

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

February 17, 2023

MEMORANDUM TO: Division 12 Environmental and Construction Units

FROM: Michael A. Turchy, ECAP Group Leader

Environmental Analysis Unit

SUBJECT: Environmental Permits for the I-40/I-77 Interchange in Iredell County,

Division 12, TIP: I-3819B.

Please find enclosed the following permit modifications for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Individual Section 404	December 31, 2025
NC Division of Water Resources Section 401 Water Quality Certification	Individual Water Quality Certification	December 31, 2025

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

PROJECT COMMITMENTS

T.I.P Project No. I-3819B Proposed I-40/I-77 Interchange Area Improvements Iredell County WBS Element 34192.1.2

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

In addition to the Section 404 Conditions, Regional Conditions, State Consistency, North Carolina Department of Transportation's (NCDOT) Guidance for Best Management Practices for the Protection of Surface Waters, General Certification Conditions, and Section 401 Conditions for Certification, State Stormwater Permit, NCDOT has agreed to the following special commitments:

Roadway Design Unit

<u>Wetlands</u>: Additional area of wetlands in the southwest quadrant of the I-40/I-77 interchange will be bridged to minimize impacts. Fill slopes will not encroach into the jurisdictional wetland boundaries any more than practicable as shown in the preliminary design.

Structures over Fourth Creek will accommodate the existing Museum Greenway path: The new and widened structures at SR 1934 (Hillside Lane) extension, I-40 and I-77, and their associated ramps shall be designed to span the existing greenway that follows Fourth Creek.

<u>Retaining walls at Pressly Elementary School and Northview Elementary School</u>: In order to minimize the impact to the grounds of these schools, a retaining wall along the proposed shoulder of I-40 and I-77 shall be constructed in accordance with NCDOT construction standards.

The retaining wall for Northview Elementary School was constructed as part of the I-3819A project.

Noise Mitigation:

A final design noise report will be performed based on the results of the planning noise study. Noise mitigation will be provided as required in accordance with the NCDOT Noise Abatement Policy.

COMMITMENTS FROM PERMITTING

See 404 Permit and 401 Certification for special conditions developed during permitting.



DEPARTMENT OF THE ARMY WILMINGTON DISTRICT, CORPS OF ENGINEERS 69 DARLINGTON AVENUE

69 DARLINGTON AVENUE WILMINGTON, NORTH CAROLINA 28403-1343

February 10, 2023

Regulatory Division

Action ID No. SAW-2018-01504

Michael Turchy
Environmental Analysis Assistant Unit, ECAP
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC, 27699-1598

Dear Mr. Turchy:

Reference the Department of the Army (DA) individual permit issued on January 21, 2020, to the North Carolina Department of Transportation (NCDOT), for impacts associated with the I-40/I-77 interchange improvements project (TIP Nos. I-3819B/U-6039), including I-40 from west of SR 2003 (Radio Road) to SR 2158 (Old Mocksville Road) and I-77 from south of SR 2321 (East Broad Street) to south of SR 2171 (Jane Sowers Road), in Iredell County, North Carolina. Reference also the modifications to the permit issued on February 25, 2021 (Mod01) and December 14, 2021 (Mod02).

On December 22, 2022, the U.S. Army Corps of Engineers (Corps) received your third request (Mod03) to modify the standard permit for the I-3819B/U-6039 project to include revisions resulting in changes to permitted impacts at two impact sites (Sites 22 and 23). Two new impact sites (Sites 22A and 22B) have been added within the footprint of the previously permitted Site 22. This modification would result in the reduction of 778 linear feet of permanent stream channel impacts, including a reduction of 778 linear feet of stream bank stabilization impacts. There is also a reduction of 13 linear feet of temporary stream channel impacts. There are no changes to wetland impacts.

The revised stream impacts for the project total 2,527 linear feet of permanent stream impacts (which includes 361 linear feet of stream bank stabilization impacts) and 469 linear feet (0.10 acre) of temporary stream impacts. The wetland impacts, not including utility impacts, remain at 1.07 acre of permanent fill, 0.33 acre of mechanized clearing in wetlands, and 2.64 acres of temporary wetland fill. Utility impacts remain at <0.01 acre of permanent fill, 0.16 acre of mechanized clearing in wetlands, 0.27 acre of temporary wetland fill, and <0.01 acre of non-404 hand clearing in wetlands.

The Corps has completed the evaluation of your request and has determined that it is appropriate and reasonable, and that no public notice is required for this modification. Therefore, the permit is modified as requested (with the updated Special Condition as shown below) and as shown on the enclosed revised Permit Drawings, Sheets 1, 30, 31, 32, 33, 34, 35, & 67 of 67, revised on November 29, 2022. The mitigation requirement for this project has not changed.

For your information, the following special condition from the original authorization has been updated to reference the revised design plans for the modifications:

1. All work authorized by this permit shall be performed in strict compliance with the submitted plans, as revised by modification requests, which are part of this permit. The Permittee shall ensure the construction design plans for this project do not deviate from the submitted original and revised permit plans. Any modification to the permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.

