



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

June 1, 2020

MEMORANDUM TO: Mr. Joey Hopkins, P.E.  
Division 5 Engineer

FROM: Rodger Rochelle, P.E.  
NCTA Chief Engineer

SUBJECT: Triangle Expressway Southeast Extension (Complete 540) from NC 55 Bypass in Apex to US 64/264 (I-87) in Knightdale, Wake and Johnston Counties; Federal Aid No. STP-0540(19), STP-0540(20), and STP-0540(21); WBS Nos. 37673.1.TA2, 35516.1.TA2, and 35517.1.TA1; STIP Project Nos. R-2721, R-2828, and R-2829

DocuSigned by:

*Rodger Rochelle*

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Attached is the modification of the NC Division of Water Resources (NCDWR) Section 401 Individual Water Quality Certification, Neuse Riparian Buffer Authorization, and Non-404 Jurisdictional Wetlands and Waters Permit for the construction of the Triangle Expressway Southeast Extension (Complete 540) from NC 55 Bypass in Apex to US 64/264 (I-87) in Knightdale, Wake and Johnston Counties. STIP Nos. R-2721, R-2828, and R-2829. ***Changes are based on the May 11, 2020 Request for Modification to the Neuse River Riparian Buffer Authorization.*** Subject to any requisite permit modifications, all environmental permits have been received for the construction of the final design sections of this project.

A copy of this permit package is posted on the NCDOT website at:

<https://xfer.services.ncdot.gov/pdea/PermIssued>

cc: w/o attachment (see website for attachments)  
Mr. Ron Davenport, P.E. Contracts Management  
Mr. Clarence Coleman, P.E., FHWA  
Mrs. Heather Montague, Division 5  
Mr. Mark Craig, P.E., Division 5  
Mr. Boyd Tharrington, P.E., State Construction Engineer  
Mr. Corey McLamb, P.E., Division 4  
Mr. Dennis Jernigan, P.E., NCTA  
Dr. Majed Al-Ghandour, P.E., Programming and TIP  
Mr. Todd Lapham, Utilities Unit  
Mr. Stephen Morgan, P.E., Hydraulics Unit  
Mr. Brian Hanks, P.E., Structures Management Unit  
Mr. Mark Staley, Roadside Environmental  
Mr. Lamar Sylvester, P.E., State Roadway Construction Engineer  
Mr. Derrick Weaver, P.E., Environmental Policy Unit  
Ms. Beth Harmon, NCDMS

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
TURNPIKE AUTHORITY  
1578 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1578

Telephone: (919) 707-2700  
Fax: (919) 715-5511  
Customer Service: 1-877-368-4968

Website: [ncdot.gov](http://ncdot.gov)

Location:  
1 SOUTH WILMINGTON STREET  
RALEIGH, NC 27601



ROY COOPER

*Governor*

MICHAEL S. REGAN

*Secretary*

S. DANIEL SMITH

*Director*

June 1, 2020

Mr. Philip S. Harris, III, P.E., CPM  
Natural Environment Section Head  
Project Development and Environmental Analysis  
North Carolina Department of Transportation  
1598 Mail Service Center  
Raleigh, North Carolina, 27699-1598

Subject: MODIFICATION of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, NEUSE BUFFER RULES, and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 with ADDITIONAL CONDITIONS for Proposed construction of the Triangle Expressway Southeast Extension (NC 540) in Wake & Johnston Counties, Federal Aid Project No. STP-0540(19-21), State Project No. 37673.1.TA2, TIP Nos, R-2721, R-2828, & R-2829.  
NCDWR Project No. 20181249 version 4

Dear Mr. Harris:

Attached hereto is a copy of the Modification to Certification No. 4179 issued to The North Carolina Department of Transportation (NCDOT) originally dated February 15, 2019, modified January 30, 2020, April 20, 2020, and June 1, 2020.

