

2-60020843
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
Coleen H. Sullins, Deputy Director
Division of Water Quality

July 28, 2004

AUG 02 2004

Dr. Gregory J. Thorpe, PhD., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

Dear Dr. Thorpe:

Re: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed Replacement of Bridge Nos. 74 and 76 and Interchange Improvements Over SR 1242 and
Michaels Branch, TIP No. B-3157
Individual WQC No. 3467
Davidson County

Attached hereto is a copy of Certification No. 3467 issued to The North Carolina Department of
Transportation dated July 28, 2004.

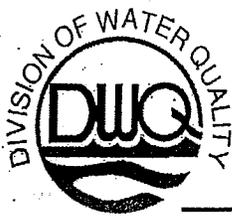
If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

cc: Eric Alsmeyer, Corps of Engineers Raleigh Field Office
DWQ Winston-Salem Regional Office
Central Files
File Copy



APPROVAL OF 401 Water Quality Certification and 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, Section .0500, and 15 NCAC 2B .0259. This certification authorizes the NCDOT to place fill material, culverts, and piping in 876 linear feet of streams in Davidson County. The project shall be constructed pursuant to the application dated May 11, 2004, to replace Bridge Nos. 74 and 76 and improve the interchange over SR 1242 and Michaels Branch. The approved design is that submitted in your application dated May 11, 2004. The authorized impacts are as described below:

Surface Water Impacts for the Yadkin-Pee Dee River Basin

Section	Stream Impacts (linear feet)	Ponds (acres)	On-Site Natural Channel Design (linear feet)	Mitigation Required
Site 1 - Michael Branch (Station No. 20+81.5 -Y6)	114	0	546	-432
Site 1 - Michael Branch (Station No. 17+48 -Y1)	743	0	404	339
Site 2 - Erlanger Branch (Station No. 12+05 -Y2)	19	0	0	0
Total	876	0	950	-93

The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin-Pee Dee 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, as described in the Public Notice. 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, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.



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

Alan W. Klimek, P.E. Director
Division of Water Quality
Coleen H. Sullins, Deputy Director
Division of Water Quality

July 28, 2004

Give back
to Rachelle

Dr. Gregory J. Thorpe, PhD., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina, 27699-1548

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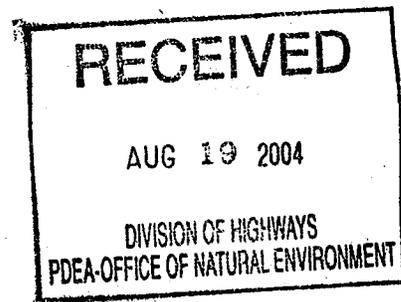
If we can be of further assistance, do not hesitate to contact us.

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

cc: Eric Alsmeyer, Corps of Engineers Raleigh Field Office
DWQ Winston-Salem Regional Office
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Condition(s) of Certification:

Project Specific Conditions

1. Prior to incurring impacts anywhere on the project, a revised natural channel design shall be submitted to, and approved by, the NC Division of Water Quality. The revised plan shall include proposed construction plans that describe how DOT plans to conduct phased construction of the new stream channel and control downstream transport of sediment in Michael Branch. Please describe how the phased construction of the stream relocation, the stream meanders, and the bank stabilization and vegetation will be conducted in a dry work area as detailed in Condition 8. of the General Conditions. The revised plan shall be submitted to the NC Division of Water Quality within thirty (30) days of the issuance of this Certification. A copy of the revised stream design and construction plan shall also be submitted to the NC Wildlife Resources Commission.
2. The dimension, pattern and profile of the stream above and below the crossing should not be modified by widening the stream channel or reducing the depth of the stream. Disturbed floodplains and streams should be restored to natural geomorphic conditions. All stream relocation and restoration activities shall comply with the final natural channel design plans approved by the NC Division of Water Quality.

General Conditions of Certification:

3. Construction will be conducted in such a manner as to prevent a significant increase in turbidity outside the area of construction or construction-related discharge. 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 assure compliance with the appropriate turbidity water quality standard.
 - a. The erosion and sediment control measures for the project must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual. These 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.
 - b. For borrow pit sites, the erosion and sediment control measures must equal or exceed the proper design, installation, operation and maintenance outlined in the most recent version of the North Carolina Surface Mining Manual. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
4. All sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored after the Division of Land Resources has released the project.
5. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse. All water quality-related conditions of the FONSI or ROD shall become conditions of this Certification.