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.

All other conditions of the permit, including the permit expiration date of December 31, 2025, remain in effect as written. Should you have any questions, contact Mr. Eric Alsmeyer, via email at Eric.C.Alsmeyer@usace.army.mil or by telephone at (919) 554-4884, extension 23.

FOR THE COMMANDER

Monte 2023.02.10 Matthews 09:19:48 -05'00'

Monte Matthews

Chief, Transportation Permit Branch

Enclosures

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



January 12, 2023

Jamie J. Lancaster, P.E. Environmental Analysis Unit NC Department of Transportation 1598 Mail Service Center Raleigh, NC 27699-1598

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water

Act with ADDITIONAL CONDITIONS for Proposed improvements to I-40/I-77 interchange

improvements including I-40 from west of SR 2003 to SR 2158 and I-77 from south SR 2321 to south SR

2171 in Iredell County, TIP I-3819B, NCDWR Project No. 2019-1006v4.

Dear Mr. Lancaster:

Attached hereto is a modification of Certification No. WQC004203 issued to The North Carolina Department of Transportation (NCDOT) dated November 19, 2019, revised January 30, 2020; modified February 12, 2021 and December 9, 2021.

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

Sincerely.
Docusigned by:

Imy Champman

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

Attachments

Electronic copy only distribution:

Monte Matthews, US Army Corps of Engineers, Raleigh Field Office Michael Turchy, NCDOT EAU Holland Youngman, US Fish and Wildlife Service Amanetta Somerville, US Environmental Protection Agency Andrea Leslie, NC Wildlife Resources Commission File Copy



Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act 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 This certification authorizes the NCDOT to impact additional linear feet of jurisdictional streams in Iredell County as shown in the table below. The project shall be constructed pursuant to the modification dated received December 30, 2022. The additional authorized impacts are as described below:

Stream Impact Changes in the Yadkin-PeeDee River Basi	Stream Imp	act Changes	in the	Yadkin	-PeeDee	River	Basin
---	------------	-------------	--------	--------	---------	-------	-------

Site	Permanent Perennial Channel Impacts(lf)	Permanent Perennial Bank Stabilization (lf)	Temp Perennial Channel Impacts (lf)	I I W R Wiifigaifan	
Site 22	430 455	0 901	0	0	
Site 22A	0	20	0	0	
Site 22B	25	25	0	25	
Site 23	0	78 0	20 33	0	
TOTAL:	25	123	20	25	

The application provides adequate assurance that the discharge of fill material into the waters of the **Yadkin-PeeDee River Basin** in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modified application dated received December 30, 2022. All the authorized activities and conditions of certification associated with the original Water Quality Certification and subsequent modifications dated November 19, 2019, revised January 30, 2020; modified February 12, 2021, and December 9, 2021.

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). 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.

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 or CAMA 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 12th day of January 2023

DIVISION OF WATER RESOURCES

Docusigned by:

Amy Champman

Richard E. Rogers, Jr., Director

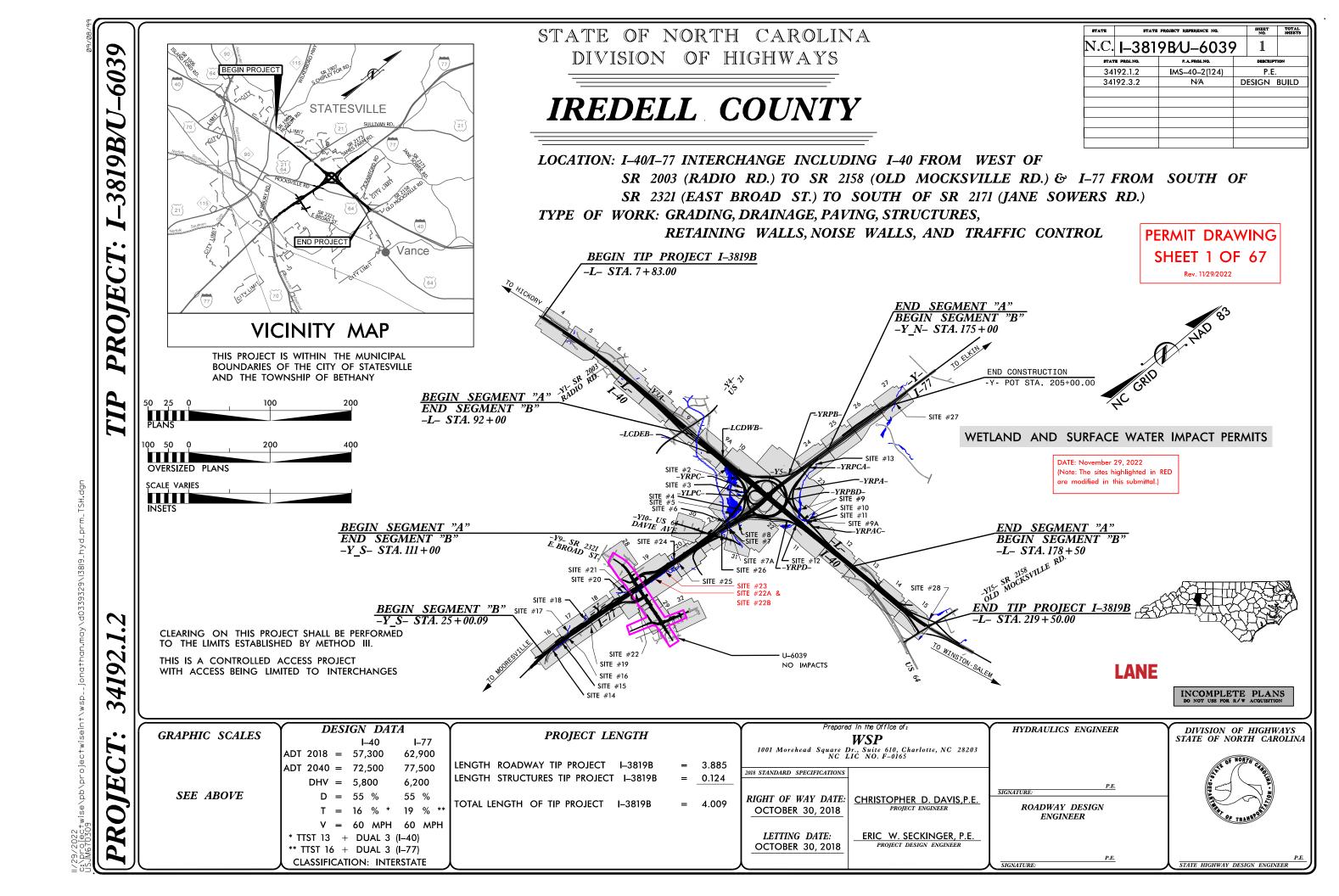
WQC No 004203

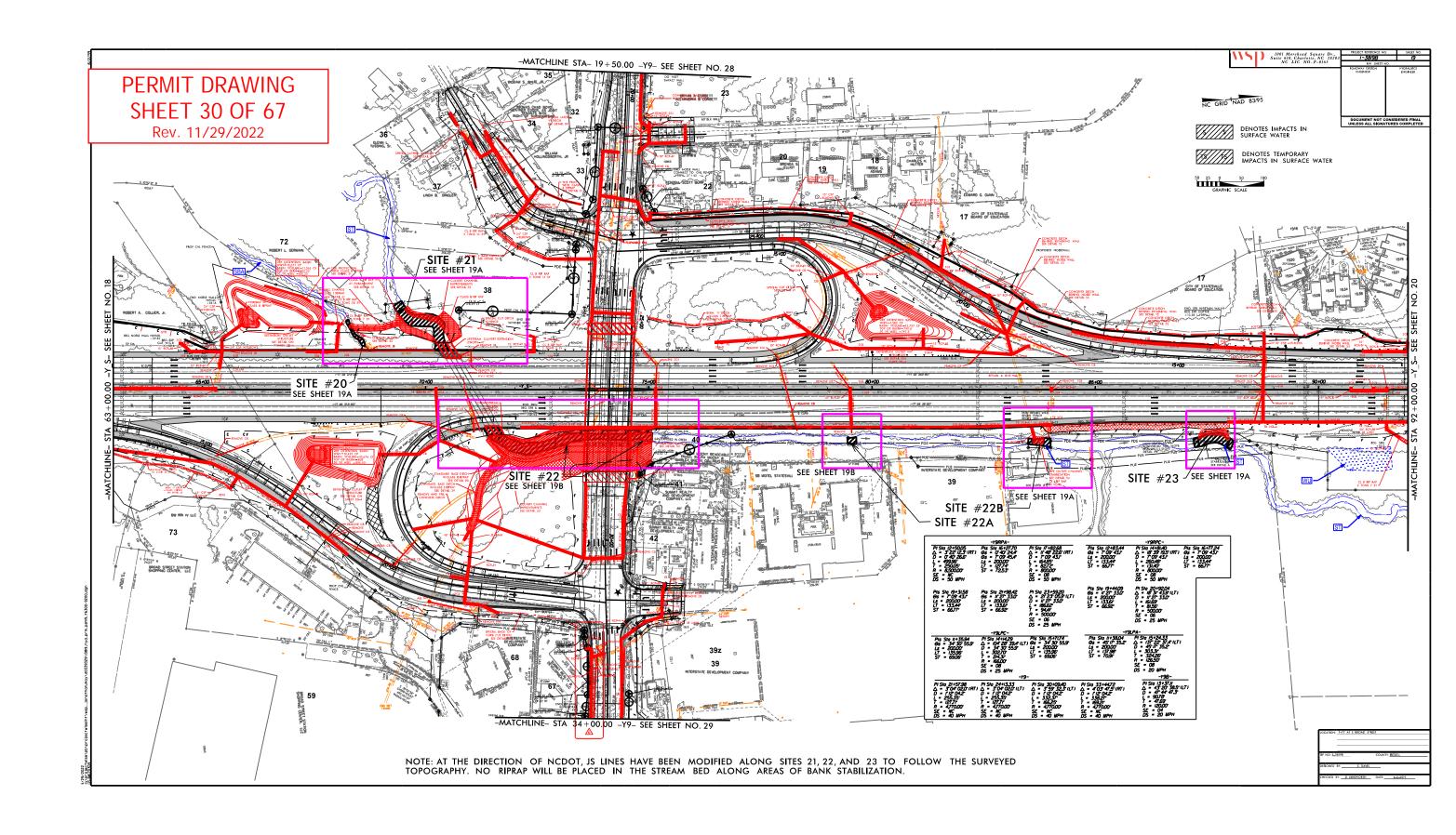
ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR. Director

