



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

September 20, 2018

MEMORANDUM TO: Mr. Scott Cole, P.E.
Division 10 Engineer

FROM: Philip S. Harris, III, P.E., Manager
for Environmental Analysis Unit

SUBJECT: **Modified Permits (Individual 404 and 401 for the I-77 HOT Lanes Project in Mecklenburg County, Division 10;**
Federal Aid Project No. NHF-077-1(209)9, WBS Nos. 45454.1.1

The Modified US Army Corps of Engineers Nationwide Permits and N.C. Division of Water Resources (NCDWR) Water Quality Certification for this project have been received. All environmental permits have been received for the construction of this project.

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

<https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx>

Quick Links>Permit Documents> Issued Permits.

cc: w/o attachment (see website for attachments)

Mr. Ron Davenport, P.E. Contracts Management
Mr. Larry Thompson, Division 10 Environmental Officer
Dr. Majed Al-Ghandour, P.E., Programming and TIP
Mr. Carl Barclay, P.E., Utilities Unit
Mr. Stephen Morgan, P.E., Hydraulics
Mr. Brian Hanks, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. Ron Hancock, P.E., State Roadway Construction Engineer



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

September 19, 2018

Regulatory Division

Action ID: SAW-2012-00156

North Carolina Department of Transportation,
Project Development and Environmental Analysis Unit
Attn: Mr. Philip S. Harris III, P.E.,
1548 Mail Service Center
Raleigh, NC 27699-1598

Dear Mr. Harris:

Please reference the Department of the Army permit issued on January 28, 2016 and the permit modifications issued May 20, 2016, November 24, 2016, and June 23, 2017 for the I-77 High Occupancy Toll (HOT) lanes project (TIP #s I5405, I4750AA and I3311C) which starts north of NC 150 in Iredell County and continues south along I-77, deviating from I77 at the I-277 interchange and following I-277 to terminate at North Brevard Street in Charlotte, Mecklenburg County, North Carolina. The January 28, 2016 permit authorized final impacts for the Central Section of the project and preliminary impacts for the South and North Sections. The May 20, 2016 permit modification authorized the final impacts for the North Section and the November 24, 2016 permit modification authorized the final impacts for the South Section. Total impacts authorized include the permanent impact to 4,162 linear feet of stream channel (of which 225 linear feet is bank stabilization), <0.01 acre of wetland, and <0.01 acre of open water. Temporary impacts include impacts to 491 linear feet of stream channel, 0.1 acre of wetland, and 0.06 acres of open water. Please additionally reference our June 23, 2017 letter authorizing minor modifications to the final permitted plans for the Central and South Sections. The August 13, 2018 request for permit modification will result in the following changes to previously permitted impacts for Site 5-C, at an intermittent unnamed tributary to Torrence Creek:

Below is the original (permitted) impact description from the December 12, 2016 Permit Application:

Stream Permit Site 5-C: To accommodate the widening to the median, a 35 lf extension of a 30" RCP, and 65 lf of bank stabilization will be required. In addition, there will be <0.01 acre (17 lf) of temporary stream impacts associated with these activities.

For the requested modification, the impact description at this Site 5-C remains accurate, but the 30" reinforced concrete pipe will now need to be extended 14 additional feet from 35 to 49 linear feet. This reduces the amount of bank stabilization that will be needed from 65 feet to 51 feet.

There are no changes to the temporary impact at Site 5-C.

This revision at Site 5C (displayed in red) modifies the project impacts noted below:

Project Section	HUC	Permanent		Temporary (lf)	USACE Mitigation (lf)	DWR Mitigation (lf)
		Fill in Channel (lf)	Bank Stabilization (lf)			
Central	03050101	179 + 14 = 193	225 - 14 = 211	491	179 + 14 = 193	174
North		27	23	298	27	-
Totals in 03050101		206 + 14 = 220	248 - 14 = 234	789	206 + 14 = 220	174
		454				
South	03050103	1,390	10	2,368	1,390	1,189
Totals in 03050103		1,400		-	-	-
Project Totals		1,596 + 14 = 1,610	258 - 14 = 244	3,157	1,596 + 14 = 1,610	1,363
		1,854				

After review of the file and the modification request we have determined that the proposed changes to the permit are minor, and that a supplemental public notice is not necessary. Accordingly your permit is hereby modified and a copy of the modified plans are enclosed.