6. No live or fresh concrete shall come into contact with waters of the state until the concrete has hardened.
7. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit. Should waste or borrow sites be located in wetlands or stream, compensatory mitigation will be required since it is a direct impact from road construction activities.
8. All channel relocations will be constructed in a dry work area, and stabilized before stream flows are diverted. Channel relocations will be completed and stabilized prior to diverting water into the new channel. Whenever possible, channel relocations shall be allowed to stabilize for an entire growing season. Vegetation used for bank stabilization shall be limited to native woody species, and should include establishment of a 30 foot wide wooded and an adjacent 20 foot wide vegetated buffer on both sides of the relocated channel to the maximum extent practical. A transitional phase incorporating coir fiber and seedling establishment is allowable. Also, rip-rap may be allowed if it is necessary to maintain the physical integrity of the stream, but the applicant must provide written justification and any calculations used to determine the extent of rip-rap coverage requested.
9. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify 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.
10. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. 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 shall be maintained if requested in writing by DWQ.
11. 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.
12. All temporary fills in wetlands and surface waters shall be removed upon completion of the project. In addition, the post-construction removal of any temporary bridge structures or fill will need to return the project site to its preconstruction contours and elevations. The revegetation of the impacted areas with appropriate native species will be required.
13. Riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
14. Any riprap used must not interfere with thalweg performance and aquatic life passage during low flow conditions.



15. 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.
16. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
17. Two copies of the final construction drawings shall be furnished to NCDWQ prior to the pre-construction meeting. Written verification shall be provided that the final construction drawings comply with the attached permit drawings contained in the application dated May 11, 2004.
18. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by orange fabric fencing prior to any land disturbing activities.
19. NCDOT, 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 law 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 15A NCAC 2H.0507(d). Before modifying the certification, DWQ shall notify NCDOT and the US Army Corps of Engineers, 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 United States Army Corps of Engineers 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.
20. A copy of this Water Quality Certification shall be posted 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.
21. Culverts that are less than 48-inch in diameter should be buried to a depth equal to or greater than 20% of their size to allow for aquatic life passage. Culverts that are 48-inch in diameter or larger should be buried at least 12 inches below the stream bottom to allow natural stream bottom material to become established in the culvert following installation and to provide aquatic life passage during periods of low flow. These measurements must be based on natural thalweg depths.



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Alan W. Klimek, P.E. Director
Division of Water Quality
Coleen H. Sullins
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. 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 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, P.O. Box 27447, Raleigh, N.C. 27611-7447. 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 28th day of July 2004

DIVISION OF WATER QUALITY

A handwritten signature in black ink, appearing to read 'John E. Klimek', is written over the typed name.

Alan W. Klimek, P.E.
Director

WQC No. 3467



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
Coleen H. Sullins
Division of Water Quality

DWQ Project No.: 3467

County: Davidson

Applicant: NC Department of Transportation

Project Name: Replacement of Bridge Nos. 74 and 76 and Interchange Improvements Over SR 1242 and Michael Branch

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable 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, 1650 Mail Service Center, Raleigh, NC, 27699-1650. 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 be 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 be 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: _____

