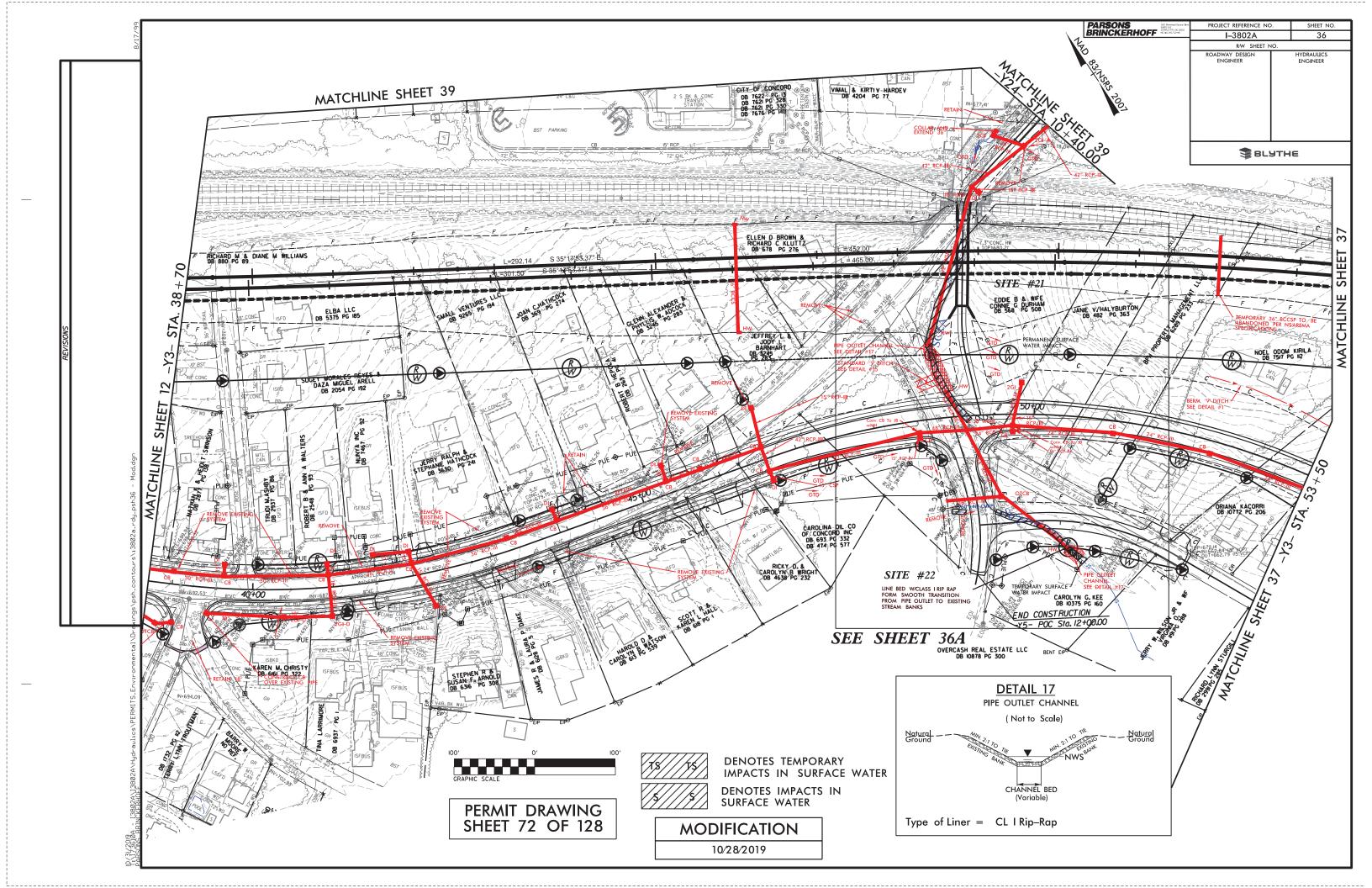


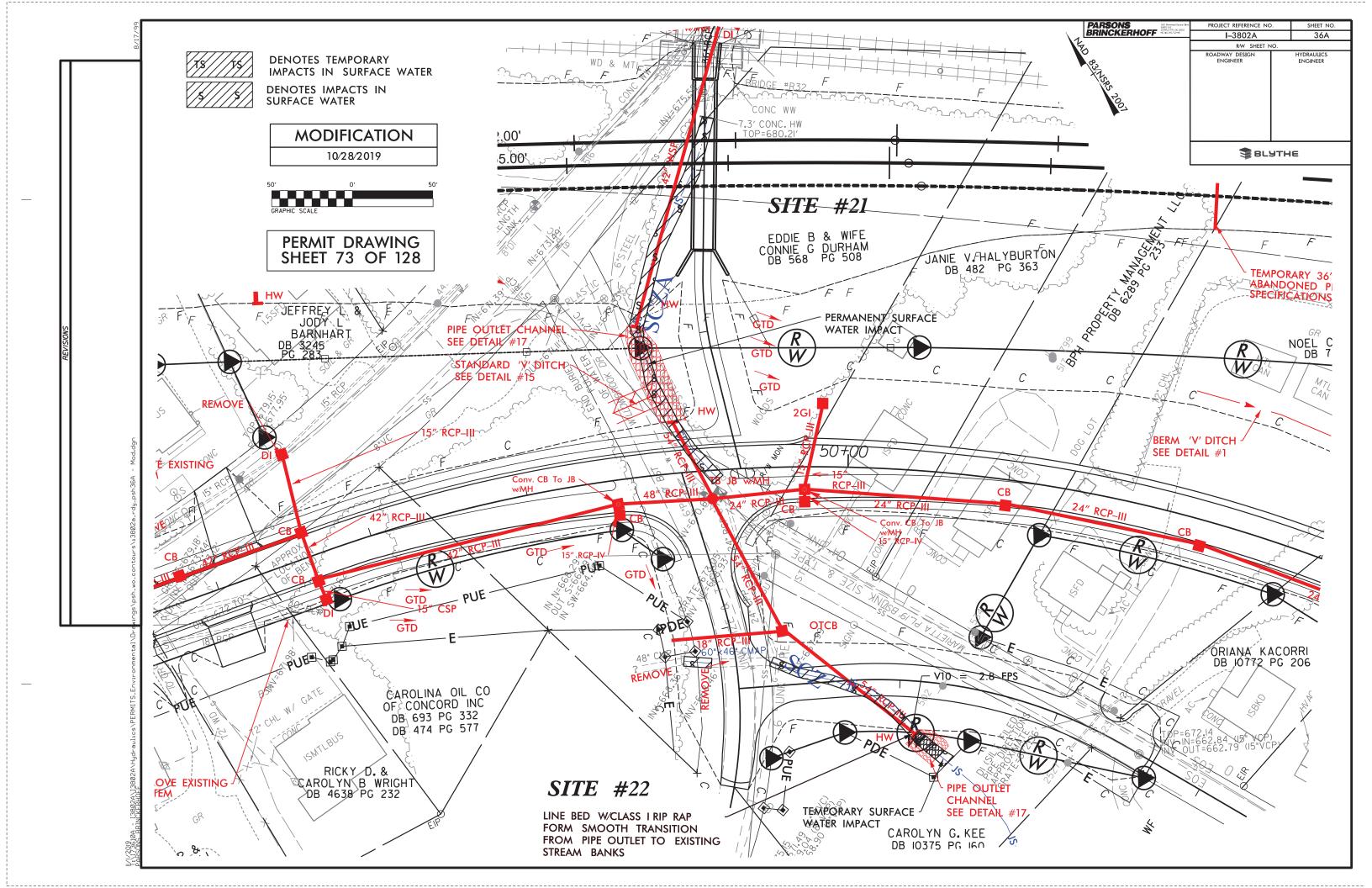


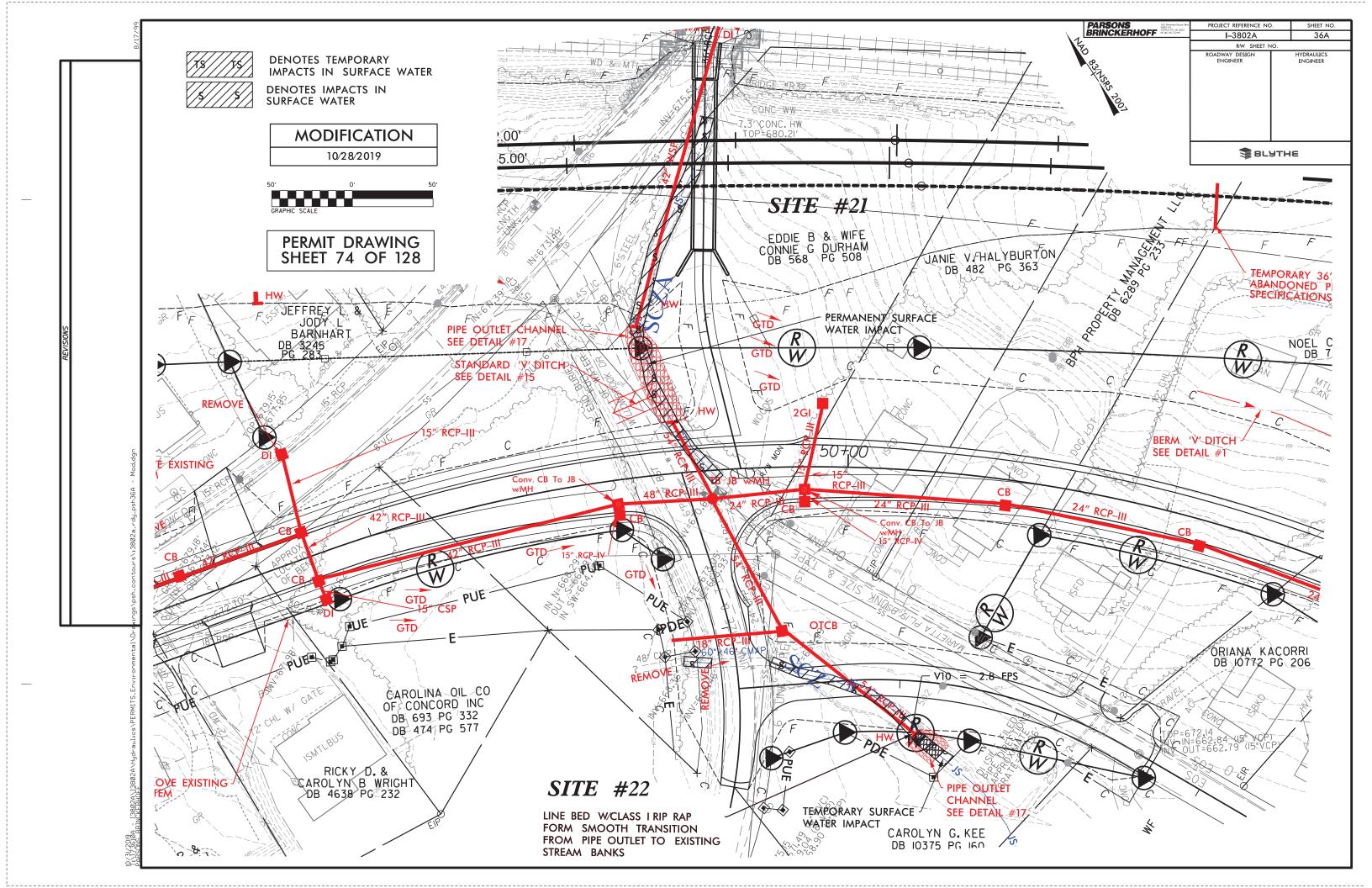


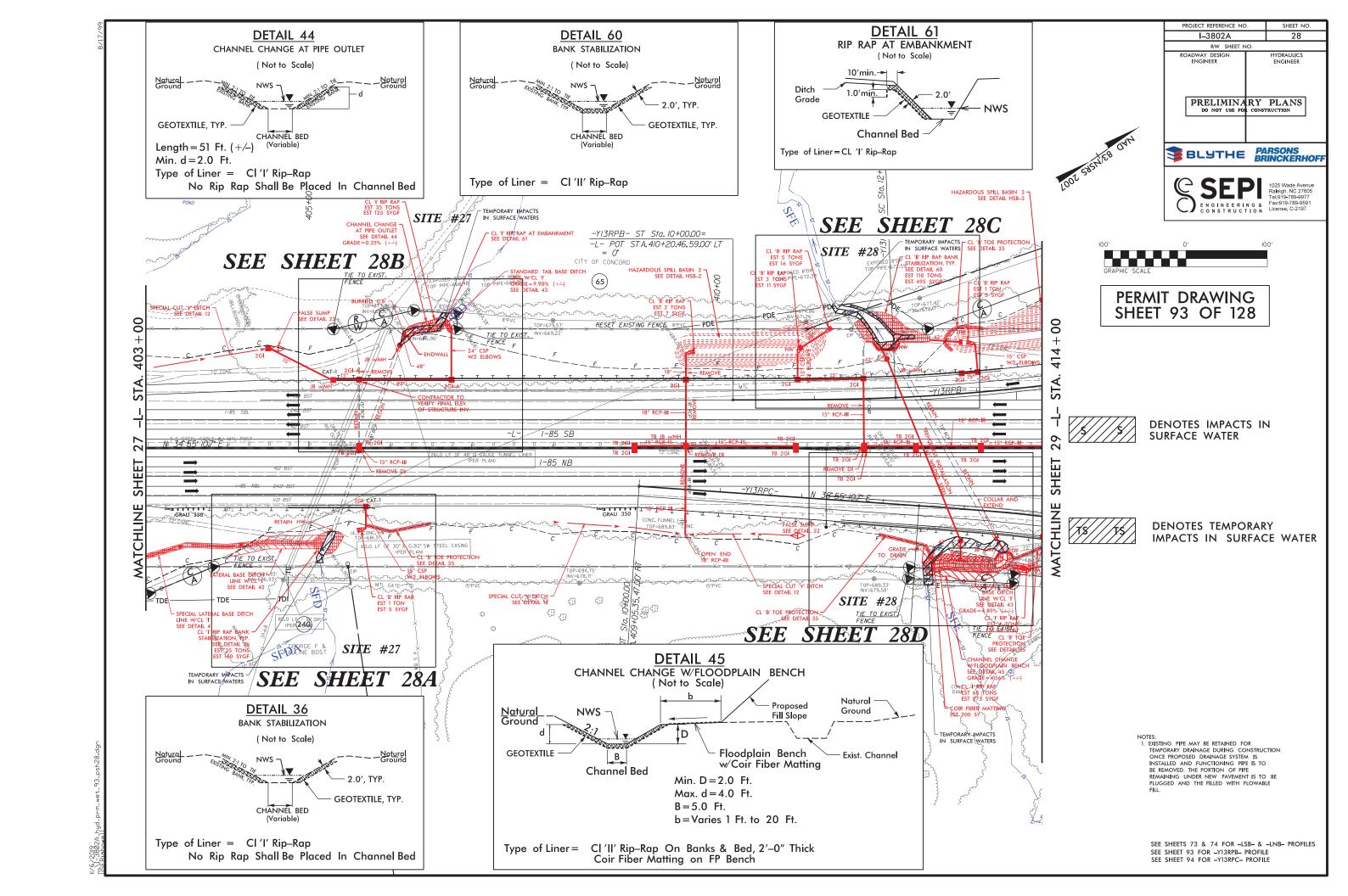


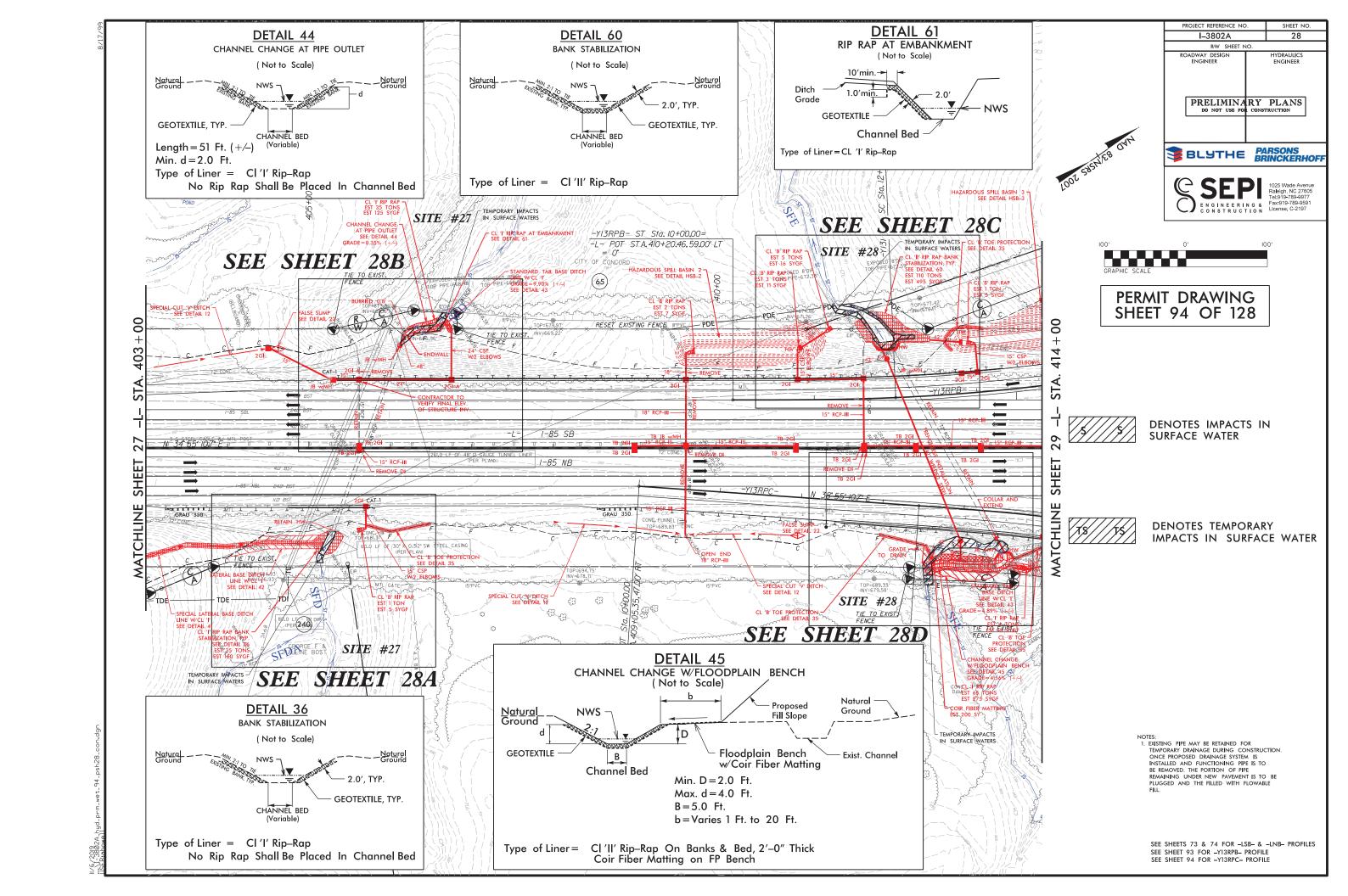


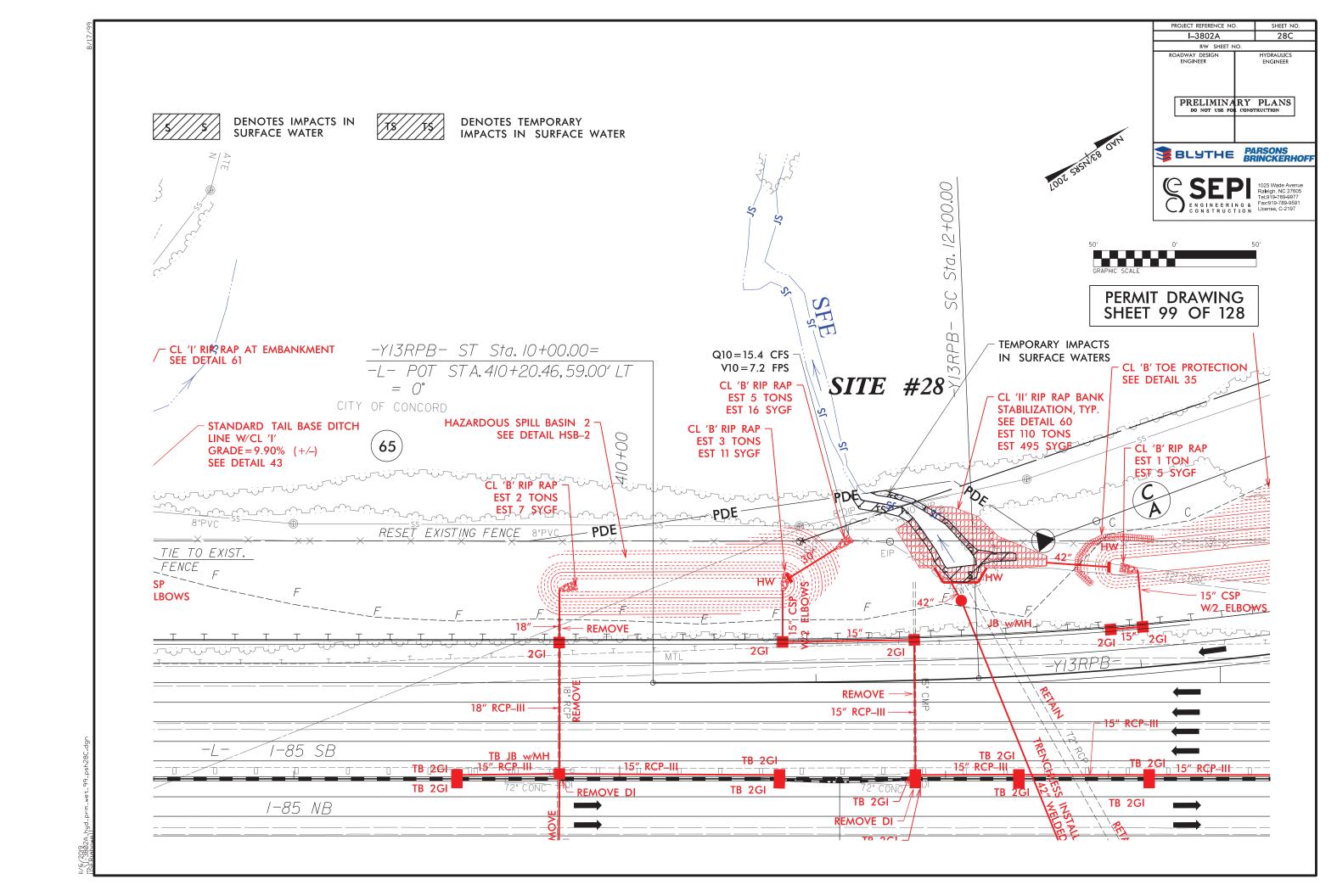


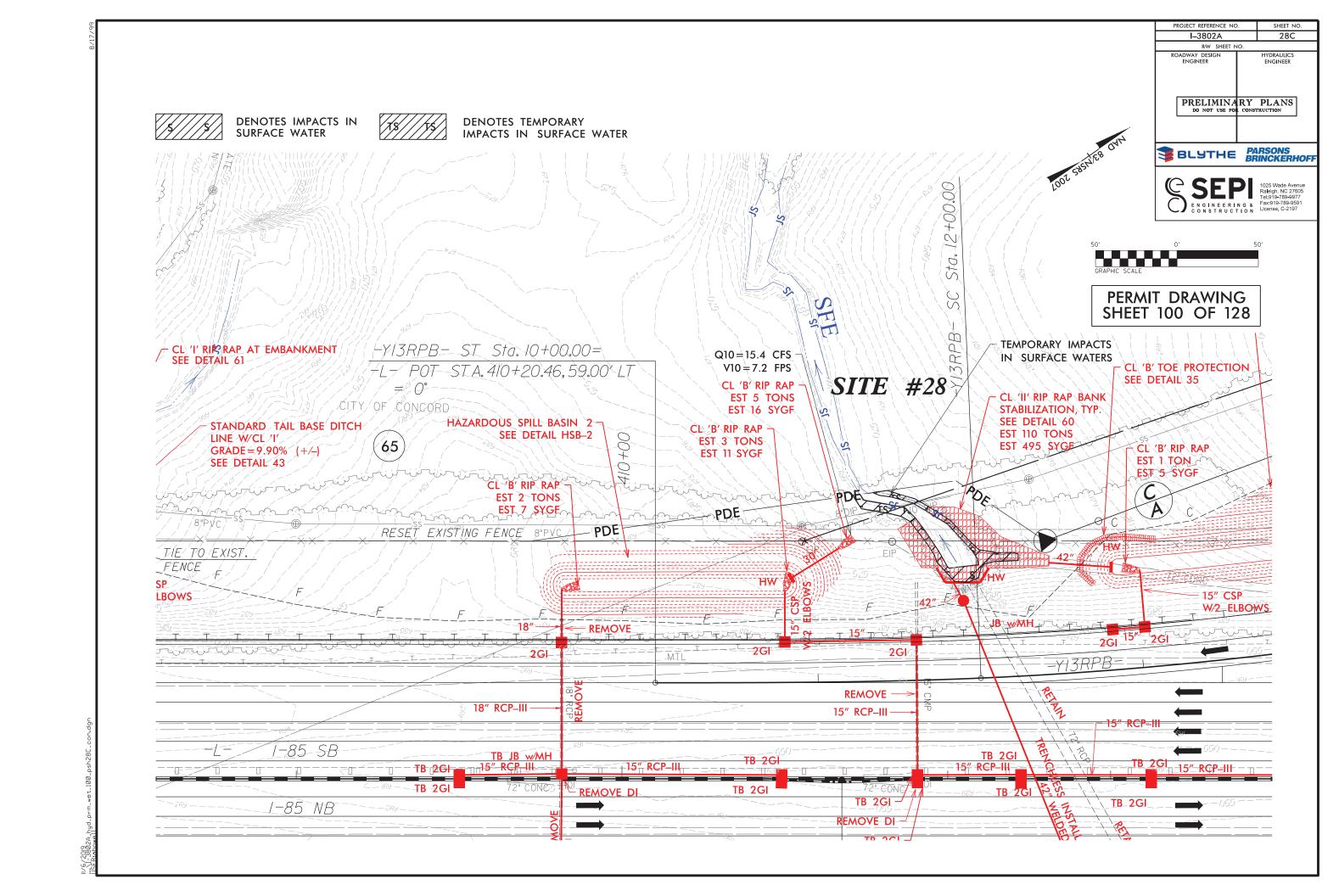


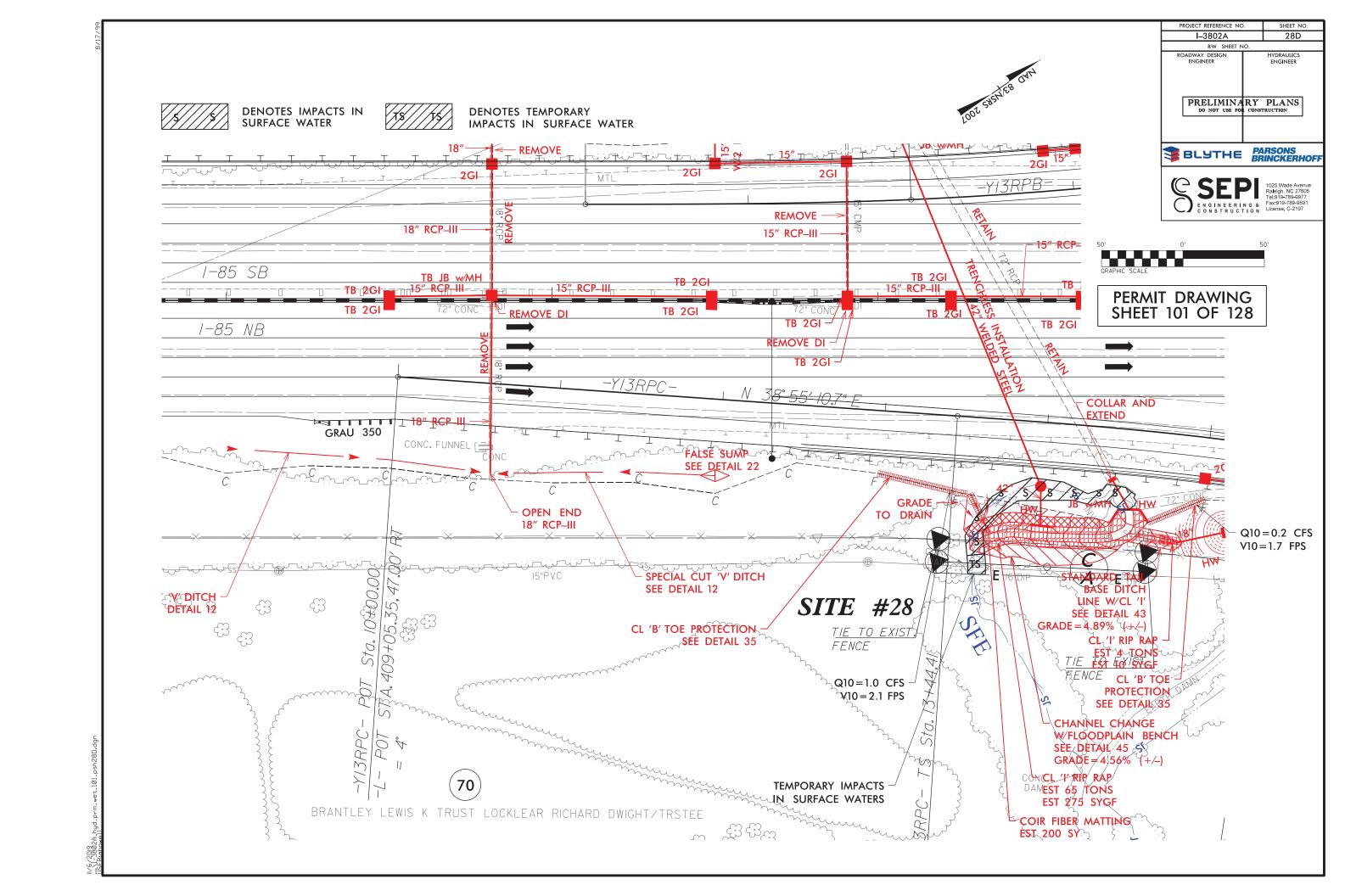


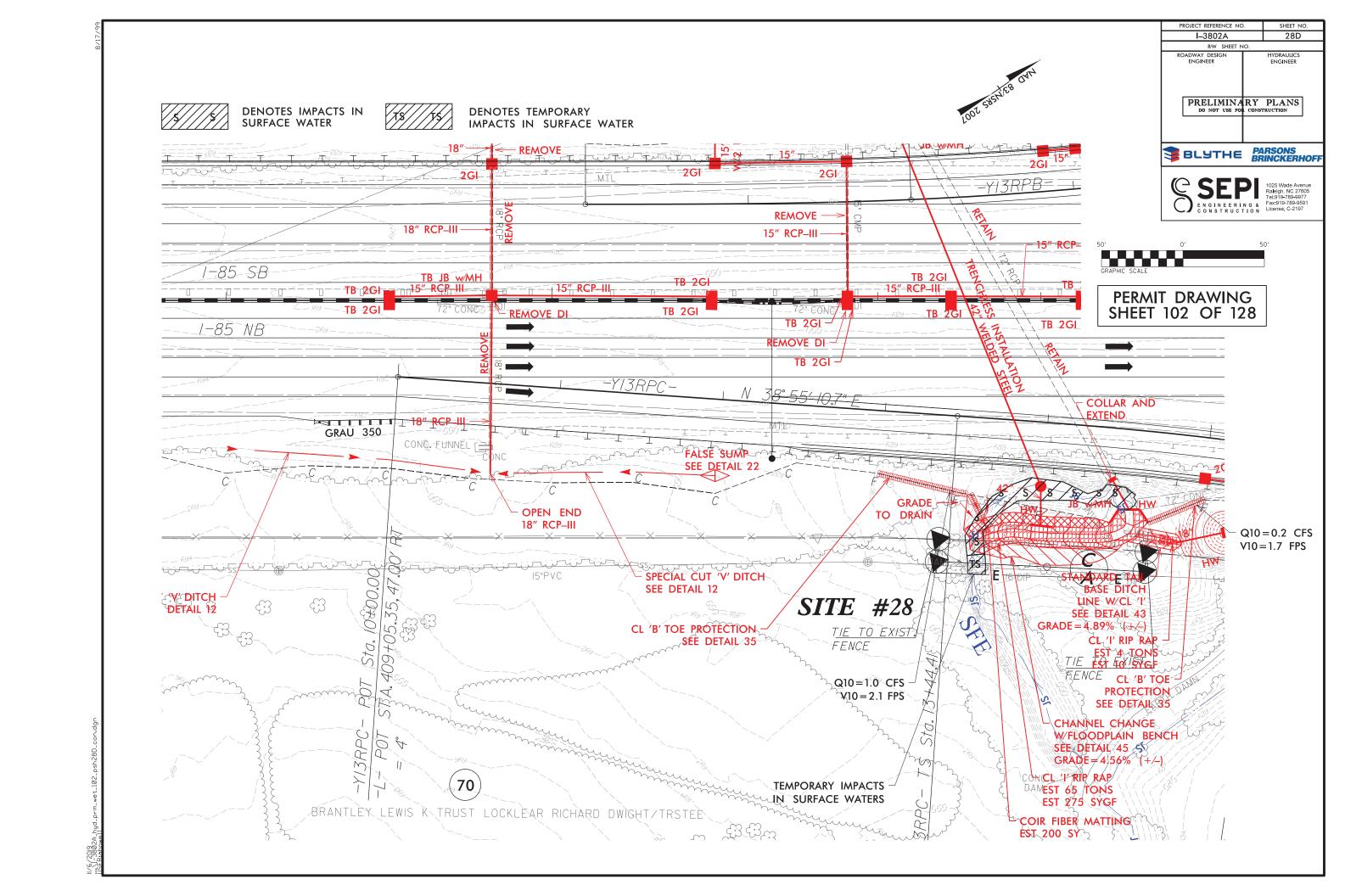


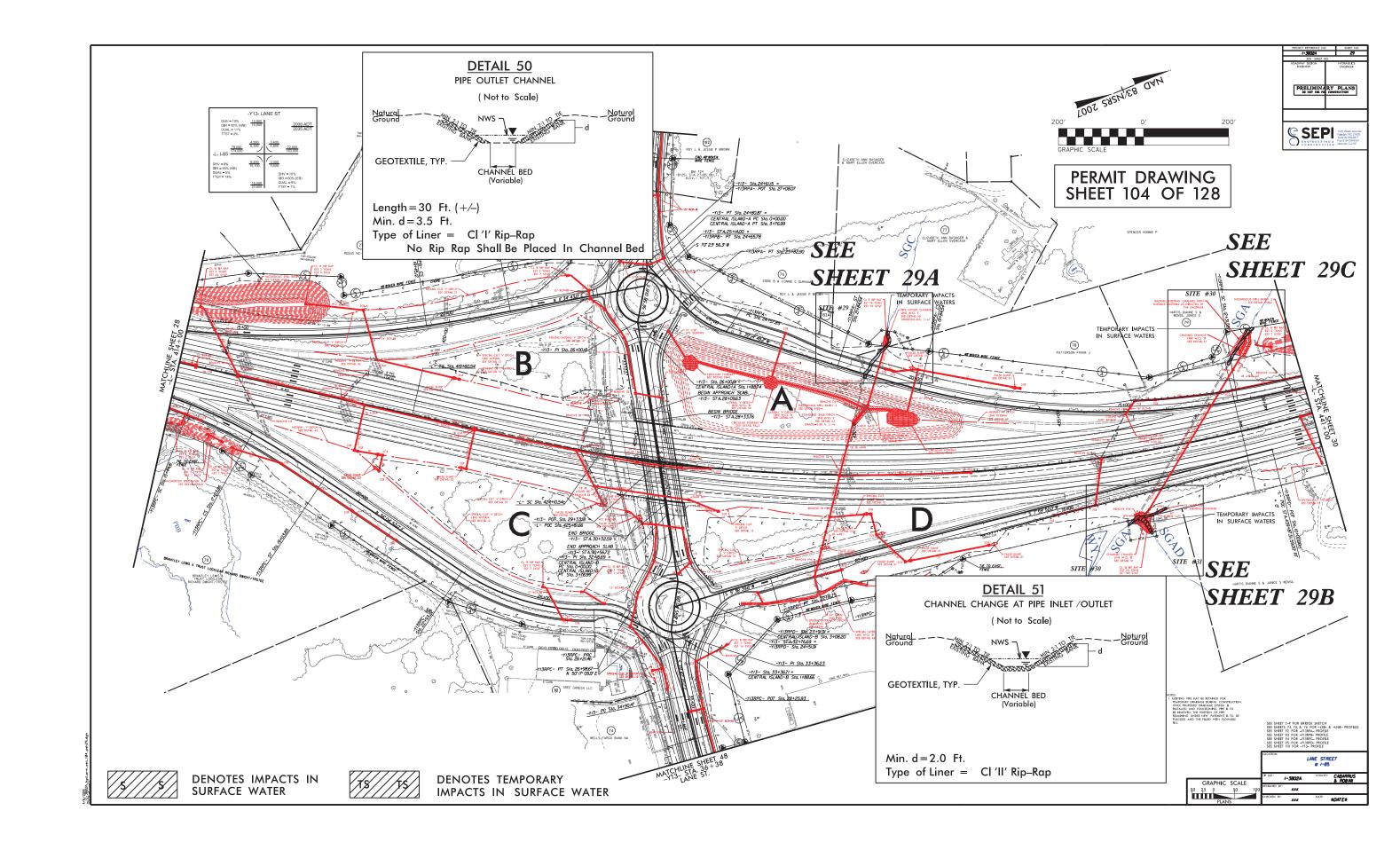


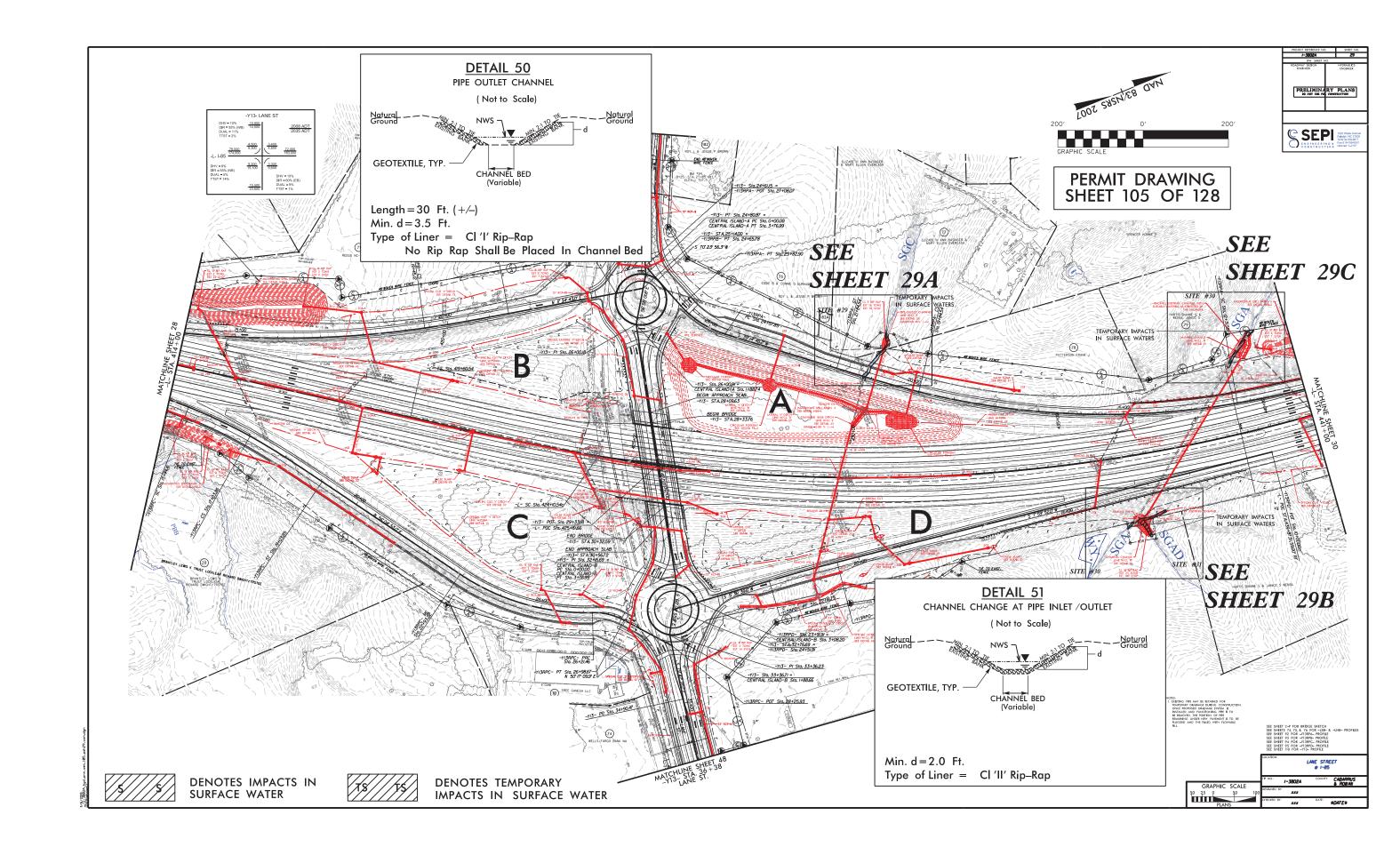


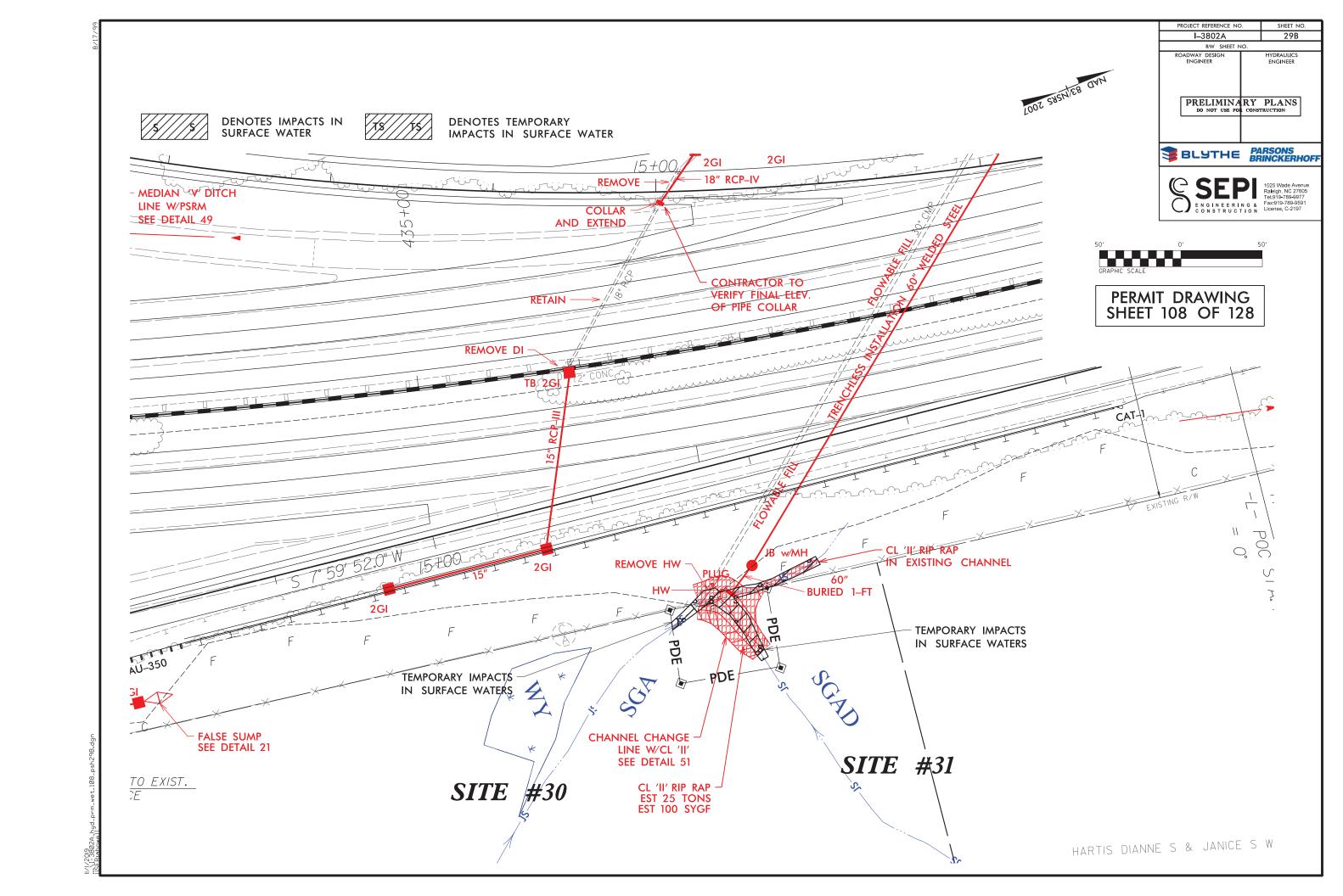


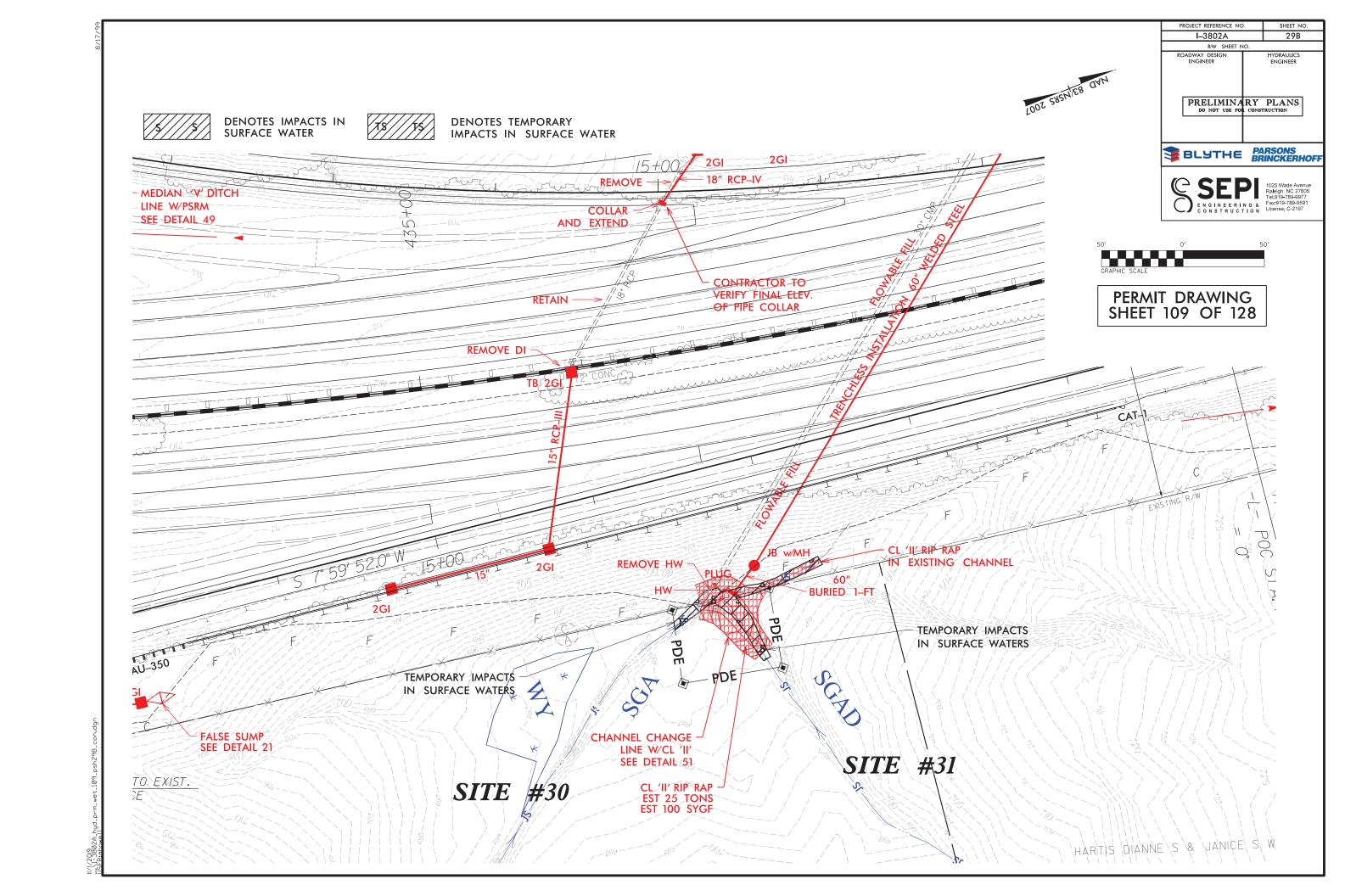


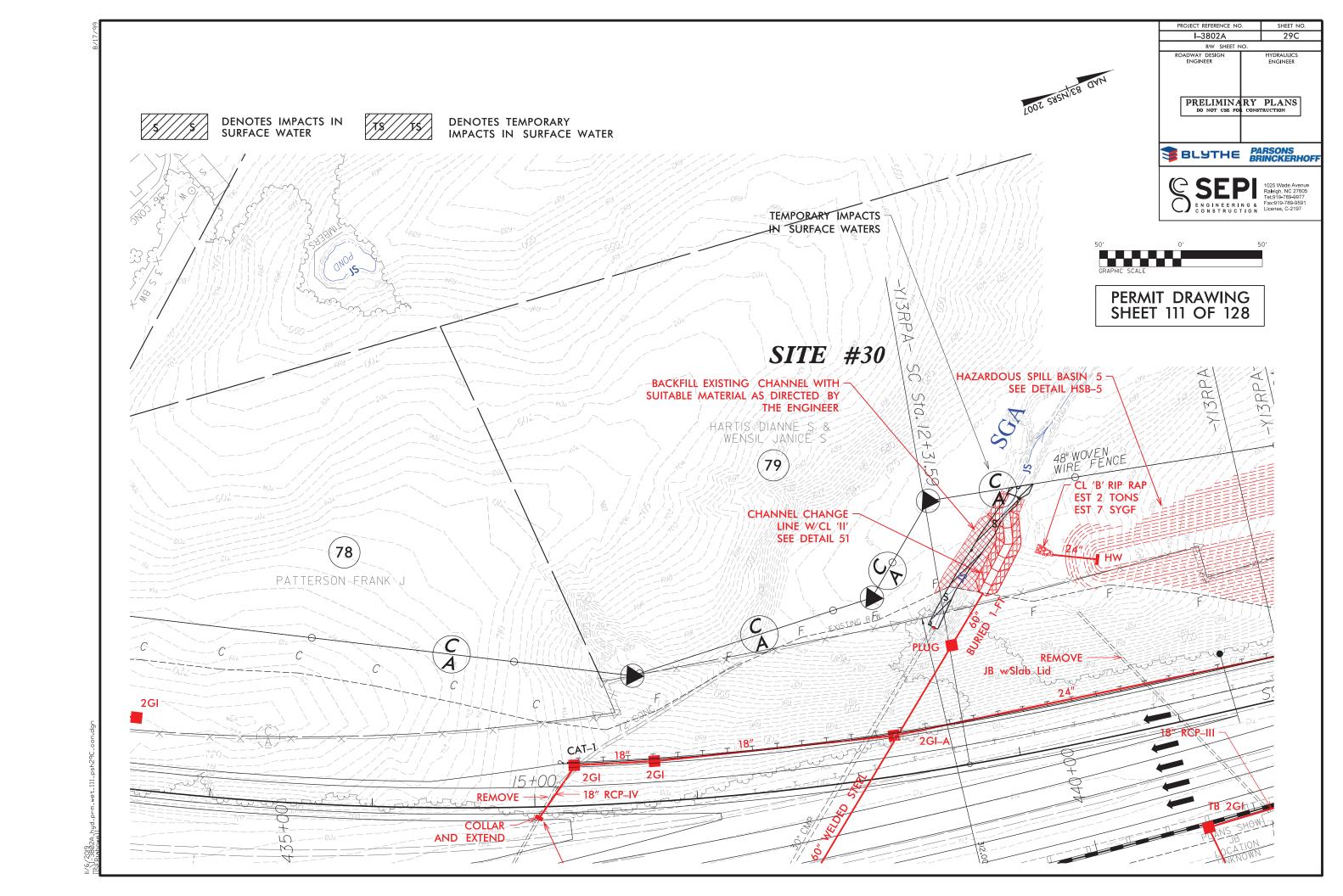


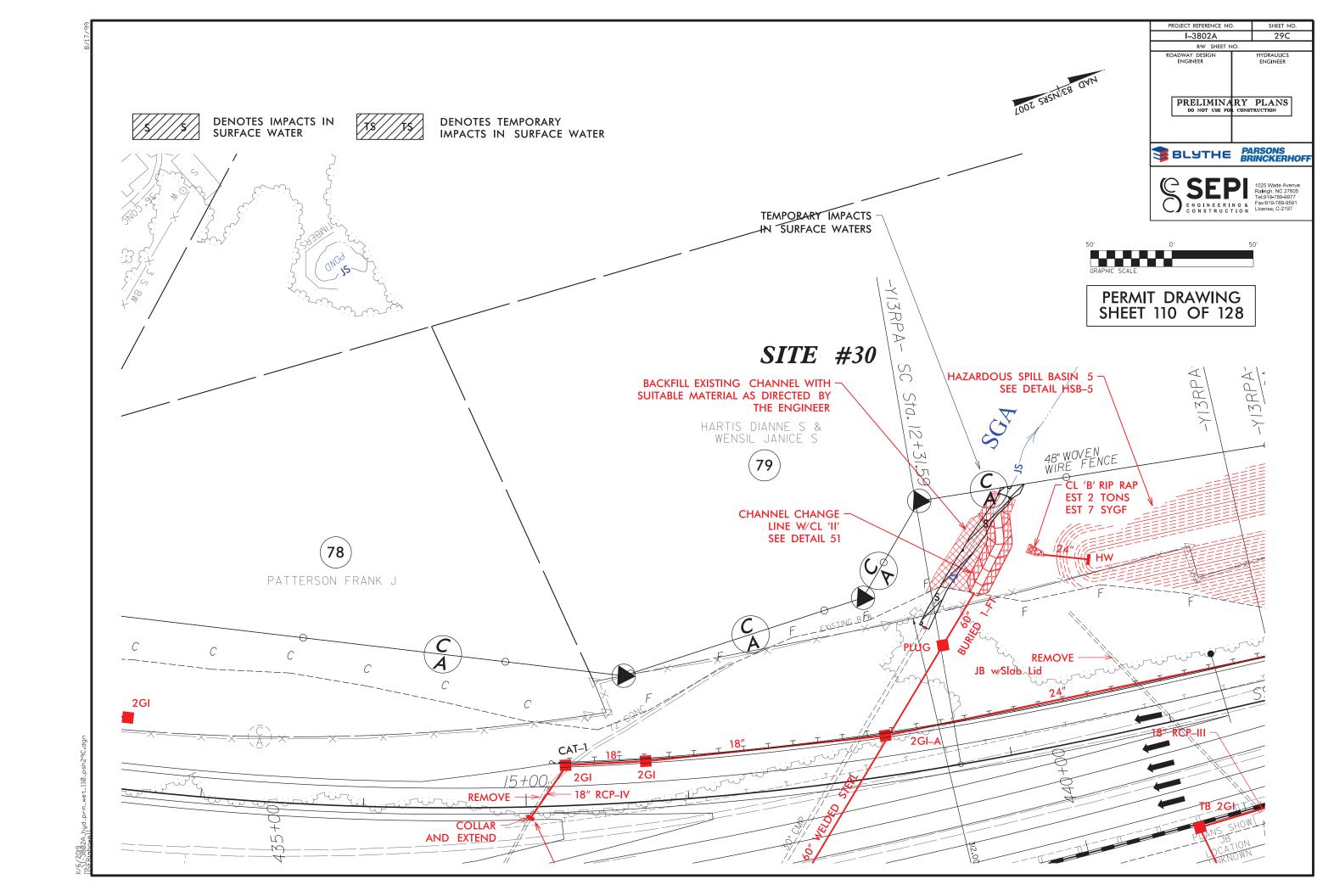












Each Area Shall Be Completed and Seeded Prior to Begining Work an the Next Area. Flagging Shall be Placed Along Silt Fence Adjacent to Juris. Stream. All Sediment Traps and Temporary Silt Ditches Shall be Monitored, Maintained and Repaired as Per