



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DAVID MCCOY
SECRETARY

November 7, 2000

MEMORANDUM TO: Mr. S. P. Ivey, P.E.
Division 9 Engineer

FROM: *BC* V. Charles Bruton, Ph.D. *Boburman*
Assistant Manager
Project Development and
Environmental Analysis Branch

SUBJECT: Rowan County; I-85 from Just South of US 601 to Just North of SR
1002 (Bringle Ferry Road) near East Spencer; Project No. 8.1631503;
T.I.P. #1-2511CA

Attached are the U. S. Army Corps of Engineers Individual Permit and the DWQ 401 Water Quality Certification for the above referenced project. All environmental permits have been received for the construction of this project.

VCB/eah

Attachment

cc: Ms. Debbie Barbour, P.E.
Mr. Calvin Leggett, P.E.
Mr. John Alford, P.E.
Mr. David Henderson, P.E.
Mr. Randy Garris, P.E.
Mr. Tim Rountree, P.E.
Mr. W. D. Johnson
Mr. N. L. Graf, FHWA

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PROJECT DEVELOPMENT AND ENVIRONMENTAL ANALYSIS
1548 MAIL SERVICE CENTER
RALEIGH NC 27699-1548

TELEPHONE: 919-733-3141
FAX: 919-733-9794

WEBSITE: WWW.DOH.DOT.STATE.NC.US

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC

42

DEPARTMENT OF THE ARMY PERMIT

Permittee NC Department of Transportation

Permit No. 200020818

Issuing Office CESAW-RG-R

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

To impact 0.13 acre of jurisdictional waters of the United States, including the permanent discharge of fill material into a total of 2,772 linear feet of stream channel, which includes the relocation of 1,691 linear feet of waters of the United States of Town Creek and 9 of its unnamed tributaries. The requested impacts to jurisdictional waters of the United States are associated with Segment CA (TIP No. I-2511CA), which involves the construction of approximately 3.0 miles of a 13.2 mile widening to an 8-lane facility from south of US 601 to north of SR 1002 (Bingle Ferry Road), southwest of Salisbury, Rowan County, TIP No. I-2511CA, State Project No. 8.1631503, Federal Aid Project No. IR-85-3(131)69.

Project Location:

From 0.5 mile south of US 601 to north of SR 1002 (Bingle Ferry Road), southwest of Salisbury, Rowan County, North Carolina.

Permit Conditions:

General Conditions:

December 31, 2003

- 1. The time limit for completing the work authorized ends on December 31, 2003. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
- 2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
- 3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See enclosed sheet.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

William D. Stone
(PERMITTEE)
NC DEPARTMENT OF TRANSPORTATION

11/8/00
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
JAMES W. DELONY, COLONEL

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS

- a. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit.
- b. The permittee and its contractors and/or agents shall not excavate, fill, or perform landclearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this permit, or any modification to this permit, outside the toe of the road fill. This prohibition applies to all borrow and filling activities connected with this project.
- c. To ensure that all borrow and waste activities occur on high ground, 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 ensure that all such areas comply with condition (b.) of this permit, and shall maintain documentation of the location of all borrow and disposal sites associated with this project, and on the soils, vegetation and hydrology of each site utilized. This information will be available to the Corps of Engineers on request.
- d. 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. The temporary placement or double handling of excavated or fill materials within waters or wetlands is not authorized.
- e. No excavated or fill materials will be placed at any time in any vegetated wetlands or waters, not authorized by this permit.
- f. No vegetated wetlands will be excavated unless authorized by this permit. Work in such areas will require Department of the Army permit modification.
- g. No excavated or fill material will be placed in any location or in any manner except as authorized by this permit so as to impair surface water flow into or out of any wetland area.
- h. All fill material will be clean and free of any pollutants except in trace quantities.
- i. All fill material will be immediately stabilized and maintained to prevent erosion and sedimentation into adjacent waters and/or wetlands. Perennial turfgrass (i.e., fescue) will not be planted within wetlands.
- j. The permittee will maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- k. Stringent erosion control measures will be installed where soil is disturbed and maintained until the site is stabilized.
- l. Multiple barrel culverts will be constructed so that low flows are directed into a single barrel.

- m. The dimension, pattern, and profile of the floodplain and streams above and below pipes or culverts should not be modified by widening the stream channel and reducing the depth of the stream. Culverts will be buried one foot below the stream channel elevation on culverts greater than 54 inches in diameter and for culverts 48 inches and smaller in diameter, the culverts will be buried at least 20 percent of the diameter of the culvert.
- n. Riprap will be minimized and placed in a manner that will not impede aquatic life migration during low flows. Riprap is not to be placed below the ordinary water mark in stream channels unless the rip rap is designed to be buried with sediment.
- o. Wet concrete shall not be placed in direct contact with stream water.
- p. Heavy equipment should be operated from the bank rather than in the stream channel in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into the stream.
- q. Temporary or permanent herbaceous vegetation should be planted on all bare soil within 15 days of ground disturbing activities to provide long-term erosion control. Utilization of onsite and natural vegetation and materials for streambank stabilization is preferred when practicable versus non-native species.
- r. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work, will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representatives may direct, restore the waterway to its former conditions. If the permittee fails to comply with this directive, the Secretary or his representative may restore the waterway, by contract or otherwise, and recover the cost from the permittee.
- s. If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the authorized work, he will immediately notify the Wilmington District Engineer who will initiate the required State/Federal coordination.
- t. At least one week prior to initiation of construction, the permittee will contact the North Carolina Division of Archives and History, telephone (919) 733-4763, providing this agency the opportunity to monitor construction. If significant archaeological features are exposed, this agency will be allowed reasonable time to record and/or recover features prior to continuation of work.
- u. In issuing this permit, the Federal Government does not assume any liability for:
 - (1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - (2) Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.
 - (3) Damages to other permitted or unpermitted activities or structures caused by the authorized activity.
 - (4) Design and construction deficiencies associated with the permitted work.

- v. Damage claims associated with any future modifications, suspensions, or revocation of this permit.

MITIGATION CONDITIONS:

- w. No work in waters or wetlands shall commence prior to the preparation of a final mitigation plan for the Shepards Tree Mitigation Site by the permittee, and approval of that plan by the Wilmington District Engineer.
- x. The permittee shall mitigate for 1,081 linear feet of the stream channel impacts resulting from this project with 1,081 linear feet of stream restoration at the Shepherds Tree Mitigation Site. The location of the 1,081 feet of restored stream channel is as shown on Appendix "A".
- y. The permittee shall maintain the mitigation property as shown on Appendix "A" in its natural condition, as altered by the mitigation plan, in perpetuity. Except as required or authorized by the mitigation plan, prohibited activities on the mitigation property include, but are not limited to, filling; grading; excavating; earth movement of any kind; construction of roads, walkways, buildings, signs, or any other structure; any activity that may alter the drainage patterns on the property; the destruction, mowing, or other alteration of vegetation on the property; disposal or storage of any garbage, trash, or other waste material. In addition, the permittee shall take no action, whether on or off the mitigation property, which will adversely impact the wetlands on the mitigation property.
- z. Condition y, above, runs with the land. The permittee shall not sell, lease, or otherwise convey any interest in the mitigation property without subjecting the property to legally enforceable restrictions on the use of the property, to ensure its preservation, approved in writing by the Wilmington District Corps of Engineers.
- aa. The permittee shall record this permit in the Iredell County Register of Deeds, in such a manner that it appears in the chain of title for the mitigation property.
- bb. The permittee shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, to provide that individual with the opportunity to attend the yearly mitigation monitoring efforts.
- cc. Failure to institute and carry out the details of special conditions (w.)-(bb.), above, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedy as the District Engineer or his authorized representative may seek.
- dd. At Site Five, 1,276 feet of stream channel will be relocated as shown on sheets 10 and 11 of the attached plans. Two permanent cross sections shall be established in meanders of the channel and two permanent cross sections established at inflection points in the channel.
- ee. At Site Eight, 415 feet of stream channel will be relocated as shown on sheets 16 and 17 of the attached plans. A permanent cross section station shall be established in a meander and at an inflection point along the channel.
- ff. In order to evaluate the stability of the new channel, the channel cross section at each permanent station identified above shall be measured on a yearly basis for five years and the width:depth ratio compared to the as-built cross section. This information shall be provided to the District Engineer no later than January 1 of each year. The

District Engineer will evaluate any deviations from the as-built width:depth ratio and remedial action (if any) will be determined on a case by case basis.

- gg. Relocated channel banks shall be planted with Salix nigra, Cornus amomum, Liquidambar styracifua, Platanus occidentalis, Prunus serotina, and Betulanigra in an amount sufficient to stabilize the banks.
- hh. Relocated channels shall be vegetated and stabilized prior to the release of water through them.

All conditions stated in Water Quality Certification Number 3292 from the North Carolina Department of Environment and Natural Resources, Division of Water Quality Certification issued on June 13, 2000, remain conditions of this permit.

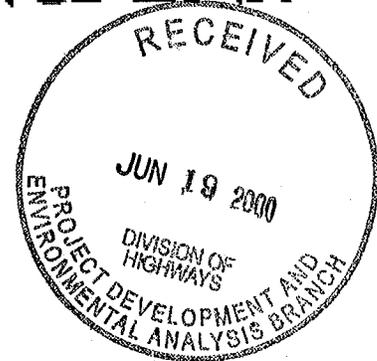
State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director



June 13, 2000

Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, NC, 27611-5201



Dear Mr. Gilmore:

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed widening of Interstate 85 from 0.5 miles south of US 601 to 0.6 miles north of SR 1002
(Bringle Ferry Road), east of Salisbury.
Federal Aid Project No. IR-85-3(131)69; State Project No. 8.1631503, TIP-12511CA
WQC Project No. 000390, COE ID 200020818
Rowan County

Attached hereto is a copy of Certification No. 3292 issued to The North Carolina Department of
Transportation dated June 13, 2000.

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

Sincerely,

Kerr T. Stevens

Attachments

Pc: Wilmington District Corps of Engineers
Corps of Engineers Raleigh Field Office
DWQ Mooresville Regional Office
File copy
Central Files

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

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. This certification authorizes the NCDOT to place fill material in 0.13 acres of intermittent stream channels, fill 2,772 linear feet of perennial streams and relocate 2,163 linear feet of streams in Rowan County. The project shall be constructed pursuant to the application filed on the 21st day of April 2000 to construct the widening of Interstate 85 from 0.5 miles south of US 601 to 0.6 miles north of SR 1002 (Bringle Ferry Road), east of Salisbury.

The application provides adequate assurance that the discharge of fill material into the waters of nine unnamed tributaries to Town Creek 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 total wetland fills for this project (now or in the future exceed one acre, 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.

