

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

JOSH STEIN GOVERNOR J.R. "JOEY" HOPKINS Secretary

March 6, 2025

MEMORAND	UM TO:	Division Environmental and Construction Units
FROM:	mat	Michael A. Turchy, ECAP Group Leader Environmental Analysis Unit
SUBJECT:		Environmental Permits for the I-85/I-485 interchange improvements in Mecklenburg County, Division 10, TIP: I-6016 .

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Nationwide Permit 14	March 14, 2026
NC Division of Water Resources Section 401 Water Quality Certification	Individual Certification No. 007493	March 14, 2026

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.

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/

The Project Commitments "Greensheet" is located on the Preconstruction SharePoint Dashboard at: https://connect.ncdot.gov/site/preconstruction



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT WILMINGTON REGULATORY OFFICE 69 DARLINGTON AVENUE WILMINGTON NORTH CAROLINA 28403

March 4, 2025

Regulatory Division SAW-2025-00063

Sent Via email: ekcheely@ncdot.gov

Erin Cheely, Western Team Lead Environmental Coordination & Permitting North Carolina Department of Transportation 1598 Mail Service Center Raleigh, NC 27699-1598

Dear Ms. Cheely:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Wilmington District, WRDA / Transportation Branch on January 9, 2025, for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAW-2025-00063 and is known as NCDOT, I-6016, Interstate 85 (I-85), Sam Wilson Road and Interstate 485 (I-485) Interchange and Roadway Improvements in Mecklenburg County, N.C. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include Interstate and Interchange improvements on and along 1.42-mile-long segment of I-85 associated with the I-85 and I-485 interchange. These improvements will include the permanent placement of cut/fill/structure in a total of 216 linear feet (If), the permanent placement of 36 If of bank stabilization, temporary placement of bank stabilization in 36 If, and a total of 108 If of temporary dewatering activities in unnamed tributaries to Catawba River. The project area for this determination includes an approximate 37 acres area which is illustrated on the enclosed site plans/maps. The project/review area is located across tributaries of Catawba River; at location on and along a segment of I-85, Sam Wilson Road Interchange, I-85/I-485 Interchange and I-485 from a location just east of the I-85 crossing of Catawba River through the I-85/I485 Interchange to a location east of I-85/I-485 Interchange, at Latitude 35.249510 and Longitude -80.969140; in Charlotte, Mecklenburg County, North Carolina.

We have determined that the proposed work is authorized by Nationwide Permit 14 (NWP-14) pursuant to authorities under Section 404 of the Clean Water Act (33 U.S.C § 1344). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or

nature of the authorized impacts to waters are modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific 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 7, 2025. 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.
- 3. Since suitable habitat for tricolored bat (Perimyotis subflavus) may be present in the I-6016 project area, the permittee agrees to implement the follow conservation measures for the NCDOT, I-6016, Interstate 85 (I-85), Sam Wilson Road and Interstate 485 (I-85) Interchange and Roadway Improvements in Mecklenburg County, N.C.:
 - a. Should two years pass between the completed structure surveys for bats and the start of construction, surveys will be repeated to ensure absence of roosting bats.
- 4. 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 Forms. The requirements of these forms, including any special conditions listed on these forms, are hereby incorporated as special conditions of this permit authorization.

 NCDOT Project Manager and NCDOT Cultural Resources Group will continue coordination to minimize impacts to gravesites identified within Mt. Zion Cemetery and develop a plan for potential relocations if impacts cannot be avoided to comply with North Carolina General Statutes Chapter 65 (Cemeteries).

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Stephen Brumagin, WRDA Project Manager of the WRDA / Transportation Branch at (704) 798-6471, by mail at the above address, or by email at stephen.a.brumagin@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at https://regulatory.ops.usace.army.mil/customer-service-survey/.

