

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 17, 2023

MEMORANDUM TO: Division Environmental and Construction Units

FROM: Michael A. Turchy, ECAP Group Leader Environmental Analysis Unit

Environmental Analysis Chi

SUBJECT: Environmental Permits for the Interstate Access Addition to I-485 at

Weddington Road (SR 3468) in Mecklenburg County, Division 10, TIP:

R-0211EC.

Please find enclosed the following permits for this project:

Agency	Permit Type	Date	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act	Regional General Permit (RGP) 50	March 13, 2023	May 25, 2025
Permit	Nationwide 14 October 1, 2019		Expired, but retained as referenced in 3/13/2023 permit
NC Division of Water Resources	General Certification 4135 (RGP 50)	February 9, 2023	May 25, 2025
Section 401 Water Quality Certification	General Certification 4135 (NW 14)	November 7, 2019	Expired, but retained as reference

Work is authorized by the above referenced permit provided it is accomplished in strict accordance with the permitted plans.

The Environmental Coordination and Permitting Group or the Division Environmental Office must be consulted if any deviation from the permit(s) is required.

Telephone: (919) 707-6000

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

The General Conditions and Certifications for Nationwide and Regional Permits can be referenced at: https://xfer.services.ncdot.gov/pdea/PermIssued/_General_Conditions_and_Certifications/

PROJECT COMMITMENTS

T.I.P Project No. R-0211EC Interstate Access Addition to I-485 at Weddington Road (SR 3468) Mecklenburg County WBS Element 34331.1.12

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Roadway Design Unit / Division 10

NCDOT will provide five-foot (5-ft) bicycle lanes along the north and southbound outside travel lanes to accommodate bicycle traffic along the Weddington Road (SR 3468) portion of the project.

Roadway Design Unit / Division 10

At the request of the City of Charlotte and the Town of Matthews, NCDOT will enter into a municipal agreement with each municipality to fund the construction of sidewalk/multi-use paths along each side of Weddington Road. The cost share for the proposed paths will apply to the construction cost for the five-foot (5-ft) width of a sidewalk. The cost share percentage to be paid by each municipality will be determined by the size in population of the municipality. Each municipality will be responsible for 100% of the cost for the additional multi-use path width beyond the typical five-foot (5-ft) section of sidewalk. Final terms and costs of constructing the multi-use paths will be disclosed in separate municipal agreements between NCDOT and each municipality (the City of Charlotte and the Town of Matthews).

Structure Design Unit / Division 10

Placement of new culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts/pipes with a diameter greater than 48 inches, and 20 percent of the culvert/pipe diameter for pipes having a diameter less than 48 inches, to allow low flow passage of water and aquatic life.

Existing culverts on this project are not buried, therefore the culvert extensions will not be buried. The bottom elevation of the extended culverts will match the elevation of the existing stream bed.

COMMITMENTS FROM PERMITTING

No special conditions developed during permitting.

U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW 2019-01768 NCDOT R-0211EC I-485 & SR 3468 (Weddington Road) Interchange.

County: Mecklenburg U.S.G.S. Quad: NC-Matthews

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: North Carolina Department of Transportation

Ms. Erin Cheely

1598 Mail Service Road Address:

Raleigh, NC 27699-1598

Telephone Number: (919) 707-6008 ekcheely@ncdot.gov E-mail:

Size (acres) Nearest Town Mathews N/A Nearest Waterway **Fourmile Creek** River Basin Lower Catawba **USGS HUC** 03050103 Latitude: 35.089500 Coordinates

Longitude: -80.730048

Location description: The project is located at the I-485 and SR 3468 (Weddington Road) Interchange near the town of Matthews in Mecklenburg County, North Carolina.

Description of projects area and activity: This verification supersedes former NWP 14 SAW-2019-01768 acknowledged on October 1, 2019, to authorize NCDOT project R-0211EC, which will include the I-485 and SR 3468 (Weddington Road) interchange construction/improvement project. This project is a half-clover leaf interchange that will include the permanent placement of 59 linear feet of stream bank stabilization, permanent placement of 66 linear feet of culvert extensions and rock armor and 0.01-acre temporary impacts for dewatering activities in areas where culvert extensions/rock armor/stabilization will be placed in two separate tributaries to Fourmile Creek.

Applicable Law(s): ⊠ Section 404 (Clean Water Act, 33 USC 1344) ☐ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit (RGP) 50

SEE ATTACHED NWP GENERAL, REGIONAL, AND/OR SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached Conditions, your application signed and dated 1/19/2023, and the enclosed plans Permit Drawings 1-11 of 11 dated 9/12/2019. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

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

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management Morehead City, NC, at (252) 808-2808.

SAW 2019-01768 NCDOT R-0211EC I-485 & SR 3468 (Weddington Road) Interchange, Mecklenburg Co.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits. If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact <u>Stephen A. Brumagin</u> at (704) 798-6471 or <u>stephen.a.brumagin@usace.army.mil</u>.

Monte 2023.03.13 Matthews 07:04:47-04'00'

Corps Regulatory Official: Date: 3/13/2023

Expiration Date of Verification: 5/25/2025

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

Copy furnished:

Mr. Michael Turchy North Carolina Department of Transportation 1598 Mail Service Road Raleigh, NC 27699-1598 maturchy@ncdot.gov

SPECIAL CONDITIONS

- 1. All work must be performed in strict compliance with (a) the description of work in the PCN and (b) the Wetlands and Surface Water Impact Permit Drawing(s) (Permit Plans) in the application dated January 29, 2021. Any modification to the description of work and/or the permit plans must be approved by the USACE prior to implementation.
- 2. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this authorization letter 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 authorization letter, all conditions, and any authorized modifications. A copy of this authorization letter, all conditions, and any authorized modifications, shall be available at the project site during construction and maintenance of this project.

Action ID Nun	ber: SAW 2019-01768 NCDOT R-0211EC I-485 & SR 3468 (Wedding	ton Road)
Interchange.	County: Mecklenburg	

Permittee: North Carolina Department of Transportation, Ms. Erin Cheely

Project Name: NCDOT R-0211EC I-485 and SR 3468 (Weddington Road.) Interchange

Date Verification Issued: 3/13/2023

Project Manager: Stephen A. Brumagin

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn: Stephen A. Brumagin
Charlotte Regulatory Office
U.S Army Corps of Engineers
8430 University Executive Park Drive, Suite 615
Charlotte, North Carolina 28262
or
stephen.a.brumagin@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee	Date	