Condition(s) of Certification:

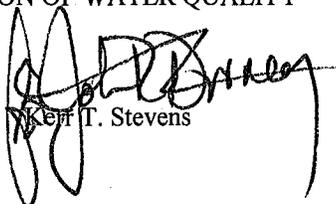
1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) shall be utilized to prevent exceedence of the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters);
2. 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;
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse;
4. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this certification without appropriate modification of this certification. 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.
6. Compensatory mitigation shall be performed for 2,772 linear feet of jurisdictional stream impacts. We understand that you have chosen to complete onsite mitigation to restore 1,691 feet of stream to offset for these impacts. The balance of 1,081 feet of compensatory mitigation will occur off-site at the Shepherd's Tree Mitigation Site in eastern Iredell County.

Violations of any condition herein set forth shall 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 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, NC 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 13th day of June 2000

DIVISION OF WATER QUALITY


Ken T. Stevens

WQC # 3292

PROJECT COMMITMENTS

I-85 Widening and Improving Salisbury

Rowan County

From 0.5 miles south of US 601 to 0.6 miles north of SR 1002

State Project No. 8.1631503

Federal Aid No. IR-85-3(131)69

In addition to the standard Section 404 Individual Permit (IP) Special Conditions and Section 401 Water Quality Certification (WQC) Conditions, the following special commitments have been agreed to by NCDOT:

Commitments Developed Through Project Development and Design

All standard procedures and measures, including Best Management Practices, will be implemented to avoid or minimize environmental impacts. *This is a standard NCDOT Procedure.*

PDEA

Impacts to Waters of the U.S. will be in the form of surface water impacts at stream crossings. These impacts require an Department of the Army Section 404 Individual Permit, as well as an Individual Section 401 Water Quality Certification from the NC Division of Water Quality. (Obtained October 24, 2000 and June 13, 2000, respectively)

Division 9 Construction

All materials will be removed by the contractor and disposed of off-site.

Commitments Developed Through Permitting

Hydraulics, Structure Design, and Division 9 Construction

Section 404 IP, Special Condition (l). Multiple barrel culverts will be constructed so that low flows are directed into a single barrel.

Section 404 IP, Special Condition (m). The dimension, pattern, and profile of the floodplain and streams above and below pipes or culverts should not be modified by widening the stream channel and reducing the depth of the stream. Culverts will be buried one foot below the stream channel elevation on culverts greater than 54 inches in diameter and for culverts 48 inches and smaller in diameter, the culverts will be buried at least 20 percent of the diameter of the culvert.

Section 404 IP, Special Condition (n). Riprap will be minimized and placed in a manner that will not impede aquatic life migration during low flows. Riprap is not to be placed below the ordinary watermark in stream channels unless the riprap is designed to be buried with sediment.

Division 9 Construction and PDEA

Section 404 IP, General Condition (1). The time limit for completing the work authorized ends on December 31, 2003. If you find that you need more time to complete the authorized activity,

submit your request for a time extension to the Wilmington COE office for consideration at least one month before the above date is reached.

Section 404 IP, Special Condition (s). If the permittee discovers any previously unknown historic or archaeological remains while accomplishing the authorized work, he will immediately notify the Wilmington District Engineer who will initiate the required State/Federal coordination.

Section 404 IP, Special Condition (t). At least one week prior to initiation of construction, the permittee will contact the North Carolina Division of Archives and History, telephone (919) 733-4763, providing this agency the opportunity to monitor construction. If significant archaeological features are exposed, this agency will be allowed reasonable time to record and/or recover features prior to continuation of work.

Section 404 IP, Special Condition (w). No work in waters or wetlands shall commence prior to the preparation of a final mitigation plan for the Shepard's Tree Mitigation Site by the permittee, and approval of that plan by the Wilmington District Engineer.

Division 9 Construction and Roadside Environmental Unit

Section 404 IP, Special Condition (q). Temporary or permanent herbaceous vegetation should be planted on all bare soil within 15 days of ground disturbing activities to provide long-term erosion control. Utilization of onsite and natural vegetation and materials for streambank stabilization is preferred when practicable versus non-native species.

Division 9 Construction, Roadside Environmental Unit, and PDEA

Section 404 IP, Special Condition (dd). At Site Five, 1,276 feet of stream channel will be relocated as shown on sheets 10 and 11 of the [permit drawings]. Two permanent cross sections shall be established in meanders of the channel and two permanent cross sections established at inflection points in the channel.

Section 404 IP, Special Condition (ee). At Site Eight, 415 feet of stream channel will be relocated as shown on sheets 16 and 17 of the [permit drawings]. A permanent cross section shall be established in a meander of the channel and a permanent cross section established at an inflection point along the channel.

Section 404 IP, Special Condition (hh). Relocated channels shall be vegetated and stabilized prior to the release of water through them.

PDEA and Roadside Environmental Unit

Section 401 Water WQC (6). Compensatory mitigation shall be performed for 2,772 linear feet of jurisdictional stream impacts. We understand that you have chosen to complete onsite mitigation to restore 1,691 feet of stream to offset for these impacts. The balance of 1,081 feet of compensatory mitigation will occur offsite at the Shepard's Tree Mitigation Site in eastern Iredell County.

Section 404 IP, Special Condition (x). The permittee shall mitigate for 1,081 linear feet of the stream channel impacts resulting from this project with 1,081 linear feet of stream restoration at the Shepard's Tree Mitigation Site. The location of the 1,081 feet of restored stream channel is as shown on Appendix "A" of the COE 404 permit.

Section 404 IP, Special Condition (ff). In order to evaluate the stability of the new channels [relocated onsite], the channel cross sections at each permanent station identified above shall be measured on a yearly basis for five years and the width:depth ratio compared to the as-built cross section. This information shall be provided to the [COE] District Engineer no later than January 1 of each year. The District Engineer will evaluate any deviations from the as-built width:depth ratio and remedial action (if any) will be determined on a case by case basis.

Section 404 IP, Special Condition (gg). Relocated channels shall be planted with *Salix nigra*, *Cornus amomum*, *Liquidambar styraciflua*, *Platanus occidentalis*, *Prunus serotina*, and *Betula nigra* in an amount sufficient to stabilize the banks.

Section 404 IP, Special Condition (i). The permittee shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, to provide that individual with the opportunity to attend the yearly mitigation monitoring efforts.

Shepard's Tree Mitigation Site
-DRAFT-
Stream Restoration Map
September 19, 2000

Appendix A



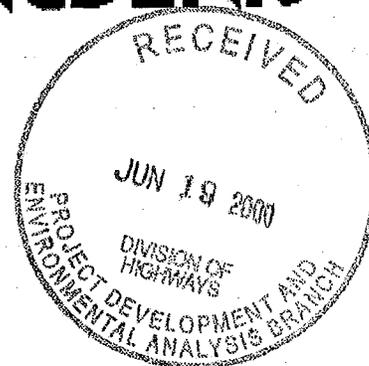
State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality

James B. Hunt, Jr., Governor
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June 13, 2000

Mr. William D. Gilmore, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
P.O. Box 25201
Raleigh, NC, 27611-5201



Dear Mr. Gilmore:

Re: Certification Pursuant to Section 401 of the Federal Clean Water Act,
Proposed widening of Interstate 85 from 0.5 miles south of US 601 to 0.6 miles north of SR 1002
(Bringle Ferry Road), east of Salisbury.
Federal Aid Project No. IR-85-3(131)69; State Project No. 8.1631503, TIP I-2511CA.
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Rowan County

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Transportation dated June 13, 2000.

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

Sincerely,

Kerr T. Stevens

Attachments

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Corps of Engineers Raleigh Field Office
DWQ Mooresville Regional Office
File copy
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The application provides adequate assurance that the discharge of fill material into the waters of nine unnamed tributaries to Town Creek 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 total wetland fills for this project (now or in the future exceed one acre, 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.

Condition(s) of Certification:

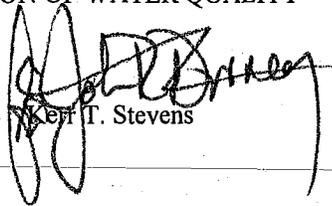
1. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" (available from the Division of Land Resources in the DEHNR Regional or Central Offices) shall be utilized to prevent exceedence of the appropriate turbidity water quality standard (50 NTUs in all fresh water streams and rivers not designated as trout waters; 25 NTUs in all lakes and reservoirs, and all saltwater classes; and 10 NTUs in trout waters);
2. 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;
3. If an environmental document is required, this Certification is not valid until a FONSI or ROD is issued by the State Clearinghouse;
4. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;
5. There shall be no excavation from or waste disposal into jurisdictional wetlands or waters associated with this certification without appropriate modification of this certification. 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.
6. Compensatory mitigation shall be performed for 2,772 linear feet of jurisdictional stream impacts. We understand that you have chosen to complete onsite mitigation to restore 1,691 feet of stream to offset for these impacts. The balance of 1,081 feet of compensatory mitigation will occur off-site at the Shepherd's Tree Mitigation Site in eastern Iredell County.

Violations of any condition herein set forth shall 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 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, NC 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.