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

Sincerely,

DocuSigned by:

*Amy Chapman*

9C9886312DCD474

S. Daniel Smith, Director

Division of Water Resources

Attachments

Electronic copy only distribution:

Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office  
Heather Montague, Division 5 Environmental Officer  
Deanna Riffey, NC Department of Transportation  
Beth Harmon, Division of Mitigation Services  
File Copy



North Carolina Department of Environmental Quality | Division of Water Resources  
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617  
919.707.9000

**MODIFICATION of 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, NEUSE BUFFER RULES, and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000 with ADDITIONAL CONDITIONS**

**THIS CERTIFICATION** is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B.0233 and ISOLATED WETLANDS PERMIT Pursuant to IWGP100000. This certification version authorizes the NCDOT to impact 55.27 acres of wetlands, 40045 linear feet of jurisdictional streams and 4309400 square feet of protected riparian buffers in Wake & Johnston Counties. The project shall be constructed pursuant to the permit modification request received May 12, 2020. **The additional authorized impacts are as described below:**

**Additional R-2828 Neuse Riparian Buffer Impacts**

Site	Zone 1 Impact (sq ft)	Zone 1 Buffer Mitigation Required (using 3:1 ratio)		Zone 2 Impact (sq ft)	Zone 2 Buffer Mitigation Required (using 1.5:1 ratio)
78	213	639		969	1454
79	226	678		2322	3483
79A	0	0		721	1081
87	0	0		397	596
88A	0	0		1075	1612
<b>Totals</b>	<b>439</b>	<b>1317</b>		<b>5484</b>	<b>8226</b>

**Total Additional R-2828 Neuse Buffer Impacts: 5923 square feet**

The application provides adequate assurance that the discharge of fill material into the waters of the Cape Fear and Neuse River Basins 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 modification dated May 12, 2020. Should your project change, you are required to notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B.0233. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

**Conditions of Certification:**

1. Compensatory mitigation for impacts to 439 square feet of protected riparian buffers in Zone 1 and 5484 square feet of protected riparian buffers in Zone 2 shall be required. We understand that you have chosen to perform compensatory mitigation for impacts to protected buffers through use of the North Carolina Division of Mitigation Services (DMS) (formerly NCEEP). Mitigation for unavoidable impacts to Neuse Riparian Buffers shall be

provided in the Neuse River Basin and done in accordance with 15A NCAC .02B .0295. The DMS has indicated in a letter dated May 29, 2020 that they will assume responsibility for satisfying the compensatory mitigation requirements for the above-referenced project, in accordance with DMS's Mitigation Banking Instrument signed June 14, 2016.

2. In your modification request, NCDOT included "Clearing and Grubbing Plan of Action" documents that show enhanced coordination with the contractors for this project to ensure improved measures for compliance and accurate impacts as preventive best practices. As a condition of this modification, NCDOT shall ensure that these practices are enacted and followed-through for the project, and any deviation from these are reported immediately to DWR.

3. All other conditions in the 401 Water Quality Certifications for this project, originally dated February 15, 2019, and most recently revised April 20, 2020, still apply.

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

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

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

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

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

This the 1st Day of June, 2020

DIVISION OF WATER RESOURCES

DocuSigned by:

*Amy Chapman*

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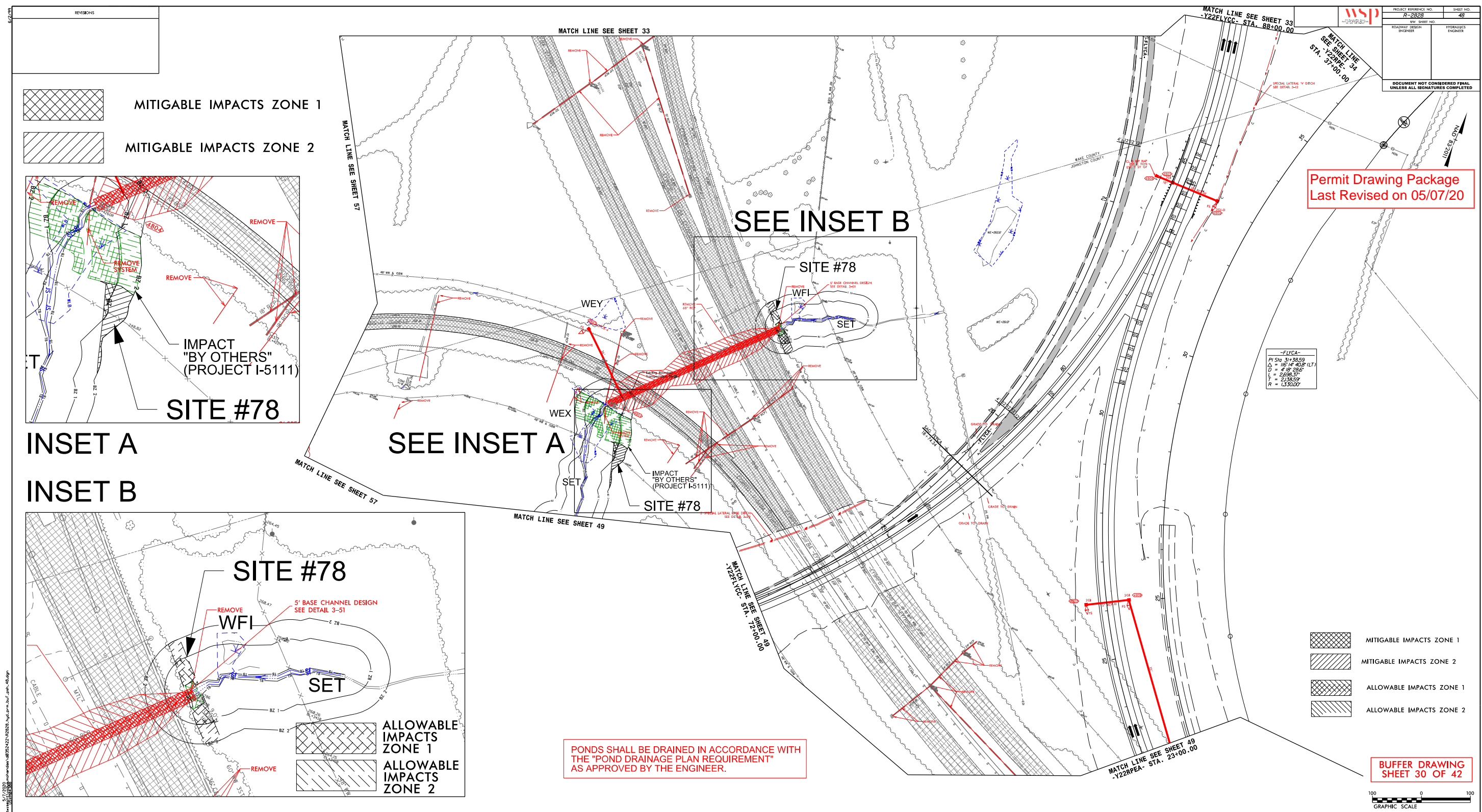
S. Daniel Smith, Director