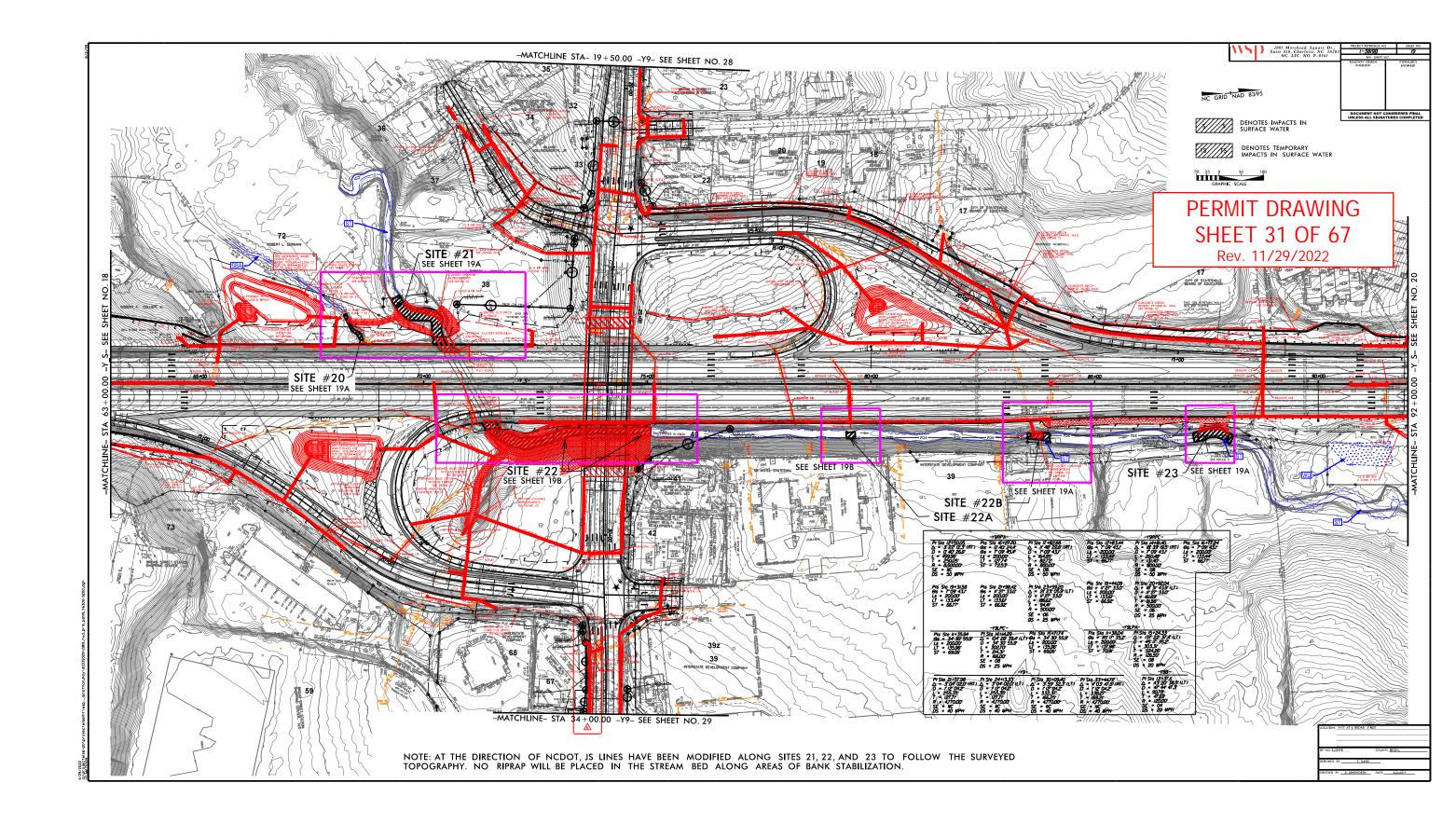


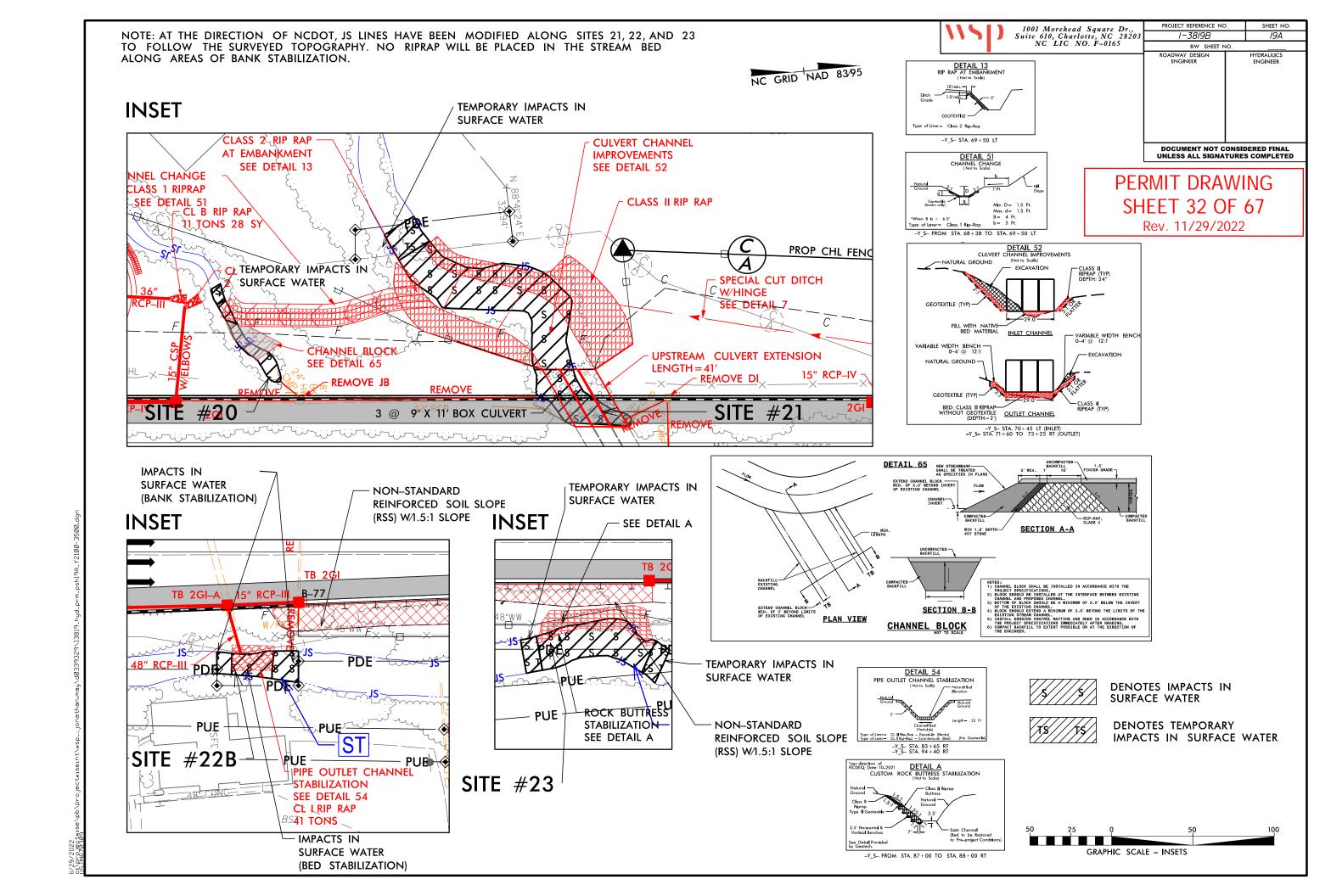
	NCDWR Project No.:	County:
	Applicant:	
	Project Name:	
	Date of Issuance of 401 Water	er Quality Certification:
any subsequent modification. Unit, North Carolina may be returned to North	Ill work approved within the 401 factions, the applicant is require Division of Water Resources, 10	Water Quality Certification or applicable Buffer Rules, and ed to return this certificate to the 401 Transportation Permitting 517 Mail Service Center, Raleigh, NC, 27699-1617. This form blicant's authorized agent, or the project engineer. It is not
Applicant's Certifica	tion	
compliance and inten-		by state that, to the best of my abilities, due care and diligence hat the construction was observed to be built within substantial fication and Buffer Rules, the approved plans and
Signature:		Date:
Agent's Certification		
was used in the obser compliance and inten-	vation of the construction such t	eby state that, to the best of my abilities, due care and diligence hat the construction was observed to be built within substantial fication and Buffer Rules, the approved plans and
Signature:		Date:
Engineer's Certificat	ion	
Partial	Final	
Permittee hereby state construction such that	e that, to the best of my abilities t the construction was observed	s a duly registered Professional Engineer in the State of North cally, weekly, full time) the construction of the project for the due care and diligence was used in the observation of the to be built within substantial compliance and intent of the 401 proved plans and specifications, and other supporting materials.
Signature		Registration No