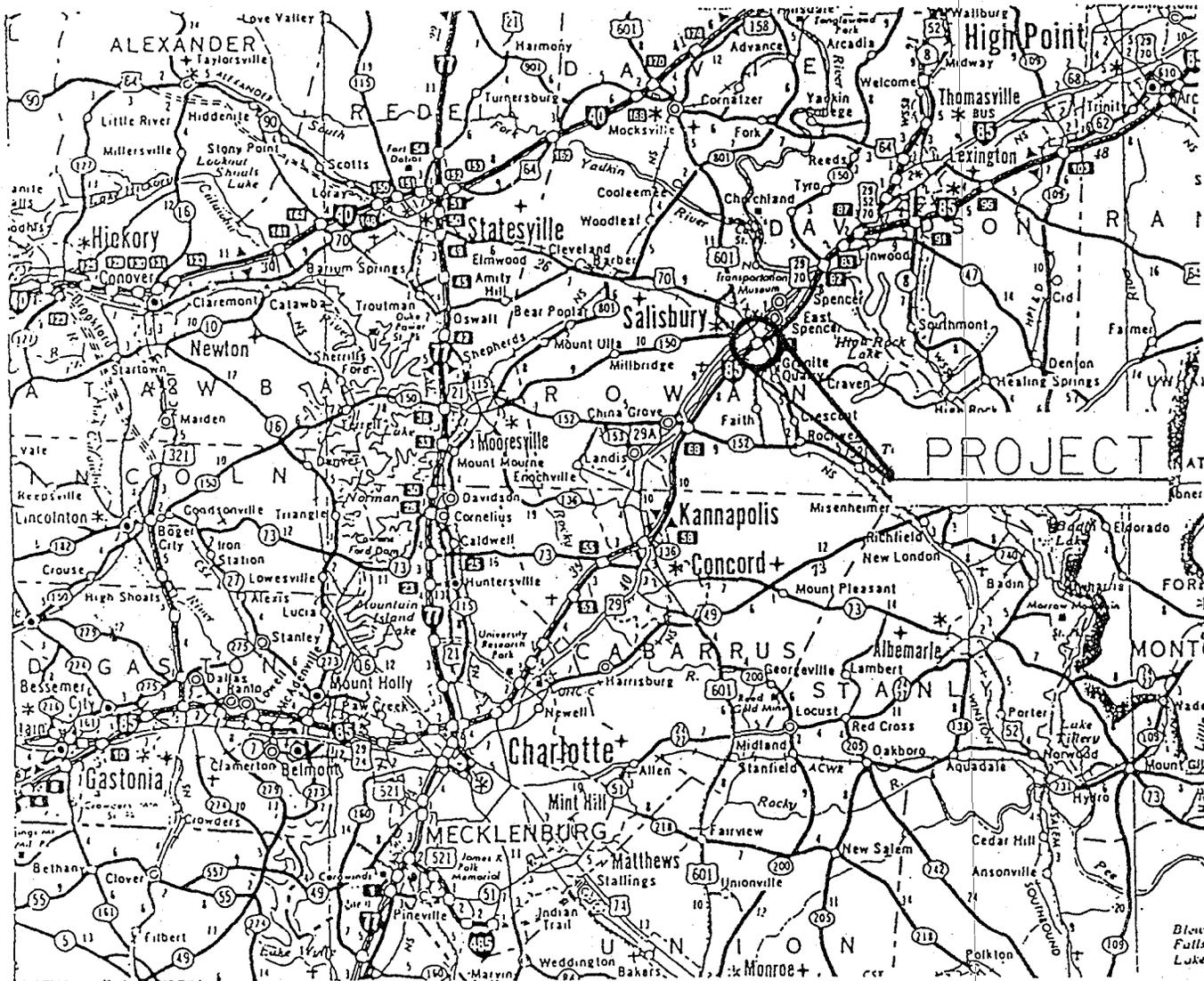
This the 13th day of June 2000

DIVISION OF WATER QUALITY



Peter T. Stevens

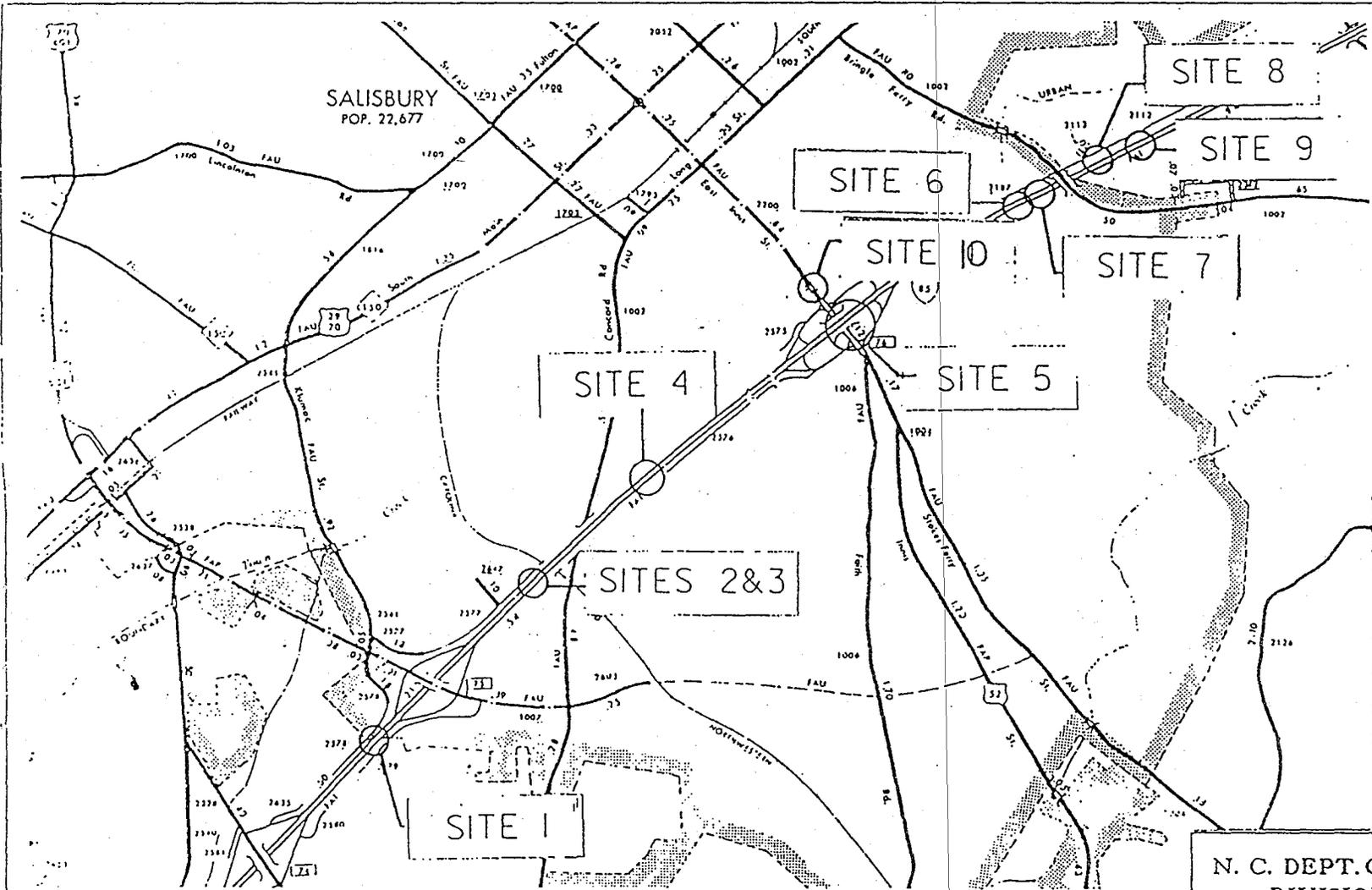
WQC # 3292



SCALE: 1" = 13 mi.

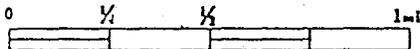
VICINITY MAP

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ROWAN COUNTY
 PROJECT: 8.1631503, I-2511CA
 RECONSTRUCTION OF I-85
 APPROX. 0.5 MI. SOUTH OF
 U.S. 601 TO APPROX. 0.6 MI
 NORTH OF SR 1002
 SHEET 1 OF 21 2/21/00



SALISBURY
POP. 22,677

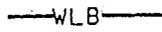
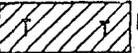
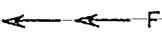
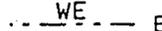
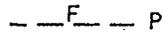
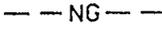
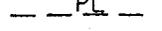
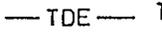
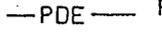
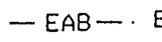
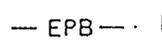
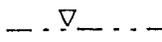
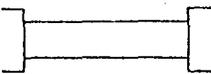
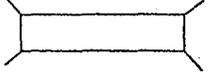
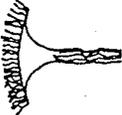
SITE MAP



SCALE: 1" = 1/2 mi.

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002

LEGEND

	LINE WT		LINE WT
 WLB	4-6	WETLAND BOUNDARY	
 WLB	4-6	WETLAND	
 DENOTES FILL IN WETLAND	2		
 DENOTES FILL IN SURFACE WATER	2		
 DENOTES FILL IN SURFACE WATER (POND)	2		
 DENOTES TEMPORARY FILL IN WETLAND	2		
 DENOTES EXCAVATION IN WETLAND	2		
 DENOTES TEMPORARY FILL IN SURFACE WATER	2		
 DENOTES MECHANIZED CLEARING	2		
 FLOW DIRECTION	2		
 TB	2-4	TOP OF BANK	
 WE	2	EDGE OF WATER	
 C	2	PROP. LIMIT OF CUT	
 F	2	PROP. LIMIT OF FILL	
 PROP. RIGHT OF WAY	2		
 NG	2	NATURAL GROUND	
 PL	2	PROPERTY LINE	
 TDE	2	TEMP. DRAINAGE EASEMENT	
 PDE	2	PERMANENT DRAINAGE EASEMENT	
 EAB	2	EXIST. ENDANGERED ANIMAL BOUNDARY	
 EPB	2	EXIST. ENDANGERED PLANT BOUNDARY	
 WATER SURFACE	2		
 LIVE STAKES	2		
 BOULDER	6		
 CORE FIBER ROLLS			
			6
			6
			15
		(DASHED LINES DENOTE EXISTING STRUCTURES)	6
			2
			2
			2
			2
			2
			2

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ROWAN COUNTY
 PROJECT: 8.1631503, I-2511CA
 RECONSTRUCTION OF I-85
 APPROX. 0.5 MI. SOUTH OF
 U.S. 601 TO APPROX. 0.6 MI
 NORTH OF SR 1002