The total impacts authorized by the January 28, 2016 permit, the May 20, 2016, the November 24, 2016, the June 23, 2017 permit modifications and this modification include the permanent impacts to 1,854 linear feet of stream channel (of which 244 linear feet is bank stabilization), <0.01 acre of wetland, and <0.01 acre of open water. Temporary impacts include 3,157 linear feet of stream channel, 0.23 acre of wetland, and 0.12 acres of open water.

In order to compensate for impacts for this project, mitigation shall be provided by the Division of Mitigation Services (DMS) 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.

It is understood that all other conditions of the original permit remain applicable. You should address all questions regarding this authorization to Ms. Nicholle Braspenickx at the Charlotte Regulatory Field Office, telephone (704) 510-0162.

FOR THE COMMANDER



Robert J. Clark
Colonel, U.S. Army
District Commander

Enclosure: Compensatory Mitigation Responsibility Transfer Form

Courtesy Copies:

Mr. John Sullivan, III, PE
Division Administrator
FHWA – NC Division
310 New Bern Avenue, Suite 410
Raleigh, NC 27601

Mr. Fritz Rohde
National Marine Fisheries Service
101 Pivers Island Road
Beaufort, North Carolina 28516

Ms. Amy S. Chapman
Transportation Permitting Unit
NC Division of Water Quality
1617 Mail Service Center
Raleigh, NC 27699-1617

Ms. Marla Chambers
Western Region Highway Project Coordinator
NCWRC
12275 Swift Road
Oakboro, NC 28129

US Fish and Wildlife Service
Asheville Ecological Services Field Office
Attn: Marella Buncick
160 Zillicoa Street
Asheville, NC 28801-1082

Mr. Todd Bowers
Wetlands Protection Section – Region IV
Water Management Division
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303

North Carolina Dept. of Environmental Quality
Division of Water Resources
Transportation Permitting Unit
Ms. Donna Hood
610 E. Center Ave, Ste 301.
Mooresville, NC 28115

Compensatory Mitigation Responsibility Transfer Form

Permittee: North Carolina Department of Transportation, Mr. Phillip S, Harris III, P.E.

Action ID: 2012-00156

Project Name: I 77, HOT Lanes

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: 03050101, Catawba River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
14						

*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 Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
14						

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.

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

Signature of Sponsor's Authorized Representative

Date of Signature

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.

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: Ms. Nicholle Braspenickx
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.Braspenickx@usace.army.mil

Comment: This form reflects the modification requested by the Permittee in their letter dated August 13, 2018. The Permittee has already purchased the previously required 1,596 linear feet of compensatory stream mitigation.