Sincerely,

M. Scott Jones, PWS WRDA / Transportation Branch Chief USACE - Wilmington District

Enclosures

Project Plans 401 WQC NWP-14

cc (w/enclosures)

William Barrett, NCDOT (via wabarrett@ncdot.gov) Joel Howard, NCDOT Div 10 (via jmhoward@ncdot.gov)

Compliance Certification Form

File Number: SAW-2025-00063

County: Mecklenburg

Permittee: North Carolina Department of Transportation , Erin Cheely

Project Name: NCDOT, I-6016, Interstate 85 (I-85), Sam Wilson Road and Interstate 485 (I-85) Interchange and Roadway Improvements in Mecklenburg County, N.C.

Date Verification Issued: 2/3/2025

Project Manager: Stephen 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 Brumagin Charlotte Field Office 8430 University Executive Park Drive Suite 615 Charlotte, NC 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, and mitigation (if applicable), authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions.

Date Authorized Work Started: _____ Completed: _____

Describe any deviations from permit (attach drawing(s) depicting the deviations):

*Note: The description of any deviations on this form does not constitute approval by the Corps.

Signature of Permittee

<u>US Army Corps of Engineers – Wilmington District</u> <u>Compensatory Mitigation Responsibility Transfer Form</u>

Permittee: Erin Cheely

Action ID: SAW-2025-00063

Project Name: NCDOT, I-6016, Interstate 85 (I-85), Sam Wilson Road and Interstate 485 (I-85) Interchange and Roadway Improvements in Mecklenburg County, N.C. 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 Wilmington District 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 verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether 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 ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the 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 Imp	d Impacts Requiring Mitigation*: 8-digit HUC and Basin: 03050101, Catawba River Basin						
Stream Impact	s (linear feet)		Wetland Impacts (acres)				
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal	
216							

*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: 03050101, Catawba River Basin

Stream Mitigatio	on (credits)		Wetland Mitigation (credits)					
Warm	Cool	Cold	Riparian Riverine Riparian Non-Riverine Non-Riparian Co					
432								

Mitigation Site Debited: NCDMS in-lieu fee program.

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 Wilmington District, 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.

Mitigation Sponsor Name: NCDMS

Name of Sponsor's Authorized Representative: ______ Beth 1

Beth Harmon

Clizabeth Harmon

Signature of Sponsor's Authorized Representative

03/06/2025

Date of Signature

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the District 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 District 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. When NCDMS provides mitigation 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 NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District 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 District 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 District, the Sponsor must obtain case-by-case approval from the District 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 District administrative records for both the permit
 and the Bank/ILF Instrument.

Comments/Additional Conditions: NCDMS provided a letter dated September 23, 2024, indicating their approval to provide stream mitigation for 216 lf of stream impacts from NCDOT I-6016 project in Mecklenburg County.

This form is not valid unless signed below by the District 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 District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to <u>SAWMIT@usace.army.mil</u>). Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

USACE Project Manager:	Stephen Brumagin					
USACE Field Office:	Charlotte Field Office					
	US Army Corps of Engineers					
	8430 University Executive Park Drive					
	Charlotte					
Email: Style a t	Stephen.a.brumagin@usace.army.mil Digitally signed by BRUMAGIN.STEPHEN.A.128352 0737 Date: 2025.03.03 14:15:17 -05'00'					

Wilmington District Project Manager Signature

March 3, 2025 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.

From:	Youngman, Holland J
To:	Barrett, William A
Subject:	Re: [EXTERNAL] I-6016 Informal Concurrence Request
Date:	Thursday, January 2, 2025 2:23:49 PM
Attachments:	image001.png

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Bill, A response to your request for informal conference on tricolored bat is provided below. Please let me know if anything additional is needed for this project.

Informal Conference for Tricolored Bat (*Perimyotis subflavus*) Relating to the Subject Project - FWS Log # 25-118

We have reviewed the information you submitted and the following is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C.§ 4321 et seq.); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661 - 667e); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

NCDOT proposes improvements to the I-85/I-485 Interchange in Charlotte near Belmont, Mecklenburg County. The action area is within a developed interstate corridor interspersed with portions of intact forest . Tree clearing was previously completed within the action area. Bridge and culvert replacement, percussive actions, lighting replacement, and night work with temporary lighting will occur. According to the information provided, suitable bat roosting structures were surveyed for bats and signs of bats on August 1, 2024, and results were negative. No conservation measures associated with the proposed work were provided, though the following is assumed based on NCDOT's operational procedures:

1. Should two years pass between the completed structure surveys for bats and the start of construction, surveys will be repeated to ensure absence of roosting bats.

