



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

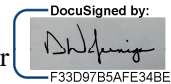
J. ERIC BOYETTE
SECRETARY

June 29, 2023

MEMORANDUM TO: Mr. Brandon Jones, P.E.
Division 5 Engineer

FROM: Dennis Jernigan, P.E.
NCTA Interim Chief Engineer

SUBJECT: Triangle Expressway Southeast Extension (Complete 540) from NC 55 Bypass in Apex to US 64/264 (I-87) in Knightdale, Wake and Johnston Counties; Federal Aid No. STP-0540(19), STP-0540(20), and STP-0540(21); WBS Nos. 37673.1.TA1, 35516.1.TA1, and 35517.1.TA1; STIP Project Nos. R-2721, R-2828, and R-2829



Attached are the modified US Army Corps of Engineers (USACE) Phased Section 404 Individual Permit, NC Division of Water Resources (NCDWR) Section 401 Individual Water Quality Certification, Neuse Riparian Buffer Authorization, and Non-404 Jurisdictional Wetlands and Waters Permit for the construction of the Triangle Expressway Southeast Extension (Complete 540) from NC 55 Bypass in Apex to US 64/264 (I-87) in Knightdale, Wake and Johnston Counties. STIP Nos. R-2721, R-2828, and R-2829. ***This change is based on the June 15, 2023 email requesting modification of the permit regarding Permit Site 35 on the R-2721A section of the project. There are no changes to the mitigation requirements.*** Please note that any reference to Site 33 is not correct and should be disregarded as it is not applicable to this permit modification. Subject to any requisite permit modifications, all environmental permits have been received for the construction of the final design sections of this project.

A copy of this permit package is posted on the NCDOT website at:
<https://xfer.services.ncdot.gov/pdea/PermIssued>

cc: w/o attachment (see website for attachments)
Mr. Ron Davenport, P.E. Contracts Management
Mr. Clarence Coleman, P.E., FHWA
Mrs. Heather Montague, Division 5
Mr. Mark Craig, P.E., Division 5
Mr. Boyd Tharrington, P.E., Director of Field Support
Mr. Corey McLamb, P.E., Division 4
Dr. Majed Al-Ghandour, P.E., Programming and TIP
Mr. Mateen Alinaghian, Utilities Unit
Mr. Stephen Morgan, P.E., Hydraulics Unit
Mr. Brian Hanks, P.E., Structures Management Unit
Mr. Mark Staley, Roadside Environmental
Mr. John Jamison, Environmental Policy Unit
Ms. Beth Harmon, NCDMS
Ms. Deanna Riffey, Natural Environment Unit-Environmental Coordination & Permitting

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
TURNPIKE AUTHORITY
1578 MAIL SERVICE CENTER
RALEIGH, NC 27699-1578

Telephone: (919) 707-2700
Fax: (919) 715-5511
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

From: [Alsmeyer, Eric C CIV USARMY CESAW \(USA\)](#)
To: [Ridings, Rob](#); [Thomson, Nicole J](#); [Riffey, Deanna](#)
Cc: [Abi Sheffey](#); [Matthews, Monte K CIV USARMY CESAW \(USA\)](#)
Subject: [External] RE: R-2721A (540) Site 33 In-field Mod
Date: Wednesday, June 21, 2023 12:24:45 PM
Attachments: [image003.png](#)
[230615 Mod Drawings Mod10 I-540 R-2721A Wake.pdf](#)

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.

Nikki: Reference the Department of the Army (DA) permit issued to the North Carolina Department of Transportation (NCDOT) on October 24, 2019, and subsequently modified on February 4, 2020 (revision issued on February 7, 2022), April 29, 2020, January 7, 2021, March 19, 2021, March 3, 2022, July 1, 2022, September 13, 2022, and February 17, 2023. This permit authorized the discharge of fill material into waters of the United States for construction of the Triangle Expressway Southeast Extension (Complete 540) from NC 55 Bypass in Apex to US 64/264 (I-87) in Knightdale, Wake and Johnston Counties. Sections included within this permit are R-2721, R-2828, and R-2829. Currently, only STIPs R-2721A&B and R-2828 are authorized for construction; STIP R-2829 has not yet been through final design, has not completely minimized impacts to waters and wetlands, nor has a final compensatory mitigation plan.