Project Special Provisions **MODIFICATION** 10/28/2019 AREA 1: SILT BASIN TYPE B Drainage area: 2.2 ac Disturbed Area: 1.3 ac i10=(Tc=5 min) 10 YR: 7.19 in/hr Q10= 9.5 cfs UTOP: 123 ft
LBASE: 114 ft
WTOP: 41 ft
WBASE: 32 ft
Depth: 3 ft Weir Length: 24 ft Baffles: 3@31 ft AREA 2: TEMP, SEDIMENT DAM B Drainage area: 1.8 ac
Disturbed Area: 0.98 ac i10=(Tc=5 min) 10 YR; 7.19 in/hr Q10= 7.8 cfs LTOP:111 ft LIOP:111 ft
LBASE: 102 ft
WTOP: 37 ft
WBASE: 28 ft
Depth: 3 ft
Weir Length: 4 ft
Baffles: 3@28 ft AREA 3; TEMP, SEDIMENT DAM B Drainage area: 1.4 ac
Disturbed Area: 0.96 ac
i10=(Tc=5 min) 10 YR: 7.19 in/hr Q10= 6.0 cfs Q10= 6,0 cfs LTOP:99 ft LBASE: 90 ft WTOP: 33 ft WBASE: 24 ft Depth: 3 ft Weir Length: 4 f Baffles: 3@25 ft AREA6 AREA 4: TEMP. SEDIMENT DAM B 72 LF OF PERMANENT Drainage area: 0.9 ac Disturbed Area: 0.47 ac SURFACE WATER i10=(Tc=5 min) 10 YR; 7.19 in/hr Q10= 3.9 cfs **IMPACTS** LTOP:81 ft LBASE: 72 ft