The information provided indicates that "No Effect" (NE) determinations have been made for Michaux's sumac (*Rhus michauxii*), smooth coneflower (*Echinacea laevigata*), and Schweinitz's sunflower (*Helianthus schweinitzii*). In instances of suitable habitat being absent from the action area, we would agree that NE determinations are appropriate. In instances where suitable habitat is present and botanical surveys conducted during the optimal survey window and within the past 1 or 2 years (depending on the species) have negative results, we would concur with a biological determination of "may affect, not likely to adversely affect" (NLAA). This information is provided for the sake of the administrative record.

On September 14, 2022, the U.S. Fish and Wildlife Service published a proposal in the Federal Register to list the tricolored bat (*Perimyotis subflavus*) as endangered under the Act. As a result, NCDOT has requested a conference for the tricolored bat as the project may be on-going after the effective date of any final listing rule, if one is published. Based on the information provided, the negative survey results, and the existing conditions within the action area, we have determined that the proposed project will not jeopardize the continued existence of the tricolored bat. Additionally, we would concur with the NCDOT's determination that the project is NLAA the tricolored bat should

it become listed.

<u>Conservation Recommendations</u>: Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed/proposed species or critical habitat, to help implement recovery plans, or to develop information.

- **Structure Demolition**: Avoid conducting demolition of suitable bat roosting structures during the pup season (May 1 - July 15). These dates are for the year-round active zone 1, as explained in Appendix L of the Service's Range-wide Indiana Bat and Northern Long-eared Bat Survey Guidelines: https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines. This guidance includes tricolored bat.

- Lighting:

- Should night work occur from April 1 July 15, direct temporary lighting at the work area and shield lighting from illuminating the surrounding landscape, especially any waterbodies and riparian areas. Turn lighting off when not needed for safety or ongoing work.
- When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the Backlight-Uplight-Glare (BUG) system developed by the Illuminating Engineering Society, the goal is to be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable.
- Use light fixtures with a lower lumen output, reducing overall brightness, and use the shortest light poles that meet highway and safety requirements.
- Prioritize use of low-pressure sodium (LPS), high-pressure sodium (HPS), or LED light sources that emit "warm" light. "Warm" light sources are those that contain low amounts of blue light in their spectrum. Choosing light sources with a color temperature of no more than 3,000 Kelvins will minimize the effects of blue light exposure. If using LEDs, use lights with Type I or II distribution patterns that create rectangular lighting patterns that limit light spill into adjacent habitats.

-Riparian Replanting: Because the removal of forested riparian habitat can affect the quality and suitability of foraging and commuting habitat for bats, we recommend replanting any impacted riparian zones with native, fast-growing trees and shrubs that would serve to block light pollution and improve the quality of the habitat not only for bats but for aquatic species. Examples of potential native tree species to plant include: Sycamore, tulip poplar, black cherry and river birch. Planting with established (e.g. containerized) young trees can increase the survival rate of plantings and contribute to faster improvement of riparian habitat.

We believe the requirements under section 7 of the Act are fulfilled for the federally listed species discussed above. However, obligations under section 7 must be reconsidered if: (1) new information reveals impacts of this proposed action may affect listed species or critical habitat in a manner not previously considered, (2) this proposed action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed, or critical habitat is determined that may be affected by the proposed action.

We appreciate the opportunity to provide these comments. In any future correspondence on this project, please reference FWS Log # 25-118.

Sincerely,

Holland Youngman (she/her) Wildlife Biologist U.S. Fish and Wildlife Service Asheville Ecological Services Field Office 160 Zillicoa Street, Asheville, North Carolina, 28801 Cell: 828-575-3920

From: Barrett, William A <wabarrett@ncdot.gov>
Sent: Thursday, October 31, 2024 8:48 AM
To: Youngman, Holland J <holland_youngman@fws.gov>
Subject: RE: [EXTERNAL] I-6016 Informal Concurrence Request

Hi Holland,

Thanks for the verification of receipt!