PLAN VIEW SITE I

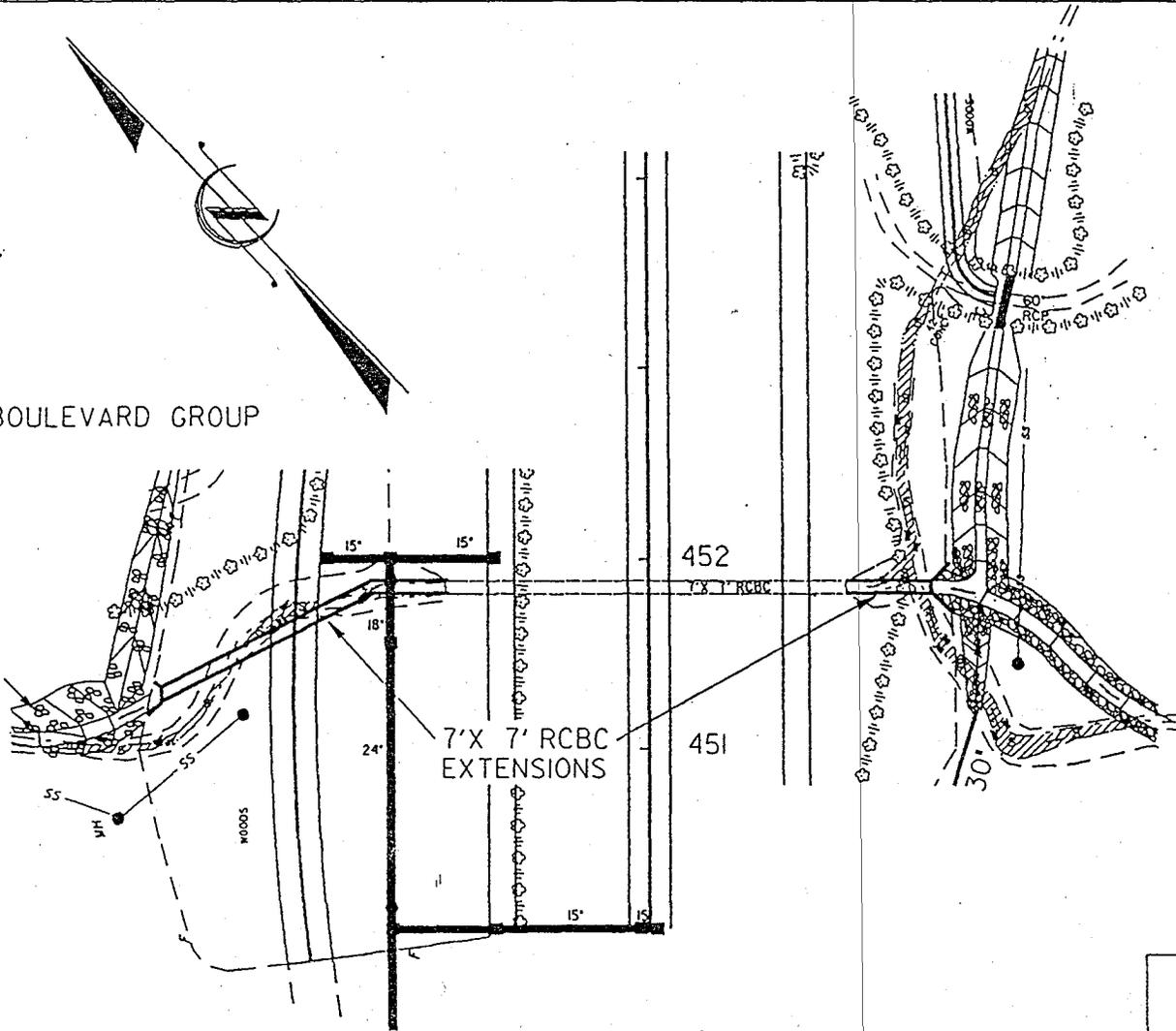
LEO WALLACE III ETAL

③

SALISBURY BOULEVARD GROUP

②

CL. IRIP RAP



DENOTES FILL IN
SURFACE WATER

SCALE 1" = 100'



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002

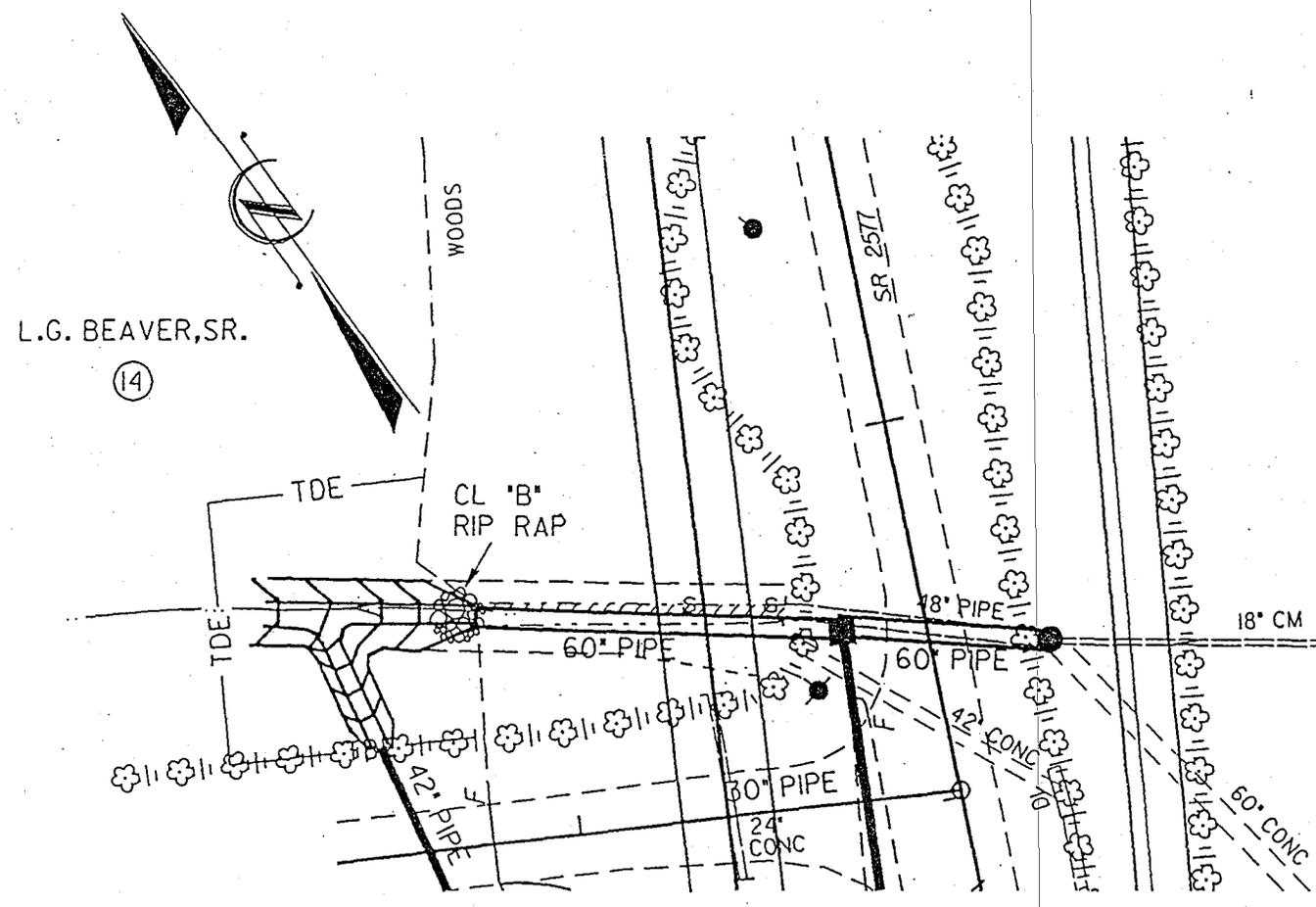
SHEET 4 OF 21

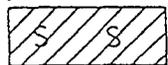
02/17/00

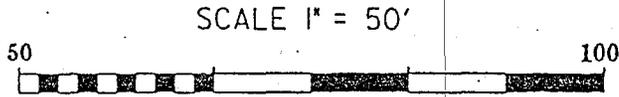
PLAN VIEW
SITE 2

491

490



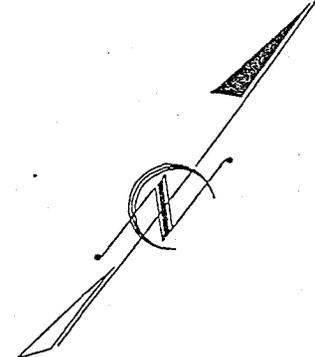
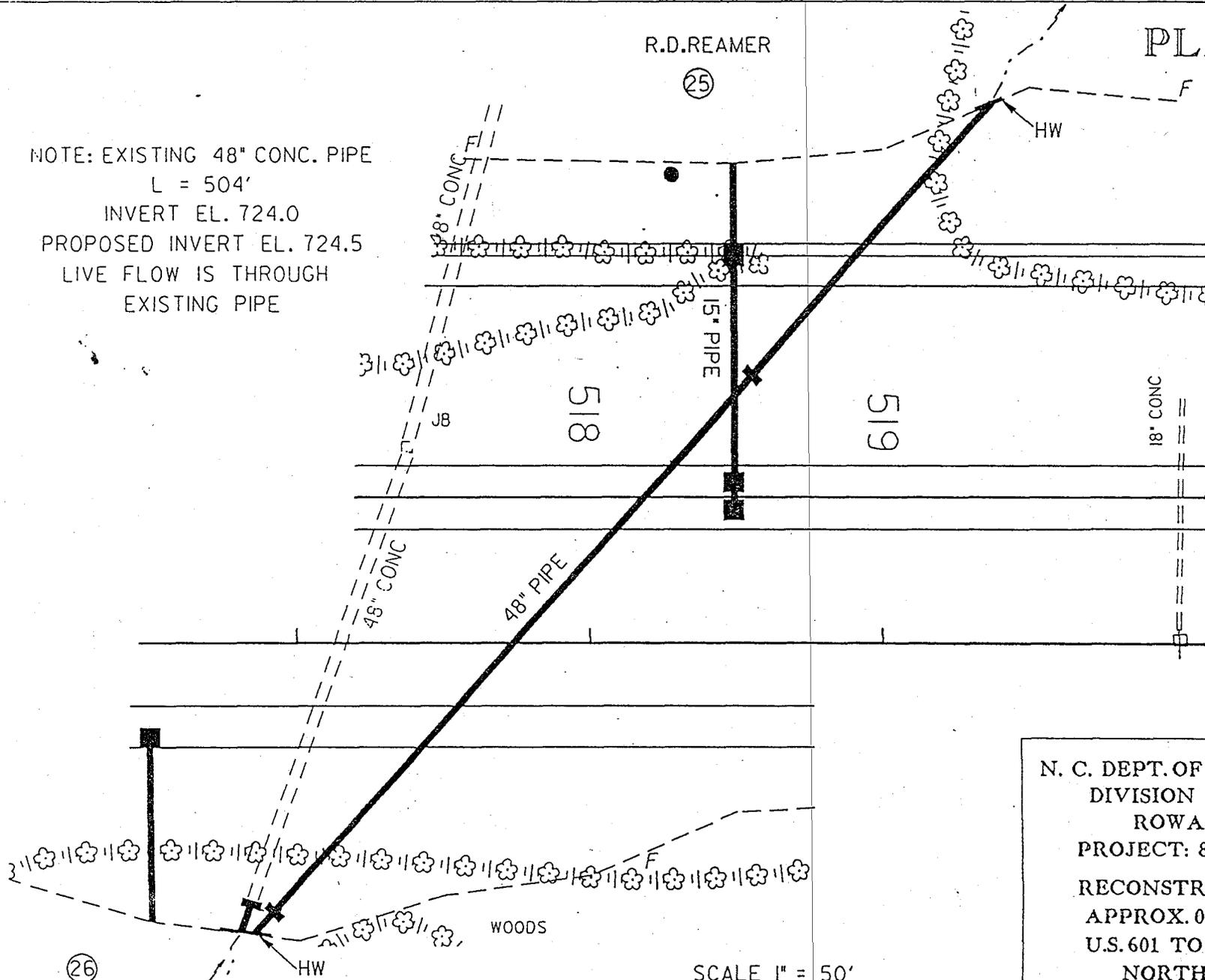
 DENOTES FILL IN SURFACE WATER



