

## Appendix C

### Agency Correspondence

	<u>Page</u>
1. Mussel Survey Report - 01/20/12 .....	C-1
2. USACE I-5405 Jurisdictional Determination - 06/15/12 .....	C-4
3. USACE I-3311C Preliminary Jurisdictional Determination - 04/25/13 .....	C-9
4. NCDENR DWQ I-5405 Applicability to Mitigation Rules - 06/11/12 .....	C-19
5. NCDOT – I-5405 No Survey Required for Historic Architecture - 12/22/11 .....	C-21
6. NCDOT – I-5405 No Survey Required for Archaeology - 12/02/11 .....	C-42
7. NCDOT – I-3311C Survey Required for Archaeology - 05/02/12 .....	C-53
– <i>Document incorrectly labeled as I-5401</i>	
8. HPO – I-3311C Section 106 Concurrence Historic Architecture - 01/31/13 .....	C-63
– <i>Document incorrectly labeled as I-5405</i>	
9. HPO – I-3311C Section 106 Concurrence Archaeology - 10/30/12 .....	C-66
10. HPO – Concurrence Form for Assessment of Effects - 02/19/13 .....	C-69
– <i>Amended - 06/25/13</i>	
11. NCDOT – I-4750HOT No Survey Required for Historic Architecture - 07/10/12 .....	C-75
12. NCDOT – I-4750HOT No Survey Required for Archaeology - 04/26/12 .....	C-79
13. USDOT – Conformity Determination on MUMPO 2035 LRTP - 05/31/13 .....	C-87





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

January 20, 2012

Memorandum to: Michael Turchy, Environmental Program Consultant  
Natural Environment Section, Project Management Group

From: J. Michael Sanderson, Environmental Senior Specialist  
Natural Environment Section, Biological Surveys Group

Subject: Protected Species Report for I-5405, I-77 from I-277 (Brookshire  
Freeway) To West Catawba Avenue, Mecklenburg County.

The North Carolina Department of Transportation (NCDOT) proposes the conversion of 17 miles of the existing I-77 High Occupancy Vehicle Lanes (HOV) to High Occupancy/Toll (HOT) lanes as well as the addition of a second HOT lane in each direction (TIP I-5405) in Mecklenburg County (Figure 1). The Federally Endangered Carolina heelsplitter (*Lasmigona decorata*) is listed by the US Fish and Wildlife Service (USFWS) as occurring in Mecklenburg County.

The Carolina heelsplitter was historically known from several locations within the Catawba and Yadkin-Pee Dee River systems in North Carolina and the Pee Dee and Savannah River systems, and possibly the Saluda River system, in South Carolina. In North Carolina, the species is now known only from a handful of streams in the Yadkin – Pee Dee and Catawba River basins.

This species exists in very low abundances, usually within 6 feet of shorelines, throughout its known range. The general habitat requirements for the Carolina heelsplitter are shaded areas in large rivers to small streams, often burrowed into clay banks between the root systems of trees, or in runs along steep banks with moderate current. The more recent habitat where the Carolina heelsplitter has been found is in sections of streams containing bedrock with perpendicular crevices filled with sand and gravel, and with wide riparian buffers.

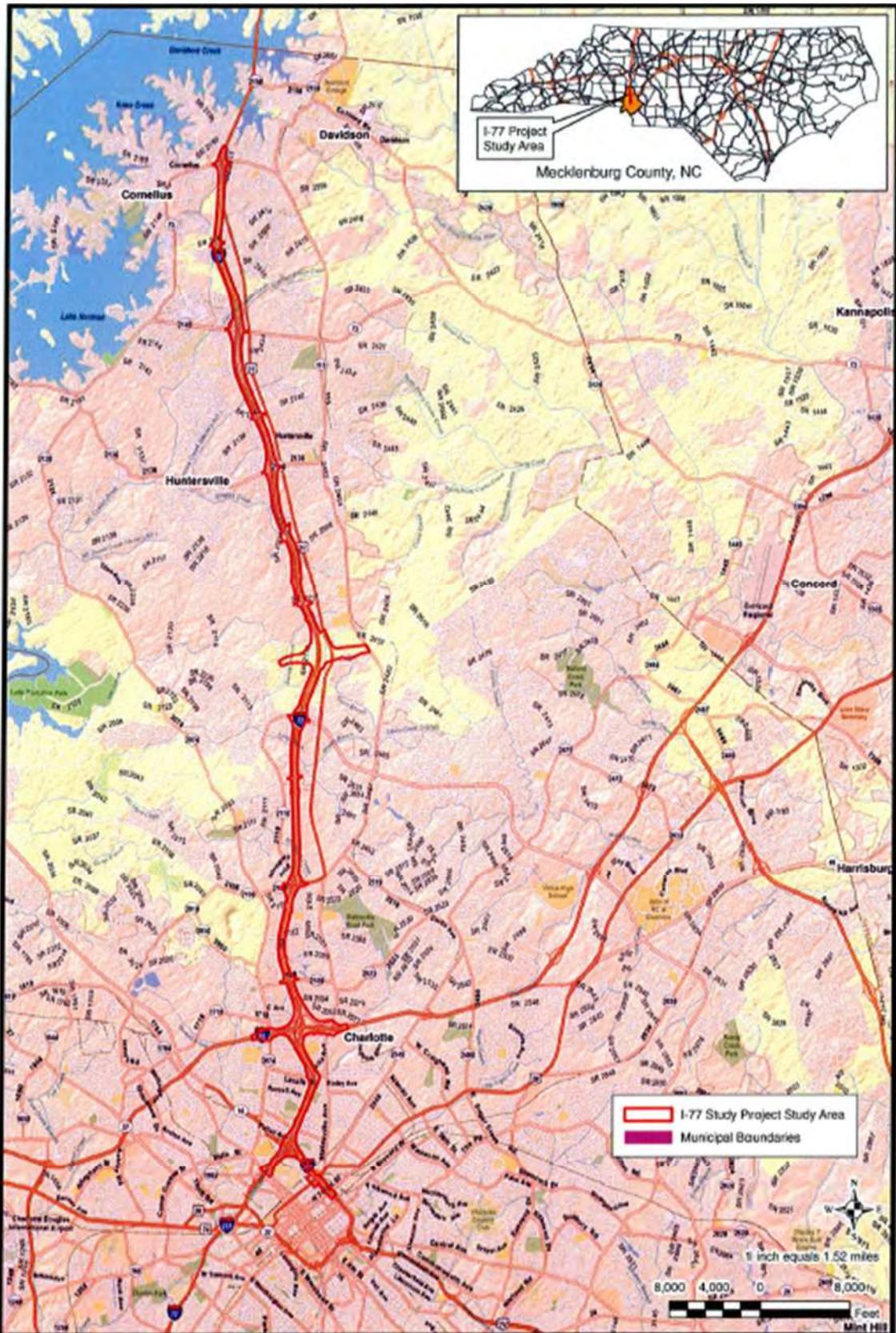
A site visit and habitat assesment was made on November 7, 2011 by NCDOT biologists Karen Kendig (Permit # NC2011-ES-165), Dr. Logan Williams, and Mike Sanderson. The study area is within the Catawba River basin (HUC 03050101) and contains numerous intermittent streams with various substrates, most of which are moderately to severely degraded. Perennial streams include McDowell Creek, Torrence Creek, Long Creek and Irwin Creek. The presence of pollutants and sediment from overland runoff likely precludes the establishment of Carolina Heelsplitter in these reaches. No populations of the mussel have been found within the stream drainages associated with the

project corridor. The closest existing occurrence known in the Catawba River system is near the South Carolina state line in southern Union County.

A review of the North Carolina Natural Heritage Program (NHP) database was conducted (January 19, 2012) to determine if there were any records of rare mussels within the proposed project study area or receiving waters. **This review indicated that there are no known occurrences of the federally protected Carolina heelsplitter within the project area. The closest population is in Wawhaw Creek (Catawba subbasin HUC 03050103) which is over 25 miles away from this project.**

The impacts from this project are anticipated to be minimal. Most of the widening will occur to the median, but there may be some widening to the outside in a few locations, however the widening will occur within the NCDOT right-of-way.

Given the lack of suitable habitat and data indicating that there are no known occurrences of Carolina Heelsplitter in the project area, **the biological conclusion for Carolina heelsplitter (*Lasmigona decorata*) for this I-5405 is “No Effect.”**



		<b>Project:</b> <b>I-77 HOT LANES</b> Mecklenburg County, North Carolina	<b>Title:</b> <b>Project Vicinity</b>	<b>Own By:</b> ES	<b>Drawn By:</b> CG	<b>FIGURE</b>  <b>1</b>
				<b>Date:</b> NOV 2011	<b>Scale:</b> As Shown	
				<b>Project No.:</b> 100024110		

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action I.D.: 2012-00156

County: Mecklenburg

U.S.G.S. Quad: Derita/Cornelius

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Property Owner: **North Carolina Department of Transportation, Gregory J. Thorpe, PhD  
Project Development and Environmental Analysis**  
Address: **1598 Mail Service Center  
Raleigh, NC 27699 21237**

Property description:

Size (acres): 25,451 lf/1.47 acre wetland/ 0.97 acre open water  
Nearest Town: Charlotte  
Nearest Waterway: Irwin Creek/Dixon Branch/Caldwell Station Creek/Dillion Twin Lakes/Lake Jo/Long  
Creek/McDowell Creek/ Gambles Creek/Torrence Creek/Vance Twin Lakes/Unnamed tributaries

River Basin: Catawba  
Coordinates: 35.441974N/-80.871544 W  
Hydrologic Unit Code: 03050101

Location Description: The site is located along existing I-77, within NCDOT Right of Way, from I-277 (Brookshire Freeway) heading north along I-77 to west Catawba Avenue (Exit 28) south of Lake Norman, in Mecklenburg County, North Carolina.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

Based on preliminary information, there may be wetlands and stream channels on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331). ). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**B. Approved Determination**

There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

**X** There are wetlands and stream channels on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the wetlands and stream channels on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The wetlands and stream channels on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

**X The wetlands and stream channels have been delineated and surveyed and are accurately depicted on the maps titled I-77 HOT Lanes Jurisdictional Areas, dated November 2011, and received in the Asheville Regulatory Field Office on April 6, 2012 . Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.**

There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Liz Hair** at **828-271-7980**.

**C. Basis For Determination**

The site contains wetlands as determined by the *1987 Corps of Engineers Wetland Delineation Manual* and the *Interim Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Eastern Mountain and Piedmont Region*. These wetlands are adjacent to stream channels located on the property that exhibit indicators of ordinary high water marks. The stream channels on the property are: Irwin Creek/Dixon Branch/Caldwell Station Creek/Dillion Twin Lakes/Lake Jo/Long Creek/McDowell Creek/ Gambles Creek/Torrence Creek/Vance Twin Lakes/Unnamed tributaries which flow into the Catawba River. Catawba>Lake Wylie>Wateree River>Santee River>Atlantic Ocean

**D. Remarks:**

**E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

**F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by \_\_\_\_\_.

**\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: Liz Hair **A.1054693512**  
Issue Date: **June 15, 2012** Expiration Date: **June 15, 2017**

HAIR.SARAH.E  
A.1054693512  
DN: cn=Liz, ou=US Army, ou=Government, ou=DoD,  
ou=HQ, ou=USA, cn=HAIR.SARAH.E  
A.1054693512  
Date: 2012.06.15 10:08:54 -0400

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 our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

CF: Attn: Mr. David O'Laughlin, Atkins North America, Inc. 1616 East Millbrook Road, Suite 310 Raleigh, North Carolina, 27609

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL**

Applicant: North Carolina Department of Transportation, Gregory J. Thorpe, PhD		File Number: 2012-00156	Date: June 15, 2012
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Liz Hair, Project Manager  
 USACE, Asheville Regulatory Field Office  
 151 Patton Ave  
 RM 208  
 Asheville, NC 28806  
 828-271-7980

If you only have questions regarding the appeal process you may also contact:

Mr. Jason Steele, Administrative Appeal Review Officer  
 CESAD-PDO  
 U.S. Army Corps of Engineers, South Atlantic Division  
 60 Forsyth Street, Room 10M15  
 Atlanta, Georgia 30303-8801  
 Phone: (404) 562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------

**For appeals on Initial Proffered Permits send this form to:**

**District Engineer, Wilmington Regulatory Division, Attn: Liz Hair, 69 Darlington Avenue, Wilmington, North Carolina 28403**

**For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:**

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801  
 Phone: (404) 562-5137**

**U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT**

Action I.D.: SAW- 2013-00761

County: Mecklenburg

U.S.G.S. Quad: NC-Derita

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Property Owner/Agent: North Carolina Department of Transportation  
Project Development and Environmental Analysis Unit  
Address: 1598 Mail Service Center  
Raleigh, NC 27699

Property description:

Size (acres): N/A	Nearest Town: Charlotte
Nearest Waterway: Irwin Creek	River Basin: Catawba
Coordinates: 35.259496 N/ -80.839899 W	Hydrologic Unit Code: 03050103

Location Description: The project site is located along existing I-77 from just north of SR 2169 to West 5<sup>th</sup> Street and I-277 from Van Buren to North Brevard Street in Charlotte, Mecklenburg County, North Carolina.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

**Based on preliminary information, there may be wetlands and stream channels on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process ( Reference 33 CFR Part 331). ). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.**

**B. Approved Determination**

There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

There are wetlands and stream channels on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the wetlands and stream channels on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The wetlands and stream channels on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The wetlands and stream channels have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on \_\_\_\_. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Liz Hair** at **828-271-7980**.

**C. Basis For Determination**

**D. Remarks:**

**E. Attention USDA Program Participants**

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

**F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)**

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers  
South Atlantic Division  
Attn: Jason Steele, Review Officer  
60 Forsyth Street SW, Room 10M15  
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by N/A.

**\*\*It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.\*\***

Corps Regulatory Official: Liz Hair

HAIR.SARAH.E  
A.1054693512  
Digitally signed by HAIR.SARAH.E  
A.1054693512  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=HAIR.SARAH.E.A.1054693512  
Date: 2013.04.25 10:48:20 -04'00'

Issue Date: April 25, 2013

Expiration Date: N/A

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 our website at <http://per2.nwp.usace.army.mil/survey.html> to complete the survey online.

CF: Atkins North America, Attn: David O'Laughlin, 1616 East Millbrook Road, Suite 310 Raleigh, North Carolina 27609

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL**

<b>Applicant: North Carolina Department of Transportation</b>	<b>File Number: 2013-00761</b>	<b>Date: April 25, 2013</b>
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	<b>PRELIMINARY JURISDICTIONAL DETERMINATION</b>	<b>E</b>

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.**

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Liz Hair, Project Manager  
 USACE, Asheville Regulatory Field Office  
 151 Patton Ave  
 RM 208  
 Asheville, NC 28806  
 828-271-7980

If you only have questions regarding the appeal process you may also contact:

Mr. Jason Steele, Administrative Appeal Review Officer  
 CESAD-PDO  
 U.S. Army Corps of Engineers, South Atlantic Division  
 60 Forsyth Street, Room 10M15  
 Atlanta, Georgia 30303-8801  
 Phone: (404) 562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

<p>_____</p> <p>Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>
--	--------------	--------------------------

**For appeals on Initial Proffered Permits send this form to:**

**District Engineer, Wilmington Regulatory Division, Attn: Liz Hair, 69 Darlington Avenue, Wilmington, North Carolina 28403**

**For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:**

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801 Phone: (404) 562-5137**



**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** April 23, 2013

**B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**  
David O'Loughlin, Atkins 1616 E. Millbrook Rd., Suite 310, Raleigh, NC 27609  
For Michael Turchy NCDOT

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:**  
Wilmington, NCDOT I-77 HOT / I-3311C / SAW-2013-00761

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**  
**(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

Mecklenburg  
State: NC County/parish/borough: City: Charlotte  
Center coordinates of site (lat/long in degree decimal format): Lat. 35.259496°  
-80.839899°  
Pick List, Long. ° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody: Irwin Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 15134 width (ft) and/or acres.