On June 15, 2023, the U.S. Army Corps of Engineers (Corps) received a request from NCDOT to modify the standard permit for the R-2721A project (Mod10), at Permit Site 35 to pipe the flow from the 48-inch RCP along the west side of the current detour for Holly Springs Road. The original design called for the jurisdictional stream to be realigned in approximately 650 linear feet of rip rap lined channel change, and this impact to perennial tributary required compensatory mitigation. The current design takes the stream from the 48-inch RCP (currently under the newly re-aligned Kildaire Farm Road) to the daylighted channel into a junction box which connects to a pipe system and then outlets via a 66-inch pipe discharging into the stream along Ramp A (east of Holly Springs Road).

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 and as shown on the enclosed drawings. No additional compensatory mitigation is required.

All conditions of the permit, including the permit expiration date of December 31, 2024, remain in effect as written.

This electronic copy is your official Department of the Army authorization; no paper copy will be mailed.

Please reply or call if you have any questions or if I may serve you in any other way.

The Wilmington District is committed to providing the highest level of support to the

public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Eric

Eric Alsmeyer
Project Manager

Regulatory Division Office
US Army Corps of Engineers, Wilmington District
3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587
Office Tel: (919) 554-4884, x23 (I am working out of the office most days of the week, but I try to check my voicemails daily)
Regulatory Homepage:
<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>

From: Ridings, Rob <rob.ridings@deq.nc.gov>
Sent: Monday, June 19, 2023 12:43 PM
To: Thomson, Nicole J <njthomson2@ncdot.gov>; Riffey, Deanna <driffey@ncdot.gov>
Cc: Alsmeyer, Eric C CIV USARMY CESAW (USA) <Eric.C.Alsmeier@usace.army.mil>; Abi Sheffey <asheffey@SAGEECOLOGICAL.COM>
Subject: [Non-DoD Source] R-2721A (540) Site 33 In-field Mod

In-field mod for R-2721A attached. Feel free to distribute to others as need.
Have a great week!

Rob Ridings
Environmental Specialist
401/Buffer Transportation Permitting (DOT Divisions 4-5)
Division of Water Resources, NC Department of Environmental Quality
NEW EMAIL: rob.ridings@deq.nc.gov
919-707-8786



From: [Ridings, Rob](#)
To: [Thomson, Nicole J](#); [Riffey, Deanna](#)
Cc: [Alsmeyer, Eric C](#); [Abi Sheffey](#)
Subject: R-2721A (540) Site 33 In-field Mod
Date: Monday, June 19, 2023 12:42:38 PM
Attachments: [20181249v12.pdf](#)
[image001.png](#)

In-field mod for R-2721A attached. Feel free to distribute to others as need.
Have a great week!

Rob Ridings

Environmental Specialist

401/Buffer Transportation Permitting (DOT Divisions 4-5)

Division of Water Resources, NC Department of Environmental Quality

NEW EMAIL: rob.ridings@deq.nc.gov

919-707-8786



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NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director

**North Carolina Division of Water Resources
Transportation Permitting Unit
In-Field Minor 401 Water Quality Certification Modification**