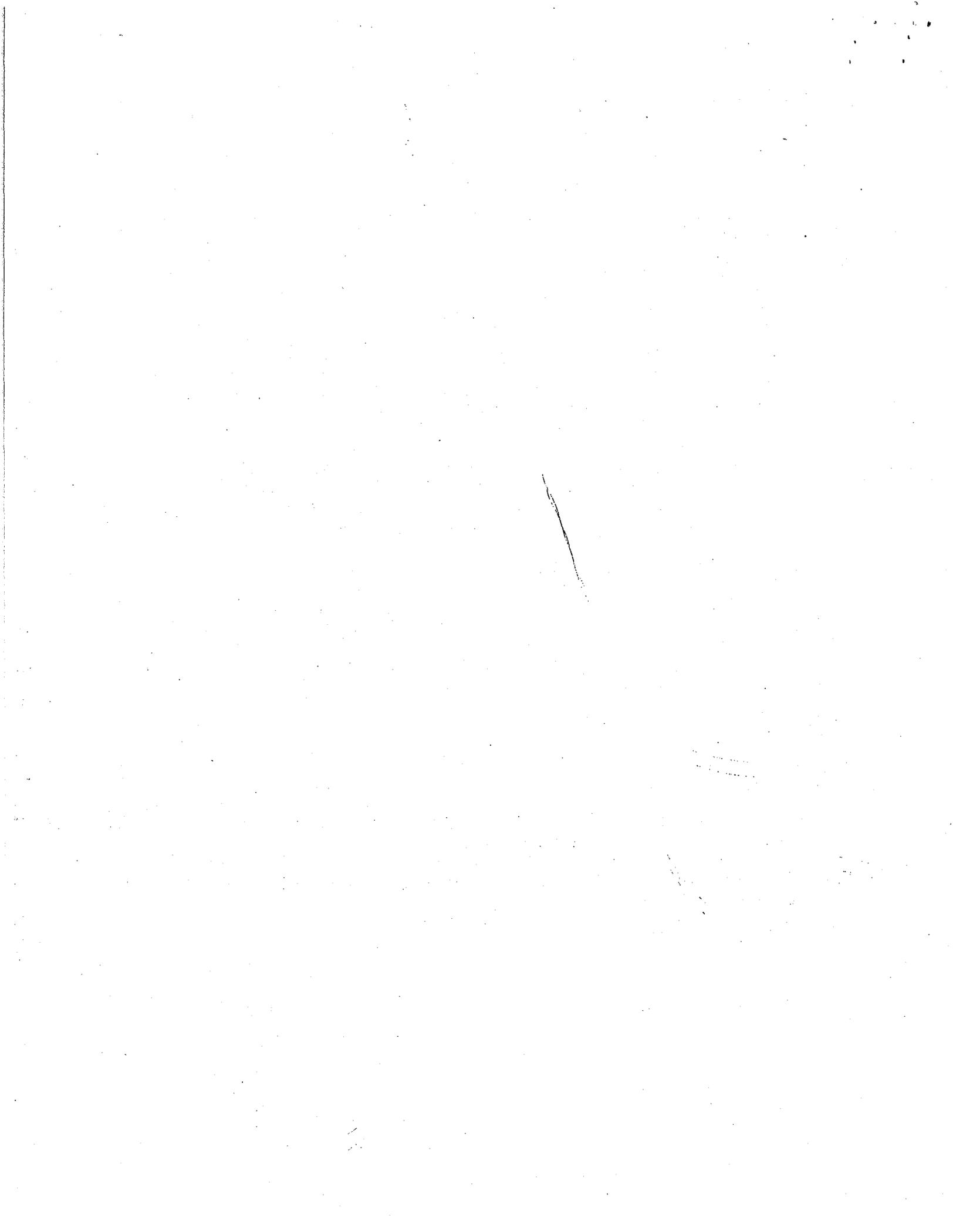
Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer 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 be 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 _____