Cowardin Class:

Stream Flow:

Wetlands: 1.03 acres.

Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date:

Field Determination. Date(s): 3/19/13

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply**

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name:

USDA Natural Resources Conservation Service Soil Survey. Citation:

National wetlands inventory map(s). Cite name:

State/Local wetland inventory map(s):

FEMA/FIRM maps:

100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

Photographs:  Aerial (Name & Date):

or  Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Other information (please specify):

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Suz Hail 4/25/13

Signature and date of  
Regulatory Project Manager  
(REQUIRED)

David O'Hayshi

Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)

Site number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Irwin Creek	35.259476	-80.839899		8866 linear feet	Stream
Dillons Twin Lakes and Lake Jo	35.300811	-80.849305		3978 linear feet	Stream
SA	35.282484	-80.847093		388 linear feet	Stream
SB	35.27651	-80.844926		115 linear feet	Stream
SC	35.277906	-80.843723		369 linear feet	Stream
SD	35.294514	-80.8391		317 linear feet	Stream
SE	35.253039	-80.842751		182 linear feet	Stream
SF	35.250417	-80.845888		175 linear feet	Stream
SG	35.244027	-80.84512		54 linear feet	Stream
SH	35.243046	-80.844129		55 linear feet	Stream
SI	35.244028	-80.84512		635 linear feet	Stream
WA	35.263856	-80.842915	PFO1	0.936 acres	Wetland
WB	35.242507	-80.845896	PSS1C	0.093 acres	Wetland



North Carolina Department of Environment and Natural Resources  
Division of Water Quality

Beverly Eaves Perdue  
Governor

Charles Wakild  
Director

Dee Freeman  
Secretary

June 11, 2012

David O'Loughlin  
Atkins  
1616 East Millbrook Road, Suite 310  
Raleigh, NC 27609

**SUBJECT: On-Site Determination for Applicability to the Mitigation Rules [15A NCAC 2H .0506(h)], I-77 HOV/HOT Conversion Project, I-5405, Mecklenburg County**

Dear Mr. O'Loughlin:

Polly Lespinasse of the Division of Water Quality (DWQ) met with you and representatives from the North Carolina Department of Transportation at the above referenced site on November 8, 2011, in order to provide verification of potential jurisdictional features previously identified by your consulting firm for the above referenced project. The features were evaluated for applicability to the mitigation rules set forth in [15A NCAC 2H .0506(h)]. The determinations were based on completion of the NCDWQ Stream Identification Forms, USACE Wetland Determination Data forms and an evaluation of existing site conditions. All jurisdictional features, as identified by your consulting firm and included in the jurisdictional verification package received April 9, 2012, will be considered accurate.

This letter only addresses the applicability to the mitigation rules and does not approve any activity within buffers, Waters of the United States, or Waters of the State. Any impacts to wetlands, streams and buffers must comply with 404/401 regulations, water supply regulations (15A NCAC 2B .0216), applicable buffer rules, and any other required federal, state and local regulations. Please be aware that even if no direct impacts are proposed to any protected buffers, sheet flow of all new stormwater runoff as per 15A NCAC 2B .0250 is required.

Landowners or affected parties that dispute a determination made by the DWQ or Delegated Local Authority that a surface water exists and that it is subject to the mitigation rules may request a determination by the Director. A request for a determination by the Director shall be referred to the Director in writing c/o Karen Higgins, DWQ 401 Permitting Unit, 1650 Mail Service Center, Raleigh, NC 27699-1650.

Individuals that dispute a determination by the DWQ or Delegated Local Authority that "exempts" a surface water from the mitigation rules may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. Applicants are hereby notified that the 60-day statutory appeal time does not start until the affected parties (including downstream and adjacent landowners) are notified of this decision. DWQ recommends that the applicant conduct this notification in order to be certain that third party appeals are made in a timely manner. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This determination is final and binding unless you ask for a hearing within 60 days.

Mooresville Regional Office  
Location: 610 East Center Ave., Suite 301 Mooresville, NC 28115  
Phone: (704) 663-1699 \ Fax: (704) 663-6040 \ Customer Service: 1-877-623-6748  
Internet: <http://portal.ncdenr.org/web/wq>

An Equal Opportunity \ Affirmative Action Employer -- 50% Recycled/10% Post Consumer paper

One  
North Carolina  
*Naturally*

David O'Loughlin  
Page Two

If you have any additional questions or require additional information please contact Polly Lespinasse at (704) 663-1699.

Sincerely,

A handwritten signature in blue ink, appearing to read "R B K".

Robert B. Krebs, Regional Supervisor  
Surface Water Protection

cc: Liz Hair, USACE Asheville Field Office  
Michael Turchy, NCDOT PDEA  
Sonia Carrillo, DWQ 401 Transportation Permitting Unit  
File Copy

11-11-0074

**NO SURVEY REQUIRED FORM****PROJECT INFORMATION**

Project No: I-5405 County: Mecklenburg  
 WBS No: 45454.1.TA1 Document:  
 F.A. No: Funding:  State  Federal

Federal (USACE) Permit Required?  Yes  No Permit Type:

**Project Description:**

I-77 from I-277 to W. Catawba Ave. Construct High Occupancy Toll (HOT) lanes and convert existing HOV lanes to HOT lanes within the median of I-77. Cantilever variable message signing will be installed at currently unknown locations. All work will be contained in the existing ROW and no interchange work will be conducted as part of this project.

**SUMMARY OF CULTURAL RESOURCES REVIEW***Brief description of review activities, results of review, and conclusions:*

Review of HPO quad maps, relevant background reports, historic designations roster, and indexes was undertaken on December 22, 2011. Based on this review, there were no existing NR, SL, LD, DE, or SS properties in the Area of Potential Effects (APE). All the work for this project will take place within the existing ROW of the interstate within the existing medians. The project does not intersect any historic sites of districts.

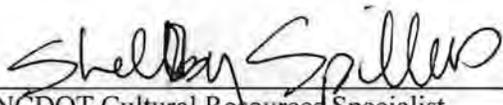
*Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:*

No structures eligible for National Register listing were identified in the APE of this project. HPOWEB GIS Service and Mecklenburg County Tax Data provide reliable information regarding the structures in the APE. These combined utilities are considered valid for the purposes of determining the likelihood of historic resources being present.

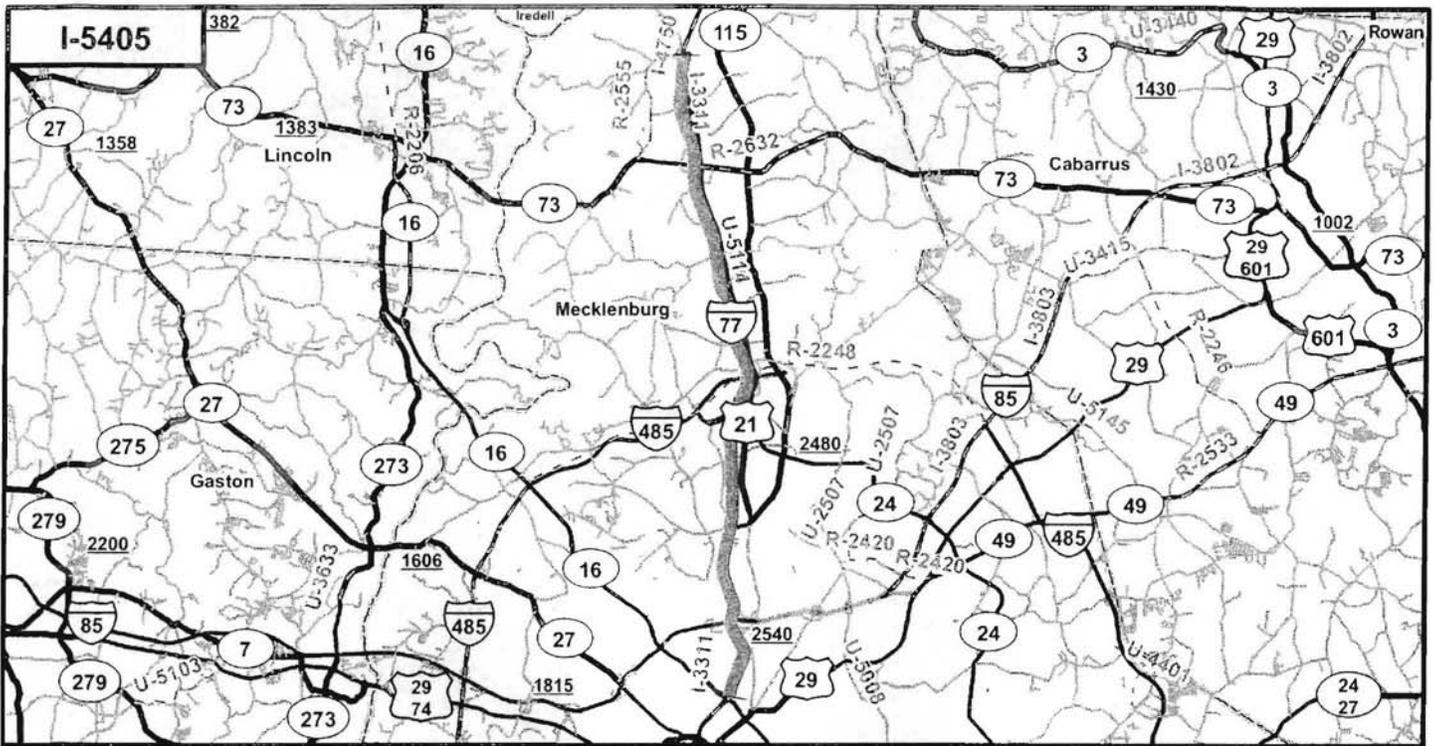
**SUPPORT DOCUMENTATION**

See attached: Maps

**FINDING BY NCDOT CULTURAL RESOURCES PROFESSIONAL****NO SURVEY REQUIRED FOR HISTORIC ARCHITECTURE**

  
 NCDOT Cultural Resources Specialist

12/22/2011  
 Date

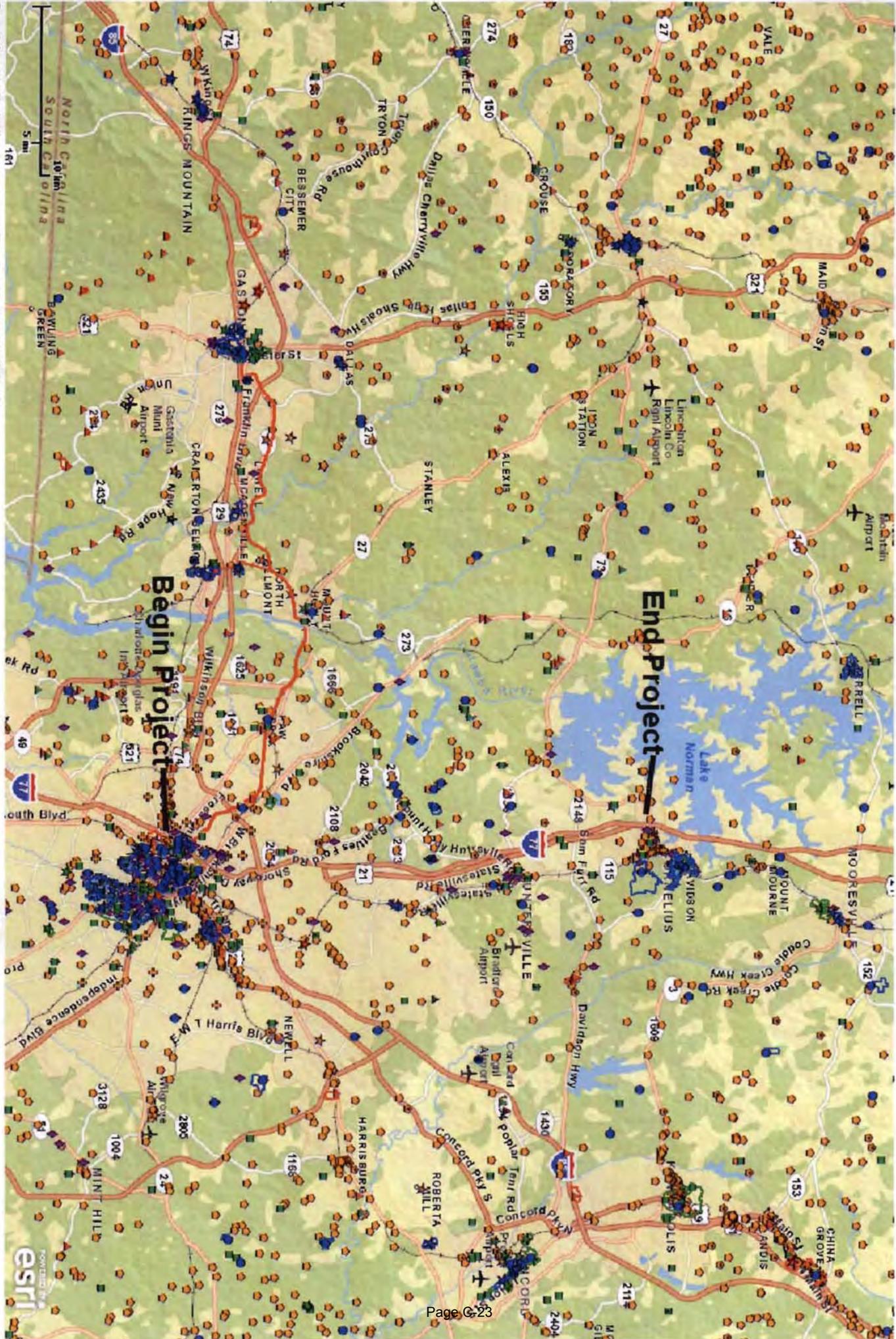


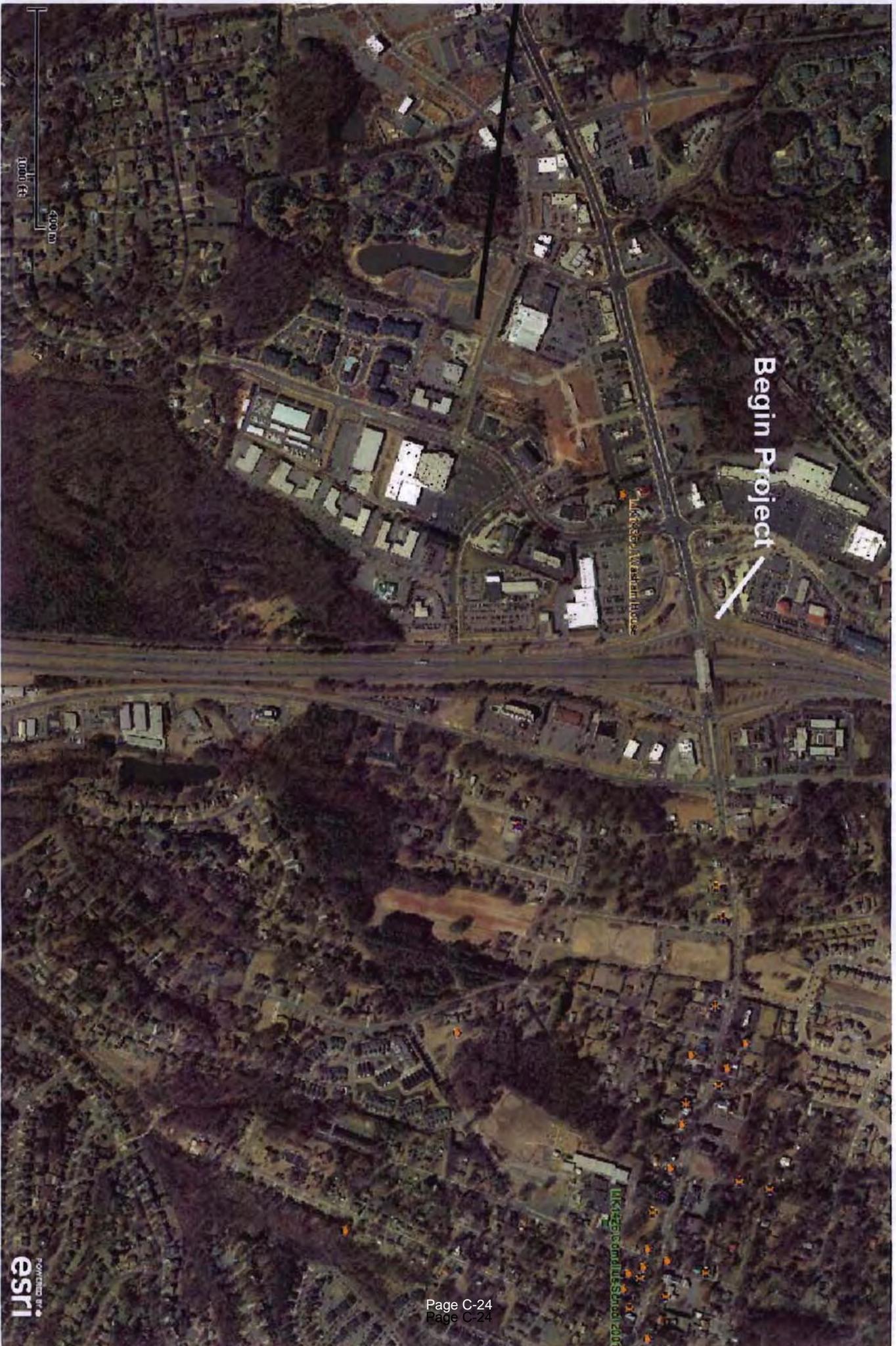
I-77, I-277 (BROOKSHIRE FREEWAY) TO WEST CATAWBA AVENUE (EXIT 28). CONSTRUCT HIGH OCCUPANCY TOLL (HOT) LANES AND CONVERT EXISTING HIGH OCCUPANCY VEHICLE (HOV) LANES TO HIGH OCCUPANCY TOLL (HOT) LANES. MECKLENBURG COUNTY.