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002
SHEET 5 OF 21 02/17/00

PLAN VIEW
SITE 4

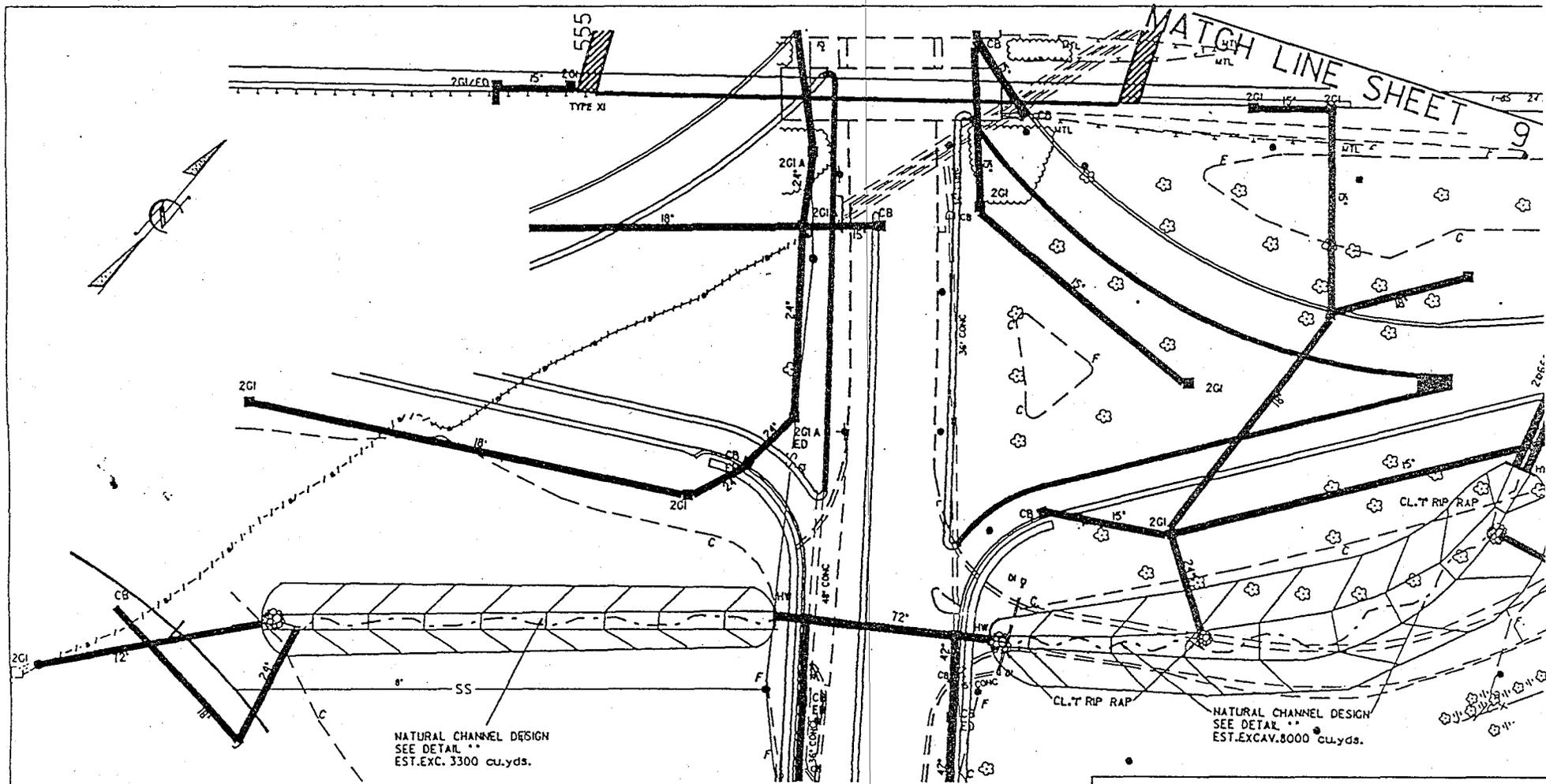
NOTE: EXISTING 48" CONC. PIPE
L = 504'
INVERT EL. 724.0
PROPOSED INVERT EL. 724.5
LIVE FLOW IS THROUGH
EXISTING PIPE



②6
CROWN POINT HOSPITALITY GROUP



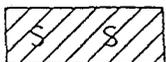
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002
SHEET 7 OF 21 02/17/00



PLAN VIEW
SITE 5

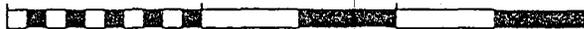
NATURAL CHANNEL DESIGN
SEE DETAIL **
EST. EXC. 3300 cu.yds.

NATURAL CHANNEL DESIGN
SEE DETAIL **
EST. EXC. 8000 cu.yds.



DENOTES FILL IN
SURFACE WATER

SCALE 1" = 100'

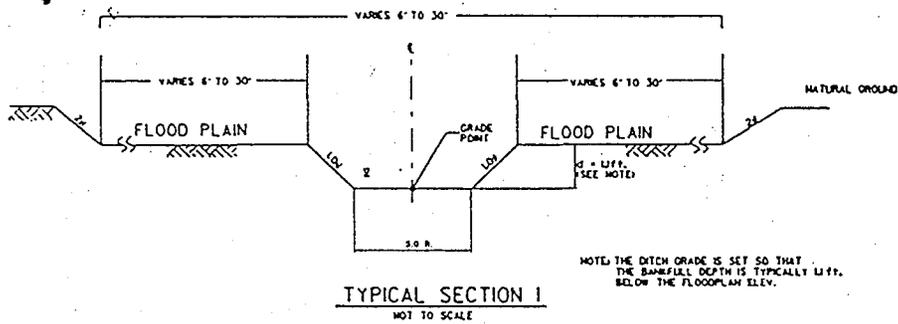


N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY

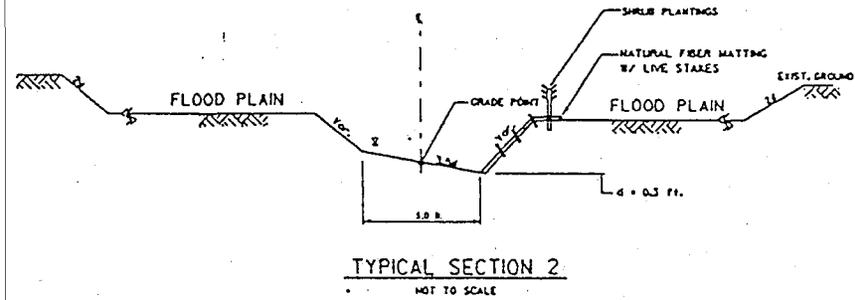
PROJECT: 8.1631503 I-2511CA

I-85 RECONSTRUCTION

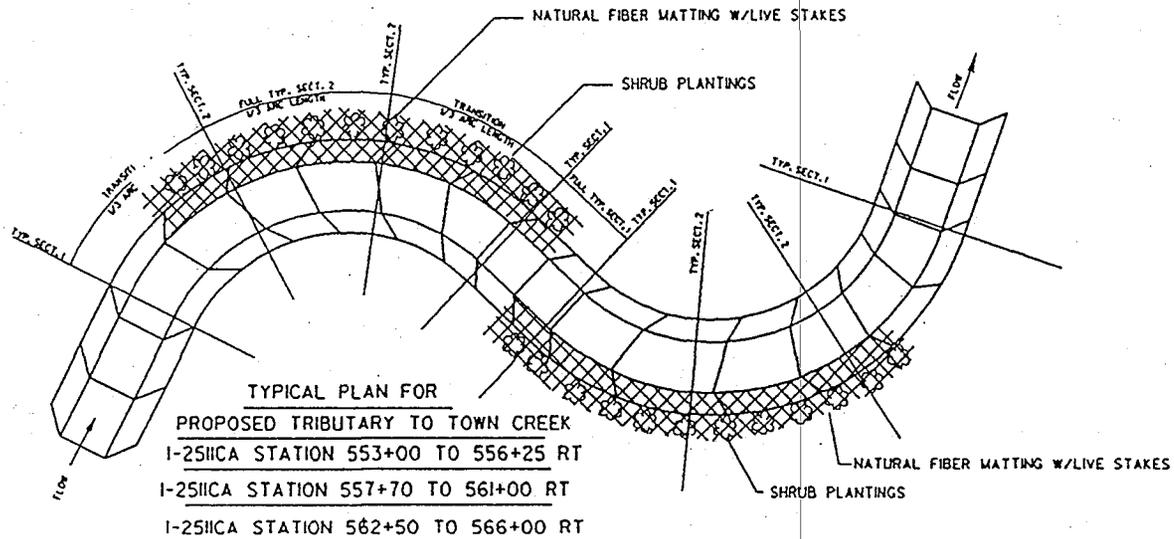
SHEET 8 OF 21



TYPICAL SECTION 1
NOT TO SCALE



TYPICAL SECTION 2
NOT TO SCALE



TYPICAL PLAN FOR
PROPOSED TRIBUTARY TO TOWN CREEK
I-25/ICA STATION 553+00 TO 556+25 RT
I-25/ICA STATION 557+70 TO 561+00 RT
I-25/ICA STATION 562+50 TO 566+00 RT

NO SCALE

PLAN VIEW
SITE 5

N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ROWAN COUNTY

PROJECT: 8.1631503, I-25/ICA
 RECONSTRUCTION OF I-85
 APPROX. 0.5 MI. SOUTH OF
 U.S. 601 TO APPROX. 0.69 MI.
 NORTH OF SR 1002

SHEET 10 OF 21 02/03/00

ITEM	EXISTING STREAM	REFERENCE STREAM	PROPOSED RELOCATION
STREAM NAME	TRIB. TOWN CR.	** SEE NOTE	TRIB. TOWN CR.
DRAINAGE AREA (DA)	200AC / 0.31m ²		200AC
CHANNEL SLOPE (S)	0.017 ft+/ft		0.01ft+/ft
BANKFUL WIDTH (W _{bkf})	6.0 ft.		7.0 ft.
MEAN DEPTH (D _{bkf})	1.1 ft.		1.1 ft.
BANKFUL X-SECTION AREA (A _{bkf})	7.0 ft. ²		6.0 ft. ²
WIDTH/DEPTH RATIO (W _{bkf} / D _{bkf})	5.5		6.4
MAXIMUM DEPTH (D _{mbkf})	1.5 ft.		1.5 ft.
WIDTH FLOOD-PRONE AREA	7.0 ft.		17.0 TO 41ft.
ENTRENCHMENT RATIO (ER)	1.2		2.4 TO 5.9
CHANNEL MATERIAL: D-50	0.04 in.		0.04 in.
SINUOSITY (K)	<1.1		1.1
MEANDERS:			
AVG. LENGTH	} DITCH		80 ft.
AVG. AMPLITUDE			15 ft.
AVG. RADIUS			40 ft.
DISCHARGES:			
Q BANKFULL	25 cfs		25 cfs
Q2	60 cfs		60 cfs
Q10	170 cfs		170 cfs
VELOCITY:			
V BANKFULL	3.8 fps		2.7 fps
V2	4.9 fps		3.7 fps
V10	6.5 fps		5.1 fps
CLASSIFICATION	G5C		E5