WTOP: 27 ft
WBASE: 18 ft
Depth: 3 ft Weir Length: 4 ft Baffles: 3@20 ft AREA 5; SKIMMER BASIN Drainage area: 7.8 ac
Disturbed Area: 5.8 ac
i10=(Tc=5 min) 10 YR: 7.19 in/hr 72 LF of 24" CSP 110=(Tc=5 min) 10 YR: 7 Q10=33.4 cfs LTOP: 192 ft LBASE: 183 ft WTOP: 64 ft WBASE: 55 ft Depth: 3 ft Weir Length: 56 ft Skimmer Size: 2.5 in Orifice Dia, D: 2.7 in Spilliway Barrel: 4" Baffles: 3@48 ft AREA5 AREA 6: SKIMMER BASIN Drainage area: 9.8 ac
Disturbed Area: 5.3 ac
i10=(Tc=5 min) 10 YR: 7.19 in/hr Q10= 42.3 cfs LTOP: 213 ft LBASE: 204 ft WTOP: 71 ft WBASE: 62 ft Depth: 3 ft LIMITS OF DISTURBANCE Weir Length: 63 ft Skimmer Size: 3.0 in Orifice Dia, D: 2.9 in Spillway Barrel: 4" Baffles: 3@53 ft AREA2 Erosion & Sediment Control Measures Legend Temporary Silt Fence 1605.1 1607.01 Gravel Construction Entrance Temporary Silt Ditch 1630.03 Temporary Diversion 1630.05 1634.02 Temp Rock Sediment Dam Type-B Temporary Seeding Schedule from Project Specifications Waste Area #3 - Troutman 

