



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

October 23, 2006

MEMORANDUM TO: Mr. Michael L. Holder, PE  
Division 12 Engineer

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

SUBJECT: Iredell County, US Relocation from SR2318 (Fanjoy Road)  
east of Statesville to the Iredell-Rowan County Line; T.I.P.  
Number R-2911A; Federal Aid Project STP-70(39); State  
Project 8.1631801

Attached is the modification to the U. S. Army Corps of Engineers 404 Individual Permit and the special conditions for the 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

PSH/gyb

Attachment

Cc:

Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Jay Bennett, P.E., Roadway Design  
Dr. David Chang, P.E., Hydraulics  
Mr. Randy Garris, P.E. State Contract Officer  
Mr. Art McMillan, P.E., Highway Design  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. John F. Sullivan, FHWA  
Ms. Teresa Hart, P.E., PDEA Western Region Unit Head  
Mr. Heath Slaughter, Division Environmental Officer

# PROJECT COMMITMENTS

US 70 Relocation from SR2318 (Fanjoy Road) east of Statesville  
to the Iredell-Rowan County Line  
Iredell County  
State Project No. 8.1631801  
Federal Aid Project No. STP-70(39)  
TIP No.: R-2911A

In addition to the standard Individual Section 404 and 401 Permit Conditions, State Consistency Conditions, NCDOT's Guidelines for Best Management Practices for Protection of Surface Waters, the following special commitments have been agreed to by NCDOT:

## **Commitments Developed through Permit Modifications**

No new special permit conditions are stated in the attached permits. All standard permit conditions apply to this project and all other conditions written into previous Section 404 permits, Section 401 Water Quality Certifications and Neuse River Riparian Buffer Certifications for this project still apply.



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

October 10, 2006

IN REPLY REFER TO

Regulatory Division

Action ID No. 200430596, TIP R-2911 A

Gregory J. Thorpe, Ph.D., Director  
Project Development and Environmental Analysis Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

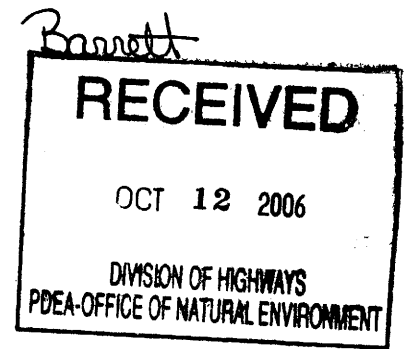
Dear Dr. Thorpe:

Reference the Department of the Army permit issued on August 17, 2004 to the North Carolina Department of Transportation to discharge dredged or fill material into 0.26 acres of wetland and 1998 linear feet of stream channel on unnamed tributaries to Third Creek to facilitate the widening and relocation of 5.1 miles of US Highway 70 from SR 2318 (Fanjoy Road) to the Iredell-Rowan County Line east of Statesville, Iredell County, North Carolina (TIP No. R-2911 A). Also reference your written request of August 2, 2006 to construct an additional, 377-foot long, piped crossing of an unnamed tributary to Third Creek at Station 55+50.

The permit is hereby modified to include the work as shown on the enclosed plans. In addition, the following special condition applies to this permit modification:

17. Compensatory mitigation for unavoidable impacts to 377 linear feet of stream channel shall be provided by the Ecosystem Enhancement Program (EEP) as outlined in the July 7, 2006 letter from William D. Gilmore, EEP Director. Pursuant to Section X of the EEP Memorandum of Agreement between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide 377 linear feet of warm water stream restoration in the Yadkin River Basin (Hydrologic Cataloging Unit 03040102).

It is understood that all conditions of the original permit remain applicable and that the expiration date is unchanged.



If you have any questions, please contact Mr. Steven Lund, Asheville Field Office, Regulatory Division, telephone (828) 271-7980, extension 223.

Sincerely,

A handwritten signature in black ink that reads "John E. Pulliam, Jr." with a stylized flourish at the end.