Subject: B-3157 401 conditions IMPORTANT

Date: Tue, 27 Jul 2004 13:58:48 -0400

From: "Rachelle Beauregard" <rbeauregard@dot.state.nc.us>

Organization: North Carolina Department of Transportation

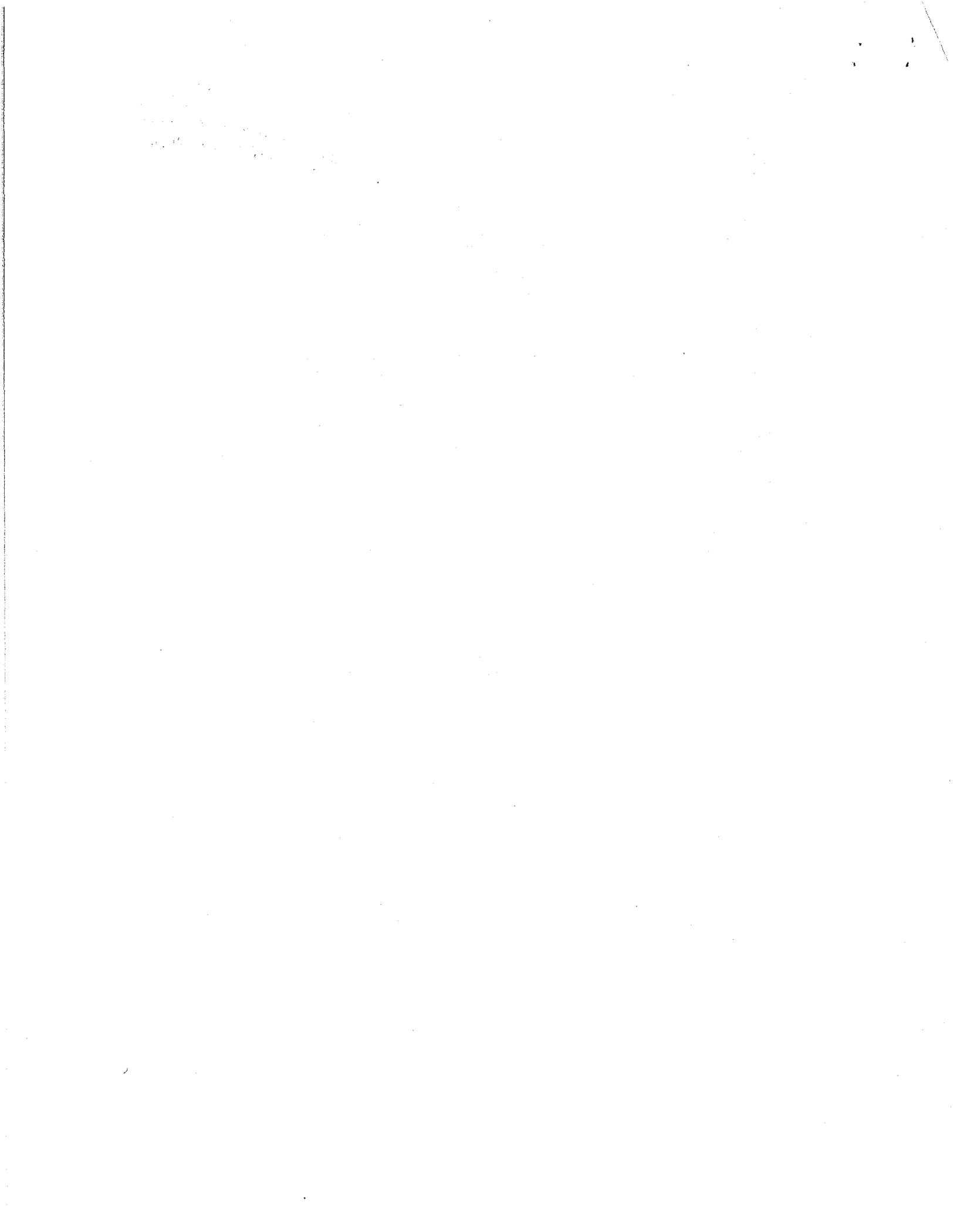
To: ✓ David S. Chang, PE" <dchang@dot.state.nc.us> , > *okay*
 ✓ "Anne D. Gamber" <agamber@dot.state.nc.us> ,
 ✓ Randy Griffin <rgriffin@dot.state.nc.us> ,
 ✓ "David B. Harris, PE" <davidharris@dot.state.nc.us> ,
 ✓ "Keith Raulston, P.E." <kraulston@dot.state.nc.us> ,
 ✓ "Darin Waller, P.E." <dwaller@dot.state.nc.us> ,
 "Ron Hancock, PE" <rhancock@dot.state.nc.us> ,
 Billy Trivette <btrivette@dot.state.nc.us> ,
 ✓ "Randy A. Garris, PE" <rgarris@dot.state.nc.us> ,
 ✓ "Art McMillan, PE" <amcmillan@dot.state.nc.us> ,
 ✓ Greg Perfetti <gperfetti@dot.state.nc.us> , David Scheffel <dscheffel@dot.state.nc.us>

*(Roadride)
Barney Blackburn
will do plan*

Please review the attached 401 permit conditions for B-3157 in Davidson County. Reply back to me if these conditions can be met. Please reply by July 30. Thank you.

Rachelle Beauregard

<input type="checkbox"/> B-3157 - 040832 draft 401 conditions.doc	<p>Name: B-3157 - 040832 draft 401 conditions.doc</p> <p>Type: Microsoft Word Document (application/msword)</p> <p>Encoding: base64</p> <p>Download Status: Not downloaded with message</p>
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Subject: B-3157 Corps 404 conditions

Date: Fri, 13 Aug 2004 12:21:01 -0400

From: "Rachelle Beauregard" <rbeauregard@dot.state.nc.us>

Organization: North Carolina Department of Transportation

To: "David S. Chang, PE" <dchang@dot.state.nc.us> ,
 "Anne D. Gamber" <agamber@dot.state.nc.us> ,
 ✓ "Randy Griffin" <rgriffin@dot.state.nc.us> ,
 ✓ "David B. Harris, PE" <davidharris@dot.state.nc.us> ,
 "Keith Raulston, P.E." <kraulston@dot.state.nc.us> ,
 ✓ "Darin Waller, P.E." <dwaller@dot.state.nc.us> ,
 "Ron Hancock, PE" <rhancock@dot.state.nc.us> ,
 Billy Trivette <btrivette@dot.state.nc.us> ,
 ✓ "Randy A. Garris, PE" <rgarris@dot.state.nc.us> ,
 ✓ "Greg Perfetti" <gperfetti@dot.state.nc.us> ✓ David Scheffel <dscheffel@dot.state.nc.us>

Attached is the Draft 404 permit conditions for B-3157. Please review them and let me know if they can be met. This project is still in the September let so I need to have a response by August 17. Thank you in advance for your expeditious review.

Rachelle Beauregard

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 DraftB3157cond USACE.doc	<p>Name: DraftB3157cond USACE.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
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