



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

May 28, 2020

U.S. Army Corps of Engineers
Raleigh Regulatory Field Office
Attn: Mr. Eric Alsmeyer
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587

Subject: **Modification Request- Section 404 Individual Permit and Section 401 Water Quality Certification** for Interstate 40 Widening and Improvements from I-440/US 64 (Exit 301) to just north of SR 1525 (Cornwallis Road), including improvements to NC 42 and SR 1010 (Cleveland Road) in Wake and Johnston Counties, Federal Aid Project No. IMNHF-040-4(139)301; TIP Numbers I-5111 and I-4739, Division 5. Debit \$570 from WBS Element 42346.3.1.

Dear Mr. Alsmeyer:

The North Carolina Department of Transportation (NCDOT) applied for permits for the subject project on May 7, 2019. The Corps of Engineers issued the Section 404 permit for the project on September 6, 2019. The North Carolina Division of Water Resources issued the 401 Water Quality Certification for the project on July 10, 2019 (NCDWR Project No. 20190593).

A field revision was needed at Site 2 to accommodate the construction of the proposed noise wall. Stream SAA was realigned within the footprint of what was permitted. However, there is concern that the new realignment will not remain stable. Therefore, we are requesting to further realign the stream such that it has a more direct flow pattern into the culvert. This will result in what was originally permitted as 29 linear feet (lf) of temporary surface water impacts changing to 29 lf of permanent surface water impacts. There will be no changes to the Neuse River Riparian Buffer impacts or wetland impacts.

Attached are revised permit drawings depicting the affected area, all of which have a revision date of 4/22/2020. These include the following:

- Permit Drawing 11: plansheet 11 without contours
- Permit Drawing 12: plansheet 11 with contours
- Permit Drawing 120: summary table
- Permit Drawing 125: summary table

Compensatory Mitigation

A revised acceptance letter from the N.C. Division of Mitigation Services is included with this modification request.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

TELEPHONE: 919-707-6000
FAX: 919-212-5785
WEBSITE: NCDOT.GOV

LOCATION:
CENTURY CENTER, BUILDING A
1000 BIRCH RIDGE DRIVE
RALEIGH NC, 27610-4328

Regulatory Approvals

Section 404: NCDOT requests modification to the USACE Individual 404 Permit for the project as required for the above described activities.

Section 401: We are also requesting modification of the Section 401 Individual Water Quality Certification from NCDWR. We are providing this application to NCDWR, for their approval. Authorization to debit the \$570.00 Permit Application Fee from TIP No. I-5111/I-4739/WBS 42346.3.1 is hereby given.

A copy of the permit modification request and its distribution list will be posted at <https://xfer.services.ncdot.gov/pdea/PermApps/>.

If you have any questions or need additional information, please contact Gordon Cashin at gcashin@ncdot.gov or 919-707-6107.

Sincerely,

DocuSigned by:

Mack C. Rivenbark III

AAAD1248B309416...

for

Philip S. Harris, III, P.E., C.P.M.
Environment Analysis Unit Head



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

TIM BAUMGARTNER
Director

May 27, 2020

Mr. Philip S. Harris, III, P.E., CPM
Environmental Analysis Unit
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

Subject: DMS Mitigation Acceptance Letter:

I-5111 / I-4739, I-40 Widening, Wake and Johnston Counties

References: USACE 404 Individual Permit issued September 6, 2019 (USACE Action ID 2009-00556)

NCDWR 401 Water Quality Certification issued September 4, 2019 and January 22, 2020 (NCDWR ID 2019-0593)

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the additional stream mitigation for the subject project. Based on the information supplied by you on May 27, 2020, the impacts are located in CU 03020201 of the Neuse River basin in the Central Piedmont (CP) and Northern Inner Coastal Plain (NICP) Eco-Regions, and are as follows:

Table 1 – Additional Impacts (feet / acres)

Neuse 03020201 CP / NICP	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	0	29.0	0	0	0	0	0

*NOTE: Some of the stream impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details.