John E. Pulliam, Jr.  
Colonel, U.S. Army  
District Commander

Enclosures

Copies furnished w/enclosures:

Director, Atlantic Marine Center  
National Ocean Survey, NOAA  
Attention: CAM04  
439 West York Street  
Norfolk, Virginia 23510

M.L. Holder, Division Engineer  
NC Department of Transportation, Division 12  
Post Office Box 47  
Shelby, North Carolina 28151

William D. Gilmore, Director  
NC Ecosystem Enhancement Program  
1652 Mail Service Center  
Raleigh, North Carolina 27699-1652

**WETLAND PERMIT IMPACT SUMMARY**

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS				Natural Stream Design (ft)	
			Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (Method III) (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)		
1	L-30+80 LT	36" RCP					0.04				426	0
	L-31+45 LT											
2	L-32+20 LT	12' x 7' RCBC	0.04		0.06		0.02				508	180
	L-32+90 RT											
3	L-34+50 LT	72" RCP					0.03				344	0
	L-34+62 RT											
4	L-44+12 LT	9' x 8' RCBC					0.05				502	0
	L-44+90 RT											
5	Y8-14+10 LT	11' x 9' RCBC	0.00		0.00		0.00				0	0
	Y8-15+35 RT											
6	Y7-13+55 LT	48" RCP	0.00		0.00		0.01					
	Y7-13+70 LT											
7	L-48+66 RT	42" RCP	0.08						0.03			
	L-49+30 RT											
8	L-68+35 RT	54" RCP										
	L-68+51 RT											
9	L-74+16 RT	24" RCP										
	L-74+63 RT											
10	L-63+62 LT	60" RCP					0.04				216	
	L-63+84 RT											
11	55+19-L	Jurisdictional Stream					0.02				377	
	66" RCP											
<b>TOTALS:</b>			0.13	0.00	0.07	0.07	0.24	0.03	0.00	0.00	2375	180

OMITTED - STREAM DEEMED NON-JURISDICTIONAL

OMITTED - STREAM DEEMED NON-JURISDICTIONAL

**NCDOT**

DIVISION OF HIGHWAYS  
 IREDELL COUNTY  
 PROJECT 8.1823401 (R-2911A)  
 US 70 FROM SR 2318 TO  
 ROWAN COUNTY LINE

**PERMIT MODIFICATION**  
 SHEET 2 OF 4

6/21/2006

**RECEIVED**

Form Revised 3/22/01

JUN 21 2006

DIVISION OF HIGHWAYS  
 OFFICE OF NATURAL ENVIRONMENT

**WETLAND PERMIT IMPACT SUMMARY**

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS						
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Fill In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Natural Stream Design (m)		
1	L- 30+80 LT	900mm RCP					0.018					130	0
	L- 31+45 LT												
2	L- 32+20 LT	3.7m x 2.1m RCBC	0.017		0.026	0.007	0.026					155	55
	L- 32+90 RT												
3	L- 34+50 LT	1600mm RCP					0.011					105	0
	L- 34+62 RT												
4	L- 44+12 LT	2.7m x 2.4m RCBC					0.019					153	0
	L- 44+90 RT												
5	YB- 14+10 LT	3.4m x 2.7m RCBC											
	YB- 15+35 RT												
6	Y7- 13+55 LT	1200 RCP	0.001		0.001	0.004							
	Y7- 13+70 LT												
7	L- 48+66 RT	1050 RCP	0.033			0.019				0.013			
	L- 49+30 RT												
8	L- 68+35 RT	1350mm RCP											
	L- 68+51 RT												
9	L- 74+16 RT	600 RCP											
	L- 74+63 RT												
10	63+62-L-LT	1500mm RCP					0.016					66	
	63+84-L-RT												
11	65+19-L-	Jurisdictional Stream 1650mm RCP					0.008					115	
<b>TOTALS:</b>			0.051	0	0.027	0.03	0.098	0.013	0	0.013	0	724	55