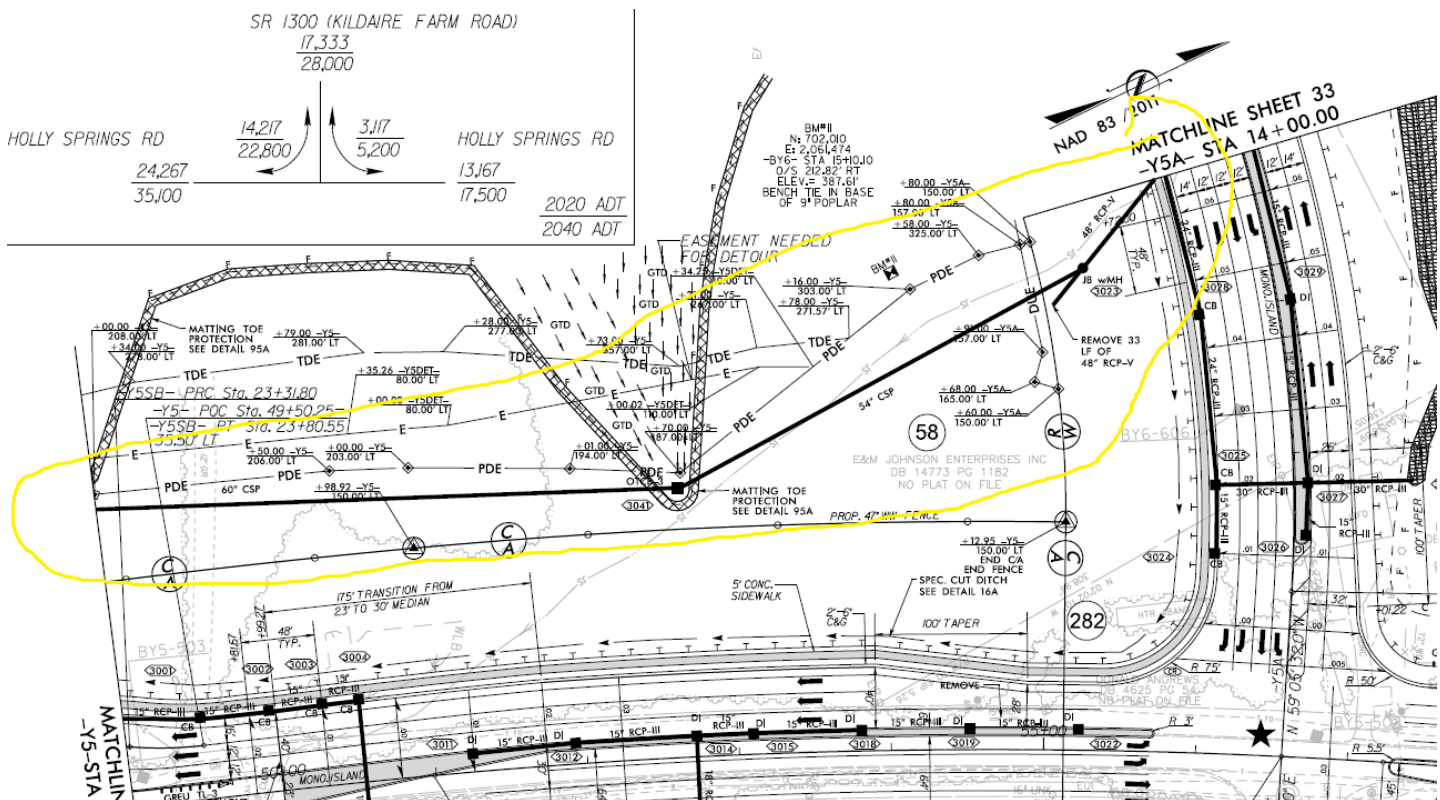
Project Name/ TIP Project No.: **R-2721A; NC Hwy 540** Date: **June 19, 2023**

DOT Division: **5** County: **Wake** DWR Project No. **20181249 ver 12** Permit Type: **WQC#4179**
DOT Field Staff: **Nicole Thomson** DWR Field Staff: **Rob Ridings**

Modification Description

Site 35: Change of Impact. 650 linear feet of permanent stream impact modified from riprap-lined ditch to piped impact. No new additional permanent stream impacts---change of Type of impact only. Impact already mitigated for. This change was discussed agency field review March 14, 2023. Design-build team described the change in Reclamation Plan dated May 18, 2023. NCDOT (Turnpike Authority) requested in-field mod via email dated June 15, 2023.

Modification Sketch:



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

This in-field modification is required for the following reason(s):

- The information contained in the application or presented in support thereof is incorrect in the following manner:

- **Conditions under which the original certification was issued have changed in the following manner:**

Design-Build Team wishes to extend the fill slop to adajacent property for three stated reasons. (1) Future Maintenance: Difficulty getting access for maintaining and cleaning riplined ditch after project completion. (2) Vehicle & Pedestrian Safety: sidewalks parallel to open ditch next to seep slope is current plan and this change creates more safety. (3) Future Utility Access: poles located near toe of slope require traversing steep slopes to perform maintenance.

This in-field modification is valid only if issued by an authorized agent of the Division of Water Resources, Transportation Permitting Unit ¹.