This additional impact and associated mitigation needs were not projected by the NCDOT in the 2020 impact data. DMS is currently providing stream, riparian wetland and buffer mitigation for the impacts associated with this project located in cataloging unit 03020201 of the Neuse River basin as required by the 404 and 401 permits issued in 2019 and 2020, as shown in the below table (in mitigation credits)



Table 2 – Current Permitted Impacts and Associated Mitigation Requirements provided by DMS (based on issued permits) and Revised Anticipated Impacts (based on mitigation request)

Impact Type	Total Permitted Impacts (feet / acre / sq ft)	Mitigation Provided by DMS per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream (warm)	6,423.0	12,846.0	29.0	6,452.0
Riparian Wetland	1.01	2.02	0	1.01
Buffer – Zone 1	290,542.0	871,626.0	0	290,542.0
Buffer – Zone 2	161,217.0	241,826.0	0	161,217.0

*Some of the additional stream impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details. DMS will provide the amount of mitigation as determined by the regulatory agencies.

This mitigation acceptance letter replaces the mitigation acceptance letter issued on April 26, 2019 and January 15, 2020. DMS commits to implementing additional sufficient stream mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies using the delivery timeline listed in Section F.3.c.iii of the In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from DMS.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-707-8420.

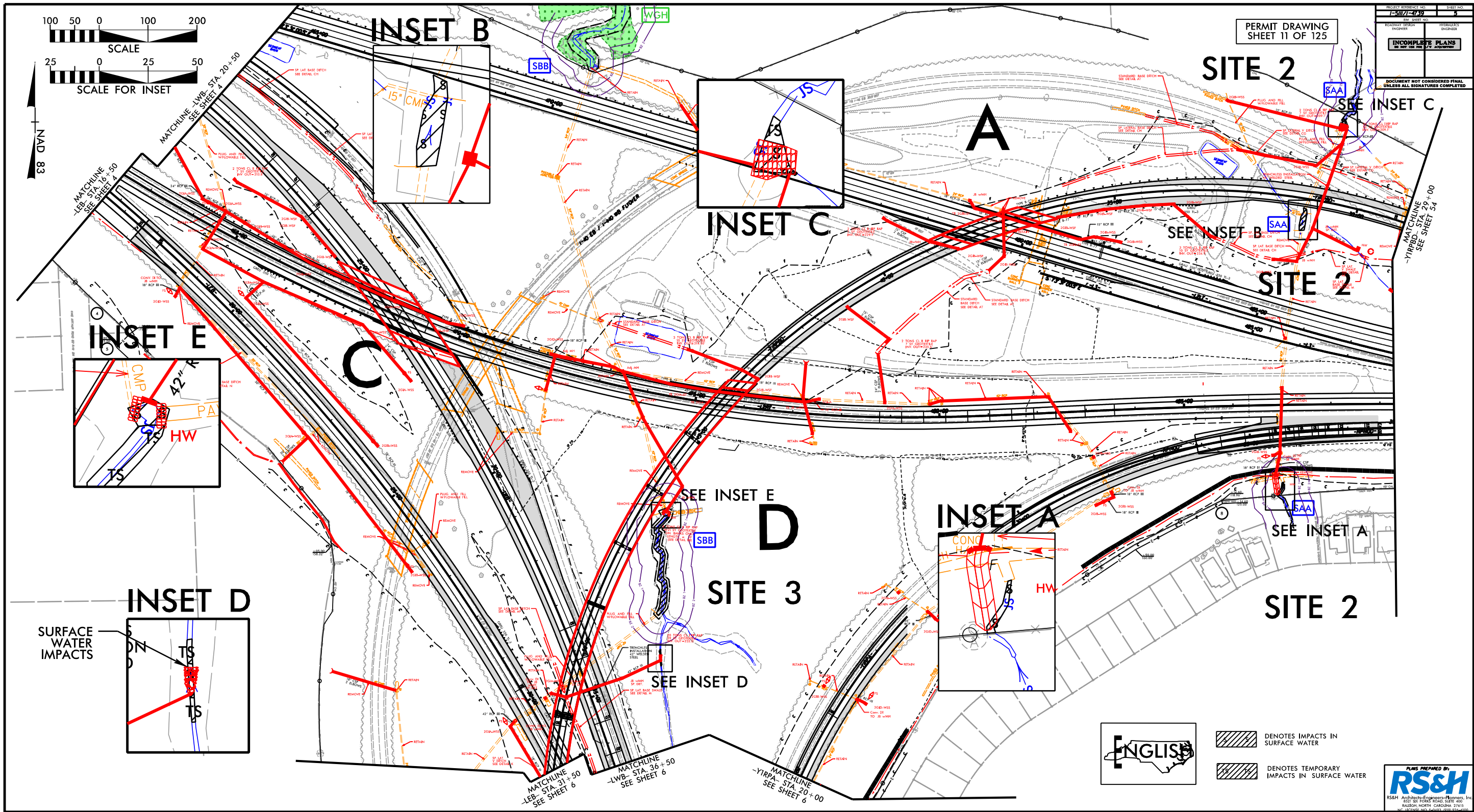
Sincerely,



James B. Stanfill
 DMS Asset Management Supervisor

cc: Mr. Monte Matthews, USACE – Raleigh Regulatory Field Office
 Ms. Amy Chapman, Division of Water Resources, Wetlands/401 Unit
 File: I-5111 / I-4739 Mod 2