** NO REFERENCE STREAM WAS FOUND IN THE FIELD

REFERENCED: APPLIED RIVER MORPHOLOGY AND THE REFERENCE STREAM FIELD BOOK BY DAVE ROSGEN

SOME REFERENCE DATA WAS OBTAINED FROM EXISTING STREAM

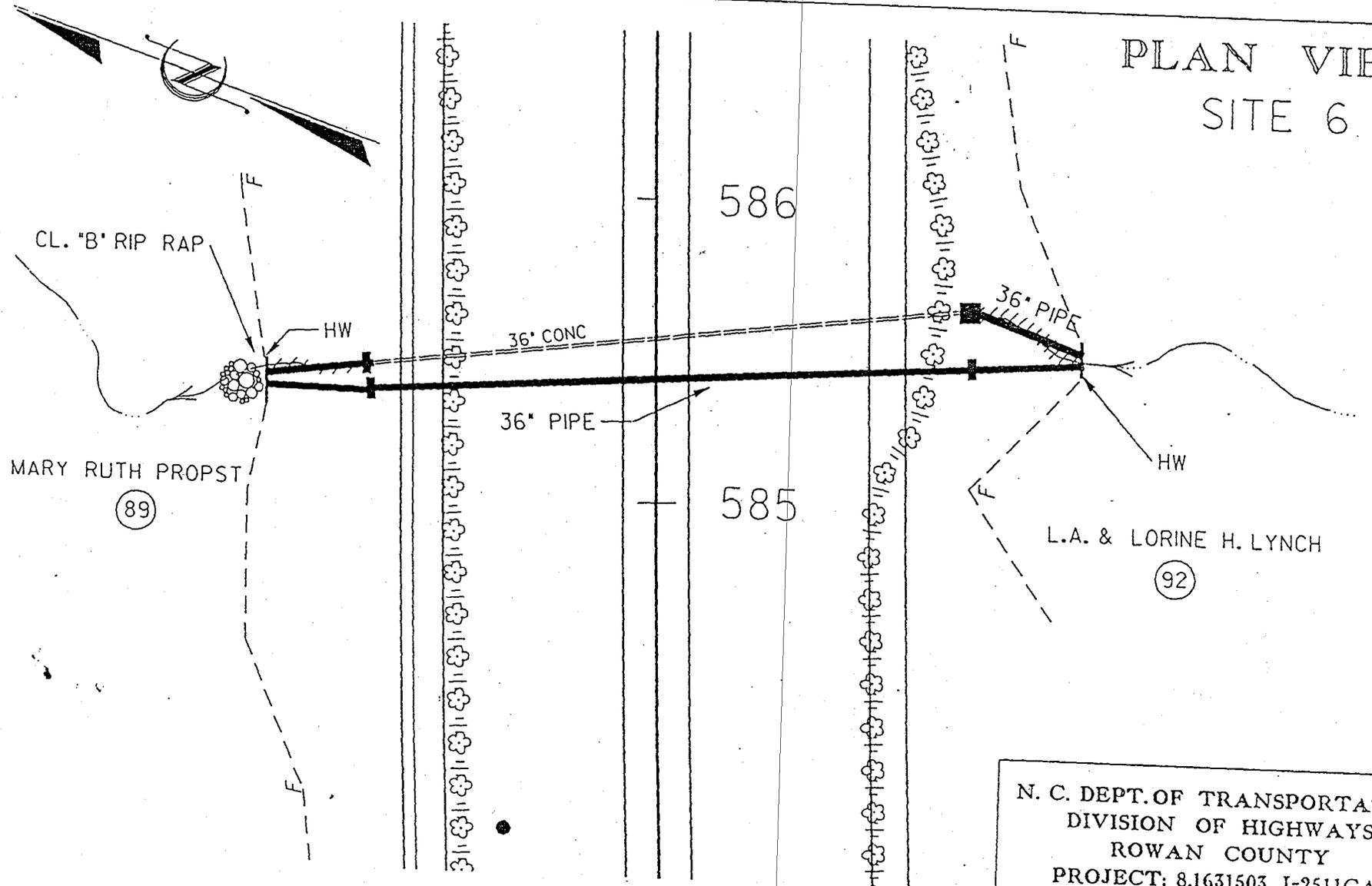
SITE 5

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY

PROJECT: 8.1651503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.69 MI.
NORTH OF SR 1002

SHEET 11 OF 21

PLAN VIEW SITE 6



MARY RUTH PROPST
(89)

586

585

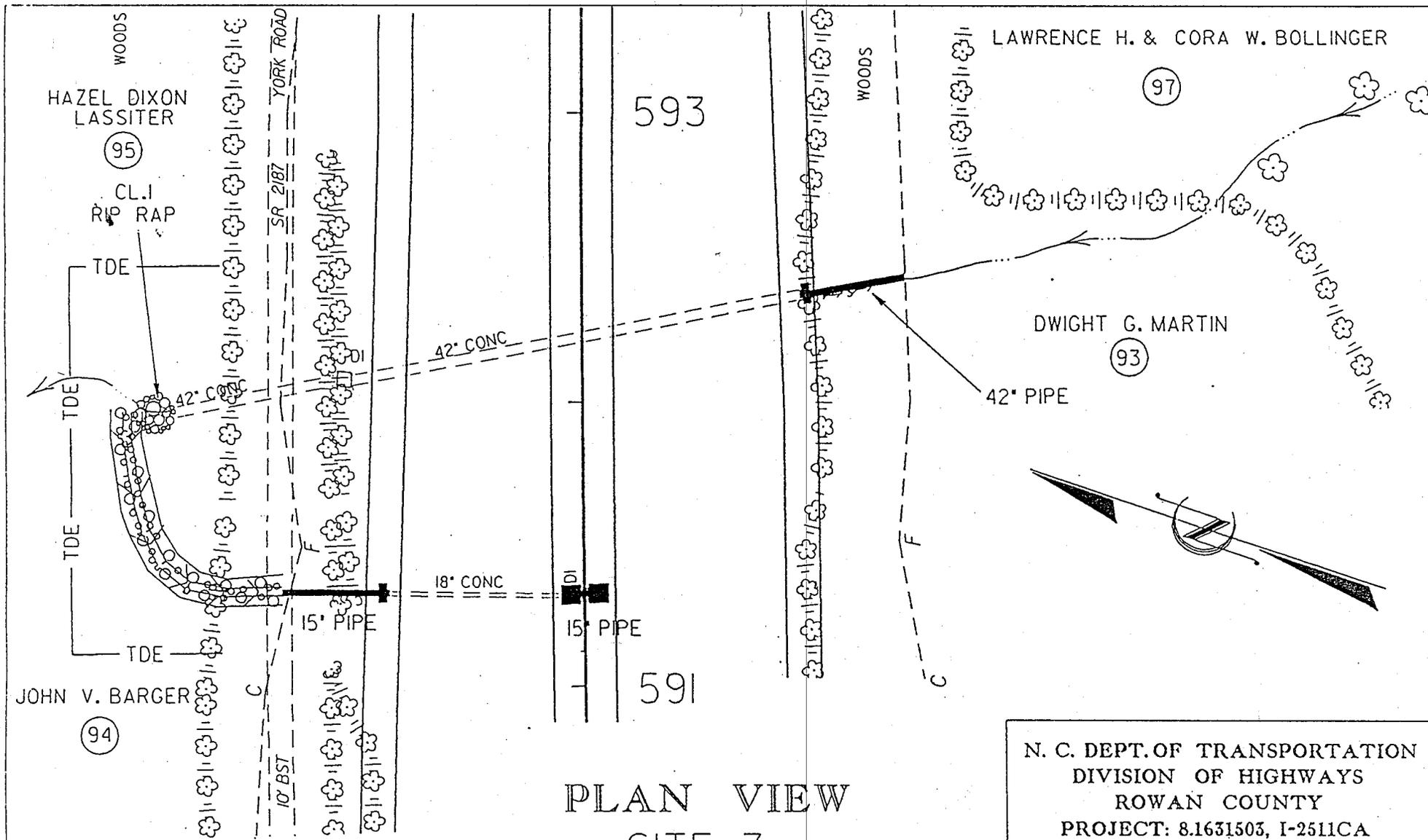
L.A. & LORINE H. LYNCH
(92)

 DENOTES FILL IN SURFACE WATER

SCALE 1" = 50'



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002



PLAN VIEW
SITE 7

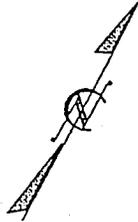


DENOTES FILL IN SURFACE WATER

SCALE 1" = 50'



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY
PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002



605

610

MATCH LINE SHEET 16

1-85 24' BST

1-85 24' BST

18" CONC

42" CONC 15'

WOODS

HW

42'

NATURAL CHANNEL DESIGN
SEE DETAIL "

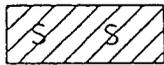
(126)

WOODS

T. H. JONES CONSTRUCTION COMPANY

PLAN VIEW

SITE 8



DENOTES FILL IN
SURFACE WATER

SCALE 1" = 100'