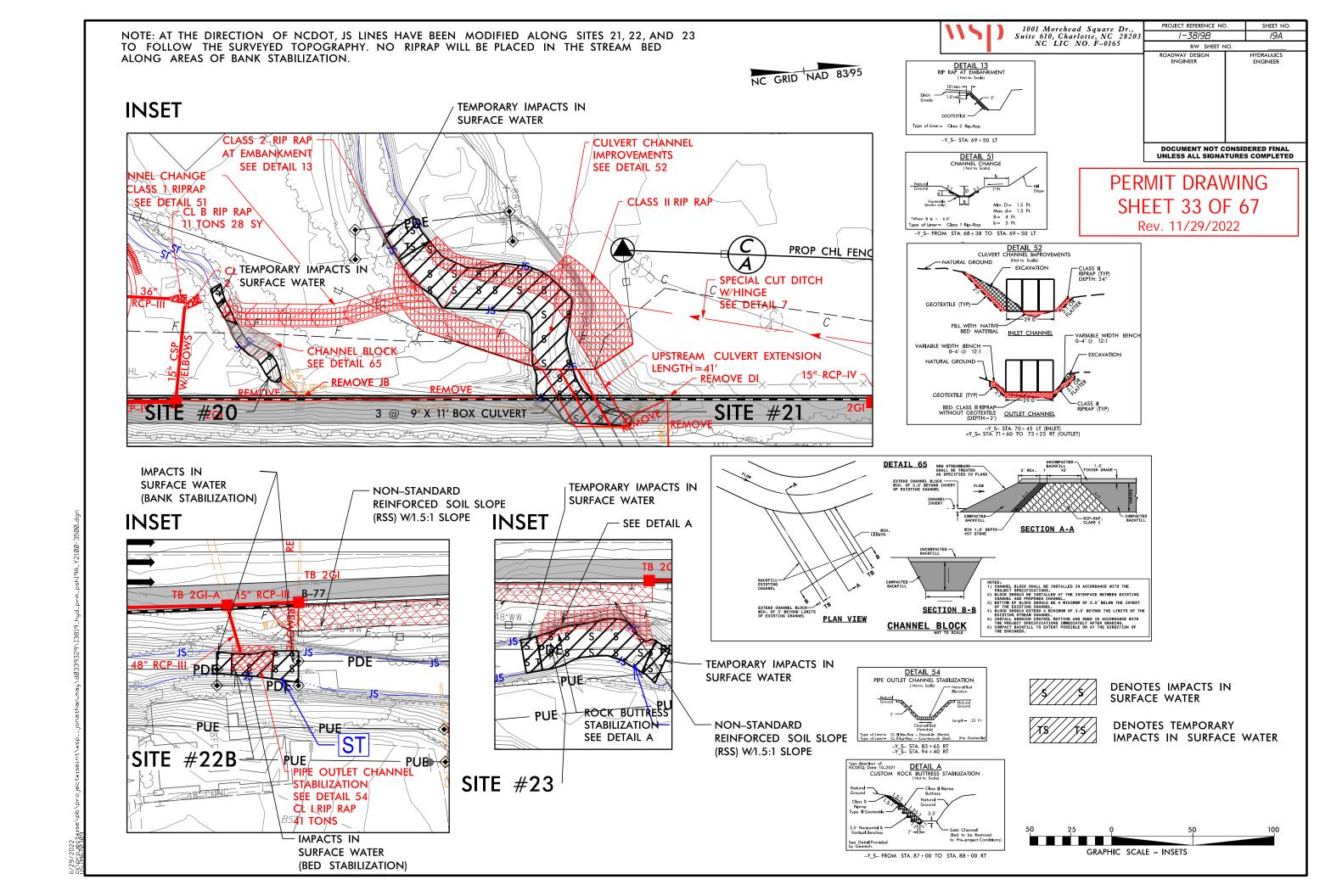


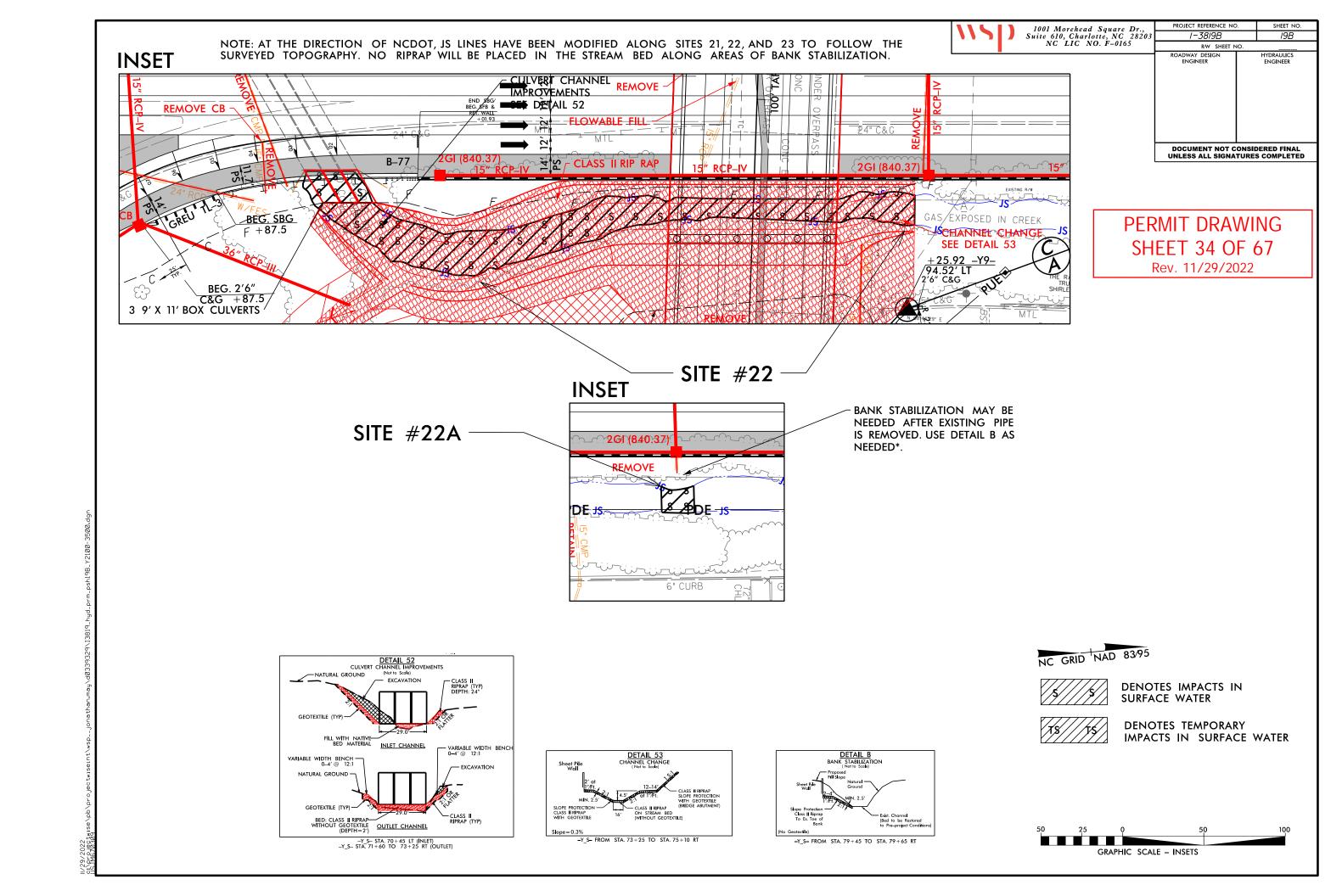


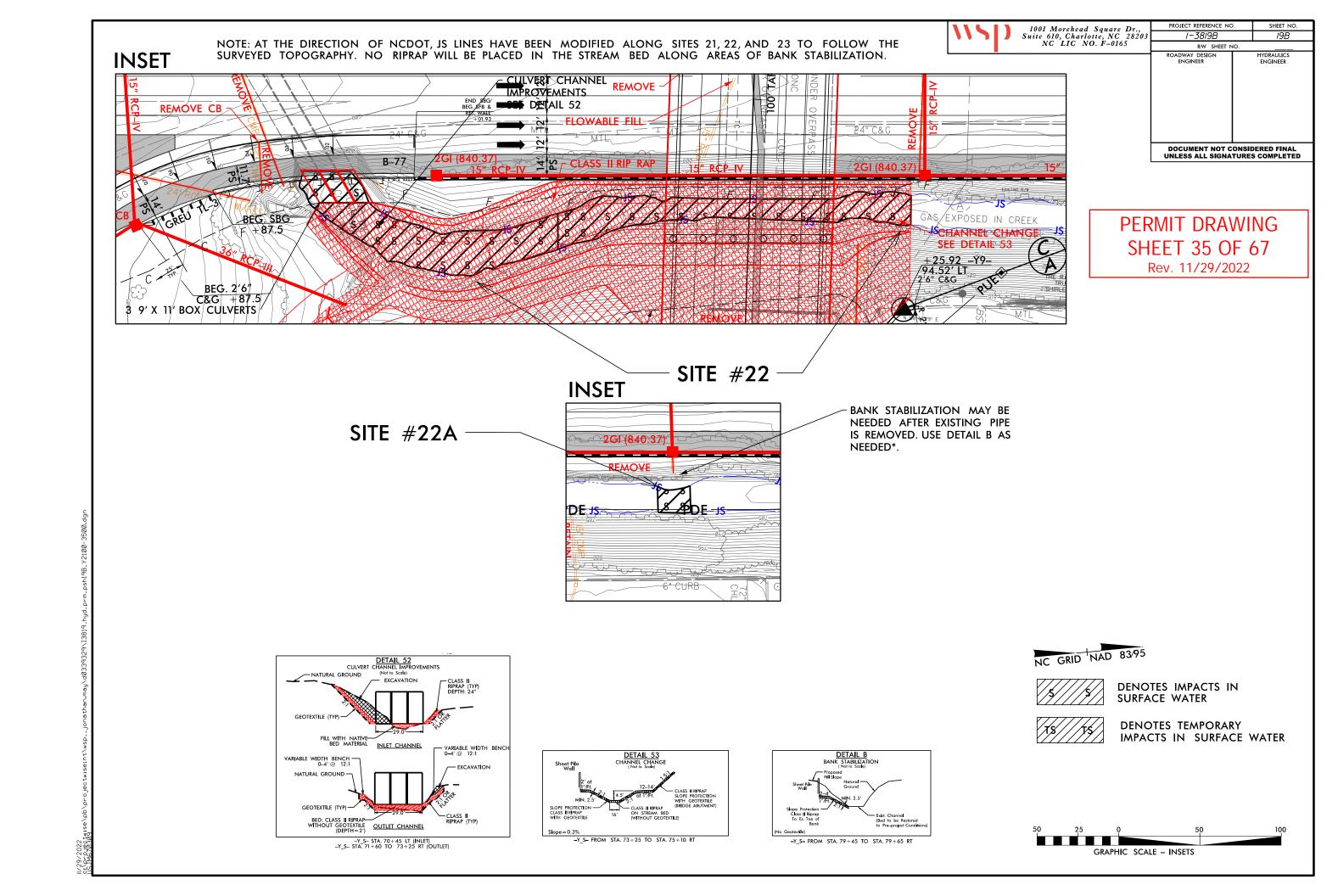












	WETLAND AND SURACE WATER IMPACTS SUMMARY											
			WETLAND IMPACTS SURFACE WATER IMPA						PACTS			
							Hand			Existing	Existing	
			Permanent	Temp.	Excavation	Mechanized	Clearing	Permanent	Temp.	Channel	Channel	Natural
Site	Station	Structure	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Wetlands	Wetlands	Wetlands	in Wetlands	Wetlands	impacts	impacts	Permanent	Temp.	Design
			(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ac)	(ft)	(ft)	(ft)
18	47+50-Y-	54" RCP Extension						< 0.01		39		
18	47+50-Y-	Stream Bed Stabilization						< 0.01	< 0.01	33	10	
19	46+00-Y-	Roadway Fill						< 0.01		34		