U.S. ARMY CORPS OF ENGINEERS

WILMINGTON DISTRICT

Action Id. SAW No. 2019-01768 County: Mecklenburg U.S.G.S. Quad: NC-Matthews

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

	,		,
Permittee:	North Carolina Department of Trans	sportation _	
Address:	Erin Cheely 1598 Mail Service Center		
Telephone Number: E-mail:	Raleigh, North Carolina 27699-1598 919-707-6108 ekcheely@ncdot.gov		
Size (acres) Nearest Waterway USGS HUC	80 acres Fourmile Creek 03050103	Nearest Town River Basin Coordinates	Matthews Santee Latitude: 35.089500 Longitude: -80.730048
Location description: <u>I</u>	485 and SR 3468 (Weddington Rd.) in M	<u> 1ecklenburg Co</u>	
SR 3468 (Weddington		m bank stabiliz	ruction of a half-clover interchange at I 485 and ation, 66 linear feet of permanent stream channel activities.
Applicable Law(s):	Section 404 (Clean Water Act, 33 USC 1 Section 10 (Rivers and Harbors Act, 33 U		
Authorization: NV	VP 14. Linear Transportation Projects		
SEE ATTACHE	D NWP GENERAL, REGION	AL, AND/O	R SPECIAL CONDITIONS
Conditions, your appl the attached condition	ication signed and dated 9/16/2019, and	the enclosed pl ns may subject	aplished in strict accordance with the enclosed lans Sheets 1-11 dated 9/12/2019 . Any violation of the permittee to a stop work order, a restoration
or revoked. If, prior t verification will remain nationwide permit. If the no longer comply with to or are under contract to within twelve months of	o the expiration date identified below, the valid until the expiration date identified ne nationwide permit authorization expires the terms and conditions of the nationwide permit occurrence in reliance upon the nationwide.	e nationwide po below, provide or is suspended permit, activities de permit, will a ration, modifica	s the nationwide authorization is modified, suspended ermit authorization is reissued and/or modified, this ed it complies with all requirements of the modified, revoked, or is modified, such that the activity would swhich have commenced (i.e., are under construction) remain authorized provided the activity is completed tion or revocation, unless discretionary authority has attion.
	ection 404 (as indicated above) may also polivision of Water Resources (telephone 91)		idual Section 401 Water Quality Certification. You determine Section 401 requirements.
	within the twenty coastal counties subject must contact the N.C. Division of Coastal		der the Coastal Area Management Act (CAMA), prior orehead City, NC, at (252) 808-2808.
This Department of the or local approvals/perm		mittee of the res	ponsibility to obtain any other required Federal, State
	Brasnennicky at 704-510-0162 or Nicho		Permit, or the Corps of Engineers regulatory program, nickx.usace.army.mil.
Corps Regulatory Offic	ial:	: 2019.10.01 15:09	Date: <u>10/01/2019</u>
Expiration Date of Veri	DC3DOB: U3/I8//U//		

SAW No. 2019-01768

SPECIAL CONDITIONS

a. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

Permittee: North Caronna Department of Transportation, Erin Cheery
Project Name: NC DOT/R 0211EC, I 485 and SR 3468 (Weddington Rd.)
Date Verification Issued: <u>10/01/2019</u>
Project Manager: Nicholle Braspennickx
Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:
US ARMY CORPS OF ENGINEERS WILMINGTON DISTRICT Attn: Nicholle Braspennickx Charlotte Regulatory Office U.S Army Corps of Engineers 8430 University Executive Park Drive, Suite 615 Charlotte, North Carolina 28262 or Nicholle.M.Braspennickx.usace.army.mil Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may
result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.
I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.
Signature of Permittee Date

Action ID Number: <u>SAW No. 2019-01768</u> County: <u>Mecklenburg</u>

Compensatory Mitigation Responsibility Transfer Form

Permittee: North Carolina Department of Transportation, Erin Cheely **Project Name:** NC DOT/R 0211EC, I 485 and SR 3468 (Weddington Rd.)

Action ID: SAW No. 2019-01768
County: Mecklenburg

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

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements:

Permitted Impacts Requiring Mitigation*
8-digit HUC and Basin: 03050103, Catawba River Basin

Stream	Impacts (linea	r feet)		Wetland Impacts (acres)		
Warm	Cool	Cold	Riparian Riverine Riparian Non-Riverine Non-Riparian Coas			
66 linear feet					·	

^{*}If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements:

8-digit HUC and Basin: 03050103 Catawha River Basin

			O	B Basin 03030103, Cataviba Nivel Dasin				
Stream i	Mitigation (cred	dits)		Wetland Mitigation (credits)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal		
132 linear feet								

Mitigation Site Debited:

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

Section to be completed by the Mitigation Sponsor

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

Signature of Sponsor's Authorized Representative	Date of Signature
Subjumor	03/11/2020
Name of Sponsor's Authorized Representative:	htarmon
Mitigation Sponsor Name:	
ensure compliance associated with the mitigation requirements.	

Conditions for Transfer of Compensatory Mitigation Credit:

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

Comments/Additional Conditions: <u>A letter from the North Carolina Division of Mitigation Services</u>, confirming they are <u>willing and able to accept the applicant's compensatory mitigation responsibility</u>, dated **9/13/2019** was included with the preconstruction notification.

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 11405 Falls of Neuse Road, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil). Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager:

Nicholle Braspennickx

USACE Field Office:

Charlotte Regulatory Office

US Army Corps of Engineers

8430 University Executive Park Drive, Suite 615

Charlotte, North Carolina 28262

Email:

Nicholle.M.Braspennickx.usace.army.mil

Nicholle	Brasper	nnickx
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USACE Project Manager Signature

10/01/2019

Date of Signature

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

ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR.



February 9, 2023

DWR # 2019-1232v2 Mecklenburg County

Ms. Erin Cheely Environmental Coordinator NCDOT MSC 1598 Raleigh, NC 27699-1598

Delivered via email to:

Subject: APPROVAL OF 401 WATER QUALITY CERTIFICATION -REISSUANCE Proposed R-0211EC Interstate Access Addition to I-485 at Weddington Road, Mecklenburg County; Fourmile Creek (Catawba River Basin; 11-137-9-4; C) and Sixmile Creek, (Catawba River Basin, 11-138-3 C)

Dear Ms. Cheely:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of the proposed R-0211EC Interstate Access Addition to I-485 at Weddington Road in Mecklengburg County:

Stream Impacts in the Catawba River Basin

Site	Amount Approved (LF)	
S1 (culvert ext)	42	
S1 (riprap fill)	53	
S2 (culvert ext)	96	
Total	191	

The project shall be constructed in accordance with your application dated received January 19, 2023. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4135. This certification corresponds to the Regional General Permit 50 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to perennial streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.



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 letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Amy Chapman at (919) 707-3871 or amy.chapman@ncdenr.gov.

Sincerely,

DocuSigned by:

9c9886312DCD474... Richard E. Rogers, Jr., Director Division of Water Resources

any Champman

Electronic copy only distribution:

Steve Brumagin, US Army Corps of Engineers, Charlotte Field Office, Stephen.A.Brumagin@usace.army.mil Michael Turchy; via email
Kristi Lynn Carpenter, DWR



ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR.