This in-field modification authorizes the NCDOT to

Change 650 linear feet of permanent stream impact from riprap-lined ditch, to Piped impact. Impact is already mitigated for and no change to amount of impacts is proposed. This is for Site 35 on section R-2721A of the Complete 540 Project.

In **WAKE** County. The project shall be constructed as described in the Modification Description and Sketch on Page 1 of this document dated **06/19/2023** to improve/construct the section of **NC 540** that extends from **NC 55** to **I-40**. The approved design is that described in the Modification Description and Modification Sketch on Page 1 of this document dated **06/19/2023**. Any further changes to the original Water Quality Certification dated **February 15, 2019, modified January 30, 2020, April 20, 2020, June 1, 2020, December 29, 2020, March 9, 2021, April 8, 2021, November 1, 2021, May 18, 2022, July 22, 2022, and February 15, 2023,** may require a formal written modification request.

The description of the proposed action provides adequate assurance that the proposed action in the **Neuse** 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 Section 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. Should your project change, you are required to notify the DWR 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 conditions. 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 Modification Approval shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit. .



Conditions(s) of Modification Approval:

1. **As-built drawings of the proposed action shall be submitted to the NC DWR Transportation Permitting Unit within 30 days of completion of the action.**
2. **All the authorized action activities and conditions of the certification associated with the original Water Quality Certification dated 02/15/2019 and all other corresponding modification still apply except where superseded by this certification.**
3. **Modified Site (#33, section R-2721A) shall be constructed in manner requested by NCDOT in accordance with the request dated June 15, 2023 and in manner with the referenced Reclamation Plan and Agency Field Meeting Minutes. Any variation will require an additional modification.**

Failure to construct the proposed action as described in the Modification Description and Sketch on Page 1 of this document and/or violations of any condition herein set forth may result in revocation of this modification approval and may result in criminal and/or civil penalties. This modification approval shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. If the Corps of Engineers requires a formal written modification to the 404 permit for the proposed action, the NC DWR must require a formal written modification to the 401 WQC, and therefore, this in-field modification is invalid. If additional (wetland, stream, buffer) impacts for this project (now or in the future) exceed (one acre, 150 linear feet, or one-third of an acre/150 linear feet, respectively), or if mitigation is required above and beyond the current mitigation requirement for this project, this in-field modification is invalid and a formal written modification is required.

This in-field modification is effective upon the date the last party signs this document. This in-field modification is made upon mutual agreement between DOT and DWR as indicated by the signatures below and is, therefore, not subject to appeal by either party. Appeals by third parties must be made within sixty (60) days of notification pursuant to the contested case provisions of the Administrative Procedure Act, NC Gen. Stat. §150B-23 et seq.