N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS

ROWAN COUNTY

PROJECT: 8.1631503 I-2511CA

I-85 RECONSTRUCTION

SHEET 14 OF 21

02 / 03 / 00

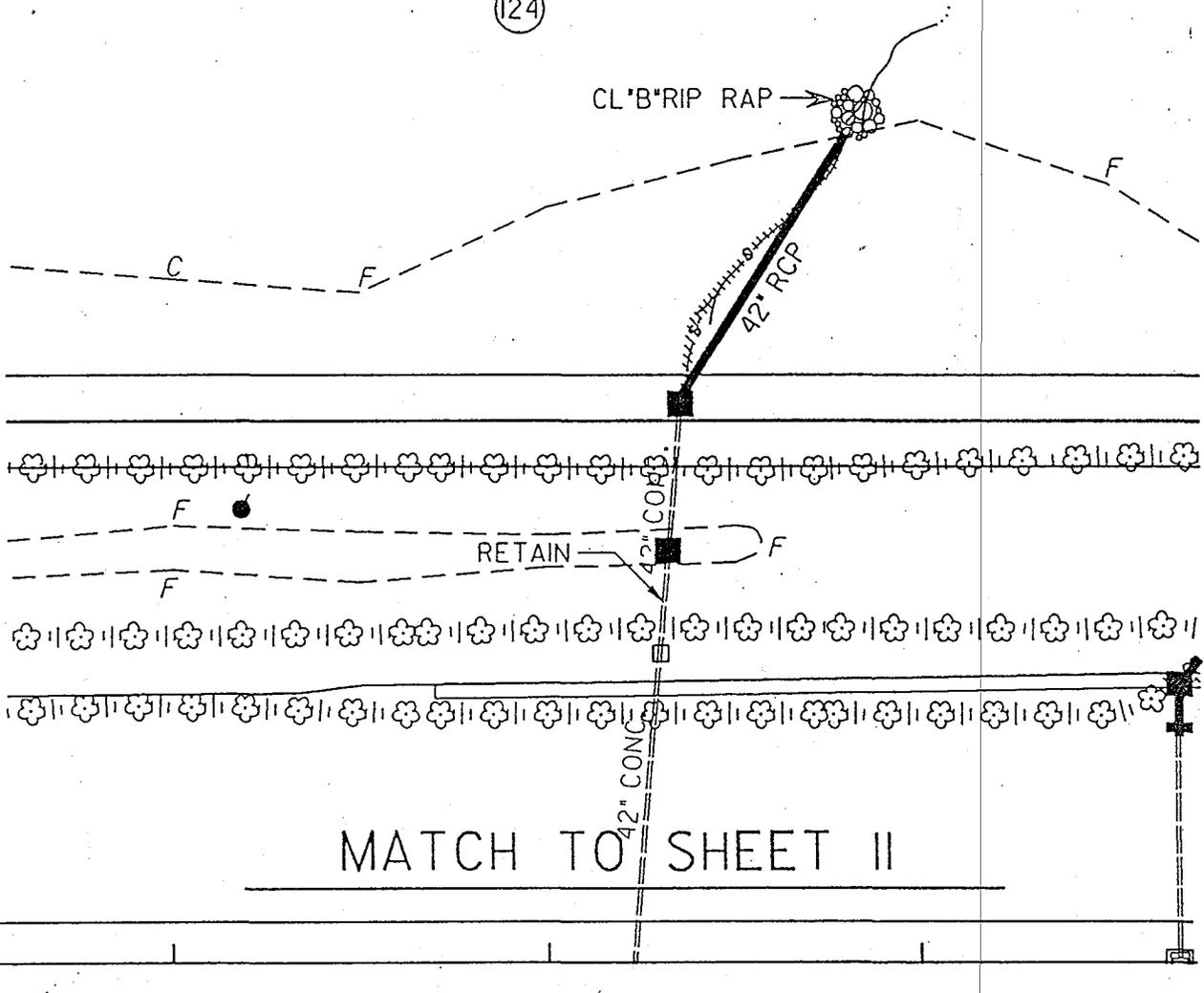
LARRY K. STIREWALT

(124)

PLAN VIEW

SITE 8

CL'B'RIP RAP



RETAIN

MATCH TO SHEET II

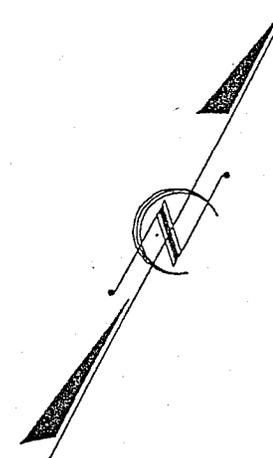
609

610

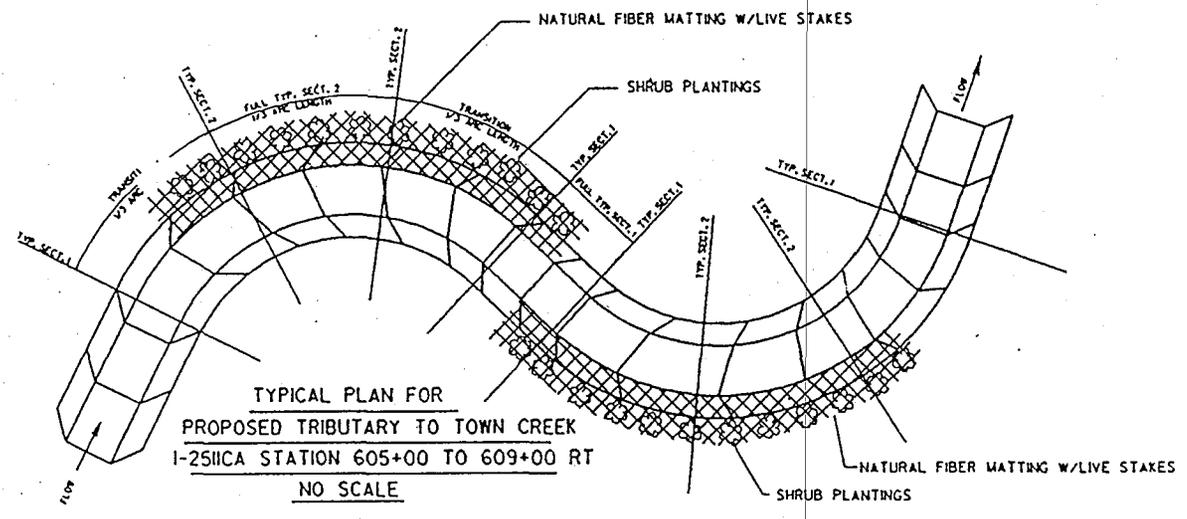
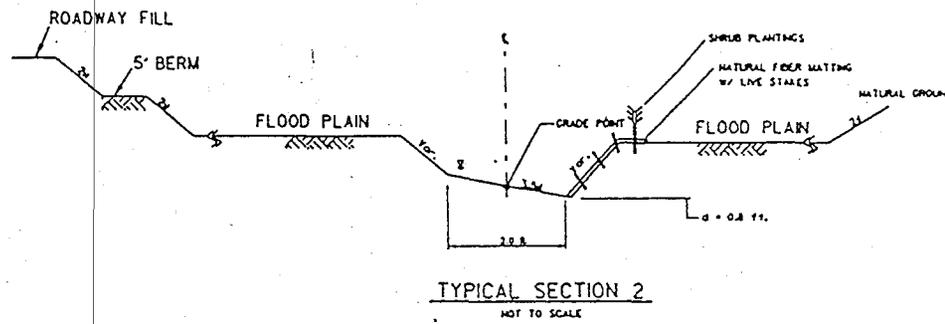
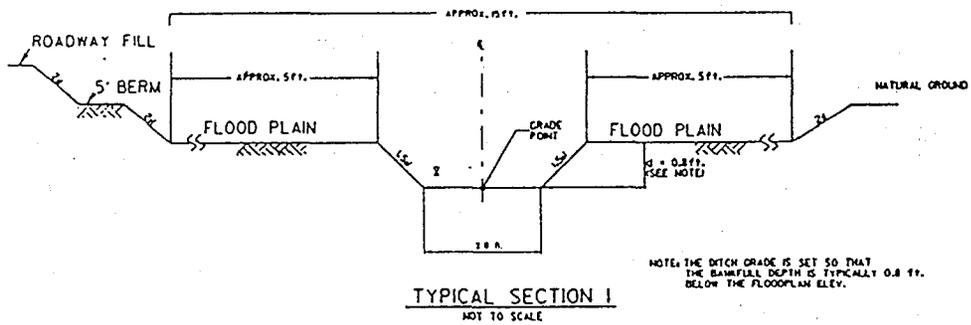


DENOTES FILL IN SURFACE WATER

SCALE 1" = 50'



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ROWAN COUNTY
 PROJECT: 8.1631503, I-2511CA
 RECONSTRUCTION OF I-85
 APPROX. 0.5 MI. SOUTH OF
 U.S. 601 TO APPROX. 0.6 MI
 NORTH OF SR 1002



PLAN VIEW
SITE 8

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY

PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.69 MI.
NORTH OF SR. 1002
SHEET 16 OF 21 02/03/00

ITEM	EXISTING STREAM	REFERENCE STREAM	PROPOSED RELOCATION
STREAM NAME	TRIB. TOWN CR.	** SEE NOTE	TRIB. TOWN CR.
DRAINAGE AREA (DA)	10AC / 0.02mi ²		10AC
CHANNEL SLOPE (S)	0.020 ft/ft		0.024 ft/ft
BANKFUL WIDTH (W _{bkf})	3.5 ft.		4.0 ft.
MEAN DEPTH (D _{bkf})	0.8 ft.		0.8 ft.
BANKFUL X-SECTION AREA (A _{bkf})	1.9 ft. ²		2.3 ft. ²
WIDTH/DEPTH RATIO (W _{bkf} / D _{bkf})	4.4		5.0
MAXIMUM DEPTH (D _{mbkf})	1.0 ft.		1.0 ft.
WIDTH FLOOD-PRONE AREA	5.5 ft.		13.0 ft.
ENTRENCHMENT RATIO (ER)	1.6		3.25
CHANNEL MATERIAL: D-50	0.04 in.		0.04 in.
SINUOSITY (K)	<1.1		1.1
MEANDERS:			
AVG. LENGTH	} DITCH		80 ft.
AVG. AMPLITUDE			15 ft.
AVG. RADIUS			40 ft.
DISCHARGES:			
0 BANKFULL	7.0 cfs		8.3 cfs
Q2	12 cfs		12 cfs
Q10	18 cfs		18 cfs
VELOCITY:			
V BANKFULL	3.7 fps		3.6 fps
V2	3.5 fps		2.5 fps
V10	4.1 fps		3.1 fps
CLASSIFICATION	G6		E5B