NCDWR Project No.: County:
Applicant:
Project Name:
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 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR 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,
Signature: Date:
Agent's Certification
I,
Signature: Date:
Engineer's Certification
Partial Final
I,
Signature Registration No Date





ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director

> November 7, 2019 Mecklenburg County NCDWR Project No. 20191232v.1 I-485 Access Ramp at SR 3468 State Project No. R-0211EC

APPROVAL of 401 WATER QUALITY CERTIFICATION, with ADDITIONAL CONDITIONS

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

Dear Mr. Harris:

You have our approval, in accordance with the conditions listed below, for the following impacts for the purpose of Interstate Access Addition to I-485 at Weddington Road (SR 3468) R-0211EC in Mecklenburg County:

Stream Impacts in the Catawba River Basin

Site	Bank Stabilization Permanent (linear ft)	Bank Stabilization Temporary (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
1 (culvert ext)	6	20	16		42	16
1 (riprap fill)			34	19	53	34
2 (culvert ext)	53	27	16		96	16
					0	0
TOTAL	59	47	66	19	191	66

Total Stream Impact for Project: 191 linear feet.

The project shall be constructed in accordance with your application dated received September 16, 2019. After reviewing your application, we have decided that these impacts are covered by General Water Quality Certification Number 4135. This certification corresponds to the Nationwide Permit 14 issued by the Corps of Engineers. In addition, you should acquire any other federal, state or local permits before you proceed with your project including (but not limited to) Sediment and Erosion Control, Non-Discharge and Water Supply Watershed regulations. This approval will expire with the accompanying 404 permit.

This approval is valid solely for the purpose and design described in your application (unless modified below). Should your project change, you must 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 total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to perennial streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you must adhere to the conditions listed in the attached certification(s) and any additional conditions listed below.

Condition(s) of Certification:

Project Specific Conditions

- 1. Compensatory mitigation for 66 linear feet of impact to streams is required. We understand that you have chosen to perform compensatory mitigation for impacts to streams through the North Carolina Division of Mitigation Service (DMS) (formerly NCEEP), and that the DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated September 13, 2019 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the DMS Mitigation Banking Instrument signed July 28, 2010.
- 2. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)
- 3. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams, shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. 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 is being maintained if requested in writing by the NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
- 4. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 5. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
- 6. For the 68 linear feet of streams being impacted due to site dewatering activities, the site shall be graded to its preconstruction contours and revegetated with appropriate native species. [15A NCAC 02H.0506(b)(2)]
- 7. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species. [15A NCAC 02H.0506(b)(2)]
- 8. The waiver for culvert burial is granted as requested. Stream bed is required to be level with the end of the culvert extension, as presented in the application. [15A NCAC 02H.0506(b)(2)]



General Conditions

- 1. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. 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 downstream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
- 2. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
- 3. 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. [15A NCAC 02H.0506(b)(2)]
- 4. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
- 5. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- 6. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 7. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 8. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream. [15A NCAC 02H.0506(b)(3)]
- 9. 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. [15A NCAC 02H.0506(b)(3)]
- 10. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
- 11. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 12. The permittee 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 and Federal law. If the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]

- 13. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
- 14. A copy of this Water Quality Certification shall be maintained 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. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 15. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification. [15A NCAC 02H.0501 and .0502]
- 16. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
- 17. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- 18. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
- 19. Native riparian and wetland vegetation (ex. Salix nigra, Juncus (spp), Carex (spp), et al.) must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02B.0231(b)(6)]
- 20. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.[15A NCAC 02H.0506(b)(3) and (c)(3)]
- 21. 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 protect surface waters standards [15A NCAC 02H.0506(b)(3) and (c)(3]):
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*.



- d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 22. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 23. With the issuance of this 401 certification, the DWR approves the stormwater drainage and treatment designs as shown in the roadway plans and permit drawings submitted as part of the 401 application, which are incorporated by reference and are enforceable by the DWR. Significant modifications to the way stormwater is managed and conveyed, any outfalls, or stormwater control measures represented in the roadway plans or permit drawings after issuance of this 401 certification are prohibited without prior approval from the DWR.
- 24. In the event that discharges of sediment or other pollutants from the drainage system outfalls are found by DWR to cause or contribute to a violation of surface water quality standards, DWR may take enforcement action, or NCDOT and DWR shall conduct an assessment and implement the appropriate best management practices necessary to adequately address NCDOT's contribution to the water quality standards violation. Implementation of such best management practices shall be made within a reasonable timeframe as agreed upon by NCDOT and DWR; and may require NCDOT to obtain a 404 Permit from the Corps and a 401 Certification from the DWR

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 letter completes the review of the Division of Water Resources under Section 401 of the Clean Water Act. If you have any questions, please contact Donna Hood at (704)235-2193 or donna.hood@ncdenr.gov.

Sincerely,

amy Chapman

Linda Culpepper, Director Division of Water Resources



Electronic copy only distribution:

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





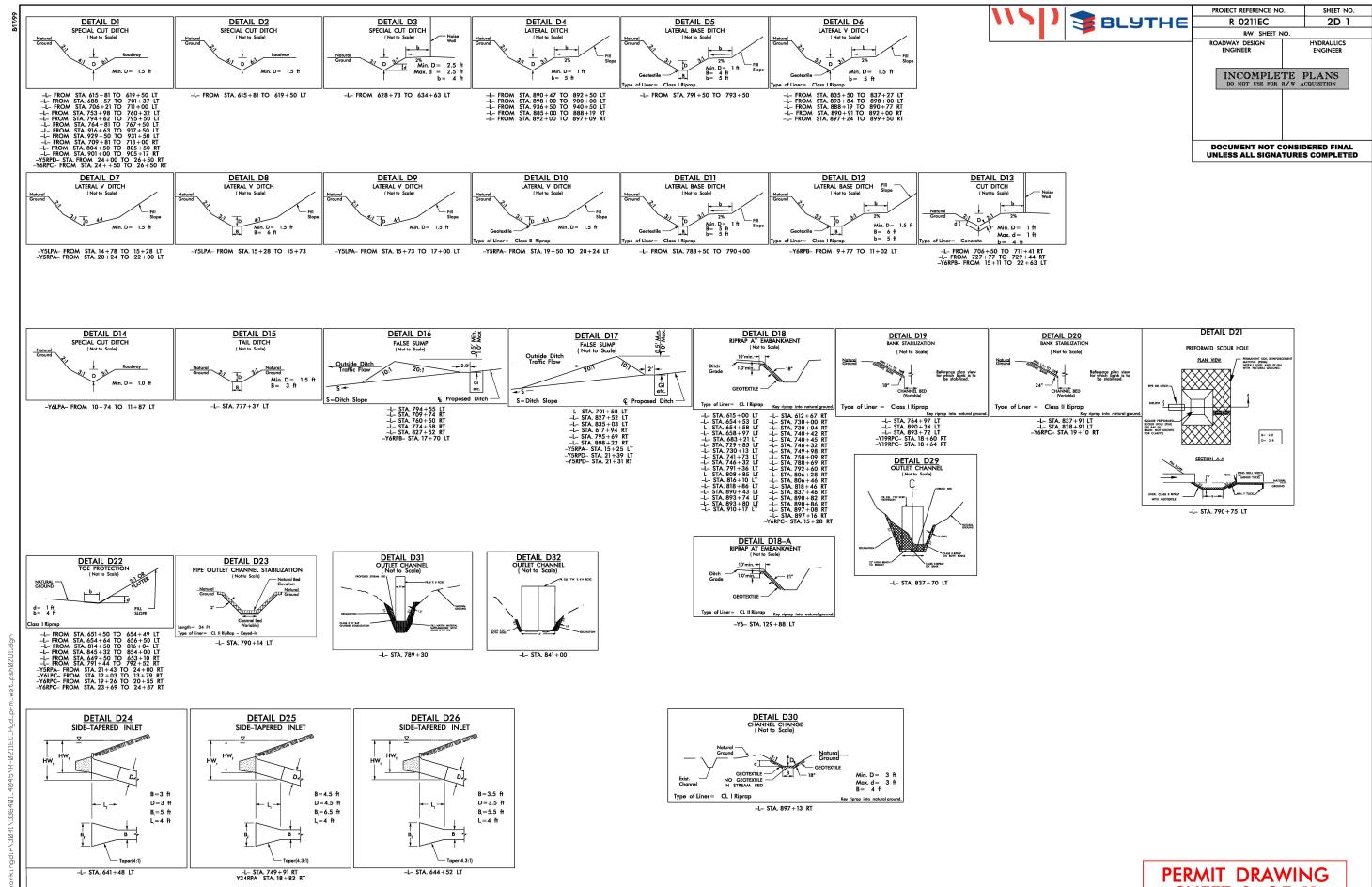
ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director