20	68+50-Y-	New Channel						< 0.01	< 0.01	13	10	
20	68+50-Y-	Roadway Fill						< 0.01		48		
21	70+20-Y-	3@9'X11" RCBC Extension						0.02		39		
21	69+20-70+20-Y-	Stream Bed Stabilization						0.08	< 0.01	137	21	
22	71+30-71+90-Y-	3@9'X11" RCBC Extension						0.02		45		
22	71+90-72+89-Y-	Stream Bed Stabilization						0.08		160		
22	72+89-75+10-Y-	New Channel						0.08		225		
22A	79+45-79+65-Y-	Stream Bank Stabilization						< 0.01		20		
22B	83+50-83+59-Y-	Stream Bank Stabilization						< 0.01		9		
22B	83+59-83+84-Y-	Stream Bed Stabilization						< 0.01		25		
22B	83+84-84+00-Y-	Stream Bank Stabilization						< 0.01		16		}
23	87+21-88+09-Y-	Stream Bank Stabilization						0.03	< 0.01	78	20	}
24	93+75-Y-	66" RCP Extension						< 0.01	< 0.01	49	10	
25	94+50-Y-	66" RCP Extension						< 0.01		10		
25	94+50-Y-	Stream Bed Stabilization						< 0.01	< 0.01	21	21	
26	116+70-120+10-Y-	Roadway Fill	0.09			0.04						
27	210+00-Y-	60" RCP Extension						< 0.01		29		
27	210+00-Y-	Stream Bed Stabilization						< 0.01	< 0.01	19	10	
28	24+00-Y15RPB-	Stream Bed Stabilization						< 0.01	< 0.01	16	11	
SHEET	66 SUBTOTAL		0.98	2.64	0.00	0.29	0.00	0.16	0.07	1462	356	0.00
SHEET	67 SUBTOTAL		0.09	0.00	0.00	0.04	0.00	0.38	0.03	1065	113	0.00
PROJE	CT TOTALS*:		1.07	2.64	0.00	0.33	0.00	0.54	0.10	2527	469	0.00

^{*}Rounded totals are sum of actual impacts for entire project area

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

11/29/2022
IREDELL
TIP NO. I-3819B
WBS NO.
SHEET 67 OF 67

Revised 2018 Feb