Regards, Bill

William A. Barrett ECAP Environmental Coordinator Environmental Analysis Unit North Carolina Department of Transportation

919 707 6103 office 919 302 1908 mobile wabarrett@ncdot.gov

1598 Mail Service Center (Mail) Raleigh, NC 27699-1598

1000 Birch Ridge Drive (Delivery) Raleigh, NC 27610



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties. JOSH STEIN Governor D. REID WILSON Secretary RICHARD E. ROGERS, JR. Director



February 27, 2025 Mecklenburg County NCDWR Project No. 20250022 I-6016 I-85/I-485 Interchange Improvements WBS Element No. 47968.1.1

APPROVAL of 401 WATER QUALITY CERTIFICATION with ADDITIONAL CONDITIONS

Mr. William Barrett NCDOT 1598 Mail Service Center Raleigh, NC, 27699-6103 WABarrett@NCDOT.gov

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS I-85/I-485 Interchange Improvements in Mecklenburg County, TIP No. I-6016, NCDWR Project No. 20250022, WBS No. 47968.1.1.

Dear Mr. Barrett

Attached hereto is a copy of Certification No. WQC007493 issued to The NCDOT dated February 27, 2025.

This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division, and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)]. This Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This letter completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Mary Plummer at 704-235-2193 or <u>Mary.Plummer@deq.nc.gov</u> if you have any questions or concerns.

Sincerely, Signed by:

Susan Locklear

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

Electronic copy only distribution:

Meadhunt, Eric Leonhart Steve Brumagin, US Army Corps of Engineers, Charlotte Regulatory Field Office Rebekah Reid, US Fish and Wildlife Service David McHenry, NC Wildlife Resources Commission File Copy



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 396 Linear Feet of jurisdictional streams in Mecklenburg County. The project shall be constructed pursuant to the application dated and received January 7, 2025. The authorized impacts are as described below:

	Stream Impacts (Emcar Feet) in the Catawba River Dash									
		Permanent in		Permanent in	Permanent Temporary in in		orary	Total	Stream Impacts	
	Site	Peren	nial	Intermittent	Intermittent	Peren	Perennial		Deguining	
		Culvort	Bank	Roadwa	ay Fill/	Spin	Spin Bank		Mitigation	
		Curvent	Stab.	Channel	Casting Stab.			Wingation		
1	SD1A	-	-	-	-	43	-	43	-	
2	SD1B	-	-	-	-	10	-	10	-	
3	SA2A	49	-	-	-	-	-	49	49	
4	SA2B	-	36	-	-	-	-	36	-	
5	SA2C	-	-	-	-	-	36	36	-	
6	SB3A	-	-	167	-	-		167	167	
7	SB3B	-	-	-	55	-	-	55	-	
Totals		49	36	167	55	53	36			
		85	5	10/		89		396	216	
		252		2		144				

Stream Impacts (Linear Feet) in the Catawba River Basin

Total Stream Impacts for Project: 396 Linear Feet.

The application provides adequate assurance that the discharge of fill material into the waters of the Catawba 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 application dated and received January 7, 2025. 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 300 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7).

For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit (if applicable).

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded. Upon the presentation of proper credentials, the Division may inspect the property.