** NO REFERENCE STREAM WAS FOUND IN THE FIELD

REFERENCED: APPLIED RIVER MORPHOLOGY AND
THE REFERENCE STREAM FIELD BOOK BY DAVE ROSEN

SOME REFERENCE DATA WAS
OBTAINED FROM EXISTING STREAM

415LF

SITE 8

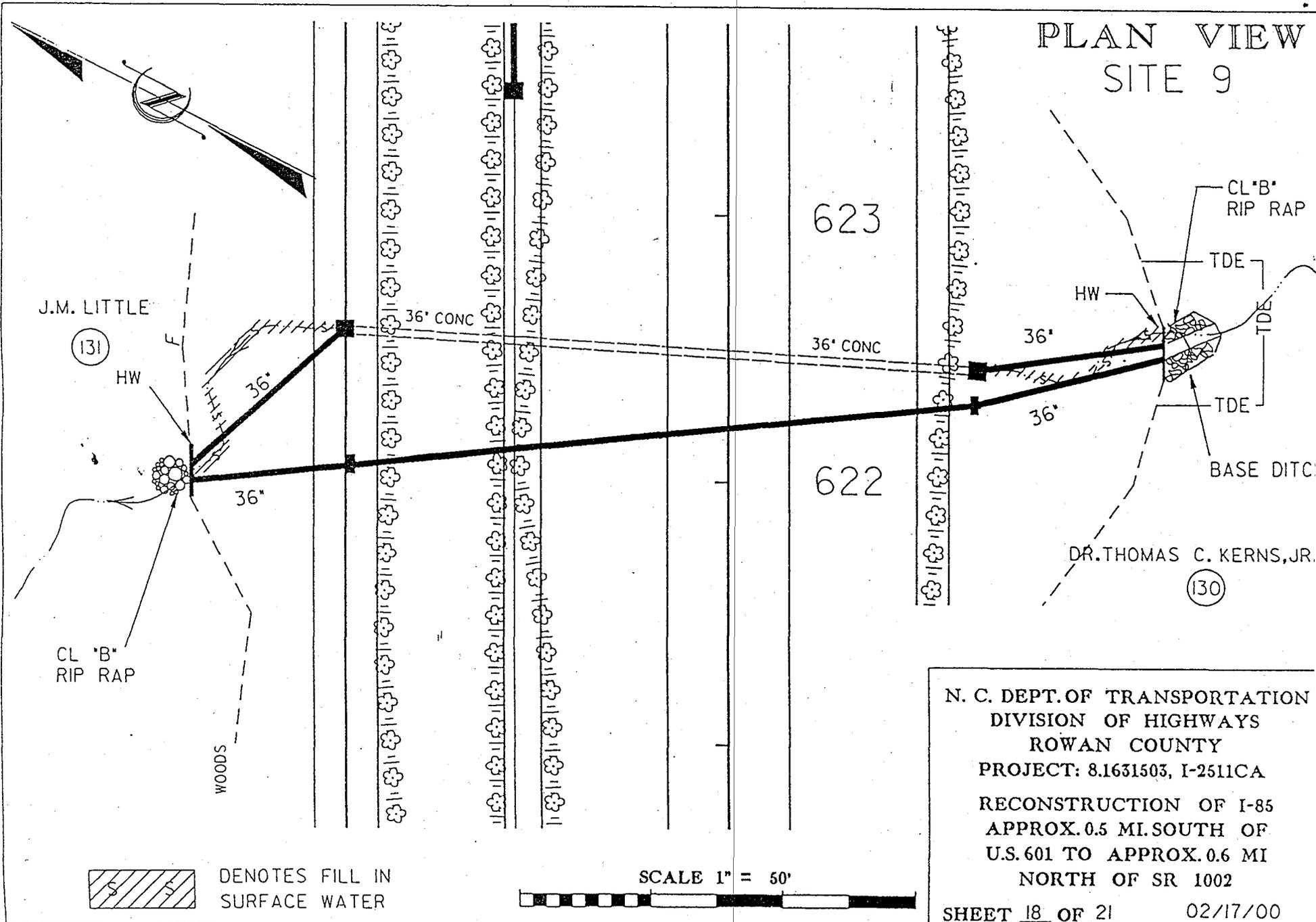
N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
ROWAN COUNTY

PROJECT: 8.1631503, I-2511CA
RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.69 MI.
NORTH OF SR 1002

SHEET 17 OF 21

02/03/00

PLAN VIEW SITE 9



N. C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 ROWAN COUNTY
 PROJECT: 8.1631503, I-2511CA
 RECONSTRUCTION OF I-85
 APPROX. 0.5 MI. SOUTH OF
 U.S. 601 TO APPROX. 0.6 MI
 NORTH OF SR 1002

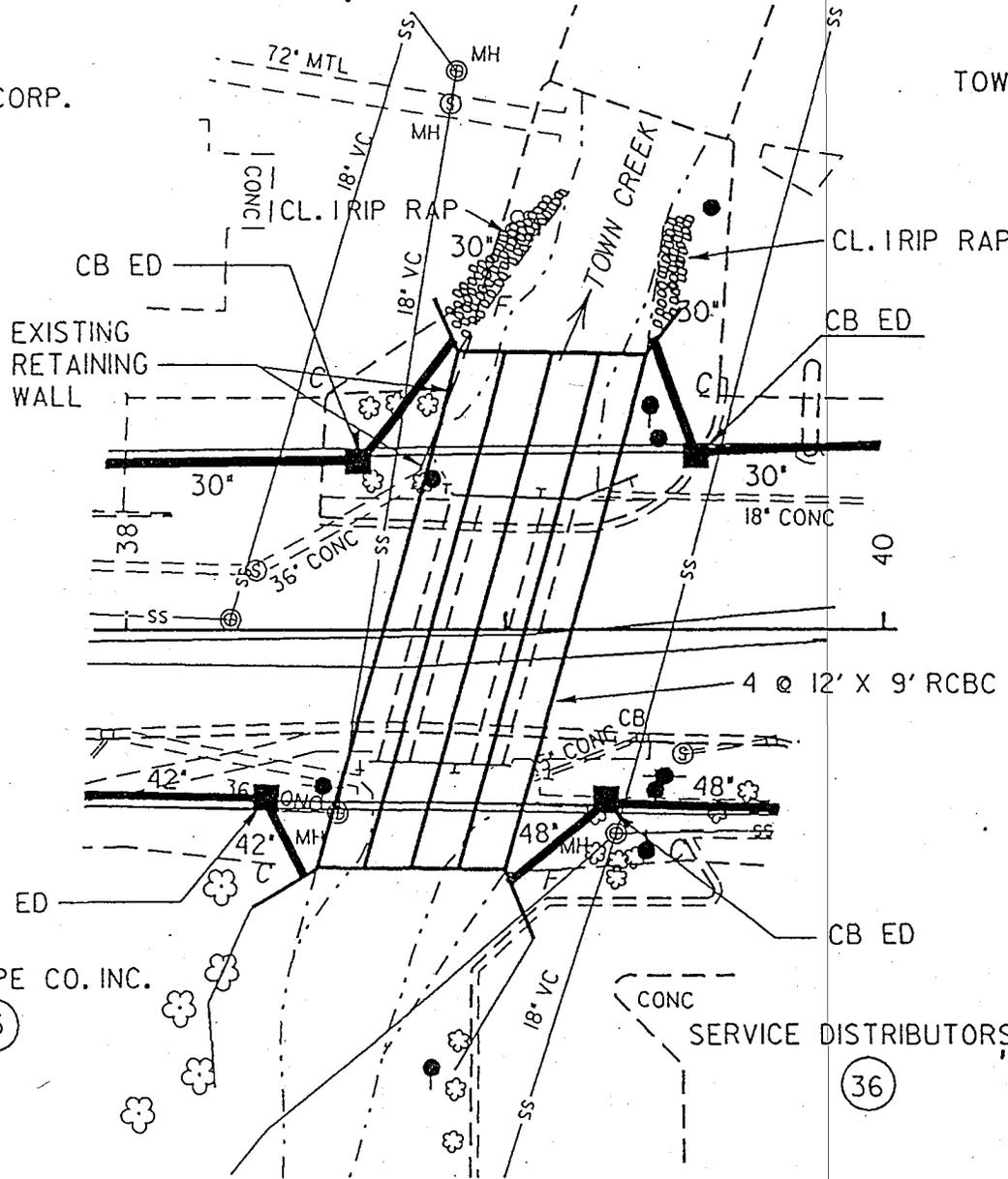
PLAN VIEW SITE 10

EXXON CORP.

(62)

TOWN CR. COMMONS

(64)



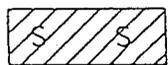
ENNIS ST.

THE LAMPE CO. INC.

(16)

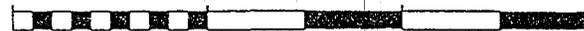
SERVICE DISTRIBUTORS CO.

(36)



DENOTES FILL IN
SURFACE WATER

SCALE 1" = 50'



N. C. DEPT. OF TRANSPORTATION
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ROWAN COUNTY
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RECONSTRUCTION OF I-85
APPROX. 0.5 MI. SOUTH OF
U.S. 601 TO APPROX. 0.6 MI
NORTH OF SR 1002

PARCEL			
		#	
SITE 1 -	LEFT	(2)	SALISBURY BOULEVARD GROUP PO BOX 102 SALISBURY,NC 28144
	RIGHT	(3)	LEO WALLACE III ETAL 301N.MAIN ST SALISBURY,NC 28144
SITE 2 -	LEFT	(14)	L.G. BEAVER,SR. 1121 OLD CONCORD RD SALISBURY,NC 28146
SITE 3 -	LEFT	(14)	L.G. BEAVER,SR. 1121 OLD CONCORD RD SALISBURY,NC 28146
	RIGHT	(13)	CHARLES C. RITCHIE 1215 OLD CONCORD RD SALISBURY,NC 28146
		(16)	JOHN L. HONEYCUTT 1526 BINGLE FERRY RD. SALISBURY,NC 28144
SITE 4 -	LEFT	(25)	R.D.REAMER AGENCY INC. 728 KULMAC RD. SALISBURY,NC 28144
	RIGHT	(26)	CROWN POINT HOSPITALITY GROUP 1121 OLD CONCORD RD. SALISBURY,NC 28146
SITE 5 -	LEFT	(64)	TOWN CR. COMMONS ATTN: STEVE BARKER CATELLUS CORP. 220 EAST BLVD, SUIT 200 CHARLOTTE,NC 28203
	RIGHT		N.C.D.O.T. 629-A PETERS CR. PKWY. WINSTON SALEM,NC 27103
SITE 6 -	LEFT	(89)	MARY RUTH PROPST PO BOX 346 CONCORD,NC 28026-0346
	RIGHT	(92)	L.A. & LORINE H. LYNCH 907 CHEVIOT RD DURHAM,NC 27707
SITE 7 -	LEFT	(94)	JOHN V. BARGER PO BOX 30 MOORESVILLE,NC 28115
		(95)	HAZEL DIXON LASSITER 607 N. BOUNDARY ST. SALISBURY,NC 28144
	RIGHT	(93)	DWIGHT G. MARTIN 724 MACK ST. SALISBURY,NC 28146
		(97)	LAWRENCE H. & CORA W. BOLLINGER 716 MACK ST. SALISBURY,NC 28146
SITE 8 -	LEFT	(124)	LARRY K. STIREWALT 1255 STIREWALT RD CHINA GROVE,NC 28023
	RIGHT	(126)	T.H. JONES CONST. CO. PO BOX 700 FAITH,NC 28041
SITE 9 -	LEFT	(131)	J.M. LITTLE 285 LITTLE CRANE COVE SALISBURY,NC 28146
	RIGHT	(130)	DR. THOMAS C. KERNS, JR. 75 BEVERLY DR. DURHAM,NC 27702
SITE 10 -	LEFT	(36)	SERVICE DISTRIBUTORS CO. PO BOX 310, ALBEMARL,NC 28001
		(16)	THE LAMP CO. INC. PO BOX 608 SMITHFIELD,NC 27577
	RIGHT	(62)	EXXON CORP. PO BOX 53 HOUSTON, TX 77001
		(64)	TOWN CR. COMMONS ATTN: STEVE BARKER CATELLUS CORP. 220 EAST BLVD, SUIT 200 CHARLOTTE,NC 28203

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