OMITTED - Y LINE ELIMINATED FROM DESIGN

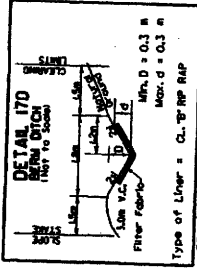
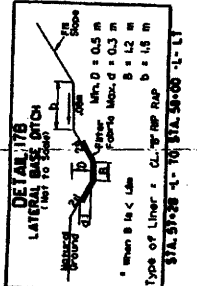
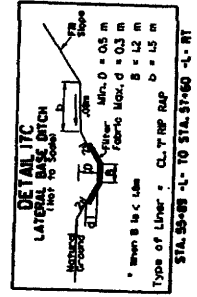
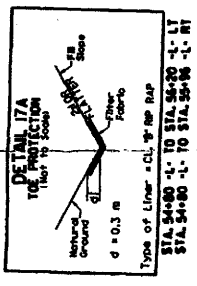
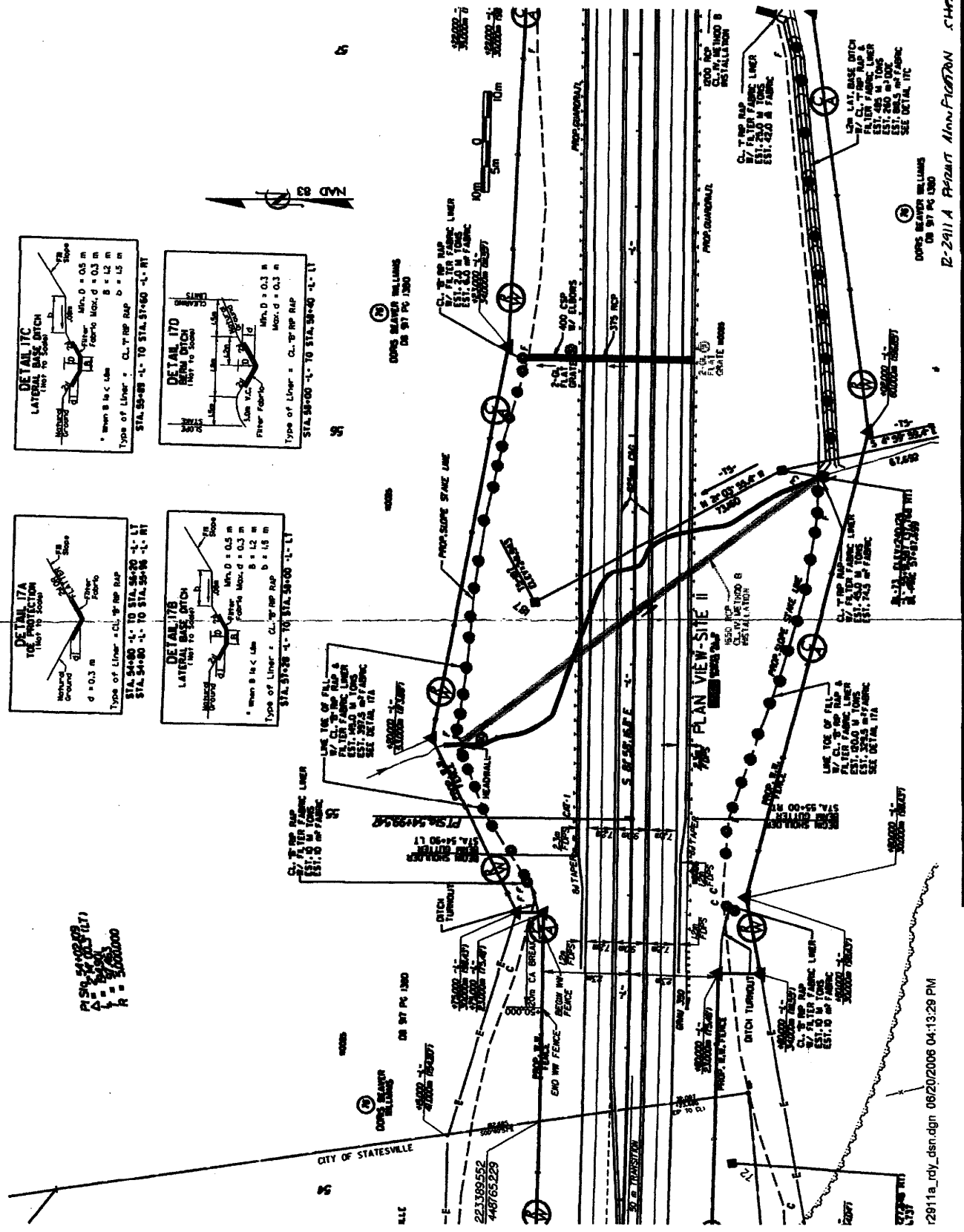
OMITTED - WETLANDS DEEMED NON-JURISDICTIONAL

OMITTED - WETLANDS DEEMED NON-JURISDICTIONAL

**NCDOT**

DIVISION OF HIGHWAYS  
 IREDELL COUNTY  
 PROJECT 8.1823401 (R-2911A)  
 US 70 FROM SR 2318 TO  
 ROWAN COUNTY LINE  
**PERMIT MODIFICATION**