0 2.5 5 Miles

# HPOGIS

Mecklenburg County





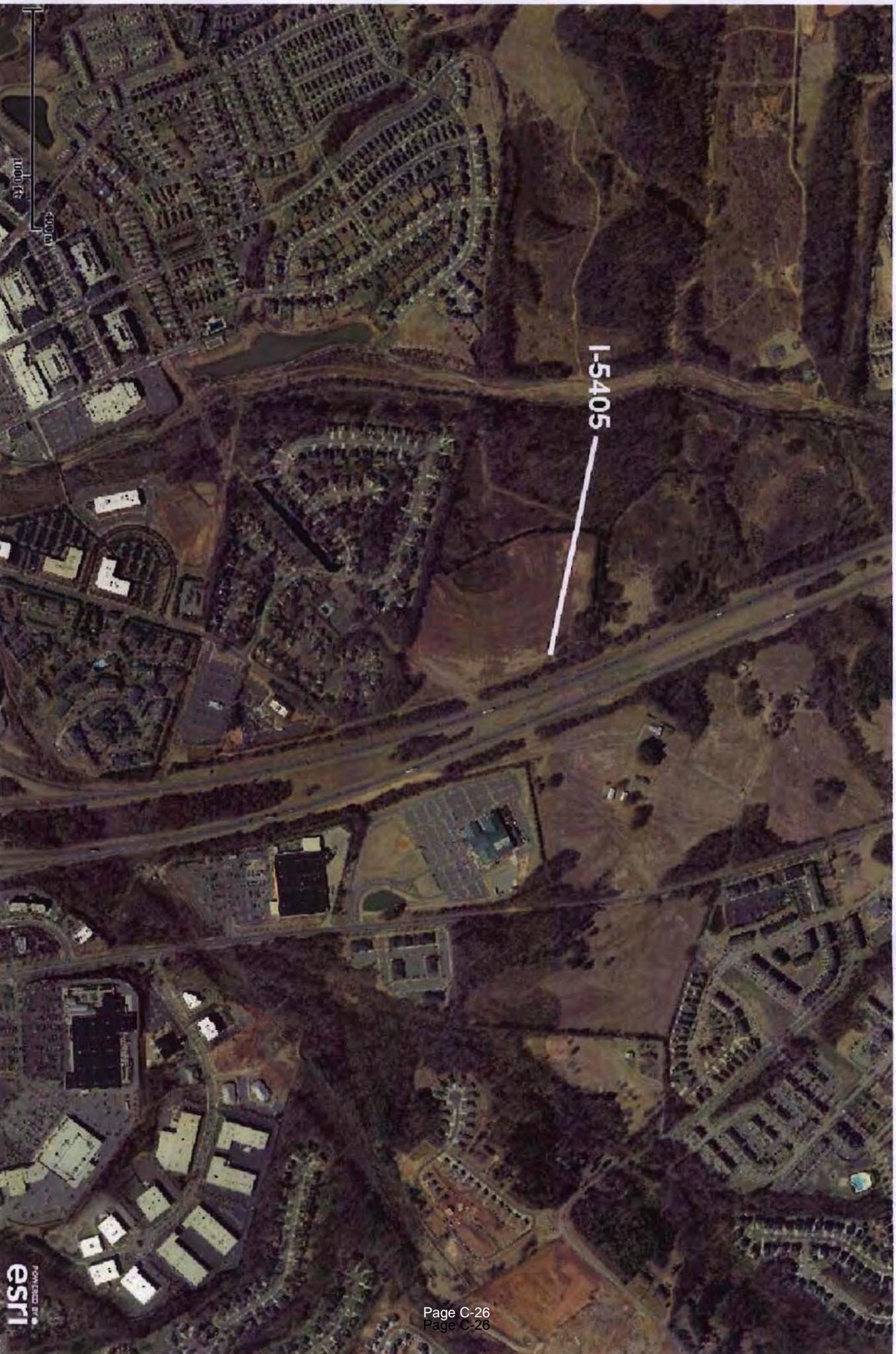
Begin Project

McKeesville Warehouse

McKeesville Middle School

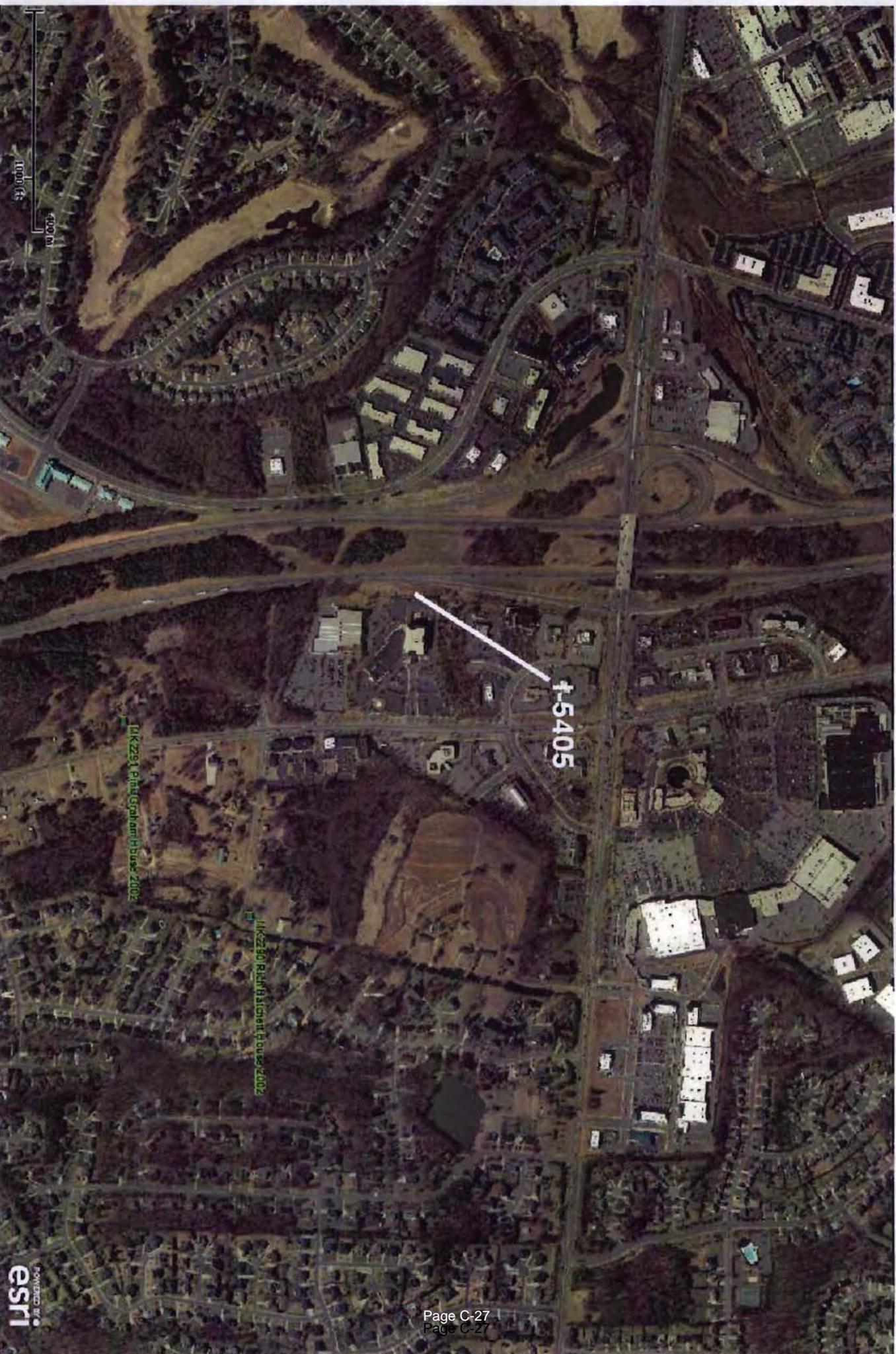
1000 ft  
400 m





# HPOGIS

Mecklenburg County

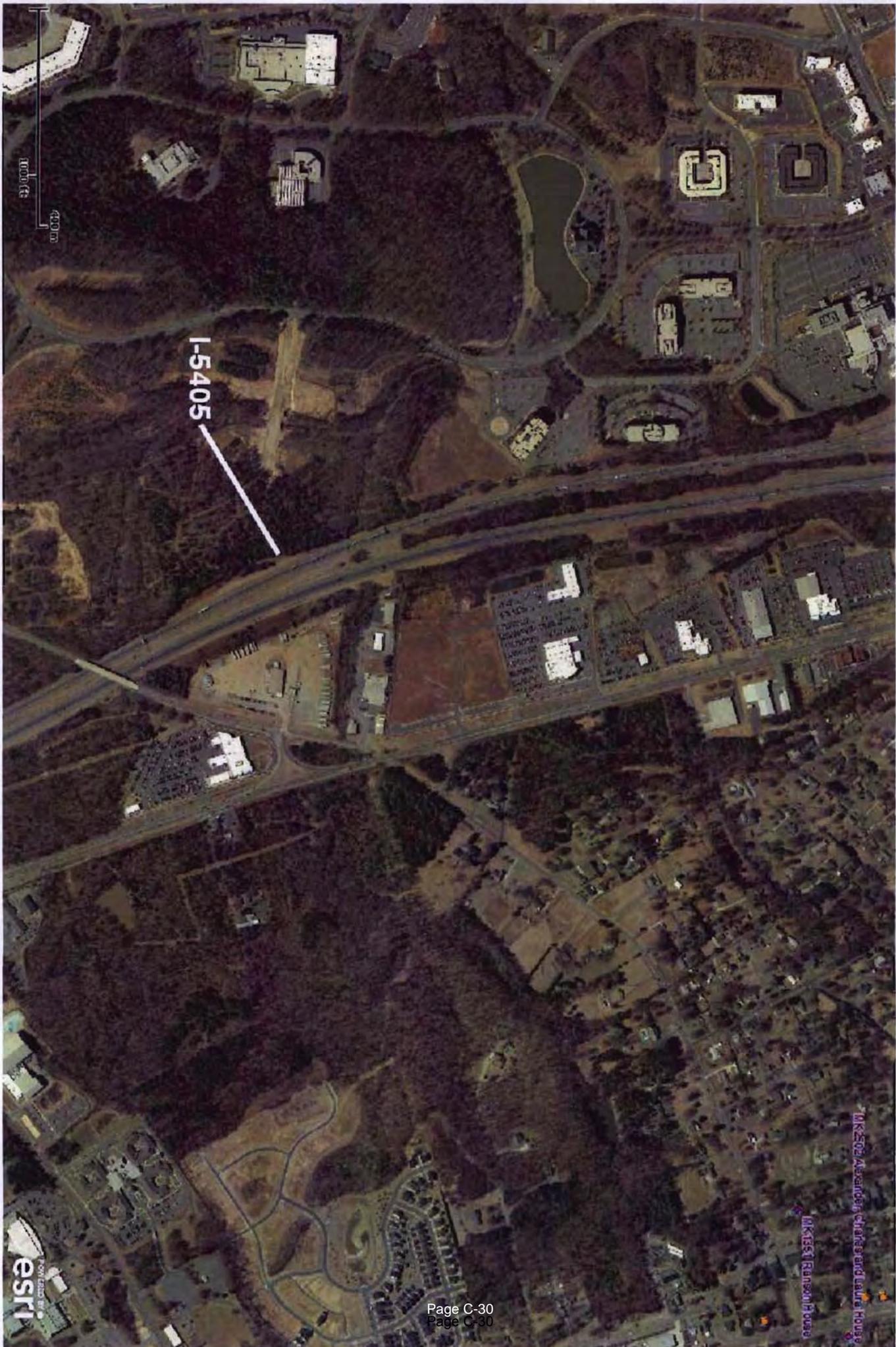






# HPOGIS

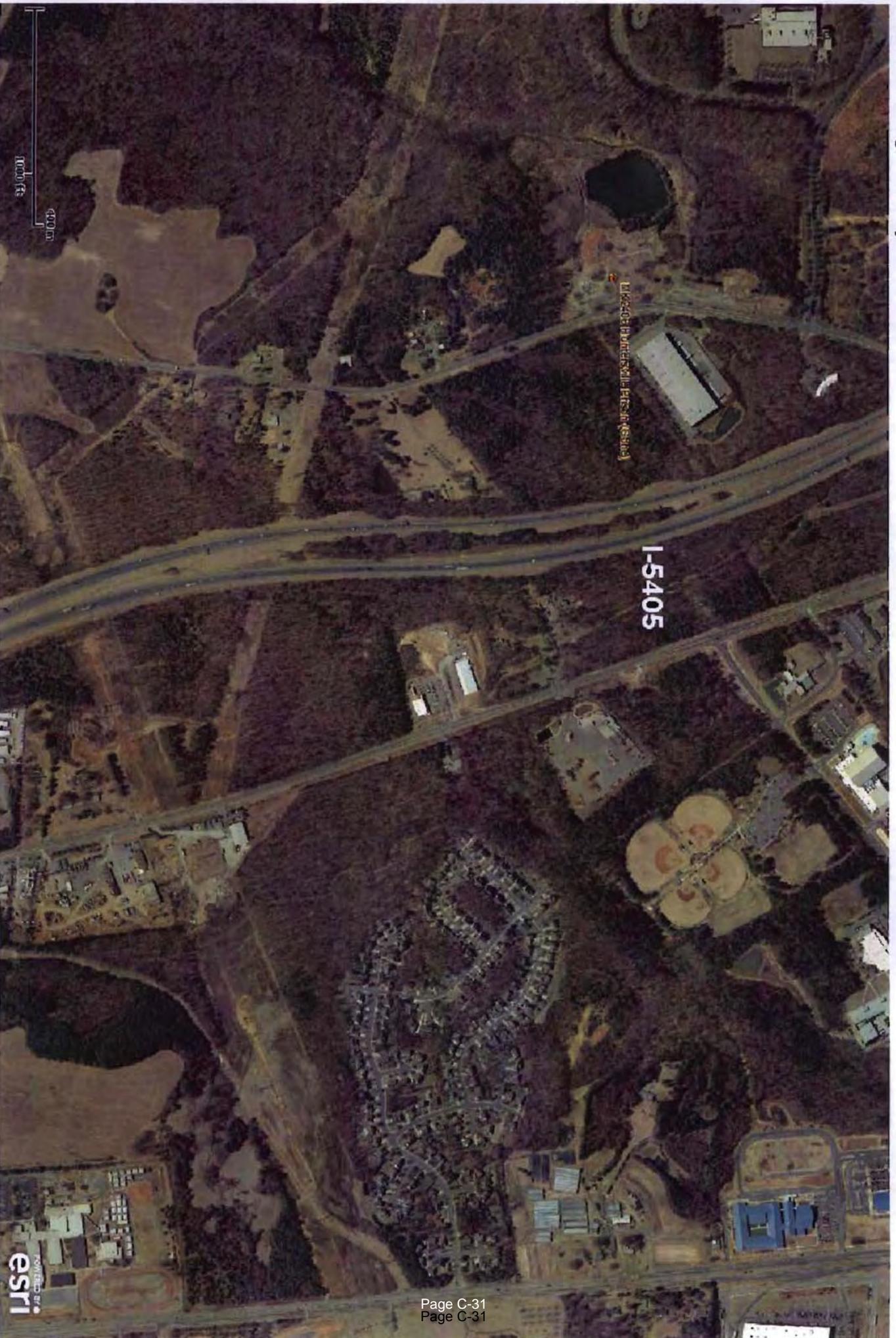
Mecklenburg County



I-5405

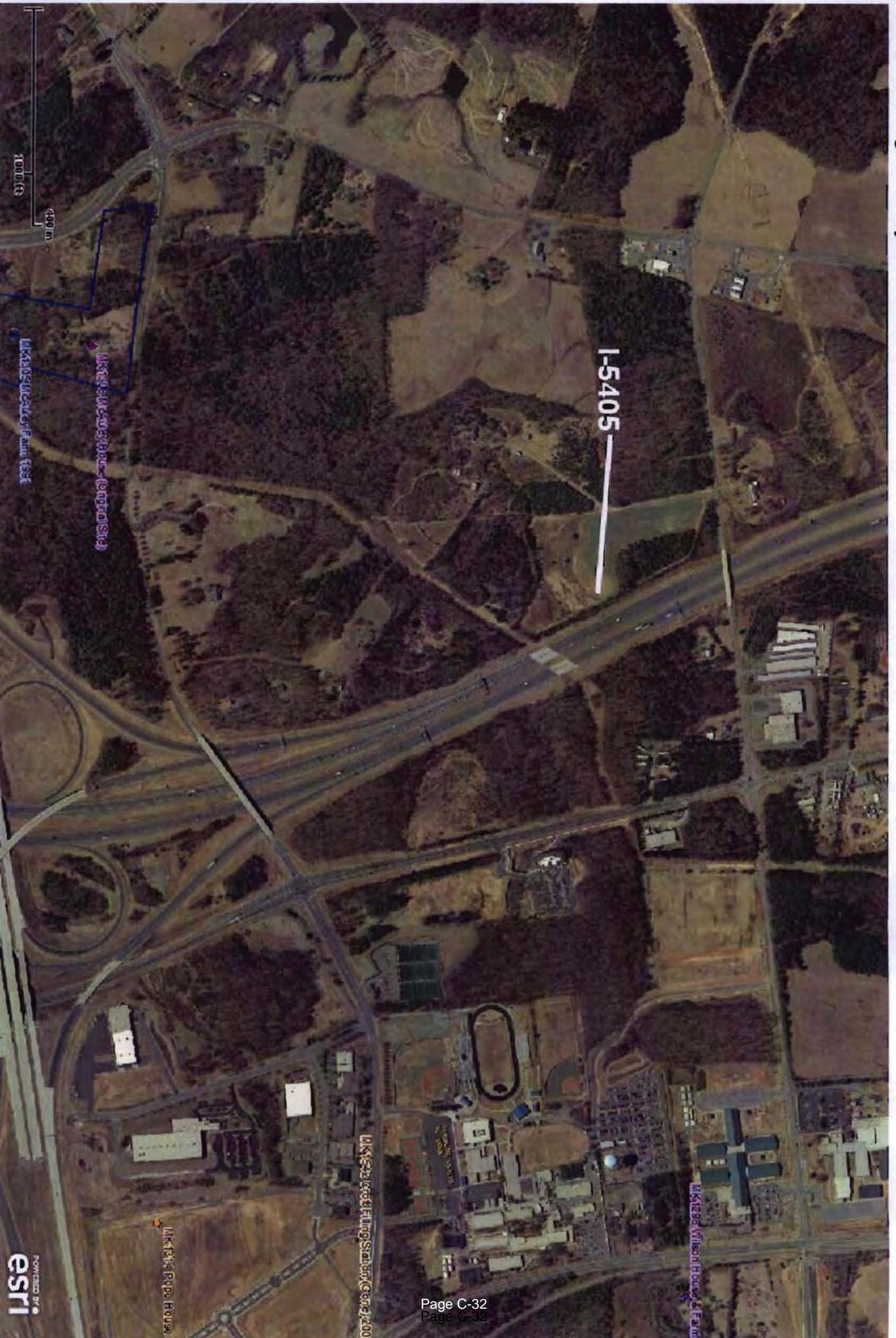
112505 Alexander Charles and Laura House