	NCDWR Project No.:	County:
	Applicant:	
	Project Name:	
	Date of Issuance of 401 Water (Quality Certification:
any subsequent mo Unit, North Carolin may be returned to	of all work approved within the 401 Wodifications, the applicant is required to Division of Water Resources, 1617	rater Quality Certification or applicable Buffer Rules, and o return this certificate to the 401 Transportation Permitting Mail Service Center, Raleigh, NC, 27699-1617. This formant's authorized agent, or the project engineer. It is not
Applicant's Certif	ication	
compliance and int		state that, to the best of my abilities, due care and diligence the construction was observed to be built within substantial tion and Buffer Rules, the approved plans and
Signature:		Date:
Agent's Certificati	ion	
compliance and int	servation of the construction such that	state that, to the best of my abilities, due care and diligence the construction was observed to be built within substantial tion and Buffer Rules, the approved plans and
Signature:		Date:
Engineer's Certifi	cation	
Partial	Final	
Permittee hereby s construction such t	een authorized to observe (periodically tate that, to the best of my abilities, du that the construction was observed to be	duly registered Professional Engineer in the State of North y, weekly, full time) the construction of the project for the e care and diligence was used in the observation of the be built within substantial compliance and intent of the 401 red plans and specifications, and other supporting materials.
		Registration No
Date		



SHEET TOTAL SHEETS STATE OF NORTH CAROLINA N.C. R-0211EC 1 STATE PROJ. NO. DIVISION OF HIGHWAYS 43609.3.2 Design-Build -0211E MECKLENBURG COUNTY BLYTHE (15) K LOCATION: I-485 FROM I-77 TO US 74 (INDEPENDENCE BOULEVARD) (I-5507); I-485 / WEDDINGTON ROAD INTERCHANGE (R-0211EC); AND I-485 / END TIP PROJECT I-5507 END SEGMENT "D" EAST JOHN STREET - OLD MONROE ROAD INTERCHANGE (U-4714AB) **PROIEC** -L- STA. 947 + 96.48 BEGIN TIP PROJECT I-5507 BEGIN SEGMENT "A" TYPE OF WORK: DESIGN-BUILD AS SPECIFIED IN THE SCOPE OF WORK CONTAINED IN THE REQUEST FOR PROPOSALS -L- STA. 22 + 27.69 WETLAND AND SURFACE WATER IMPACTS PERMIT TO CONCORD PACKAGE R-0211EC DATE: SEPTEMBER 12, 2019 *U–4714AB* SITE #2 END SEGMENT "B"

BEGIN SEGMENT "C" -L-STA.474+50.00R-0211EC CLEARING ON THIS PROJECT SHALL BE PERFORMED TO THE LIMITS ESTABLISHED BY METHOD III. THIS IS A CONTROLLED ACCESS PROJECT WITH ACCESS BEING LIMITED TO INTERCHANGES. 203970 PERMIT DRAWING END SEGMENT "A" END SEGMENT "C" BEGIN SEGMENT "D" SHEET 1 OF 11 BEGIN SEGMENT "B" -L- STA. 635 + 00.00-L-STA.313+00.00Prepared in the Office of: HYDRAULICS ENGINEER DIVISION OF HIGHWAYS STATE OF NORTH CAROLINA GRAPHIC SCALES **DESIGN DATA** PROJECT LENGTH ADT 2018 = 118,400 50 25 0 LENGTH OF ROADWAY TIP PROJECT I-5507 = 17.137 mi ADT 2040 = 159,2002018 STANDARD SPECIFICATIONS LENGTH OF STRUCTURES TIP PROJECT I-5507 = 0.395 mi D = 55 %TOTAL LENGTH OF TIP PROJECT I-5507 = 17.532 mi RIGHT OF WAY: DANIEL H. BRIDGES, PE ROADWAY DESIGN V = 70/75 MPH**SEPTEMBER 18, 2018** PROFILE (HORIZONTAL) *(TTST 4 + DUAL 5) DAVID B. GOURLEY, PE LETTING DATE: FUNCTIONAL CLASSIFICATION: TIM MCFADDEN, PE NCDOT CONTACT: INTERSTATE **SEPTEMBER 18, 2018** PROFILE (VERTICAL) DESIGN BUILD PROJECT ENGINEER – TRANSPORTATION PROGRAM MANAGEMENT UNIT STATEWIDE TIER



SHEET 2 OF 11



PROJECT REFERENCE NO. SHEET NO.

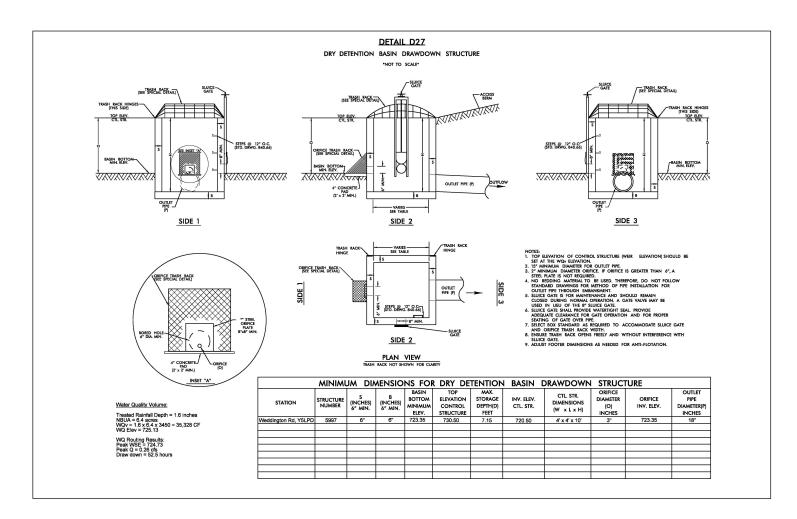
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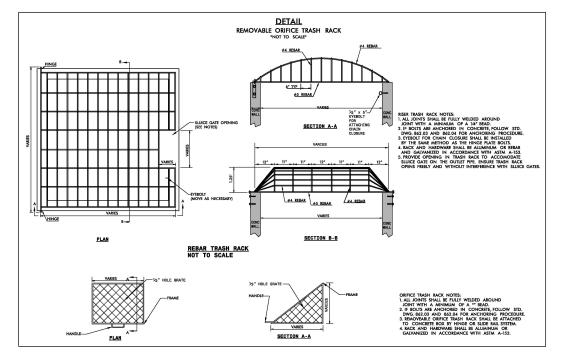
RW SHEET NO.