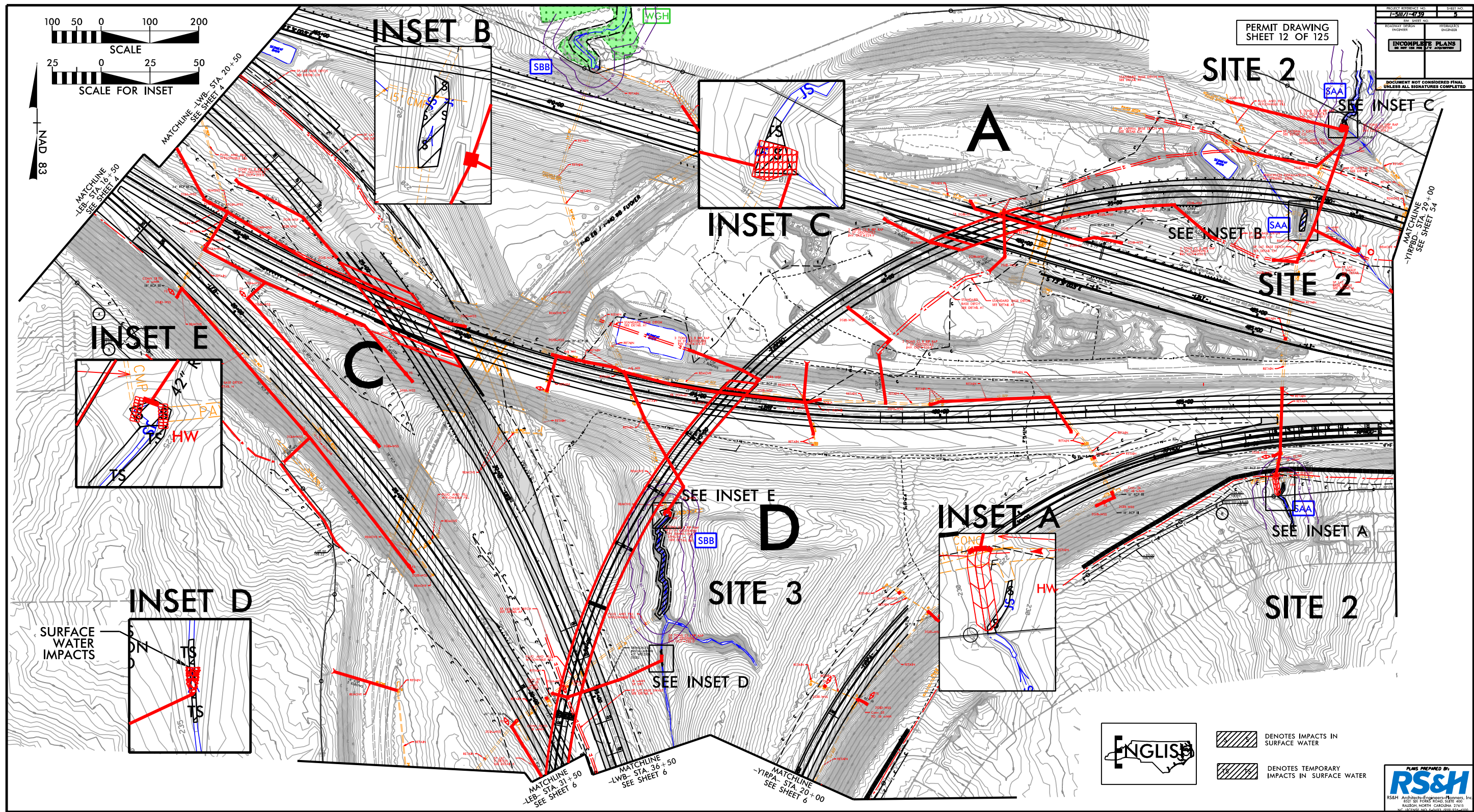
PERMIT DRAWING SHEET 11 OF 125

PROJECT NUMBER: 1507-1719	SHEET NO: 11
ROADWAY DESIGN ENGINEER	HYDROLOGICAL ENGINEER
INCOMPLETE PLANS DO NOT USE FOR CONSTRUCTION	
DOCUMENT NOT CONSIDERED FINAL UNLESS ALL SIGNATURES COMPLETED	