112505 Ransom House



# HPOGIS

Mecklenburg County



# HPOGIS

Mecklenburg County



Copyright 2011 Esri. All rights reserved. Thu Dec 22 2011 10:44:56 AM





I-5405

# HPOGIS

Mecklenburg County

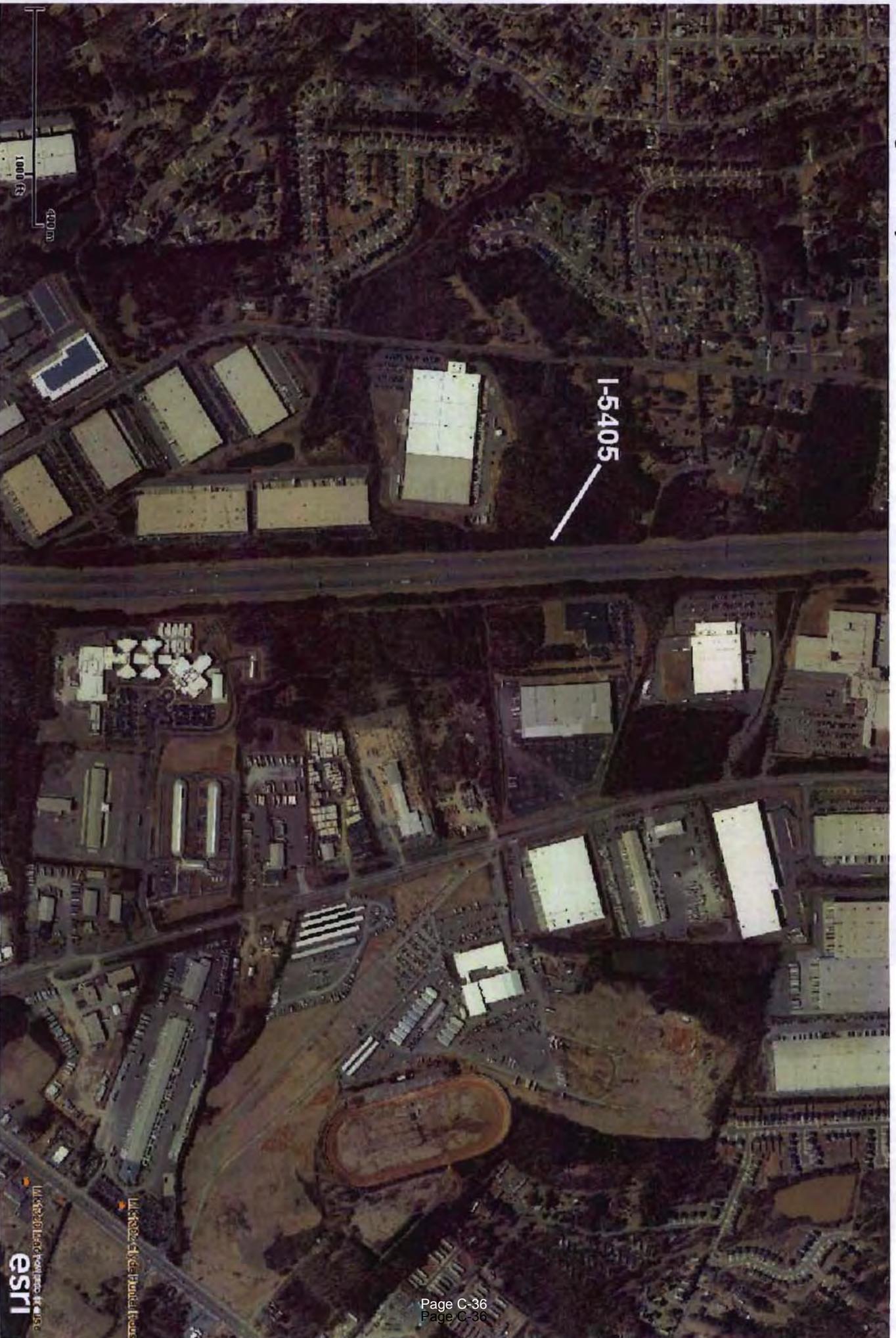


Copyright 2011 Esri. All rights reserved. Thu Dec 22 2011 10:45:56 AM



# HPOGIS

Mecklenburg County



I-5405

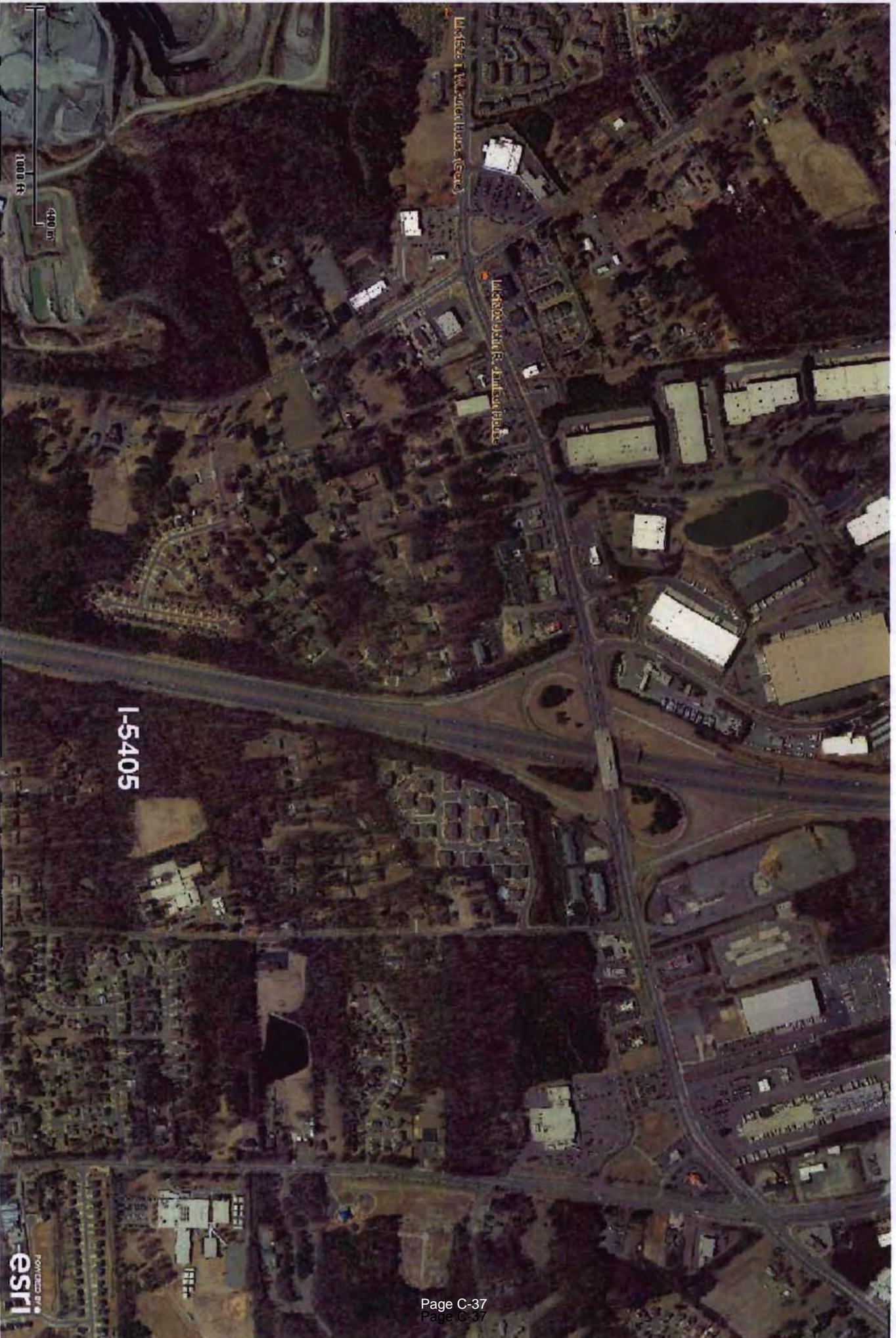
400 m

1000 ft

Copyright 2011 Esri. All rights reserved. Thu Dec 22 2011 10:46:23 AM

# HPOGIS

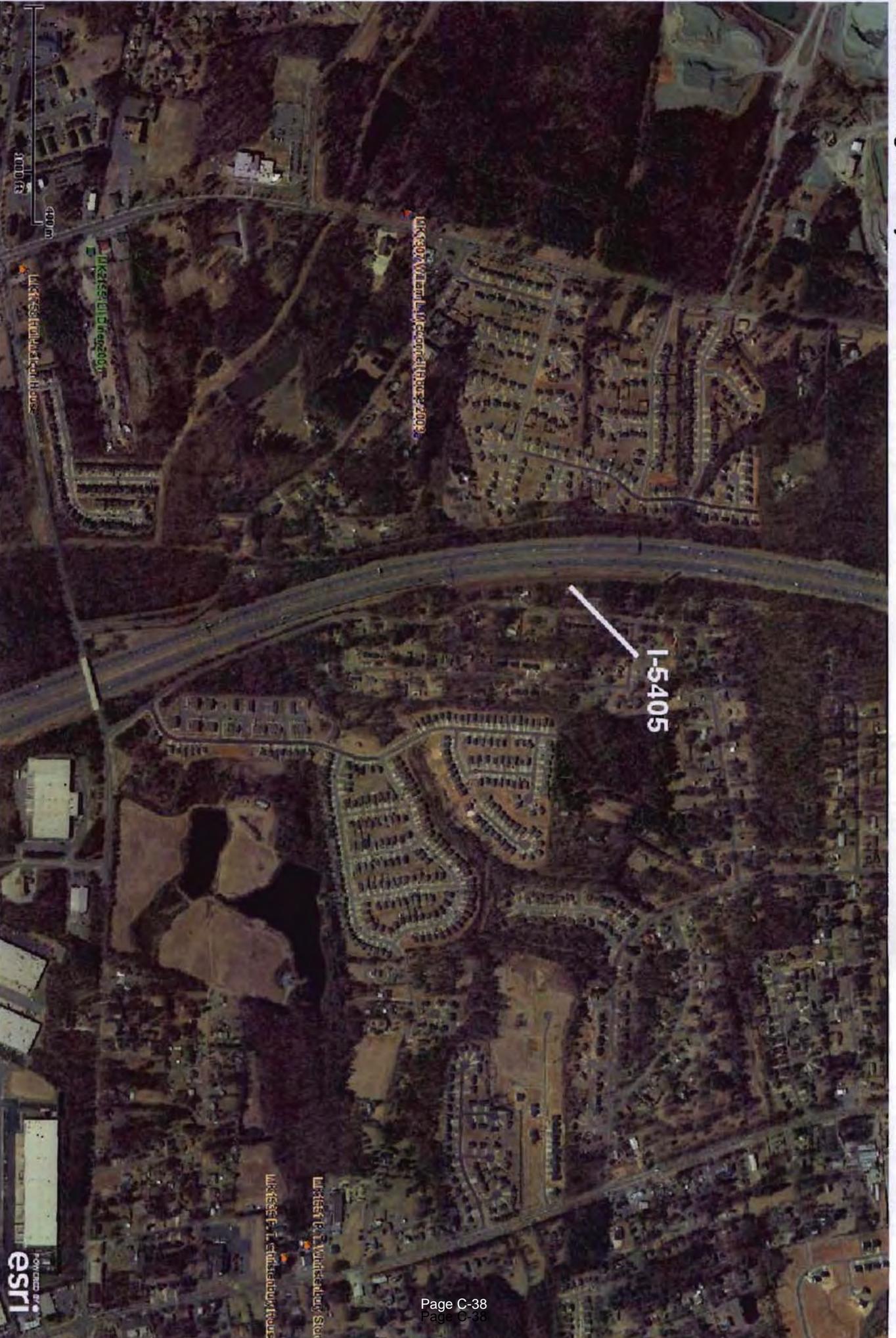
Mecklenburg County



I-5405

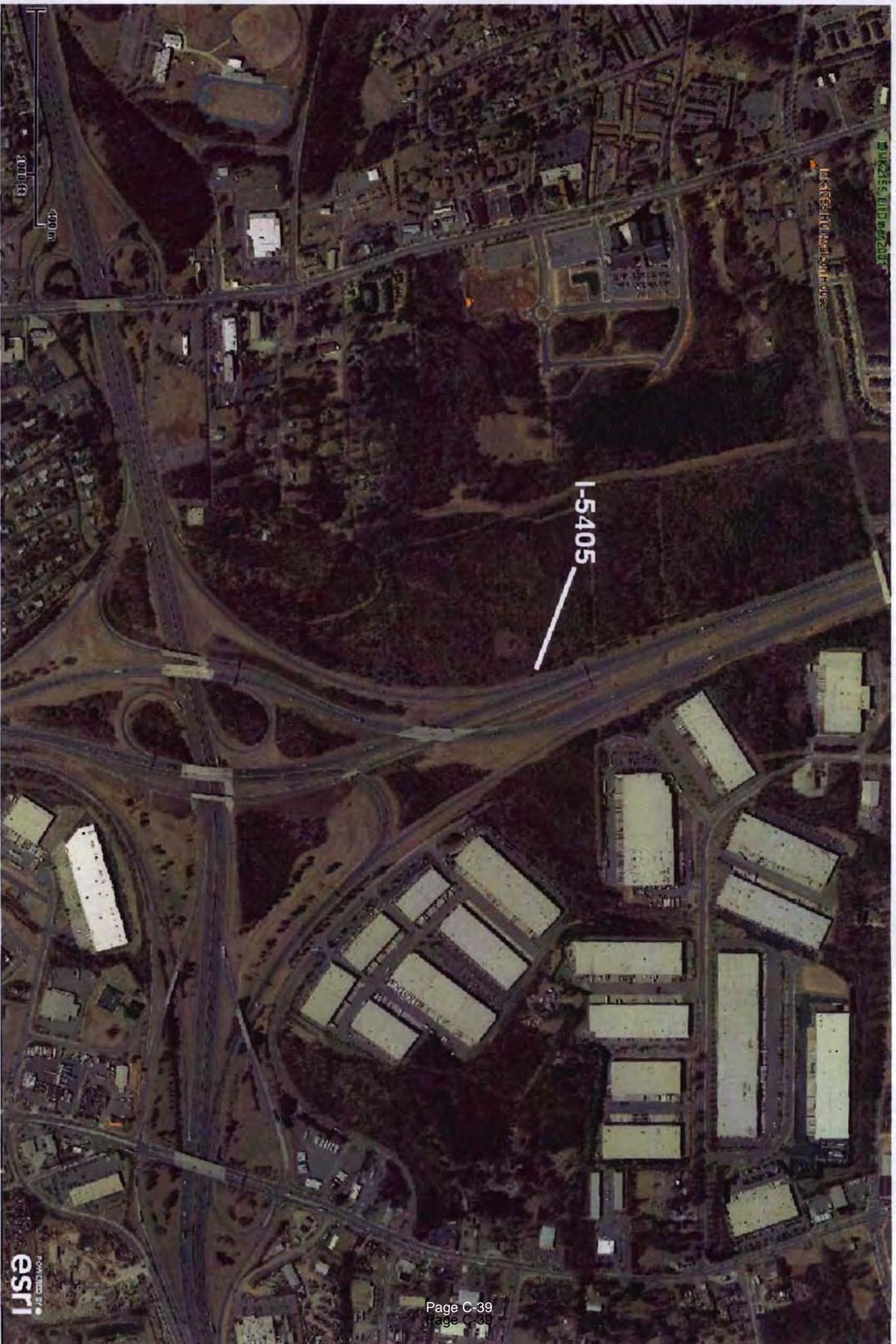
# HPOGIS

Mecklenburg County



# HPOGIS

Mecklenburg County



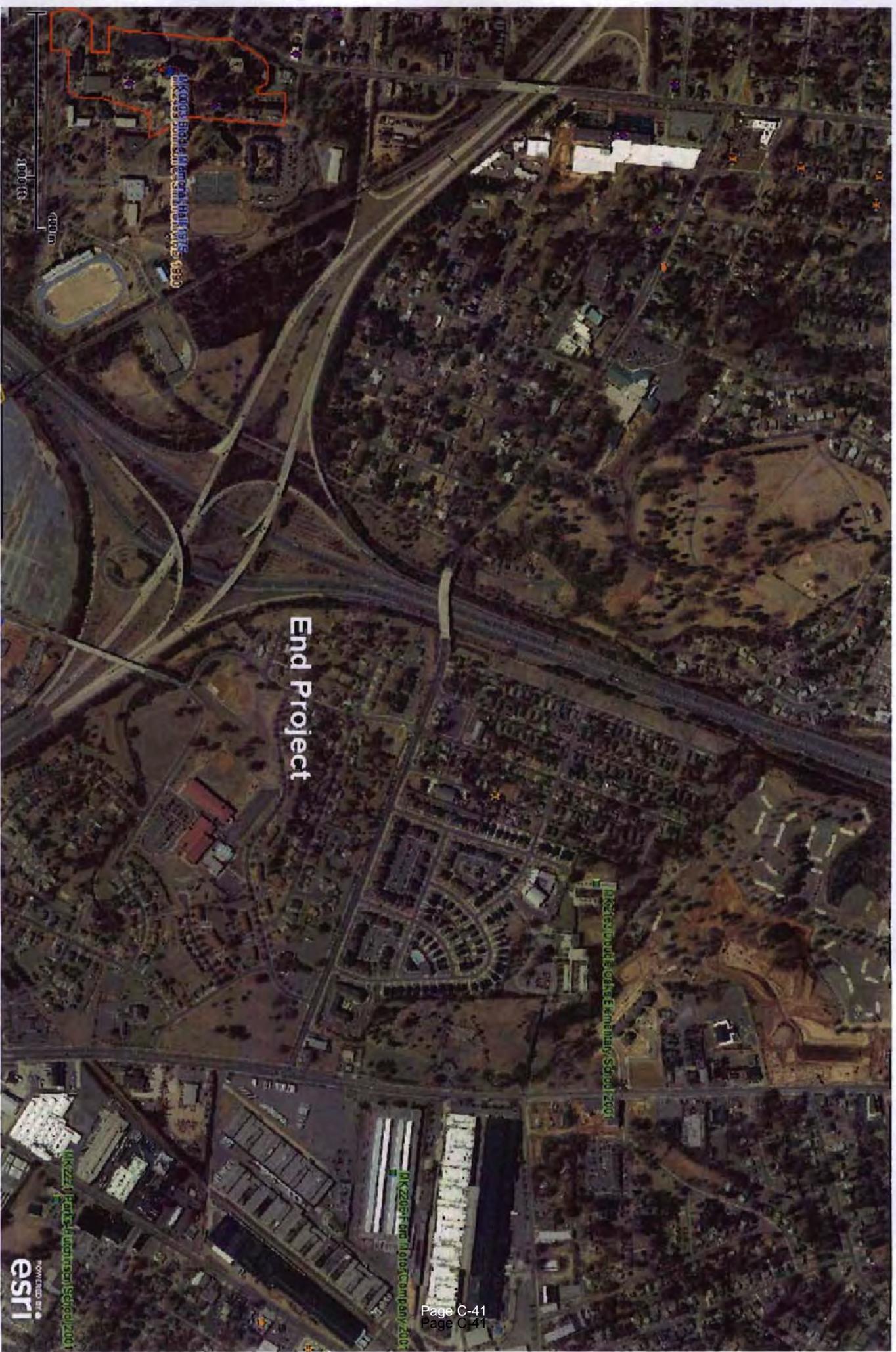


I-5405

400m  
1000ft

# HPOGIS

Mecklenburg County



End Project

11-11-0074

**NO SURVEY REQUIRED FORM****PROJECT INFORMATION**

*Project No:* I-5405 *County:* Mecklenburg  
*WBS No:* 45454.1.TA1 *Document:* None Listed  
*F.A. No:* NHF-7-1(209)9 *Funding:*  State  Federal

*Federal (USACE) Permit Required?*  Yes  No *Permit Type:* Unknown

*Project Description:* I-77 from I-277 (Brookshire Freeway) to West Catawba Avenue (Exit 28) in Mecklenburg County (17 miles). Construct High Occupancy Toll (HOT) lanes and convert existing HOV lanes to HOT lanes within the median of I-77. Cantilever variable message signing will be installed at currently unknown locations throughout the project. All work will be contained within the existing ROW, and no interchange work is included with this project. The portion of the I-77 corridor between I-277 and Exit 28 in Mecklenburg County is increasingly experiencing traffic volumes exceeding the capacity of the facility resulting in congestion. The purpose of the project is to implement a solution that aligns with transportation objectives in the region, while balancing/addressing physical, environmental, and financial constraints.

**SUMMARY OF CULTURAL RESOURCES REVIEW**

*Brief description of review activities, results of review, and conclusions:*