Condition(s) of Certification:

Project Specific Conditions

- 1. Design and placement of culverts and other structures shall be installed in such a manner that the original stream profiles are not altered (i.e., the depth of the channel must not be reduced by a widening of the streambed). Existing stream dimensions (including pattern and profile) are to be maintained above and below locations of each culvert. The structures shall be designed and installed to allow for fish and other wildlife movement as well as prevent headcutting of the stream. The applicant may be required to provide evidence that the equilibrium has been maintained if requested in writing by the NCDWR. [15A NCAC 02H.0506(b)(2)]
- 2. 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 disequilibrium 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)]
- 3. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross sections 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)]
- 4. Riprap shall not be placed in the active thalweg channel. If placement in the streambed is approved per plans and permit, the riprap must be keyed-into the streambed in a manner that shall not preclude aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed. [15A NCAC 02H.0506(b)(2)]
- 5. 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)]
- 6. Turbidity curtains shall be used to isolate all work areas from the stream, including pile or casement installation, placement of riprap, excavation or filling. Strict adherence to the Construction and Maintenance Best Management Practices will be required.
- 7. Compensatory mitigation for 216 linear feet of impact to perennial 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), and that the DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated September 23, 2024 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.

General Conditions

1. 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]



- 2. 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)]
- 3. The dimension, pattern and profile of the stream above and below any crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
- 4. 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)]
- 5. 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)]
- 6. 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)]
- 7. 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)]
- 8. 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)]
- 9. 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)]
- 10. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
- 11. 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]
- 12. 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)]
- 13. 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 Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- 14. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization, including all non-commercial borrow and waste sites associated with the project, 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]
- 15. 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.
- 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)]



- 17. Upon completion of the project (including any impacts at associated borrow or waste sites), the authorized agent shall complete and return the "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0507]
- 18. Native riparian vegetation 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.0506(b)(2)]
- 19. 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)]
- 20. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within jurisdictional wetlands. [15A NCAC 2H.0506; 15A NCAC 2H.0507]
- 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 surface waters, or within 5 feet of the top of bank, without prior approval from DWR. [15A NCAC 02H.0506(b)(3) and (c)(3)]
- 23. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 {b)(3) and (c)(3) and 15A NCAC 02B .0200]
- 24. Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*.
- 25. All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.
- 26. For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.



This Certification shall become null and void unless the above conditions are made conditions of the (applicable) Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the (applicable) 404 or CAMA permit. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation.

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) within sixty (60) calendar days. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition forms may be accessed at http://www.ncoah.com/ or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on: Dan Hirschman, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S 150B-23(a).

This the 27th day of February 2025

DIVISION OF WATER RESOURCES

Susan Locklear

Signed by:

Richard E. Rogers, Jr., Director

WQC No. WQC007493



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D. REID W Secretary	/ILSON	+ far (2.03) +
RICHARD Director	E. ROGERS, JR.	NORTH CAROLINA Environmental Quality
	NCDWR Project No.: Applicant:	County:
	Project Name:	
	Date of Issuance of 401 Water Quality C	ertification:
	Certificate of Completion Upon completion of all work approved with any subsequent modifications, the applicant Unit, North Carolina Division of Water Res may be returned to NCDWR by the applica necessary to send certificates from all of the <i>Applicant's Certification</i>	hin the 401 Water Quality Certification or applicable Buffer Rules, and t is required to return this certificate to the 401 Transportation Permitting sources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form int, the applicant's authorized agent, or the project engineer. It is not ese.
	I, was used in the observation of the construct compliance and intent of the 401 Water Qu specifications, and other supporting materia	, hereby state that, to the best of my abilities, due care and diligence tion such that the construction was observed to be built within substantial ality Certification and Buffer Rules, the approved plans and als.
	Signature:	Date:
	Agent's Certification	
	I, was used in the observation of the construct compliance and intent of the 401 Water Qu specifications, and other supporting materia	, hereby state that, to the best of my abilities, due care and diligence tion such that the construction was observed to be built within substantial ality Certification and Buffer Rules, the approved plans and als.
	Signature:	Date:
	Engineer's Certification	
	Partial Final	
	I, Carolina, having been authorized to observe Permittee hereby state that, to the best of m construction such that the construction was Water Quality Certification and Buffer Rule	, as a duly registered Professional Engineer in the State of North e (periodically, weekly, full time) the construction of the project for the y abilities, due care and diligence was used in the observation of the observed to be built within substantial compliance and intent of the 401 es, the approved plans and specifications, and other supporting materials.
	Signature	Registration No
	Date	
	Completed hard copies can be emailed to <u>k</u> NCDEQ Transportation Permitting 1617 Mail Service Center Raleigh NC 27699-1617	ristilynn.carpenter@ncdenr.gov or mailed to:

THE STATE OF



Highway Stormwater	North Carolina Department of Transpo Highway Stormwater Program STORMWATER MANAGEMENT PL FOR NCDOT PROJECTS					'n				
WBS Element: 47968.1.1	TIP/Proj No:	I-6016		County(ies):	Mecklenburg			P	age 1	of 2
			Ge	neral Proiect I	nformation					
WBS Element:	47968.1.1		TIP Number:	I-6016		Project	Type:	Roadway Widening	Date:	8/7/2024
NCDOT Contact:	Brook Anderson, PE				Contractor / Desig	gner:	Eric M. Leo	onhart, PE		
Address:	1000 Birch Ridge Di	rive				Address:	111 E. Har	rgett Street		
	Raleigh, NC 27610						Suite 300			
							Raleigh, N	IC 27601		
Phone:	(919) 707-6706					Phone:	(919) 526-	·1001		
Email:	beanderson1@ncdc	ot.gov				Email:	eric.leonha	art@meadhunt.com		
City/Town:		Chai	rlotte		County(ies):	Meckle	nburg			
River Basin(s):	Catawb	a			CAMA County?	N	c			
Wetlands within Project Limits?	No									
			-	Project Desc	ription					
Project Length (lin. miles or feet):	1.42		Surrounding L	and Use:	Low Density Reside	ential, Comme	rcial, Indust	trial		
			Proposed Project	t				Existing Site		
Project Built-Upon Area (ac.)		37.1		ac.			30.8	ac.		
Typical Cross Section Description:	I-85: varying 4-6 lanes	with 22' media	n and concrete media	n barrier. Additio	nal 14' shoulder (10'	I-85: varying	4-6 lanes w	vith 22' median and concrete	e median barr	ier, 14' shoulder (10'
	lanes) with varving pa	ved/grass shoul	der widths (see proie	ct cross sections	for additional detail).	paveu). RFB	. To paveu	iane w/ o shoulders (4 pav	eu) on each s	side.
	RPB: 16' lane with 12'	paved shoulder	w/ expressway gutte	r on LT side.	,					
Annual Avg Daily Traffic (yeh/br/day):	Design/Euture:	14	58 125	Vear	2030	Existing		152 500		ear: 2025
General Project Narrative:	NCDOT is proposing	n a Collector F	Distrubutor (C-D) Ro	ad along I-85 S	B in Mecklenburg co	punty to bein r	l elieve traffic	concestion from both direc	ctions of I-485	to L85 SB. The
Quality Impacts)	Concrete Box Culve require minor chann be used as bank sta measures include st extensions to align v	rt within the pr lel improvemen ibilization. All r icepening fill s with the existin	oposed project limi its on the upstream najor structures hav lopes and adding g g channel in order t	ts beneath exis side. The char ve been designe uardrail to avoid to avoid a chan o avoid a chan	ting I-85 SB. The exi nel improvements w ad to have have as li I stream impacts bet nel realignment upst	isting culvert ra vill smoothly tit tttle environme ween 21+75 a ream of the cu	equires an e e the existin ental and su und 23+25 -l livert extens	extension on the upstream s g channel to the box culver Irface water impacts as pos LSB- LT and adding a dogle sion.	side. The culv t extension. C sible. Avoidan eg in the prop	ert extension will lass II Rip Rap will loce and minimization osed 2@6'x6' RCBC