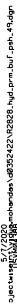
WQC No. 4179



North Carolina Department of Environmental Quality | Division of Water Resources  
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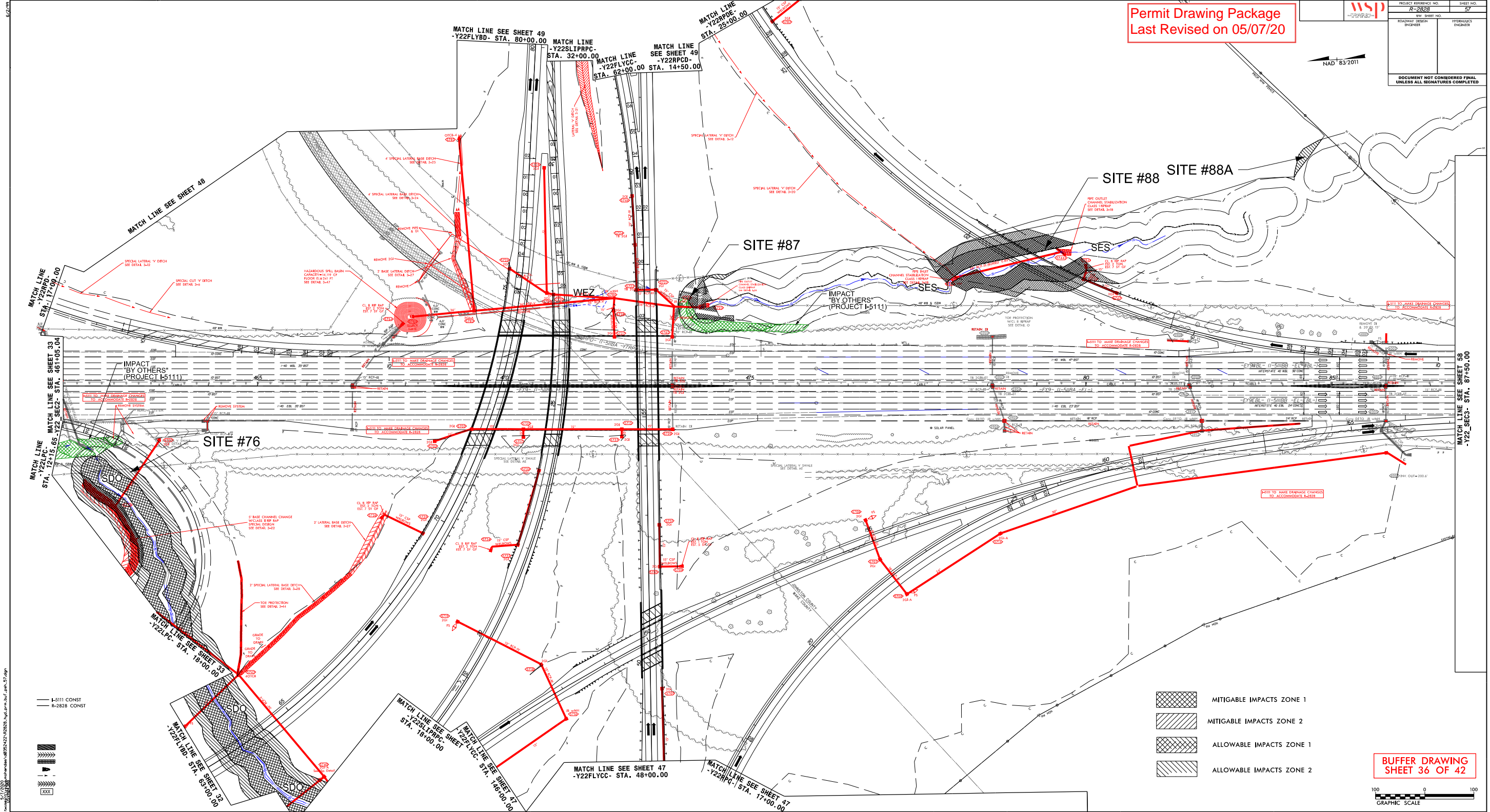








GRAPHIC SCALE



Permit Drawing Package  
Last Revised on 05/07/20

<p>NOTES:</p>	<p>NC DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS 03/04/2020 WAKE &amp; JOHNSTON TIP NO. R-2828 WBS NO. 37673.1.TA2 SHEET 39 OF 42</p>
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WETLANDS IN BUFFER IMPACTS SUMMARY

Permit Drawing Package  
Last Revised on 05/07/20

			WETLANDS IN BUFFERS	
SITE NO.	STATION (FROM/TO)	Description	ZONE 1 (ft²)	ZONE 2 (ft²)
79	Y22FLYBD 82+61/84+16	54" RCP (SET)	2469	0
82	Y22FLYBD 113+57/113+98	Widening HSB (SEH )	0	0
TOTAL:			2469	0

NOTE: Only Mitigable Buffers Impacts in Wetlands are calculated.

NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
03/04/2020  
WAKE & JOHNSTON  
TIP NO. R-2828  
WBS NO. 37673.1.TA2