A map review and site file search was conducted at the Office of State Archaeology (OSA) on Thursday, December 1, 2011. Comprehensive archaeological surveys have been conducted in various locales to either side of the I-77 corridor, resulting in numerous archaeological sites having been recorded. Digital copies of HPO's maps (Lake Norman South, Cornelius, Derita, and Charlotte East Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpweb/>) were reviewed on Friday, December 2, 2011. There are no known historic architectural resources located within the project area that may have intact archaeological deposits within the footprint of the proposed project. In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or prehistoric settlement within the project limits, and to assess the level of modern, slope, agricultural, hydrological, and other erosive-type disturbances within and surrounding the archaeological APE.

*Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:*

All proposed project activities are to take place within the median of and the existing ROW for I-77, which in most instances measures 400' wide. This is a Federally-funded and Federally-permitted endeavor, and the entire project corridor consists of an interstate highway. Construction of I-77 started in the mid-1960s. Around 1968, I-77 opened between Exits 28 and 33 in the Cornelius/Davidson area. The highway from Cornelius south to Charlotte was opened in 1975. Beginning in the mid-1990s, the interstate corridor began to see upgrades including additional lanes in both directions as well as new interchanges. Based on the project description and the highly disturbed nature of the interstate corridor, the project's Area of Potential Effects (APE) is considered to have an extremely low potential for containing intact archaeological materials. Therefore, an archaeological survey is not recommended.

However, if the description of this project or design plans change prior to construction, then additional consultation will be required. As currently proposed, this interstate improvement project is unlikely to affect any significant NRHP-eligible archaeological resources. No further archaeological work is recommended.

**SUPPORT DOCUMENTATION**

See attached:  Map(s)     Previous Survey Info     Photos     Correspondence  
 Photocopy of County Survey Notes

**FINDING BY NCDOT CULTURAL RESOURCES PROFESSIONAL - NO SURVEY REQUIRED**

Archaeology

Historic Architecture

(Circle One)

*Paul J Mohler*

December 2, 2011

NCDOT Cultural Resources Specialist

Date

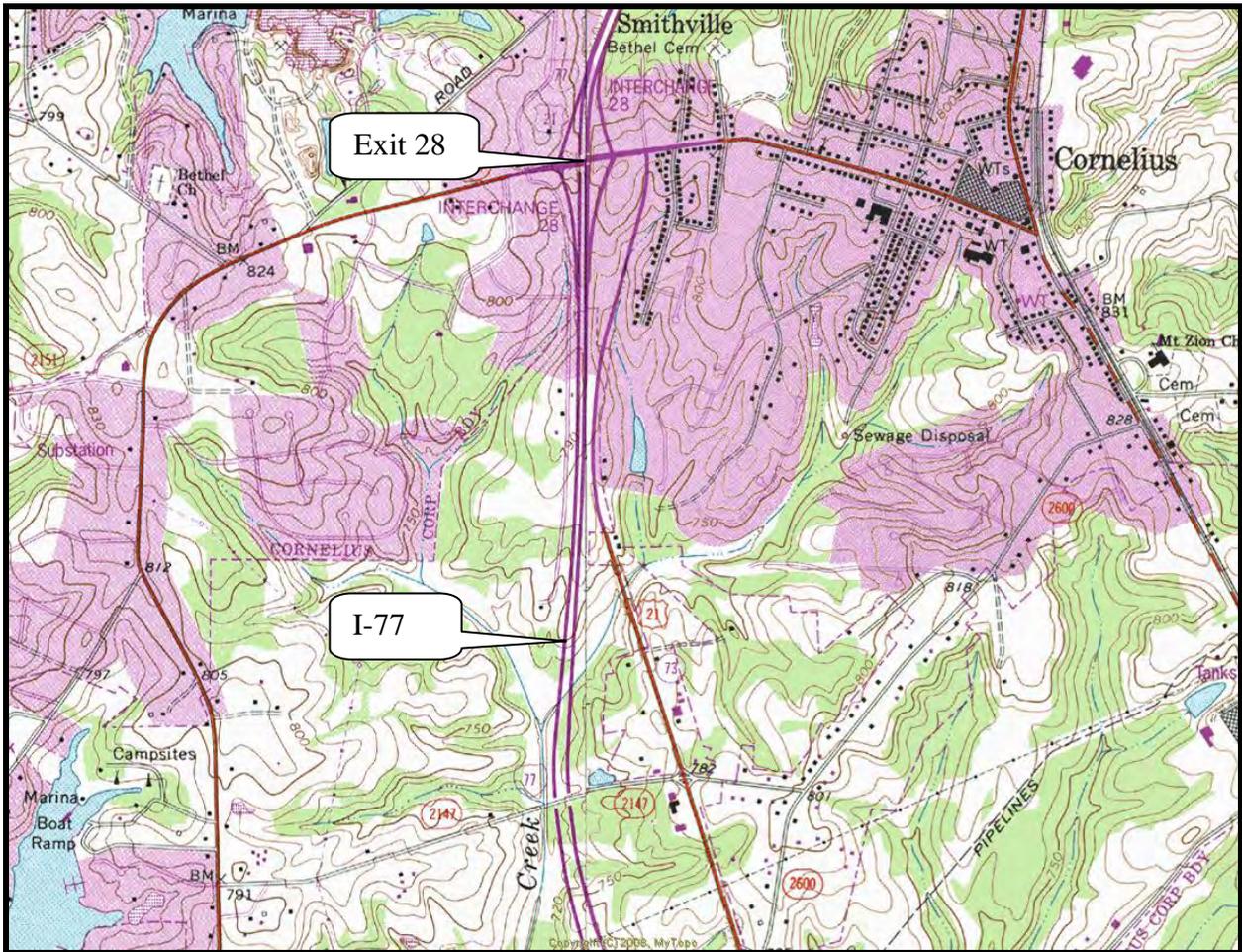


Figure 1: Lake Norman South, NC (USGS 1993) and Cornelius, NC (USGS 1993).