Version 3.02; Released April 23, 2024) WBS Element: 47968 1.1	North Carolina Department of Transportation Highway Stormwater Program STORMWATER MANAGEMENT PLAN FOR NCDOT PROJECTS TIP/Proi No: 1-6016 Page 2 of								of 2
			General Broject	Information					
			Waterbody Inf	ormation					
Surface Water Body (1):		UT To Cat	awba River	NCDWR Stream I	ndex No.:		11-(122)		
			Primary Classification:	Water Supply I	V (WS-IV)	Class B			
NCDWR Surface Water Classification fo	or water Body		Supplemental Classification:	CA					
Other Stream Classification:									
Impairments:	No	ne							
Aquatic T&E Species?		Comments:				Buffer Bules in Effects			N1/A
NRIR Stream ID:	SD, SA, SB	No	Back Brains Bischerre Over B	uffer 2	NI/A	Butter Rules in Effect:	in Duffer?		N/A
Project includes Bruge Spanning Water	1 Bouy:		(If ves, provide justification in	the Ceneral Project	Norrative)	Ulf yes describe in the Ge	neral Project N	Jarrative: if no	iustify in the
(If yes, provide justification in the	general Project N	arrative)	(ii yes, provide justification in	the General Project	(Nallalive)	Gene	eral Proiect Na	rative)	, justily in the
(ii yee, provide jaeanedaen in ale		unuivo)					,	,	
Surface Water Body (2):		Catawt	NCDWR Stream Index No.:		11-(122)				
			Primary Classification:	Water Supply IV (WS-IV)		Class B			· · · · · · · · · · · · · · · · · · ·
NCDWR Surface water Classification fo	or water Body		Supplemental Classification:	CA					
Other Stream Classification:	NC Natural and	Scenic Rivers							
Impairments:	NO	ne Communitari							
Aquatic T&E Species?	INO	Comments:				Duffer Dules in Effects		0-	
NRTR Stream ID: Project Includes Bridge Spanning Wate	r Rody2	No	Dock Drains Discharge Over B	uffor?		Dissingtor Rules in Effect:	in Ruffor?	La	
Project includes Bruge Spanning Water	v2	N/A	(If yes, provide justification in the General Project Narrative)		/If yes describe in the General Project Narrative: if no justify in the				
(If yes, provide justification in the	General Project N	arrative)	(if yes, provide justification in the General Project Warrative)		General Project Narrative)				
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Surface Water Body (3):				NCDWR Stream I	ndex No.:				
NCDWP Surface Water Classification fr	w Water Body		Primary Classification:						
NCDWR Surface Water Classification ic	Water Bouy		Supplemental Classification:						
Other Stream Classification:									
Impairments:									1
Aquatic T&E Species?		Comments:							
NRTR Stream ID:			· · · · · · · · · · · · · · · · · · ·			Buffer Rules in Effect:			
Project Includes Bridge Spanning Wate	r Body?		Deck Drains Discharge Over B	uffer?		Dissipator Pads Provided	in Buffer?		
Deck Drains Discharge Over Water Bod	y?		(If yes, provide justification in	the General Project	Narrative)	(If yes, describe in the Ge	eneral Project N	Narrative; if no	, justify in the
(If yes, provide justification in the	(If yes, provide justification in the General Project Narrative) General Project Narrative)								





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			WETLAND IMPACTS				SURFACE	WATER IM	PACTS			
			Permanent	Temp.	Excavation	Mechanized	Hand Clearing	Permanent	Temp.	Existing Channel	Existing Channel	Natural
Site	Station	Structure	Fill In	Fill In	in	Clearing	in	SW	SW	Impacts	Impacts	Stream
No.	(From/To)	Size / Type	Wetlands (ac)	Wetlands (ac)	Wetlands (ac)	in Wetlands (ac)	Wetlands (ac)	impacts (ac)	impacts (ac)	Permanent (ft)	Temp. (ft)	Design (ft)
1	-LSB- Sta. 22+49 - 22+58 LT	Spin Casting Installation							< 0.01		43	
	-LSB- Sta. 21+94 - 22+00 RT	Spin Casting Installation							< 0.01		10	
2	-CD- Sta. 15+78 - 16+11 LT	Extend 2@6'x6' RCBC						0.01		49		
	-CD- Sta. 15+99 - 16+36 LT	Bank Stabilization						< 0.01	< 0.01	36	36	
3	-CD- Sta. 20+28 - 22+13 LT	Roadway Fill & Channel Change						0.02	< 0.01	167	55	
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