# PERMIT DRAWING

Designer Level III-B Certification Number: 3008

**EROSION CONTROL** e Construction -85 Design Build - TIP 1-3208A Waste Pit for Blythe Cabarrus County — I—8 State Project C203328 — **EXISTING CONDITIONS &** 

					TLAND IMPA	PERMIT IMF CTS	ACT 3018	IVIAIN I	SURFA	CE WATER IN	IPACTS	
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill 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)	Natural Stream Design (ft)
1	83+00 -L-	BANK STABILIZATION	, ,	, ,	` '	, ,	, ,	< 0.01	< 0.01	21	10	
2	94+68 -L-	BANK STABILIZATION						0.04	< 0.01	172	20	
3	97+00 -L-	EXTEND EX 30" RCP-III						< 0.01	< 0.01	15	20	
4	157+27 -L-	EXTEND EX 42" RCP-III						< 0.01	< 0.01	7	10	
4	157+25 -L-	BANK STABILIZATION						< 0.01	< 0.01	30	10	
6	193+25 -L-	FILL						0.01		95		
7	193+00 -L-	6' LATERAL BASE DITCH						0.03	< 0.01	140	20	
7A	44+87 -Y7-	REPLACE EXIST. 48" CMP						< 0.01	< 0.01	23	24	
8	195+25 -L-	4' LATERAL BASE DITCH							< 0.01		15	
9	205+50 -L-	BANK STABILIZATION						< 0.01	< 0.01	9	5	
9A	205+50 -L-	BANK STABILIZATION						< 0.01	< 0.01	5	5	
10	230+75 - 237+60 -L-	CHANNEL CHANGE						0.10	< 0.01	646	30	
10A	229+40 -L-	BANK STABILIZATION						< 0.01	< 0.01	7	12	
12	241+00 / 248+00 -L-	BANK STABILIZATION						< 0.01	< 0.01	9	20	
12	241+40 -L-	EXTEND EX 48" RCP-III						< 0.01	< 0.01	25	10	
UC-1	257+45 -L-	6" WATER LINE							0.01		56	
12A	257+45 -L-	BANK STABILIZATION						< 0.01	< 0.01	21	20	
13	267+70 -L-	EXTEND 36" CSP	0.08				0.01					
14	268+45 -L-	18" RCP-III						0.03	< 0.01	106	16	
14	267+00 -L-	FILL	< 0.01				< 0.01	< 0.01		3		
14	267+00 - 267+25 -L-	6' LATERAL BASE DITCH			< 0.01		0.02					
15	269+50 -L-	EXTEND EX 42" CMP						< 0.01		20		