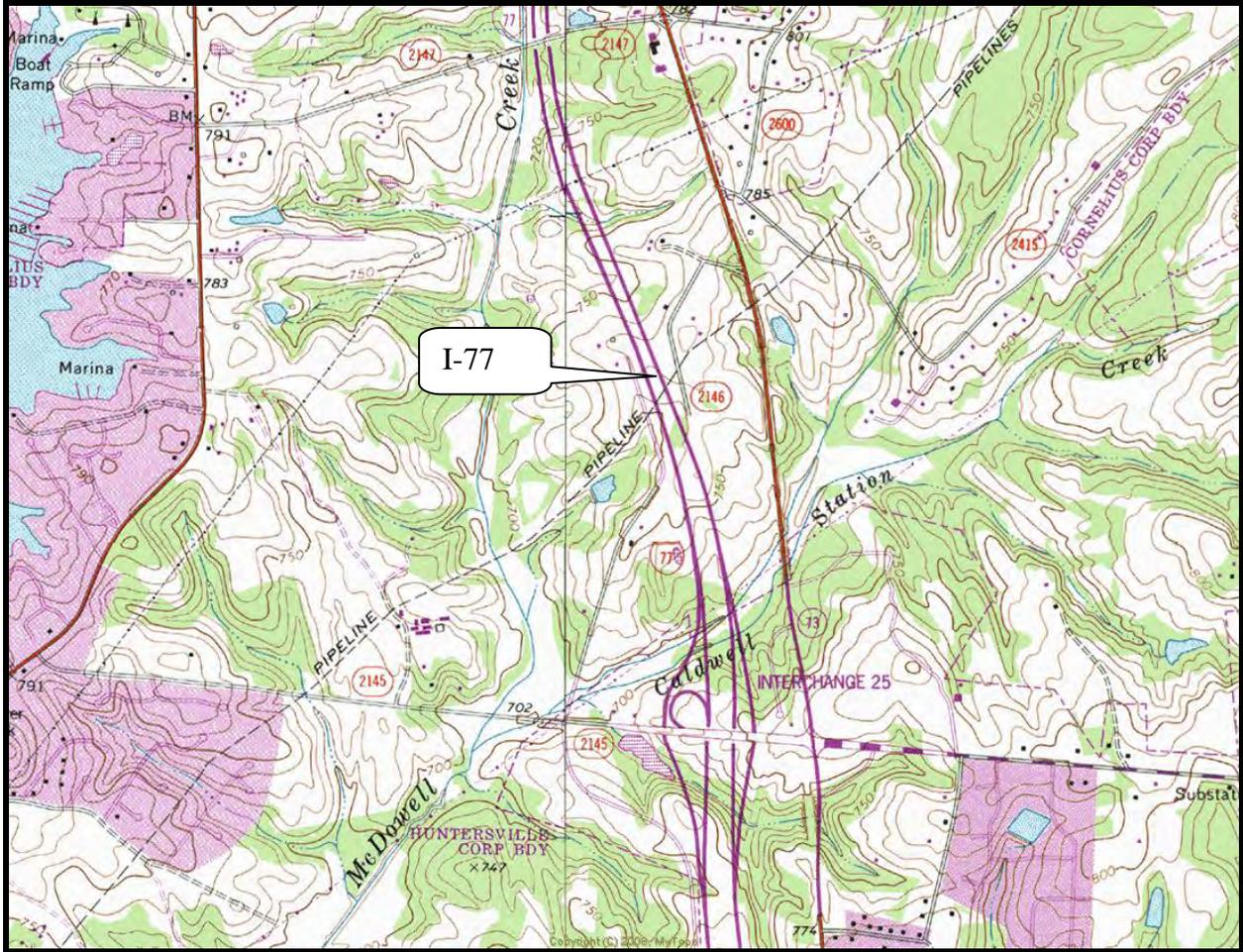


Figure 2: Lake Norman South, NC (USGS 1993) and Cornelius, NC (USGS 1993).

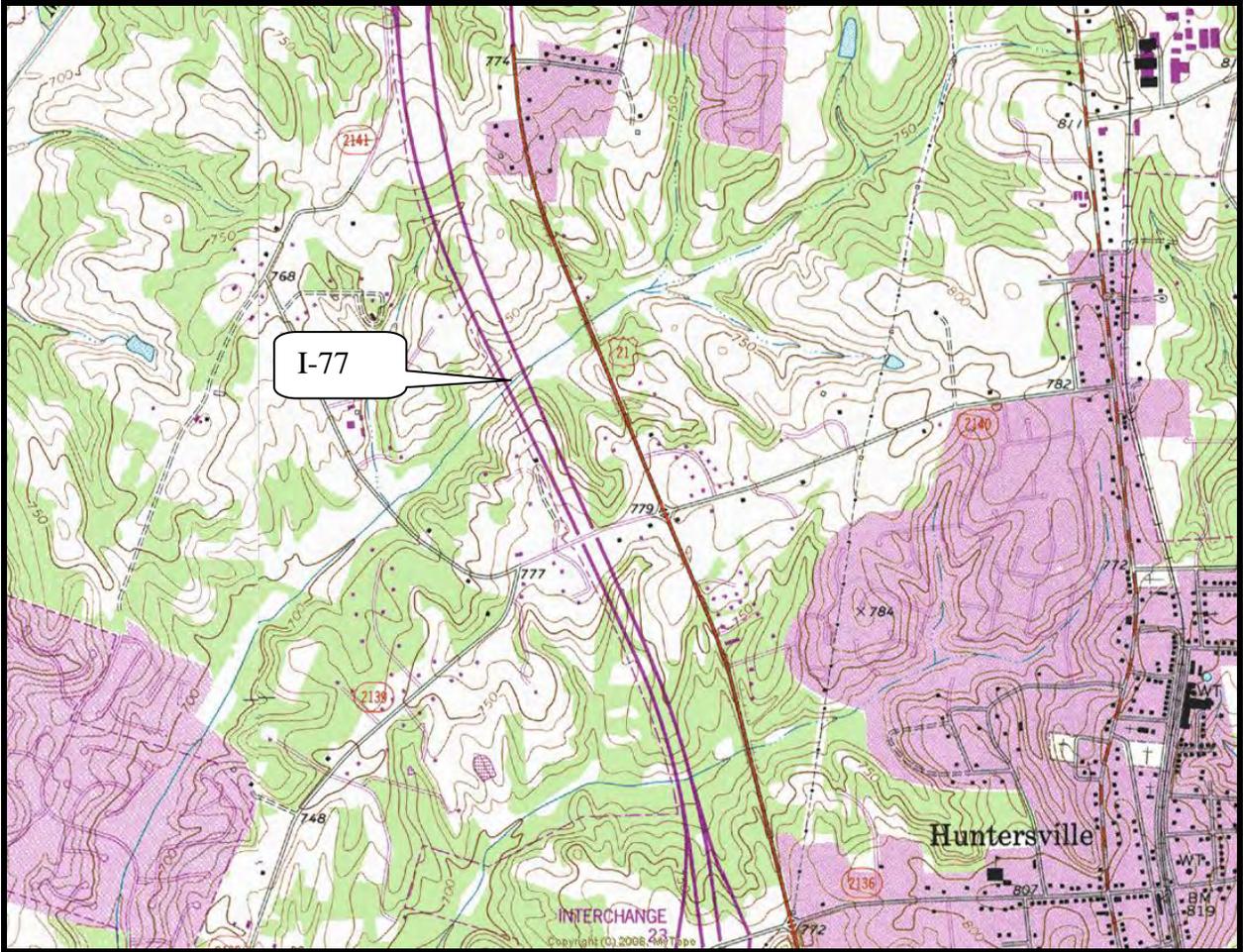


Figure 3: Lake Norman South, NC (USGS 1993) and Cornelius, NC (USGS 1993).

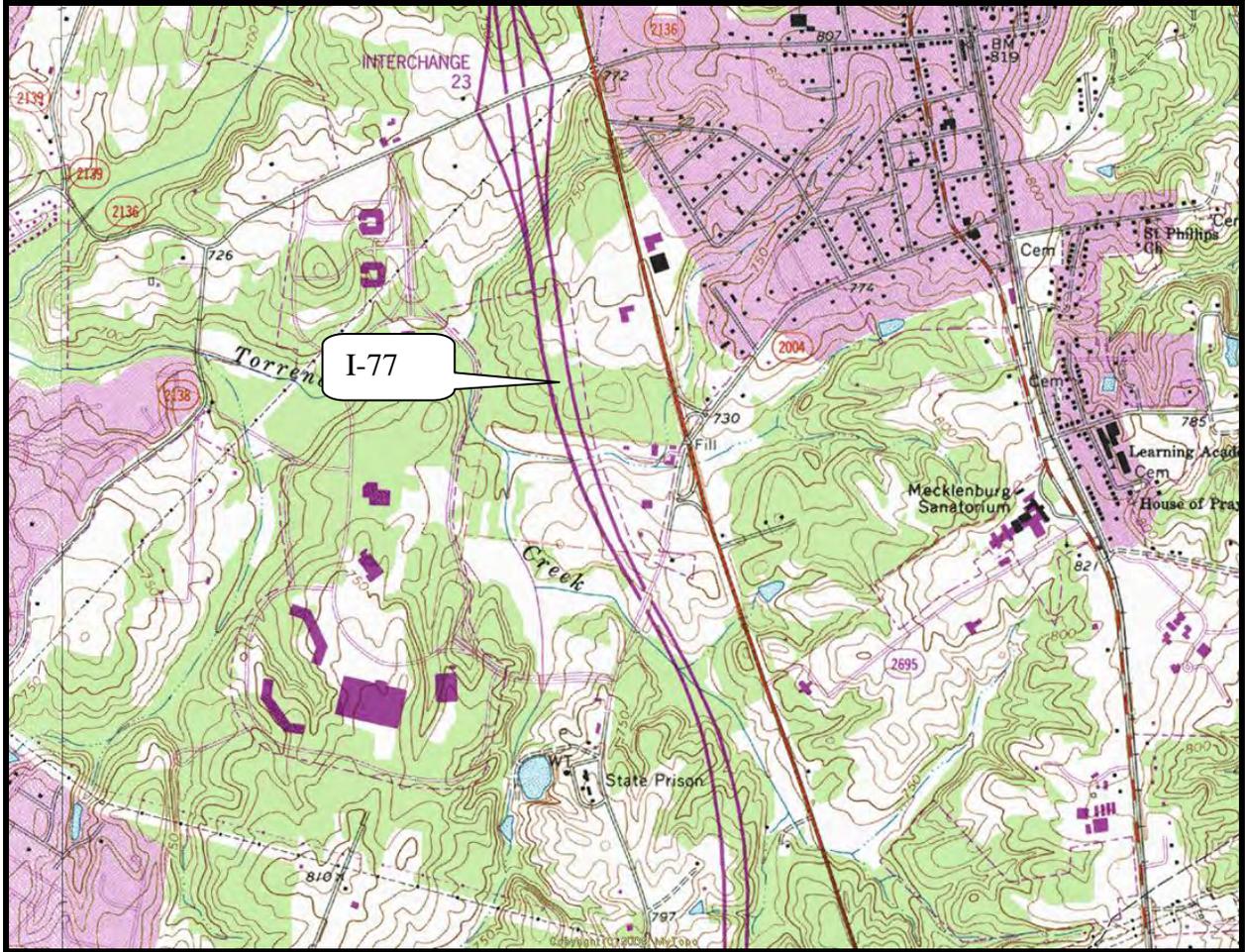


Figure 4: Lake Norman South, NC (USGS 1993) and Cornelius, NC (USGS 1993).

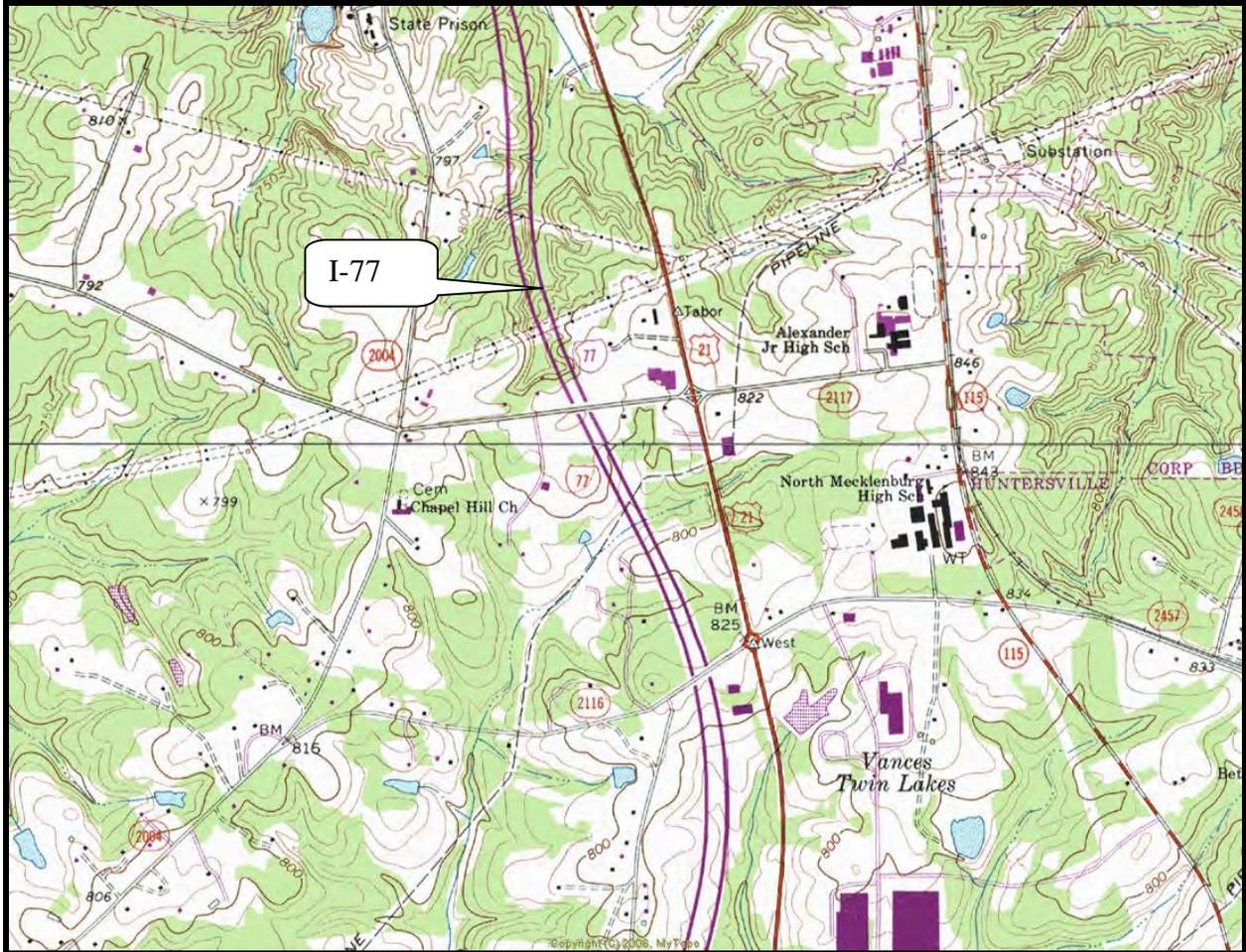


Figure 5: Cornelius, NC (USGS 1993) and Derita, NC (USGS 1993).