USACE Project Manager Signature

09/21/2018

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>



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Attn: Mr. Philip S. Harris III, P.E.,
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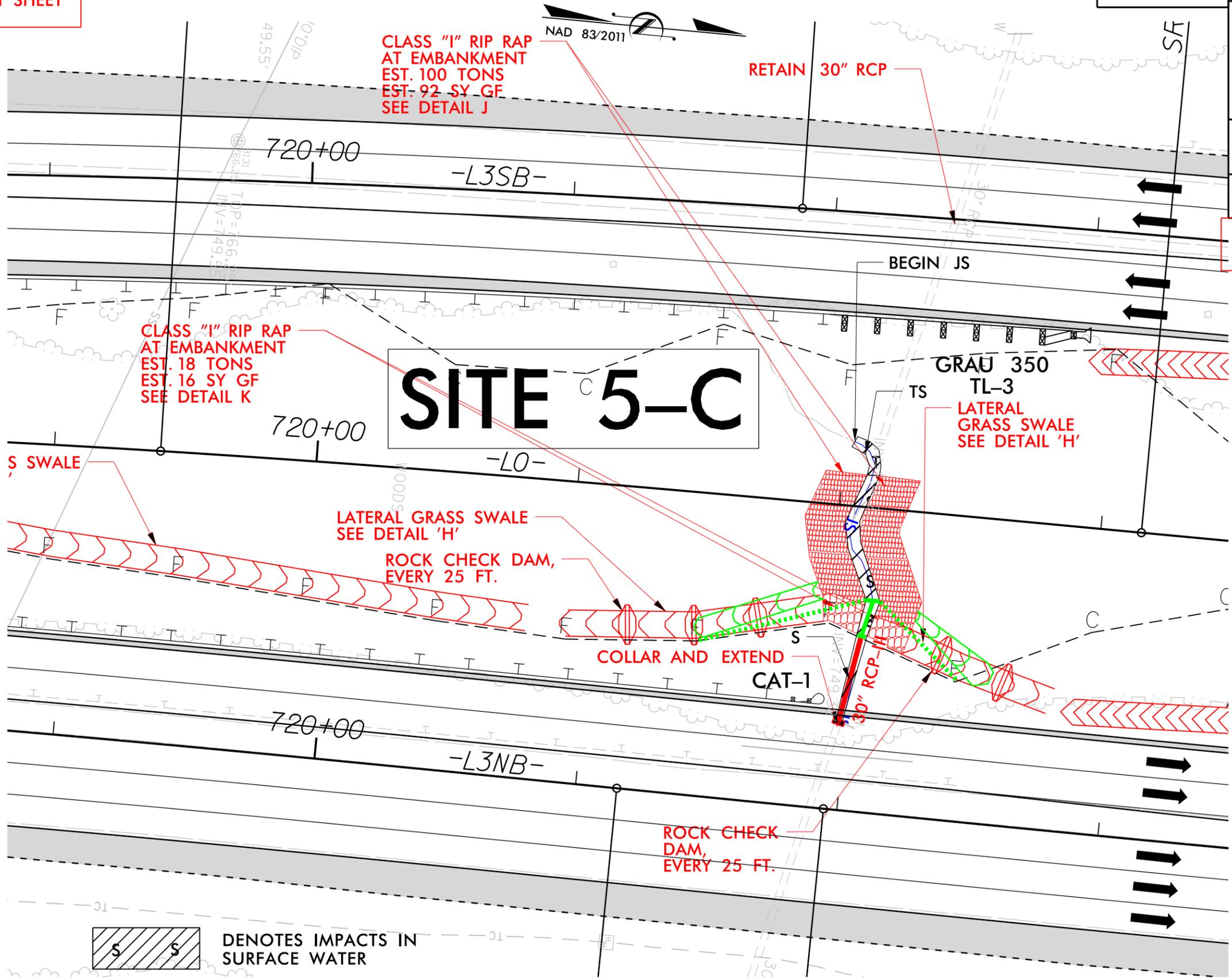
Western Region Environmental Program Supervisor II
Natural Environment Section
Project Development and Environmental Analysis
NC Department of Transportation
Attn: Ms. Carla Dagnino
1598 Mail Service Center
Raleigh, NC 27699 -1598

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION
PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

sugar creek
construction, LLC

Louis Berger

PERMIT DRAWING
SHEET 16 OF 27



DENOTES IMPACTS IN SURFACE WATER



DENOTES TEMPORARY IMPACTS IN SURFACE WATER

30-AUG-2015 15:18
IP:\P\F\dms29633\1-5405-HYD-PRM-WET_PSH_031-04.dgn
AT CAMARCO

WETLAND PERMIT IMPACT 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-C	371+40 - 372+80 RT	TEMP. FILL / ACCESS	< 0.01	0.06									
2-C	388+12 - 388+58 RT	TEMP. FILL / ACCESS BANK STABILIZATION							0.01		40	60	
3-C	407+60 - 411+90 RT	TEMP. FILL							0.03			150	
4-C	709+50 MID	FILL						< 0.01			33		
5-C	721+97 - 722+03 MED	30" RCP BANK STABILIZATION						< 0.01	< 0.01		35 49 65 51	17	
6-C	776+15 - 776+25 MED	8' x 7' RCBC BANK STABILIZATION						< 0.01			36 21		
	776+15 - 776+25 LT/RT	8' x 7' RCBC / DEWATERING							< 0.01			42	
7-C	955+50-956+05 MED	2@10'x8' RCBC/CHAN. PROT. BANK STABILIZATION						0.04			75 99		
	955+50-956+05 LT/RT	2@10'x8' RCBC / DEWATERING							0.02			40	
TOTALS*:			< 0.01	0.06				0.07	0.08		404	309	0

*Rounded totals are sum of actual impacts

NOTES:

NC DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 18-05-2017
 MECKLENBURG
 I-5405 / I-4750AA
 Central Section
 SHEET 27 OF 27