DWR Field Staff Signature: Robert Ridings
 Date: 6/19/2023

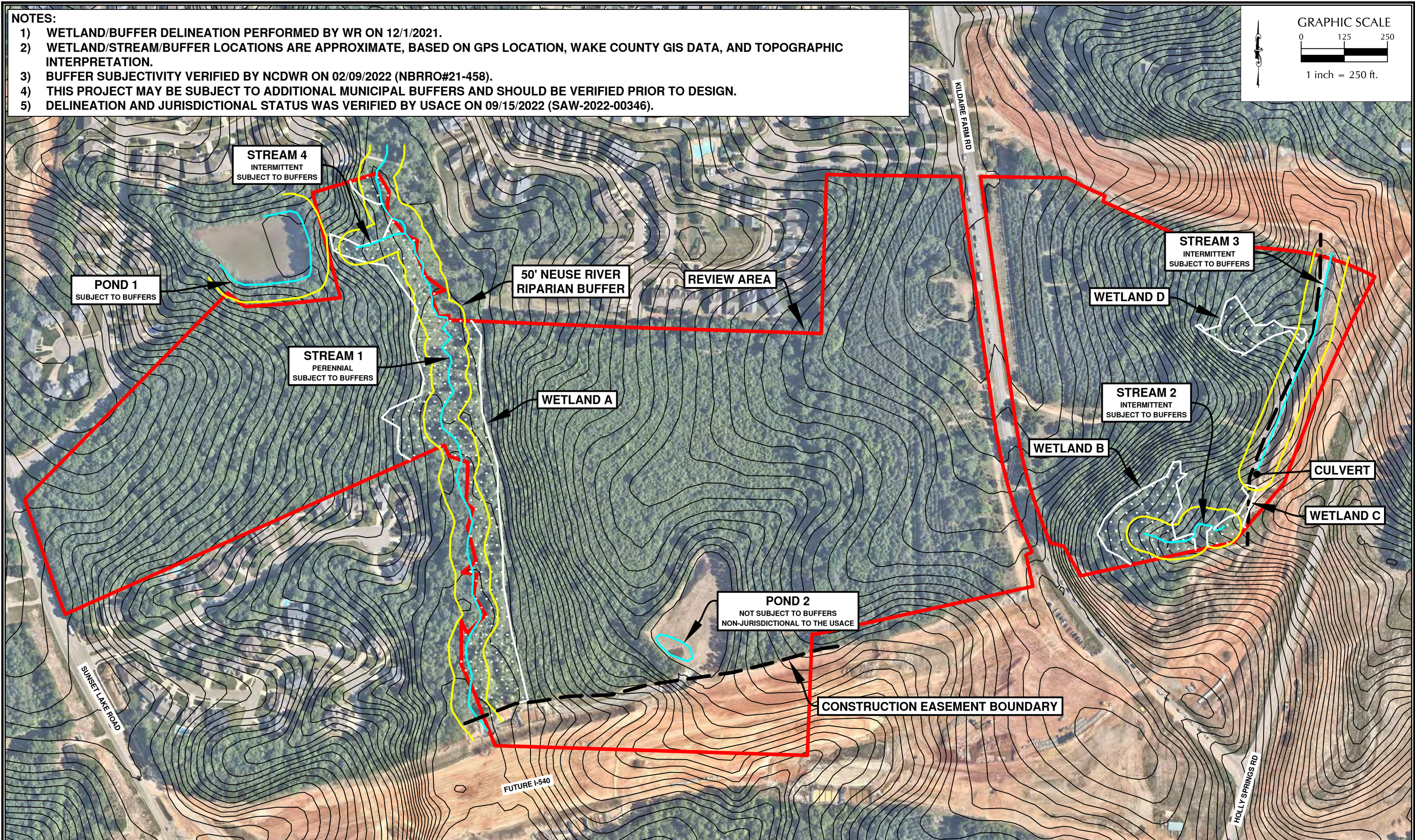
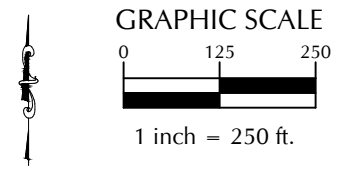
DOT Field Staff Signature: Medie Thomson
 Date: 6/19/2023

¹ – An authorized agent of the Transportation Permitting Unit is defined as DWR staff that are DOT-funded and review and issue 401 Water Quality Certification for DOT projects. These staff include Central Office and Regional Office personnel.



NOTES:

- 1) WETLAND/BUFFER DELINEATION PERFORMED BY WR ON 12/1/2021.
- 2) WETLAND/STREAM/BUFFER LOCATIONS ARE APPROXIMATE, BASED ON GPS LOCATION, WAKE COUNTY GIS DATA, AND TOPOGRAPHIC INTERPRETATION.
- 3) BUFFER SUBJECTIVITY VERIFIED BY NCDWR ON 02/09/2022 (NBRRO#21-458).
- 4) THIS PROJECT MAY BE SUBJECT TO ADDITIONAL MUNICIPAL BUFFERS AND SHOULD BE VERIFIED PRIOR TO DESIGN.
- 5) DELINEATION AND JURISDICTIONAL STATUS WAS VERIFIED BY USACE ON 09/15/2022 (SAW-2022-00346).