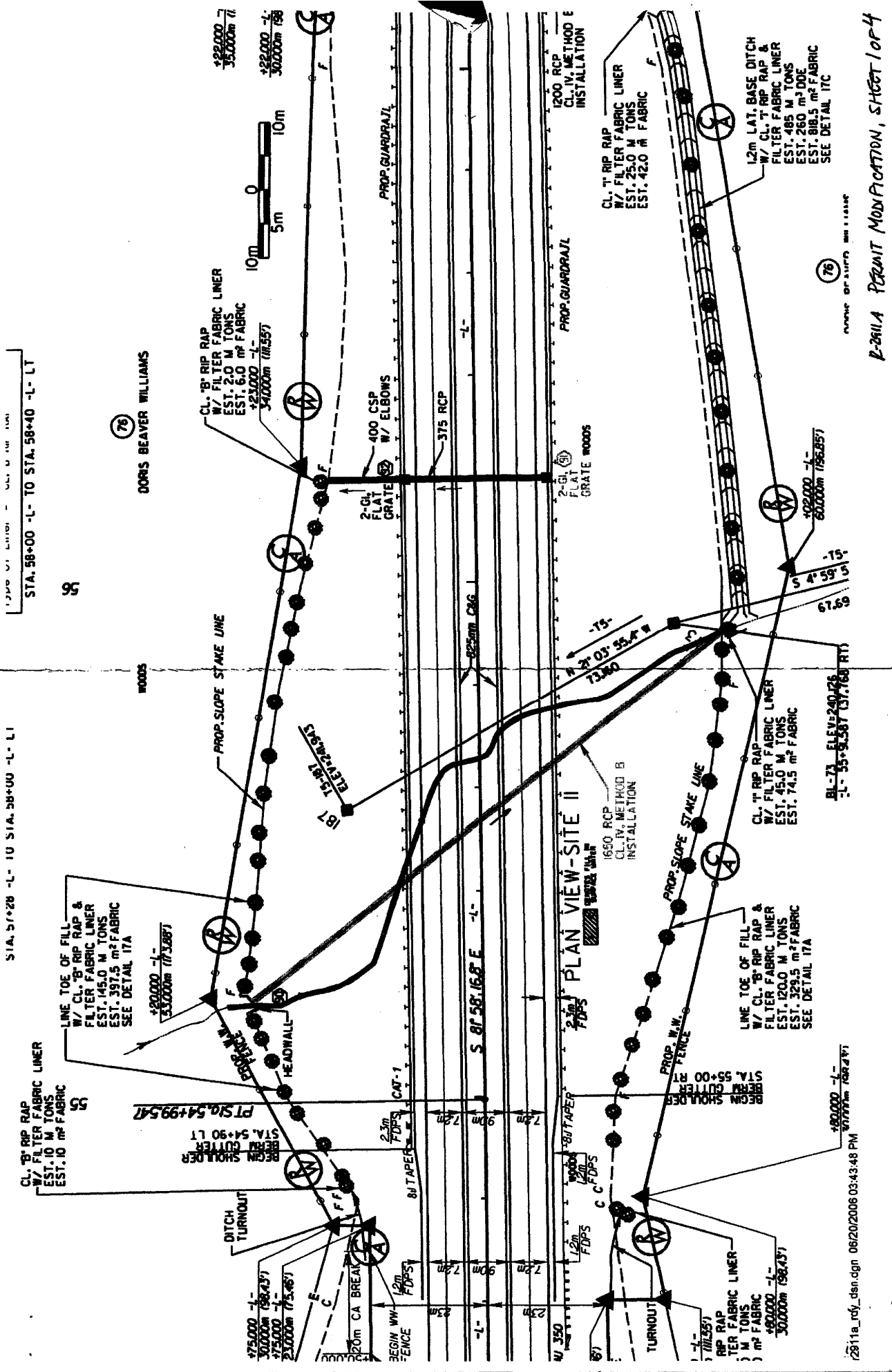
Form Revised 3/2/01



PS 54-0209  
A = 54.000  
B = 54.000  
R = 30000.000

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DONS MAYER WILLIAMS  
DB 97 PG 1300  
R-2411 A PARALLEL MAIN FLOWLINE SHEET 4 OF 4