15	269+50 -L-	BANK STABILIZATION						< 0.01	< 0.01	28	4	
15	271+00 -L-	FILL						0.01		60		
SHEET 12	26 SUBTOTALS*:		0.08		< 0.01		0.03	0.25	0.05	1442	307	0

<sup>\*</sup>Rounded subtotals are sum of actual impacts

#### NOTES:

11/2019 Modification Changes Shown in Red.

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					WFTI AND	PERMIT IMP	ACT SUM	IMARY				
					TLAND IMPA		A01 0011		SURFA	CE WATER IN	MPACTS	
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)	Natural Stream Design (ft)
16	279+00 -L-	FILL	< 0.01									
17	305+00 -L-	FILL, OTCB					0.01		< 0.01		10	
17	306+00 -L-	EXTEND 30" RCP-IV						< 0.01		12		
17	306+00 -L-	BANK STABILIZATION						< 0.01	< 0.01	22	6	
17A	317+76 -L-	BANK STABILIZATION								0		
17B	322+90 -L-	BANK STABILIZATION						< 0.01	< 0.01	6	5	
18	338+00 -L-	BANK STABILIZATION						0.03	< 0.01	185	35	
18	338+00 -L-	BANK STABILIZATION						0.02		30		
18	338+00 -L-	PIER REMOVAL							0.07		125	
19	340+00 -L-	FILL			< 0.01			0.07	< 0.01	356	15	
20	350+50 -L-	EXTEND 54" RCP-III						< 0.01	< 0.01	12	10	
20	352+00 -L-	BANK STABILIZATION						< 0.01	< 0.01	10	10	I
21	48+75 -Y3-	FILL						0.04		210	0	
21	48+75 -Y3-	BANK & BED STABILIZATION						0.05		67		
22	50+00 -Y3-	FILL, EXTEND 54" RCP-III						0.02		130		
22	50+00 -Y3-	OUTLET PROTECTION						< 0.01	< 0.01	15	10	I
23	58+00 -Y3-	FILL	0.10				< 0.01	0.03	0.01	128	65	
23	58+00 -Y3-	BANK STABILIZATION						< 0.01	< 0.01	11	10	I
24	16+00 -Y34-	EXTEND 36" RCP-III	< 0.01					0.01	< 0.01	80	10	I
36	18+18 -Y17-	EXTEND 36" PIPE						< 0.01		26		I
36	18+18 -Y17-	OUTLET PROTECTION						< 0.01		35		I
36	17+70 -Y17-	SEDIMENT BASIN		0.01								
SHEET 12	7 SUBTOTALS*:		0.11	0.01	< 0.01		0.02	0.28	0.10	1335	311	0

<sup>\*</sup>Rounded subtotals are sum of actual impacts

NOTES:

11/2019 Modification Changes Shown in Red.