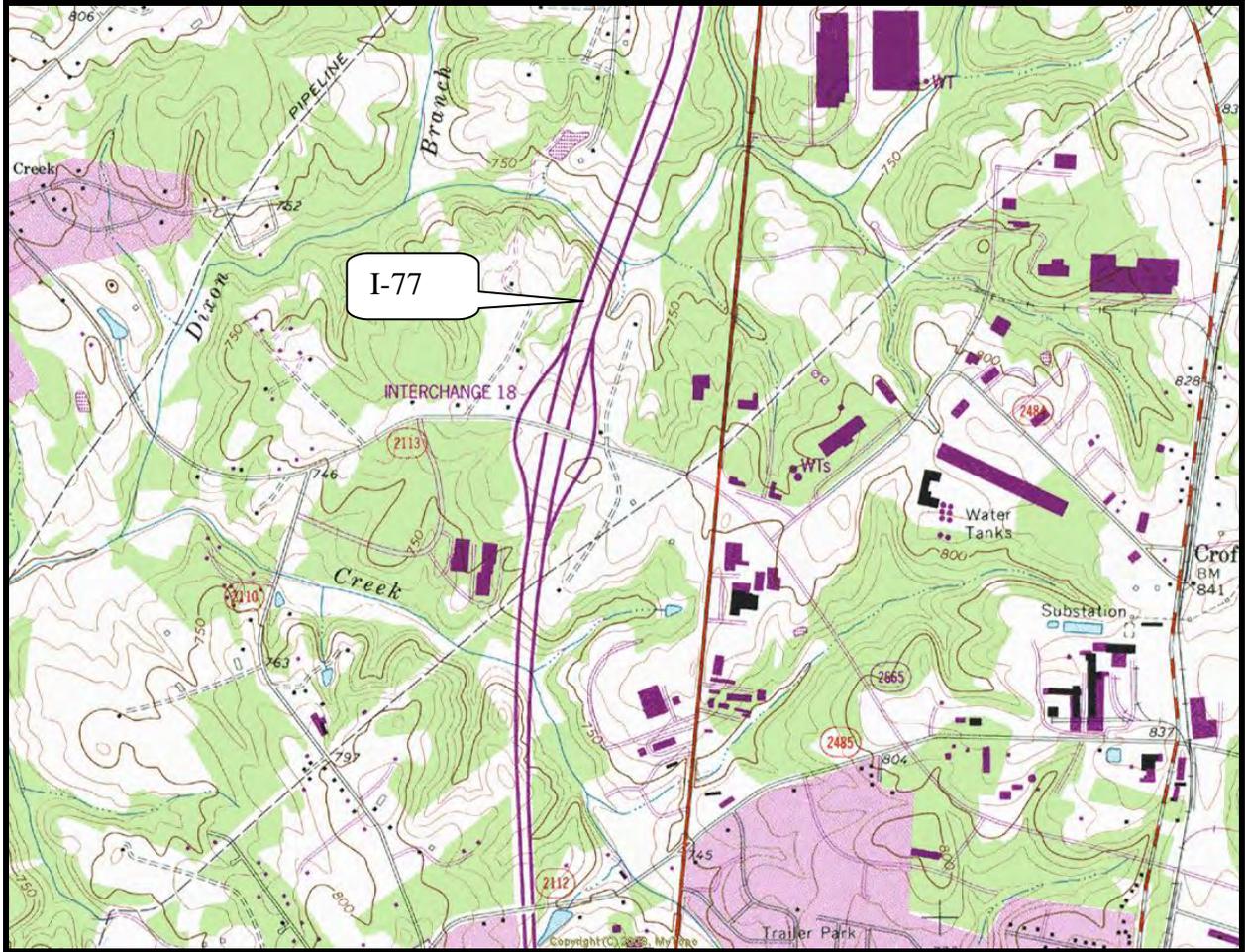


Figure 6: Derita, NC (USGS 1993).

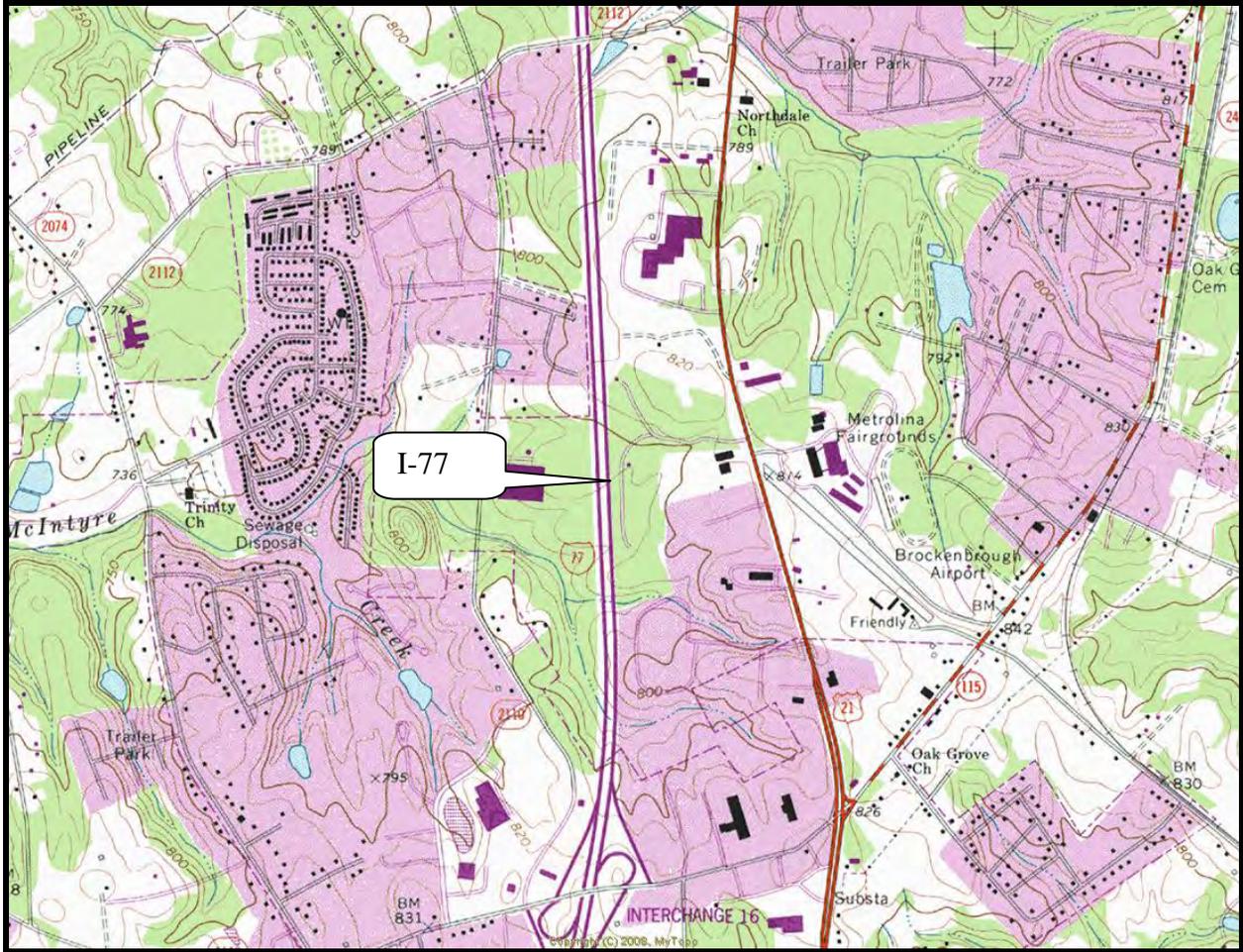


Figure 7: Derita, NC (USGS 1993).

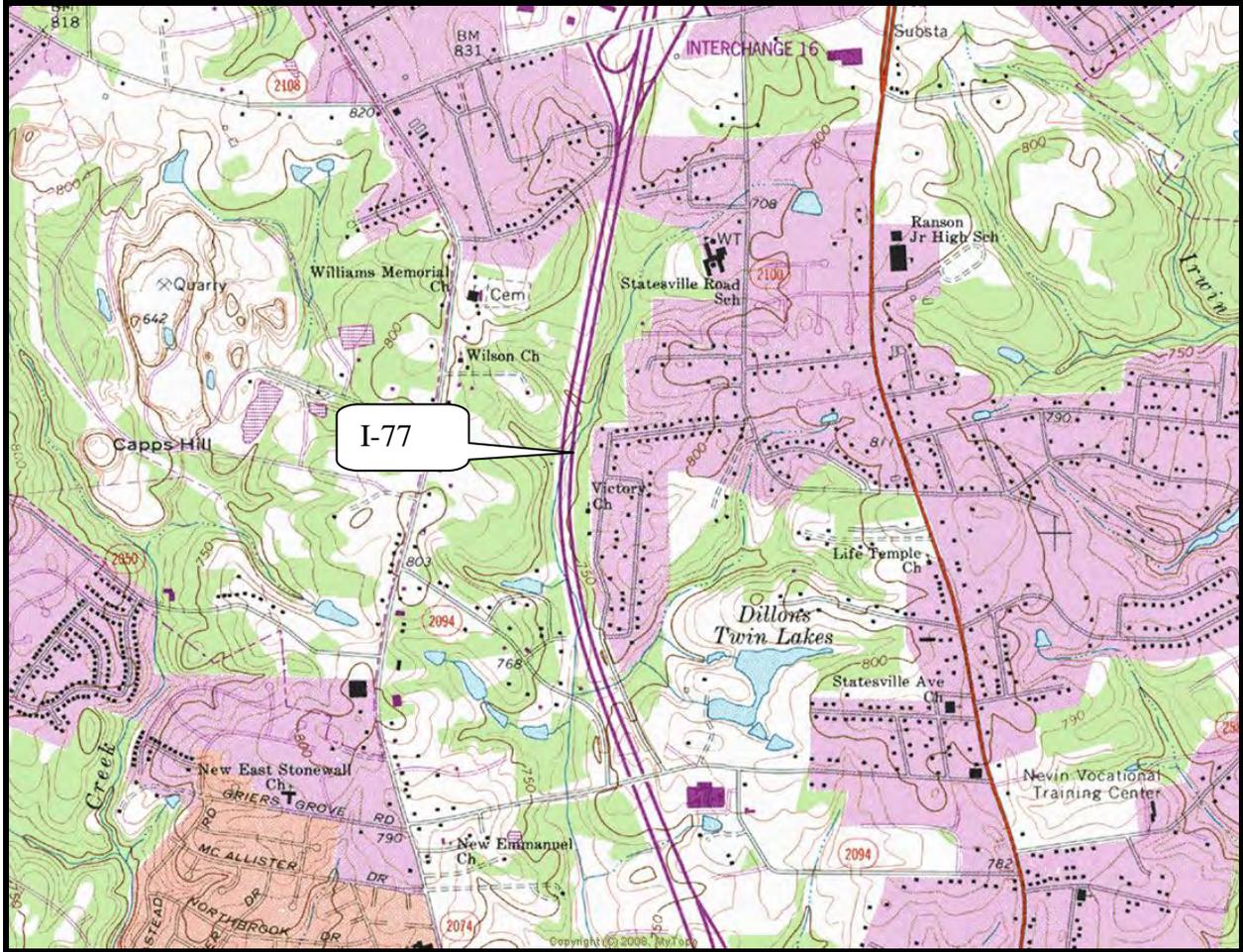


Figure 8: Derita, NC (USGS 1993).

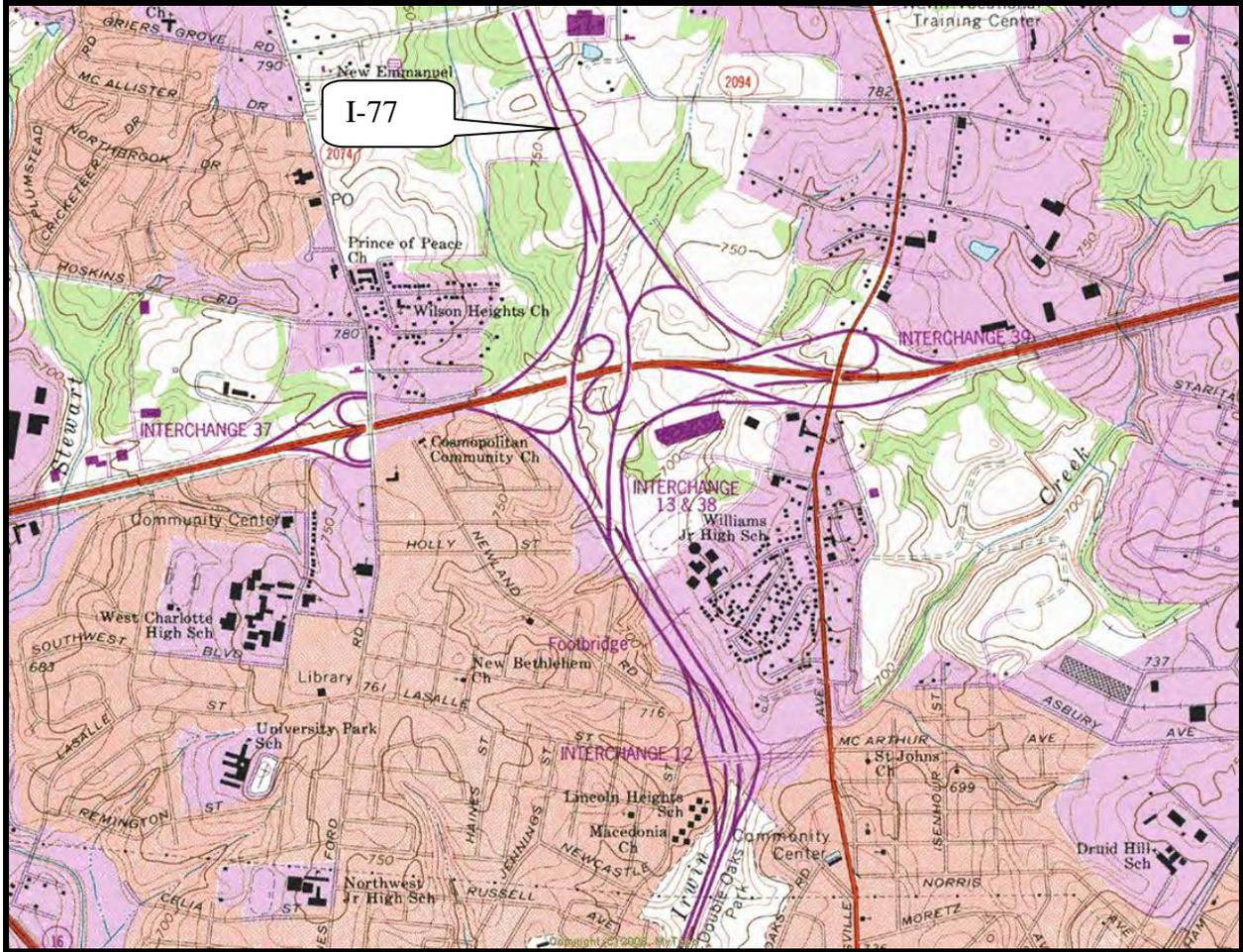


Figure 9: Derita, NC (USGS 1993).