DENOTES IMPACTS IN SURFACE WATER
 DENOTES TEMPORARY IMPACTS IN SURFACE WATER

PLANS PREPARED BY
RS&H
 RS&H Architects-Engineers-Planners, Inc.
 8311 BE FORE ROAD SUITE 600
 RALEIGH, NORTH CAROLINA 27615
 TEL: (919) 489-4444 FAX: (919) 489-4444



WETLAND AND SURFACE WATER IMPACTS SUMMARY												
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	-LEB- 12+14 RT	HW Replacement - SZ						< 0.01	< 0.01	13	14	
1	-LWB- 18+77 LT	Rip Rap Outlet Pad - SZ						< 0.01	< 0.01	20	20	
2	-Y1RPA- 32+52 RT	Channel Work at 48" CSP Inlet - SAA						< 0.01		29		
2	-Y1RPBD- 31+06 RT	Prop Rdwy Fill - SAA						0.01		45		
2	-Y1RPBD- 30+62 LT	Rip Rap Outlet Pads - SAA						< 0.01	< 0.01	12	10	
3	-Y1RPBD- 46+74 to 48+93 LT	Prop Pipes & Bridge Construction - SBB						< 0.01	0.05	24	240	
4	-L- 39+21 LT	Rip Rap Outlet Pad - SB						< 0.01	< 0.01	13	10	
4	-L- 40+19 LT	Ditch Outfall - SB						< 0.01	< 0.01	18	27	
5	-L- 59+13 to 62+63 LT	Channel Change - SC						0.03	< 0.01	352	12	
6	-L- 64+53 RT	Channel work at 8'x8' RCBC inlet - SD						0.02	< 0.01	78	11	
6	-L- 65+38 LT	Channel work at 8'x8' RCBC outlet - SD						0.01	< 0.01	51	30	
7	-L- 90+96 RT	Channel work at 10'x9' RCBC inlet - WC, SF	< 0.01	0.04				0.06	0.02	85	90	
7	-L- 91+39 LT	Channel work at 10'x9' RCBC outlet - WD, SF		0.01				0.08	< 0.01	80	10	
8	-Y3RPA- 23+91 LT	Prop Rdwy Fill and Rip Rap Pad - SNN						< 0.01		59		
8	-Y3RPA- 23+45 RT	Channel Change - SNN						< 0.01	< 0.01	12	4	
9	-Y3RPA- 17+58 RT	Rip Rap at pipe outfalls - SOO						< 0.01	< 0.01	23	8	
TOTALS*:			< 0.01	0.05				0.24	0.11	914	486	0

*Rounded totals are sum of actual impacts

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 April 2019
 Wake County
 I-5111 / I-4739
 42346.3.1

WETLAND AND SURFACE WATER IMPACTS SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
54	-L- 232+69-233+35 LT	54" WSP - SJ, WI	0.06					< 0.01		82		
	-L- 233+33-233+44 LT	BANK STABILIZATION - SJ						< 0.01	< 0.01	45	10	
55	-L- 233+94-234+19 LT	48" RCP - SK, WJ	< 0.01					< 0.01		78		
	-L- 234+02-234+11 LT	BANK STABILIZATION - SK						< 0.01	< 0.01	40	10	
56	-L- 246+22-246+77 RT	CHANNEL CHANGE - SEE						< 0.01	< 0.01	102	10	
57	-L- 246+73-247+65	60" WSP - SDD, WFF	0.01					0.02	< 0.01	238	10	
	-L- 247+59-247+78 LT	BANK STABILIZATION - SDD						< 0.01	< 0.01	55	9	
58	-L- 269+75-270+63 LT	36" WSP - SQ						< 0.01		100		
	-L- 270+58-270+85 LT	BANK STABILIZATION - SQ						< 0.01	< 0.01	33	27	
TOTALS*:			0.09					0.06	< 0.01	773	76	0

PROJECT TOTALS*:	0.74	0.14	0.11	0.16		1.55	0.22	7665	1582	
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REVISED 08/28/2019, 12/12/19, 4/22/20

NOTES:
*Rounded totals are sum of actual impacts

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
APRIL 2019
WAKE AND JOHNSTON
I-5111_I-4739
SHEET 125 OF 125