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				WE	TLAND IMPA	CIS			SURFA	CE WATER IN	IPACTS	
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	in	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)	Natural Stream Design (ft)
25	388+34 -L-	CHANNEL CHANGE	` ,	` ′	` ′	, ,	` ′	< 0.01	< 0.01	46	10	
25	388+34 -L-	BANK STABILIZATION						< 0.01		35		
26	388+34 -L-	72" WSP WORK AREA					0.02					
27	405+66 -L-	EXTEND 48" RCP						< 0.01		14		
27	405+66 -L-	CHANNEL CHANGE						< 0.01	< 0.01	50	7	
27	405+66 -L-	BANK STABILIZATION						< 0.01	< 0.01	31	12	
28	412+82 -L-	EXTEND 72" RCP /42" WSP										
28	412+82 -L-	CHANNEL CHANGE & RIPRAP						0.04	< 0.01	116	41	
28	412+82 -L-	BANK STABILIZATION						< 0.01	< 0.01	44	17	
29	20+91 -Y13RPA-	42" RCP						0.01		93		
29	20+91 -Y13RPA-	OUTFALL CHANNEL						< 0.01	< 0.01	26	8	
30	437+82 -L-	48" WSP										
30	437+82 -L-	CHANNEL CHANGE & RIPRAP						0.02	< 0.01	134	25	
30	437+82 -L-	BANK STABILIZATION								0		
31	437+82 -L-	CHANNEL CHANGE						0.02	< 0.01	116	5	
32	449+92 -L-	BANK STABILIZATION						< 0.01	< 0.01	66	23	
33	470+69 / 473+73 -L-	LATERAL BASE DITCH	0.11		0.04		0.02					
34	470+85 / 477+45 -L-	LATERAL BASE DITCH						0.03		427		
34	470+85 / 477+45 -L-	42" ALTERNATE PIPE						0.02		234		
34	470+85 / 477+45 -L-	BANK STABILIZATION						< 0.01		13		
35	478+17 -L-	BANK STABILIZATION						0.02	< 0.01	99	30	
HEET 12	<u>l</u> 26 SUBTOTALS*:		0.08		<0.01		0.03	0.25	0.05	1442	307	0
HEET 12	27 SUBTOTALS*:		0.11		< 0.01		0.02	0.28	0.10	1335	311	0
HEET 12	28 SUBTOTALS*:		0.11		0.04		0.04	0.20	0.03	1544	178	0

<sup>\*</sup>Rounded subtotals and totals are sum of actual impacts

NOTES: In addition to the project totals listed above, this permit includes a total of 0.01 acres of Temporary Impacts in Wetlands for Erosion Control Devices per the NCDOT Roadside Environmental Unit.

11/2019 Modification Changes Shown in Red.

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ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director

> January 10, 2020 Cabarrus County NCDWR Project No. 20150362v.6 I-85 Widening TIP/State Project No. I-3802A

**MODIFICATION** to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to I-85 in Cabarrus County, Federal Aid Project No. FANHIMF-085-2(61)55, TIP I-3802A NCDWR Project No.20150362 v.6

Mr. Philip S. Harris, III, P.E., CPM Environmental Analysis Unit Head 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Mr. Harris:

Attached hereto is a modification of NCDWR Project no. 20150362 and associated General Certification No. 4135 issued to The North Carolina Department of Transportation (NCDOT) dated June 2, 2015 version 1; June 29, 2015 version 2; March 22, 2016 version 3; January 31, 2017 version 4; February 5, 2018 version 5. Please be advised all conditions of the original issuance and every modification still apply to the project. This is anticipated to be the final modification because the permitted impact sites for the widening are completed and no new sites are anticipated as the project moves toward final completion.

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

Sincerely Docusioned by:

Omy Chapman

909886312D0D474...

Linda Culpepper, Director Division of Water Resources

#### Attachments

Electronic copy only distribution:

Nicholle Braspennickx, US Army Corps of Engineers, Charlotte Field Office Joel Howard, Division 10 Acting Environmental Officer Michael Turchy, NC Department of Transportation Carla Dagnino, NC Department of Transportation Claire Ellwanger, US Fish and Wildlife Service Beth Harmon, NC Division of Mitigation Services Marla Chambers, NC Wildlife Resources Commission Donna Hood, NC DWR Mooresville Regional Office File Copy



# Modification to the 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. This certification authorizes the NCDOT to impact an additional 7 linear feet of temporary impacts to jurisdictional streams, an additional 304 linear feet of permanent stream impacts, an additional 0.01 acres of temporary wetland fill, and a reduction of 152 linear feet in bank stabilization in Cabarrus County. The project shall be constructed pursuant to the modification dated received November 13, 2019. The authorized impacts are as described below:



# Stream Impacts in the Yadkin-PeeDee River Basin

-						
Permanent	t Stream Impacts				Additional Str	eam Mitigation
		10-10 A				
		Previously	Revised		Additional USACE	Additional NCDWR
Permit		permitted	Impacts	Difference	Stream Mitigation	Stream Mitigation
Site	Туре	(lf)	(lf)	(lf)	Required	Required
1	Bank Stabilization	15	21	6	0	0
4	Bank Stabilization	14	30	16	0	0
10	Channel Change	666	646	-20	-20	0
12	Bank Stabilization	22	9	-13	0	0
15	Bank Stabilization	20	28	8	0	0
15	Culvert extension and fill	83	80	-3	-3	0
17	Bank Stabilization	16	22	6	0	0
17A	Bank Stabilization	8	0	-8	0	0
20	Bank Stabilization	22	10	-12	0	0
21	Bank Stabilization	15	0	-15	0	0
21	Fill	210	277	67	67	0
23	Fill	135	128	-7	-7	0
25	Channel Change	63	46	-17	-17	0
27	Culvert extension and channel change	70	64	-6	-6	0
28	Bank Stabilization	73	44	-29	0	0
28	Culvert extension and channel change	119	116	-3	-3	0
29	Culvert extension and outfall channel	128	119	-9	-9	0
30	Channel change and riprap	44	134	90	90	0
	Bank Stabilization	71	0	-71	0	0
31	Channel change and riprap	37	116	79	79	0
32	Bank Stabilization	106	66	-40	0	0
36	ann on on one of	0.000	100 N TO		2000000	50
(new site)	Culvert extension and riprap	0	61	61	61	0
Troutman					7300	
(new site)	Culvert extension	0	72	72	72	0
	Project Stream Impact Revision			152	304	0
	Tatal Bassassas Communication			20.6		
	Total Permanent Stream Impact Revision			304	-	-
	Bank Stabilization Impacts Revision			-152	-	-
T	C/ T					
Permit	y Stream Impacts	Previously	Revised	D:cc		
1274 -000000000000000000000000000000000000	<b>T</b>	permitted	Impacts	Difference		
Site	Туре	(lf)	(lf)	(lf)		
21	Temporary Stream Impacts	20	0	-20		
28	Temporary Stream Impacts	29	58	29		
30	Temporary Stream Impacts	21	25	4		
31	Temporary Stream Impacts	11	5	<b>-</b> 6		
	TOTALS			7		
<i>2</i>	-	10-10 At Ann	62-360			
_	y Wetland Impacts	Previously	Revised			
Permit		permitted	Impacts	Difference		
Site	Туре	(ac)	(ac)	(ac)		
36	Temporary fill	0	0.01	0.01		



The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin-PeeDee 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 modified application dated received November 11, 2019. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated June 2, 2015 version 1; June 29, 2015 version 2; March 22, 2016 version 3; January 31, 2017 version 4 and February 5, 2018 version 5 still apply except where superseded by this certification. 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 300 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.

#### Condition(s) of Certification:

1. Compensatory mitigation for an additional 304 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. DMS has updated mitigation totals in a letter dated November 22, 2019. Future modifications may require additional mitigation. The corrected mitigation table is as follows:

Impact Type	Total Permitted Impacts (feet / acre / sq ft)	Mitigation Provided by DMS per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream (warm)	3,048.0	4,886.0	304.0	3,352.0
Riparian Wetland	0.34	0.68	0	0.34

2. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated June 2, 2015 version 1 and subsequent modifications issued on June 29, 2015 version 2, March 22, 2016 version 3, January 31, 2017 version 4, and February 5, 2018 still apply except where superseded by this certification.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.



The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714 Telephone: (919) 431-3000, Facsimile: (919) 431-3100

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

Mr. Bill F. Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center

This the 10th day of January 2020

DIVISION OF WATER RESOURCES

Omy Chapman Linda Cathrapher, Director





ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director

	NCDWR Project No.:	County:
	Applicant:	
	Project Name:	
	Date of Issuance of 401 Water Q	uality Certification:
any subsequent modi Unit, North Carolina may be returned to N	all work approved within the 401 Wa fications, the applicant is required to Division of Water Resources, 1617	nter Quality Certification or applicable Buffer Rules, and return this certificate to the 401 Transportation Permitting Mail Service Center, Raleigh, NC, 27699-1617. This form nt's authorized agent, <b>or</b> the project engineer. It is not
Applicant's Certifica	ntion	
compliance and inter		state that, to the best of my abilities, due care and diligence the construction was observed to be built within substantial ion and Buffer Rules, the approved plans and
Signature:		Date:
Agent's Certification	ı	
was used in the obsercompliance and inter	rvation of the construction such that	state that, to the best of my abilities, due care and diligence the construction was observed to be built within substantial ion and Buffer Rules, the approved plans and
Signature:		Date:
Engineer's Certifica	tion	
Partial	Final	
Permittee hereby star construction such tha	the that, to the best of my abilities, due to the construction was observed to be	uly registered Professional Engineer in the State of North, weekly, full time) the construction of the project for the care and diligence was used in the observation of the built within substantial compliance and intent of the 401 and plans and specifications, and other supporting materials.
		Registration No
Date		