ROADWAY DESIGN HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED





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PERMIT DRAWING SHEET 3 OF 11



PROJECT REFERENCE NO. SHEET NO.

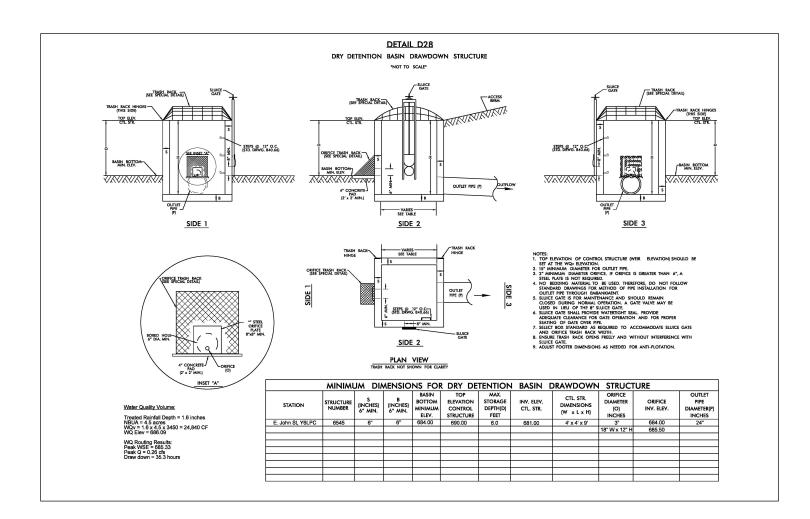
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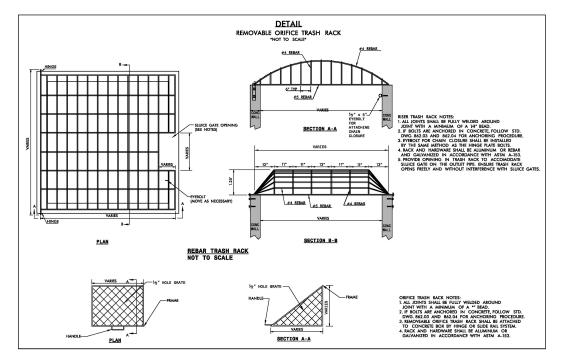
RW SHEET NO.