Designer	WR	Scale	1" = 250'
Drawn By	PW	Date	09/15/2022
Checked By	AR	Job No.	02210430.00

AKRIDGE - HOLLY SPRINGS ASSEMBLAGE

HOLLY SPRINGS

WAKE COUNTY

NORTH CAROLINA

APPROVED WETLAND/BUFFER DELINEATION EXHIBIT

 **WithersRavenel**
Engineers | Planners | Surveyors

Sheet No.
1

K:\21\21-0430\210430-Akridge-Holly Springs Assemblage\Wetlands-Streams\CAD\Wetlands Base.dwg - Thursday, September 15, 2022 1:51:10 PM - RICCI, ALYSSA

HAUL ROUTE

KILDAIRE FARM RD



FLATIRON

PLANS PREPARED BY:



Gannett Fleming
Excellence Delivered *As Promised*

One Glenwood Avenue
Suite 900
Raleigh, NC 27603
(919) 420-7660
NC Lic. No. F-0270

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.	R-2721A	2	
STATE PROJ. NO.	P.A. PROJ. NO.	DESCRIPTION	
37673.3.GV3	(A) NHP-0540(041)	PE, RW	

WAKE COUNTY
CONTRACT: C204196
PREPARED BY: ANNE GAMBER
LEVEL III CERTIFICATION NO.: 0322
5-17-2023

NOTES:
THE LIMITS OF DISTURBANCE FOR THE HAUL ROUTE ARE SHOWN. STONE WILL BE ADDED TO PREVENT EROSION.
DITCHES WILL BE MAINTAINED AND ADJUSTED AS NEEDED TO CONTROL WATER AND SEDIMENT CONTAINMENT. ROCK CHECKS WILL BE ADDED WHEN APPLICABLE.

43 x 21 x 3
1.5 inch Skimmer
with .75 inch
Orifice Diameter
4 ft. weir
ID 17118

STRUCTURE SHOWN HAS BEEN
REMOVED BY PROPERTY
OWNER. DOES NOT EXIST

55 x 27 x 3
1.5 inch Skimmer
with 1.125 inch
Orifice Diameter
6 ft. weir
ID 3041RT

Temporary Rock
Silt Check Type A
2.0 ft. weir height

34 x 17 x 3
ID 3041LT

From: [Thomson, Nicole J](#)
To: [Alsmeyer, Eric C SAW](#); [Ridings, Rob](#)
Cc: [Riffey, Deanna](#); [Abi Sheffey](#); [Jernigan, Dennis W](#); [Harris, Jennifer H](#); [Harper, Aaron A](#); [Lowry, Ben D](#)
Subject: Complete 540 Modification Request for R2721A (37673.5.TA1), Permit Site 35, Wake County
Date: Thursday, June 15, 2023 9:01:48 AM
Attachments: [R-2721A EM Johnson Waste Pit Reclamation Plan - Rev1 FINAL.pdf](#)
[R2721A Agency Review Meeting Minutes 3-14-23 FINAL.pdf](#)
[image001.png](#)

Good morning Eric & Rob –

On March 14, 2023 during a resource agency review of the project, the JV expressed interest in piping the flow from the 48-inch RCP along the west side of the current detour for Holly Springs Road. The original design called for the jurisdictional stream to be realigned in a rip rap lined channel change, however, the JV has requested that the flow be placed in a pipe. The current design takes the stream from the 48-inch RCP (currently under the newly re-aligned Kildaire Farm Road) to the daylighted channel into a junction box which connects to a pipe system and then outlets via a 66-inch pipe discharging into the stream along Ramp A (east of Holly Springs Road).

The intent of this change is to extend the fill slope into the adjacent property for the purposes outlined in the attached Reclamation Plan. I've also attached the meeting minutes from the March Agency Review which discusses the proposal and your responses of items necessary to approve this change.

Per previous discussions, Rob was willing to do a field modification and Eric was willing to address this change via email. With Deanna's approval, I've taken the responsibility of coordinating with the Resident's office, Roadside Environmental Unit (REU) and the JV to get the necessary documents drafted and compiled. Per email communication with Ben Lowry (REU), the attached plan meets with Roadside's procedures and Delegated Program, however, they will not issue final approval until they have the approval from the USACE and DWR for the proposed changes.

Please let me know if you have any questions or concerns about the attached.

Thank you again for your flexibility and willingness to work with the JV and all parties involved.

Nikki

Nicole Thomson, PWS

North Carolina Turnpike Authority
North Carolina Department of Transportation

919-754-7806

1 South Wilmington Street
Raleigh, NC 27601
1578 Mail Service Center

Raleigh, NC 27699-1578



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