STA. 58+00 -L- TO STA. 58+40 -L- LT  
99

STA. 58+28 -L- TO STA. 58+00 -L- LT

(76)

DOORS BEAVER WILLIAMS

CL. 8" RIP RAP  
W/ FILTER FABRIC LINER  
EST. 2.0 M TONS  
EST. 6.0 m² FABRIC  
34,000m (11,557)

400 CSP  
W/ ELBOWS

375 RCP

PROP. GUARDRAIL

PROP. GUARDRAIL

2-GR. FLAT GRATE

PLAN VIEW-SITE II  
1650 RCP  
CL. IV, METHOD B  
INSTALLATION

CL. 7" RIP RAP  
W/ FILTER FABRIC LINER  
EST. 25.0 M TONS  
EST. 42.0 m² FABRIC

CL. 7" RIP RAP  
W/ FILTER FABRIC LINER  
EST. 45.0 M TONS  
EST. 74.5 m² FABRIC

LINE TOE OF FILL  
W/ CL. 8" RIP RAP &  
FILTER FABRIC LINER  
EST. 145.0 M TONS  
EST. 397.5 m² FABRIC  
SEE DETAIL 17A

CL. 8" RIP RAP  
W/ FILTER FABRIC LINER  
EST. 10 M TONS  
EST. 10 m² FABRIC

CL. 8" RIP RAP  
W/ FILTER FABRIC LINER  
EST. 120.0 M TONS  
EST. 329.5 m² FABRIC  
SEE DETAIL 17A

102,000 -L-  
60,000m (196,857)

BL-73 ELEV=240.126  
-L- 55+9.587 (37,680 RT)

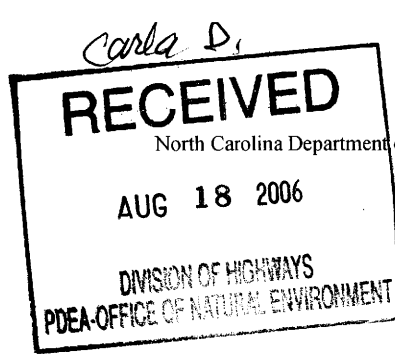
(76)

NAME OF SITE, MAP, ETC.

P-2811A PERMIT MODIFICATION, SHEET 1 OF 4

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Michael F. Easley, Governor

William G. Ross Jr., Secretary  
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director  
Division of Water Quality

August 11, 2006

Dr. Greg Thorpe, Ph.D., Manager  
Planning and Environmental Branch  
North Carolina Department of Transportation  
1548 Mail Service Center  
Raleigh, North Carolina, 27699-1548

**Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for the Relocation of US 70 from SR 2314 (Fanjoy Road) to the Iredell/Rowan County Line in Iredell County, Federal Aid Project No. STP-70 (39), State Project No. 8.1631801, TIP R-2911A, DWQ Project No. 04-0289**

Dear Dr. Thorpe:

Attached hereto is a modification of Certification No. 3460 issued to The North Carolina Department of Transportation (NCDOT) and dated May 11, 2004. This modification is applicable only to the additional proposed activities. All authorized activities and conditions of the certification associated with the original Water Quality Certification, dated May 11, 2004, still apply except where superceded by this certification.

If we can be of further assistance, please do not hesitate to contact Polly Lespinasse at (704) 663-1699.

Sincerely,

for Alan W. Klimek, P.E.  
Director

Attachments

cc: Steve Lund, US Army Corps of Engineers Asheville Field Office  
Trish Simon, Division 12 Environmental Officer  
Marla Chambers, NC Wildlife Resources Commission  
Marella Buncick, US Fish and Wildlife Service  
Sonia Gregory, DWQ Central Regional Office  
File Copy

One  
North Carolina  
*Naturally*

North Carolina Division of Water Quality  
Internet: h2o.enr.state.nc.us

610 East Center Avenue, Suite 301  
 Mooresville, NC 28115

Phone (704) 663-1699  
Fax (704) 663-6040

**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 Quality (DWQ) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 0.26 acres of jurisdictional wetlands, 0.25 acres of surface waters, and 2373 linear feet of jurisdictional streams Iredell County. The project shall be constructed pursuant to the modification received August 1, 2006. The authorized impacts are as described below:

**Stream Impacts in the Yadkin River Basin**

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
Original approved impacts at Site 1			426		426	426
Original approved impacts at Site 2			508		508	508
Original approved impacts at Site 3			344		344	344
Original approved impacts at Site 4			502		502	502
Original approved impacts at Site 10			216		216	216
New additional impacts at Site 11			377		377	377
<b>Total</b>			<b>2373</b>		<b>2373</b>	<b>2193*</b>

**Total Stream Impact for Project: 2373 linear feet**

\*180 Linear Feet of Natural Stream Design has been deducted from the total.