ROADWAY DESIGN HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

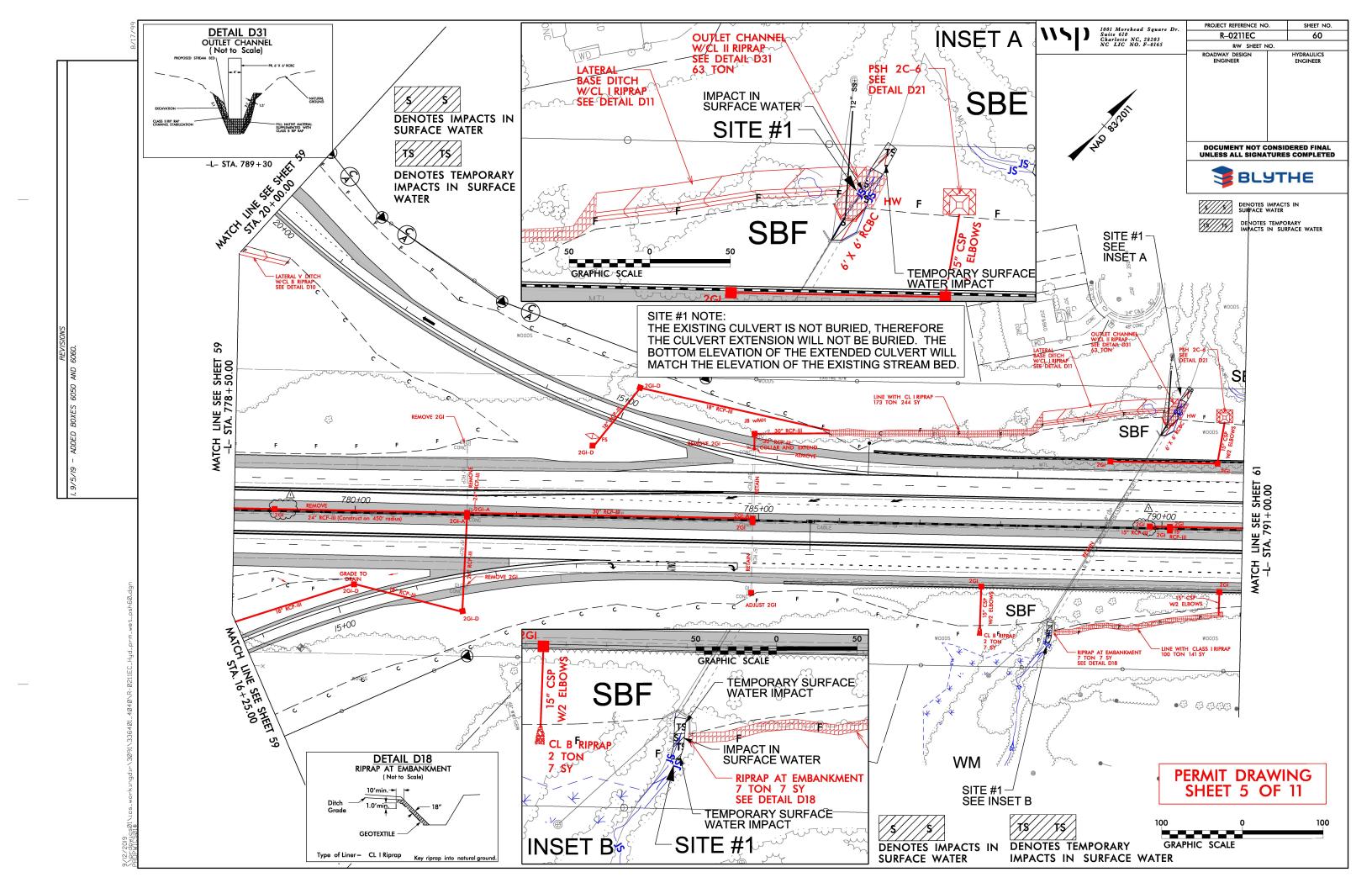
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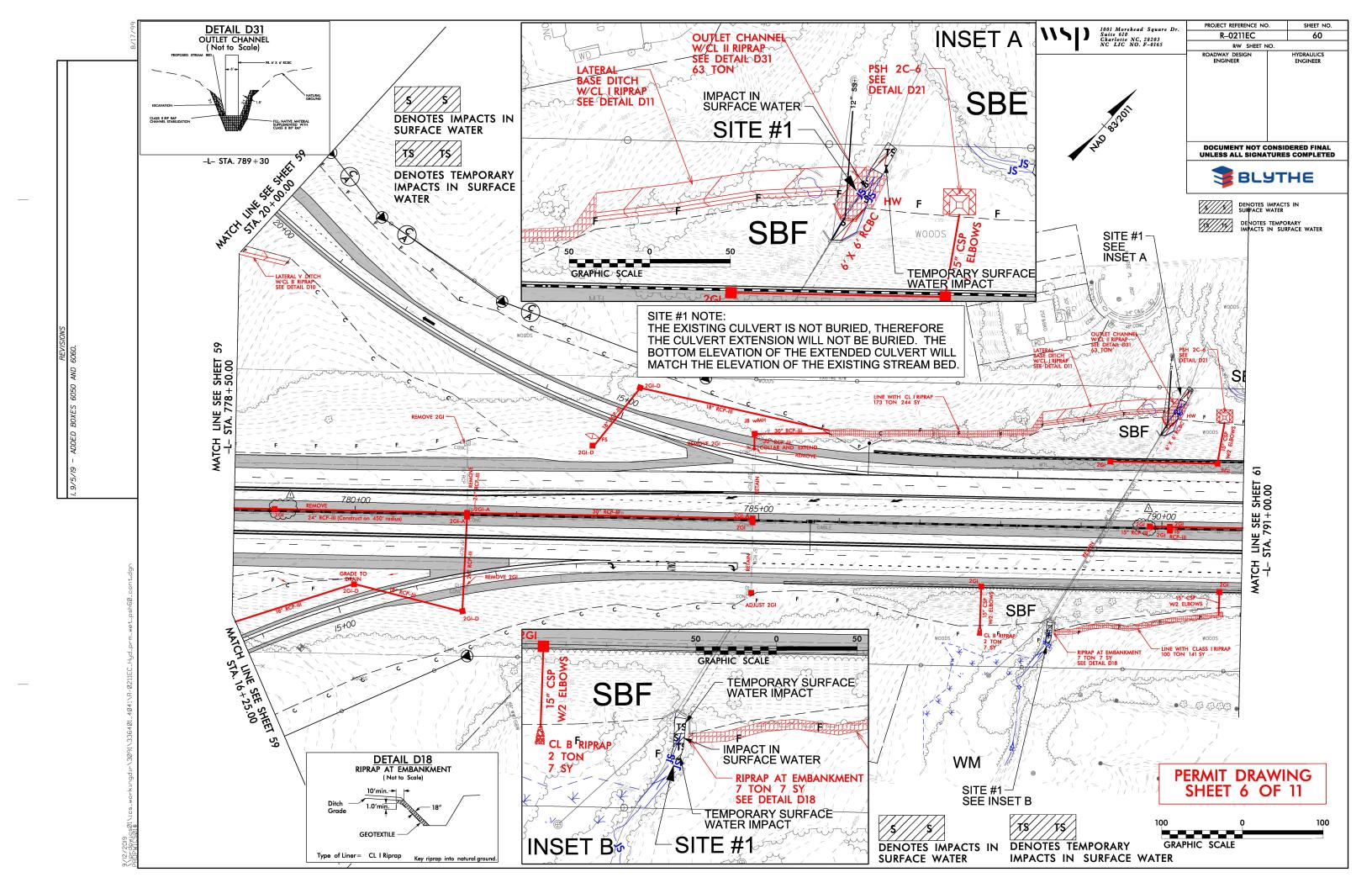