**Wetland Impacts in the Yadkin River Basin**

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
Original approved impacts at Site 2	0.04		0.06	0.02			0.12
Original approved impacts at Site 6				0.01			0.01
Original approved impacts at Site 7	0.08			0.05			0.13
<b>Total</b>	<b>0.12</b>		<b>0.06</b>	<b>0.08</b>			<b>0.26</b>

**Total Wetland Impact for Project: 0.26 acres**

No additional wetland impacts authorized under this modification.

**Open Water Impacts in the Yadkin River Basin**

Site	Permanent Fill in Open Waters (ac)	Temporary Fill in Open Waters (ac)	Total Fill in Open Waters (ac)
Original approved impacts at Site 1	0.04		0.04
Original approved impacts at Site 2	0.06		0.06
Original approved impacts at Site 3	0.03		0.03
Original approved impacts at Site 4	0.05		0.05
Original approved impacts at Site 10	0.04		0.04
Original approved impacts at Site 11	0.02		0.02
<b>Total</b>	<b>0.25</b>		<b>0.25</b>

**Total Open Water Impact for Project: 0.25 acres**

No additional open water impacts authorized under this modification.

The application provides adequate assurance that the discharge of fill material into the waters and wetlands of the Yadkin 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 August 1, 2006. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated May 11, 2004, still apply except where superceded by this certification. Should your project change, you are required to notify the DWQ 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, 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. The culvert installation will result in an additional loss of 377 linear feet of stream. We understand that you have chosen to satisfy mitigation for the 377 linear feet of impacts to streams through an in-lieu payment to the North Carolina Ecosystem Enhancement Program (EEP). EEP has indicated in a letter dated July 7, 2006, that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for this project.
2. Erosion and sediment control practices must utilize Best Management Practices (BMP) and be in full compliance with all specifications governing the proper design, installation, and operation and maintenance of such BMP in order to protect surface water standards:
  - a. 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 pit sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
  - b. 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*.
  - c. The reclamation measures and implementation of these measures must be in accordance with the requirements of the Sedimentation Pollution Control Act.
3. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify the DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the 401/Wetlands Unit of the Division of Water Quality upon completion of the project.
4. All other conditions written into the previous Water Quality Certification, dated May 11, 2004, for the project still apply.

5. Continuing Compliance. NCDOT shall conduct its activities in a manner so as not to contravene any state water quality standard [including any requirements for compliance with section 303(d) of the Clean Water Act] and any other appropriate requirements of state and federal law. If DWQ 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, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15 A NCAC 2H.0507(d). Before codifying the certification, DWQ shall notify NCDOT and the USACE, provide public notice in accordance with 15A NCAC 2H.0503, and provide opportunity for public hearing in accordance with 15A NCAC 2H.0504. Any new or revised conditions shall be provided to NCDOT in writing, shall be provided to the USACE for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

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

If this Certification is unacceptable to you, have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 11th day of August 2006

DIVISION OF WATER QUALITY



for Alan W. Klimek, P.E.  
Director

WQC No. 3460

## Certificate of Completion

DWQ Project No. \_\_\_\_\_

County: \_\_\_\_\_

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Date of Issuance of 401 Water Quality Certification: \_\_\_\_\_

Upon completion of all work approved within the 401 Water Quality Certification and Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401/Wetlands Unit, North Carolina Division of Water Quality, 1621 Mail Service Center, Raleigh, NC, 27699-1621. This form may be returned to DWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

### *Applicant's Certification*

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### *Agent's Certification*

I, \_\_\_\_\_, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### *If this project was designed by a Certified Professional*

I, \_\_\_\_\_, as a duly registered Professional \_\_\_\_\_ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: \_\_\_\_\_ Registration No.: \_\_\_\_\_ Date: \_\_\_\_\_