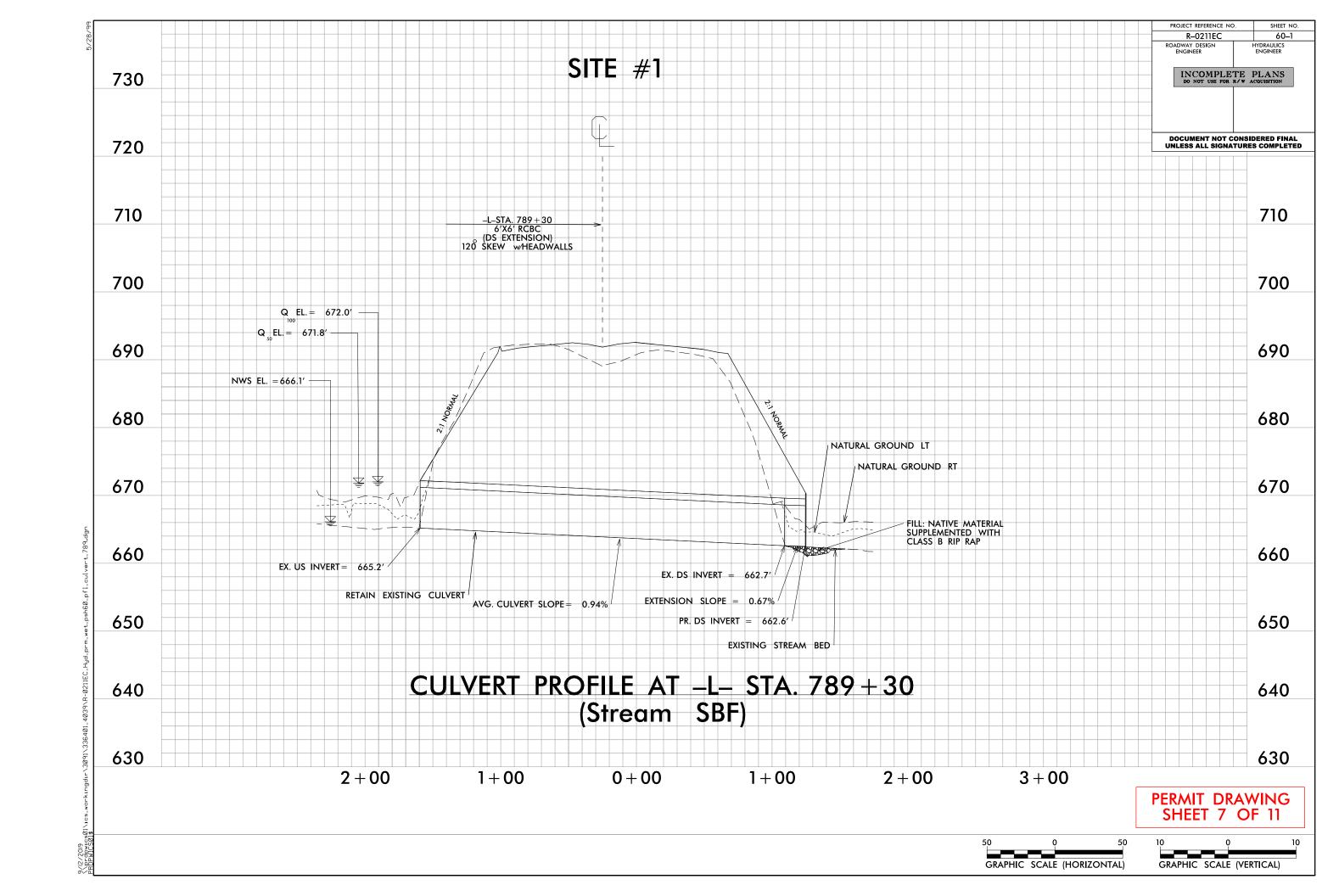


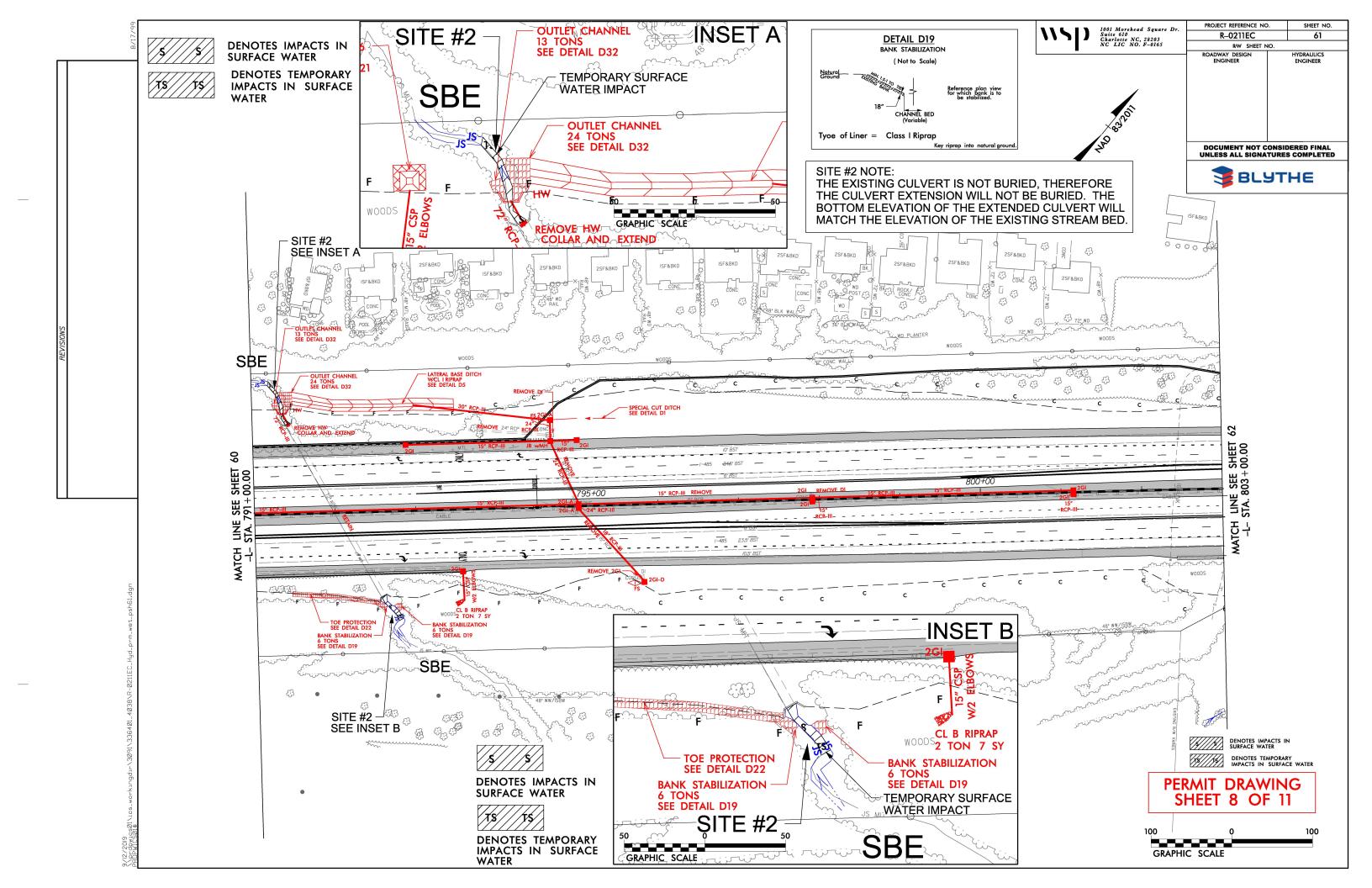
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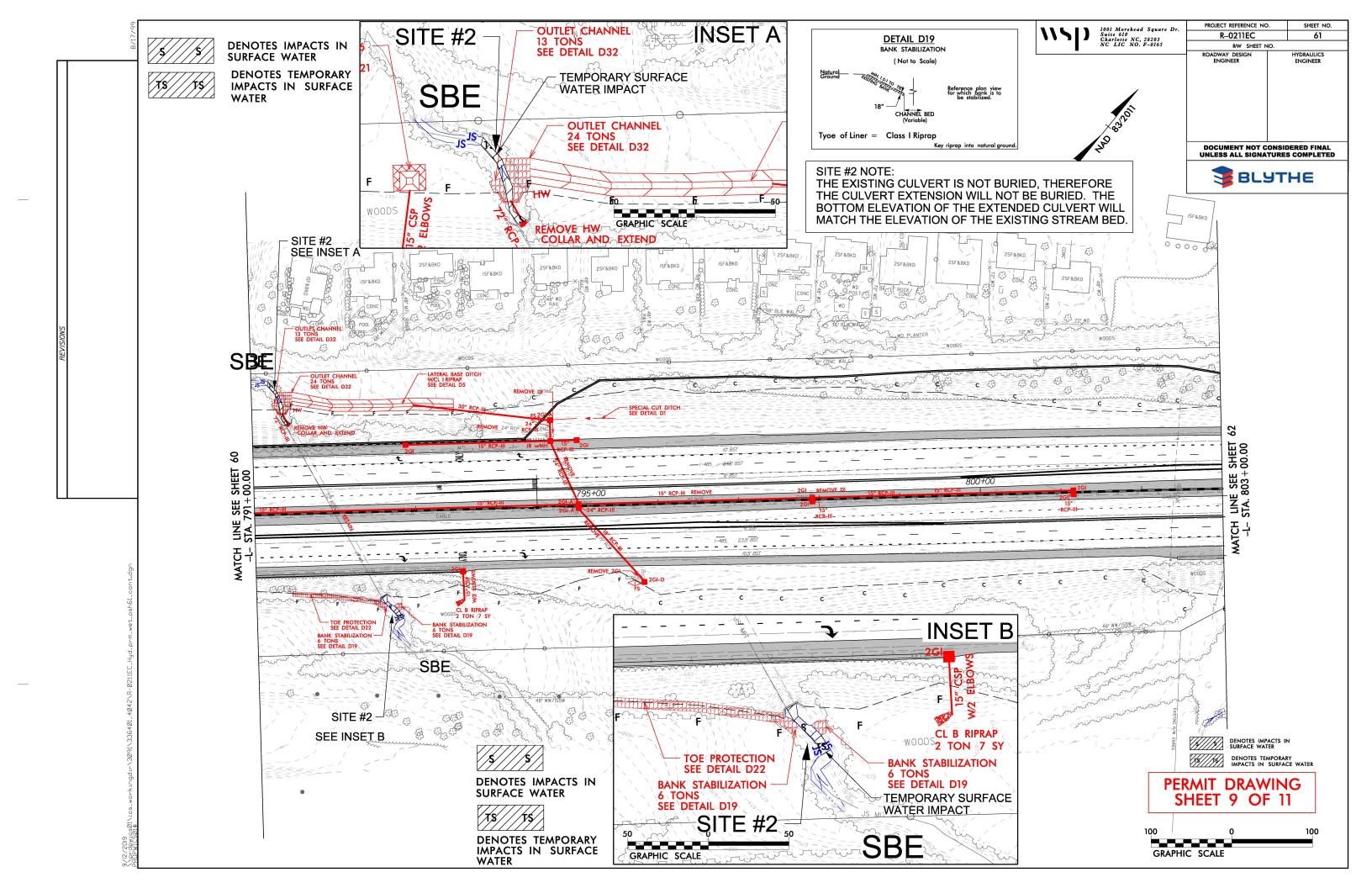
PERMIT DRAWING SHEET 4 OF 11

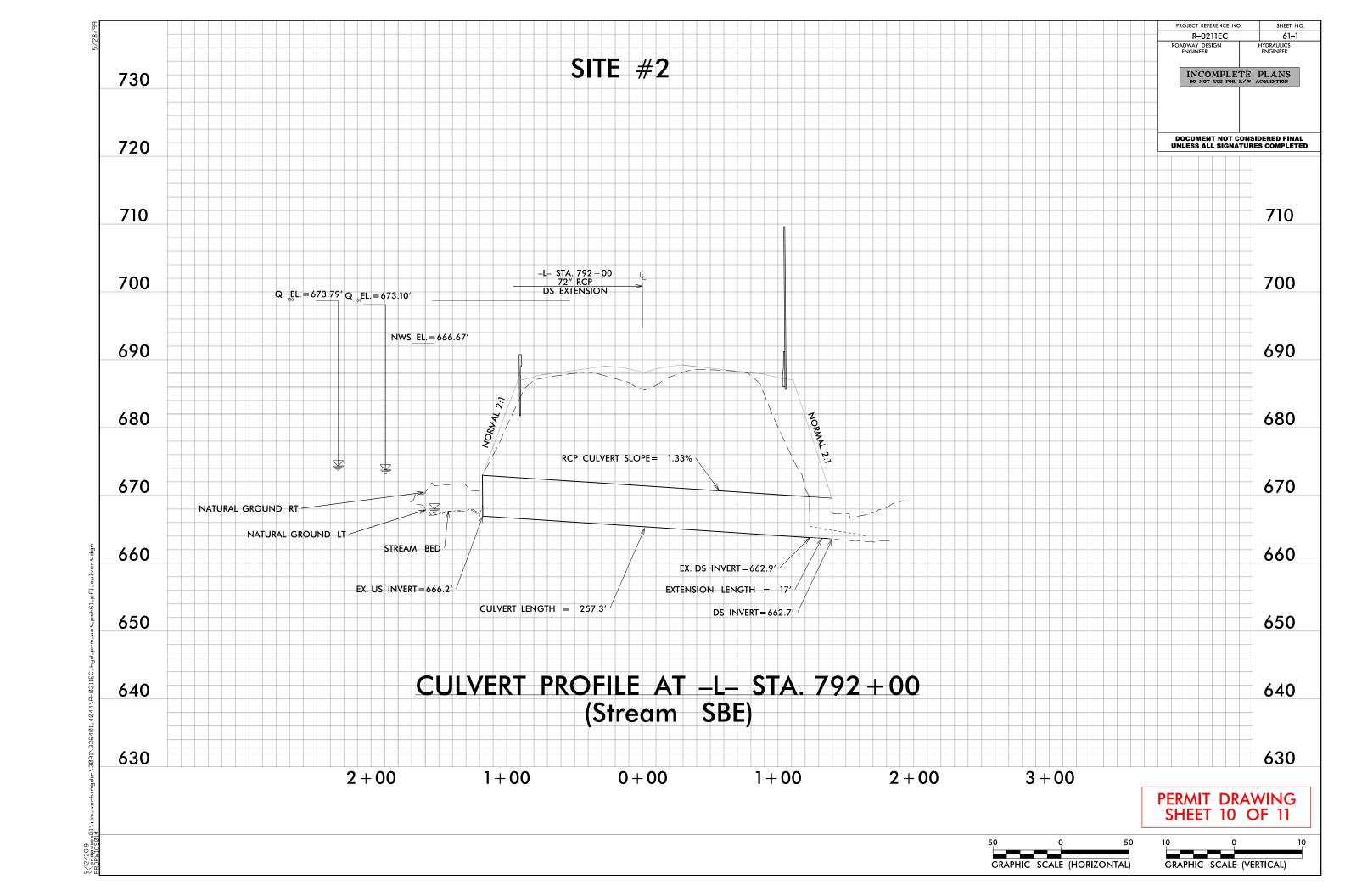












			WETLAND AND SURACE WATER IMPACTS SUMMARY										
			WETLAND IMPACTS				SURFACE WATER IMPACTS						
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands	Temp. Fill In Wetlands	in Wetlands	Mechanized Clearing in Wetlands	Hand Clearing in Wetlands	Permanent SW impacts	Temp. SW impacts	Existing Channel Impacts Permanent		Natural Stream Design	
			(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ft)	(ft)	(ft)	
1	790+00 -L- (LT)	Extend 6' x 6' RCBC						< 0.01		16			
1	790+00 -L (LT)	Riprap Fill						< 0.01	< 0.01	34	19		
1	788+50 -L- (RT)	Bank Stabilization						< 0.01	< 0.01	6	20		
2	791+30 -L-	Extend 72" RCP						< 0.01		16			
2	791+30/792+70 -L-	Bank Stabilization						< 0.01	< 0.01	53	27		
TOTAL								0.02	< 0.01	125	66	0	

*Rounded totals are sum of actual impacts

NOTES:

At Sites 1 and 2, the existing culvert is not buried, therefore the culvert extension will not be buried. The bottom elevation of the extended culvert will match the elevation of the existing stream bed.

At Site 2, <0.01 ac (26 lf) of temporary impacts due to construction activities are included within the bank stabilization impacts.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
09/12/19
MECKLENBURG
TIP NO. R-0211EC
WBS NO. 34331.1.7

Revised 2018 Feb

SHEET 11

OF

11