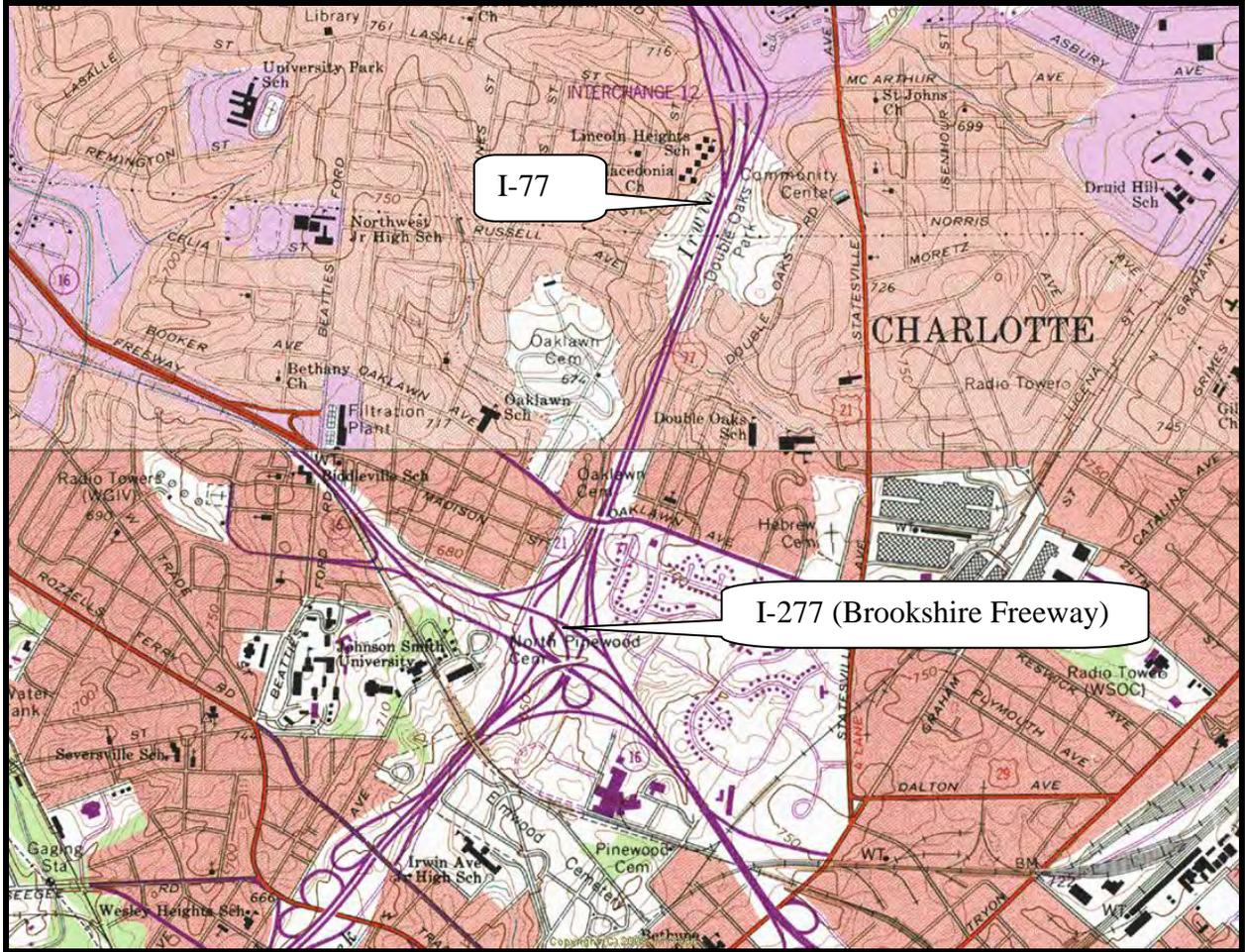


Figure 10: Derita, NC (USGS 1993) and Charlotte East, N.C. (USGS 1967 [PR1988]).

12-03-0041

## SURVEY REQUIRED FORM

### PROJECT INFORMATION

*Project No:* I-5401 (Southern Section)      *County:* Mecklenburg  
*WBS No:* 45454.1.1      *Document:* None Listed  
*F.A. No:* NHF-7-1(209)9      *Funding:*       State       Federal  
*Federal (USACE) Permit Required?*       Yes       No      *Permit Type:* Nationwide (n=?)

*Project Description:* I-77, from I-277 (Brookshire Freeway) to I-85 (Exit 13B), and I-277 from I-77 to North College Street, Mecklenburg County. Conversion of existing southbound High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes and the construction of HOT lanes through widening to the outside shoulder of the existing roadway within the project limits. Cantilever variable message signing will be installed at currently unknown locations throughout project. Work will extend beyond the existing right-of-way, and minor interchange work to adjust ramp terminals is included with this project. The portion of the I-77 corridor between I-277 and Exit 28 in Mecklenburg County is increasingly experiencing traffic volumes exceeding the capacity of the facility resulting in congestion. This study will focus only on improvements to the Southern Section of I-5405. The purpose of the project is to implement a solution that includes providing HOT lanes in each direction while aligning with transportation objectives in the region and balancing/addressing physical, environmental, and financial constraints.

### SUMMARY OF CULTURAL RESOURCES REVIEW – SURVEY REQUIRED

*Brief description of review activities, results of review, and conclusions:*

A map review and site file search was conducted at the Office of State Archaeology (OSA) on Thursday, April 12, 2012. Comprehensive archaeological surveys have been conducted in various locales to either side of the I-77 corridor, resulting in numerous archaeological sites having been recorded. Digital copies of HPO's maps (Derita and Charlotte East Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpweb/>) were reviewed on Monday, April 30, 2012. There are no known historic architectural resources located within the project area that may have intact archaeological deposits within the footprint of the proposed project; however, Oaklawn Cemetery and West Pinewood Cemetery are both encroached upon by proposed bridge and ramp realignments. Neither cemetery has been evaluated for its eligibility for the National Register of Historic Places (NRHP). In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or prehistoric settlement within the project limits, and to assess the level of modern, slope, agricultural, hydrological, and other erosive-type disturbances within and surrounding the archaeological APE.

This is a Federally funded project that also requires a Federal permit. Most project activities will take place within the existing ROW for I-77 and I-277, which in most instances measures about 200' wide. However, a review of preliminary design plans does show several locations that extend beyond the existing ROW. Each location was looked at during the course of a reconnaissance survey conducted on Friday, April 27, 2012, in tandem with a representative of the NCDOT's Historic Architecture Group. Most of these locations are not suitable for conducting archaeological investigations; current soil conditions and topography would not suggest the presence of intact archaeological materials, historic or prehistoric. Cecil-Urban land complex, 2 to 8 percent slopes (CuB), is described as soils that have been

altered or covered as the result of grading and digging; this is highly common for the residential neighborhoods paralleling the interstate corridor. In addition, much of corridor and property along its ROW consists of Monacan and Arents soils (Ms), which is described simply as fill material. Large pockets of heavily eroded soils (Cecil sandy clay loam, 8 to 15 percent slopes, eroded [CeD2]) are also present in areas beyond the existing ROW.

Nevertheless, the realignment of Oaklawn Avenue and its bridge crossing I-77 will impact the front section of Oaklawn Cemetery, which, as stated before, has not been evaluated for the NRHP. Proposed design plans suggest that the ROW along Oaklawn Avenue will be pushed back another 10' to 90' further into the cemetery. In addition, the realignment of the ramp for southbound I-77 (Exit 10c) will impact a portion of the West Pinewood Cemetery, which has also not been evaluated for the NRHP. Available design plans do not show the extent of the proposed ROW in this location; they do show "Proposed Paved Shoulder" and "Proposed EOT [edge of travel line]" crossing into the cemetery parcel (14' in for a distance of about 82'). Presumably, proposed ROW would encroach upon the cemetery even further. Based on the information provided above, an archaeological survey is recommended for the proposed project. Such a survey, though, would consist of NRHP evaluations for both cemeteries, historical research, and ground-penetrating radar (GPR) studies within the overlapping limits of the proposed project with both Oaklawn Cemetery and West Pinewood Cemetery. Should the description of this project change or more recent design plans be made available prior to construction, additional consultation regarding archaeology will be required.

**SUPPORT DOCUMENTATION**

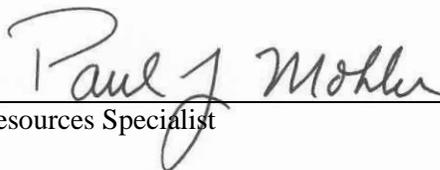
See attached: Map(s) and aerial(s)

**FINDING BY NCDOT CULTURAL RESOURCES PROFESSIONAL -- SURVEY REQUIRED**

Archaeology

Historic Architecture

(circle one)



May 2, 2012

NCDOT Cultural Resources Specialist

Date

November 2, 2012

Proposed fieldwork completion date

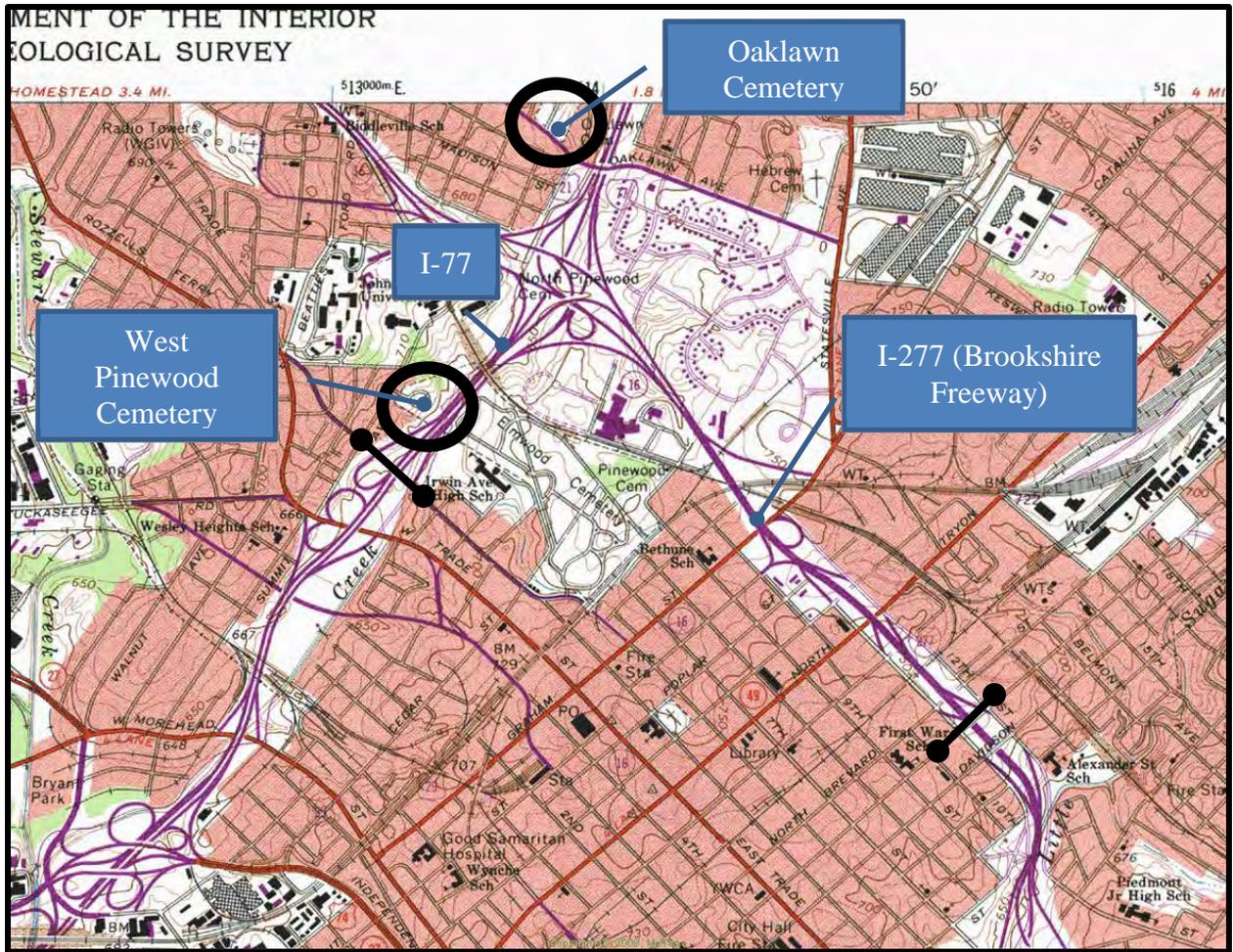


Figure 1: Charlotte East, N.C. (USGS 1967 [PR88]).

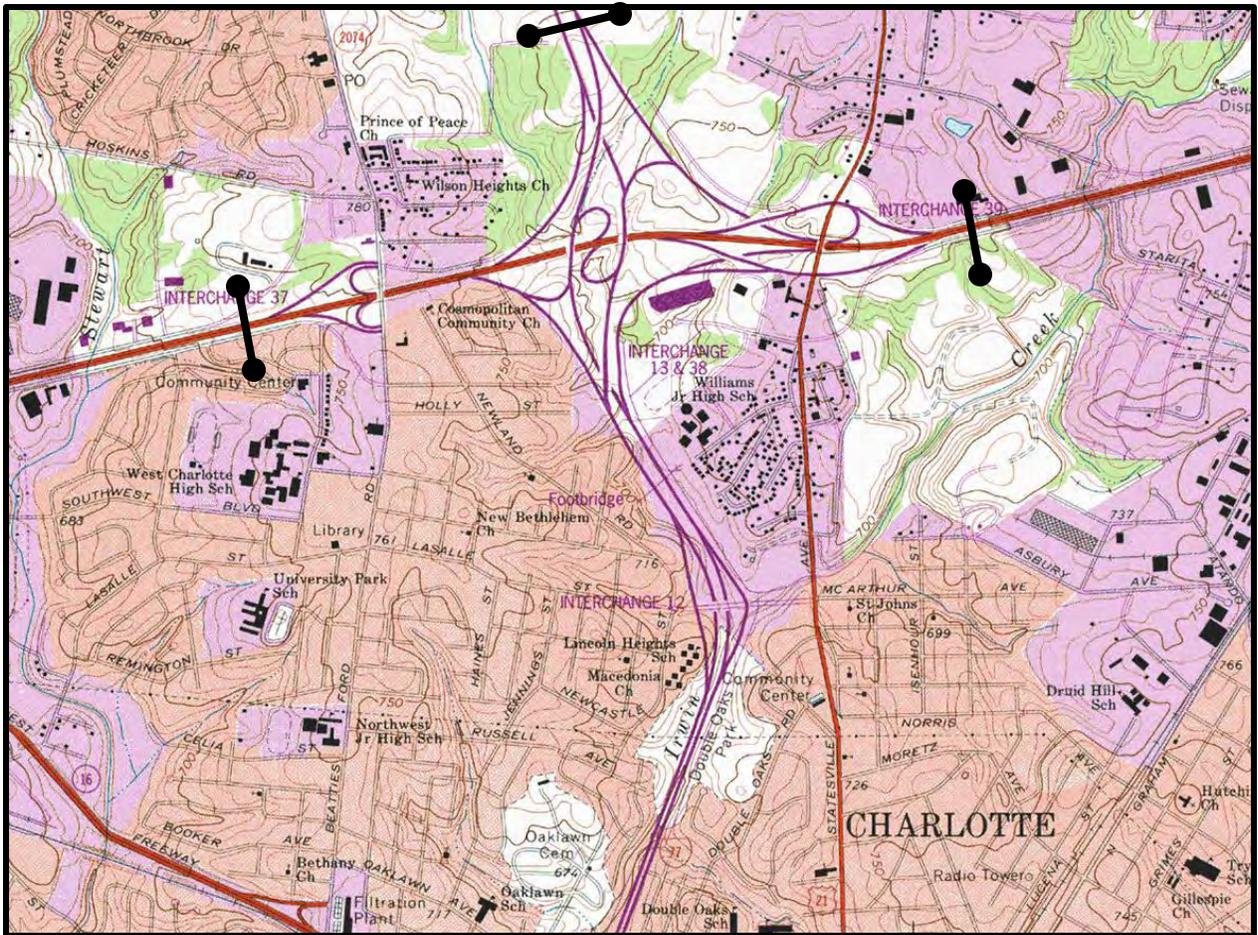


Figure 2: Derita, NC (USGS 1993).



Photo 1: Edge of West Pinewood Cemetery, looking south.



Photo 2: Edge of West Pinewood Cemetery, looking northeast.



Photo 3: Example of Headstone hidden in vegetation along edge of West Pinewood Cemetery, looking north.



Photo 4: Front Section (East Side) of Oaklawn Cemetery, looking east.



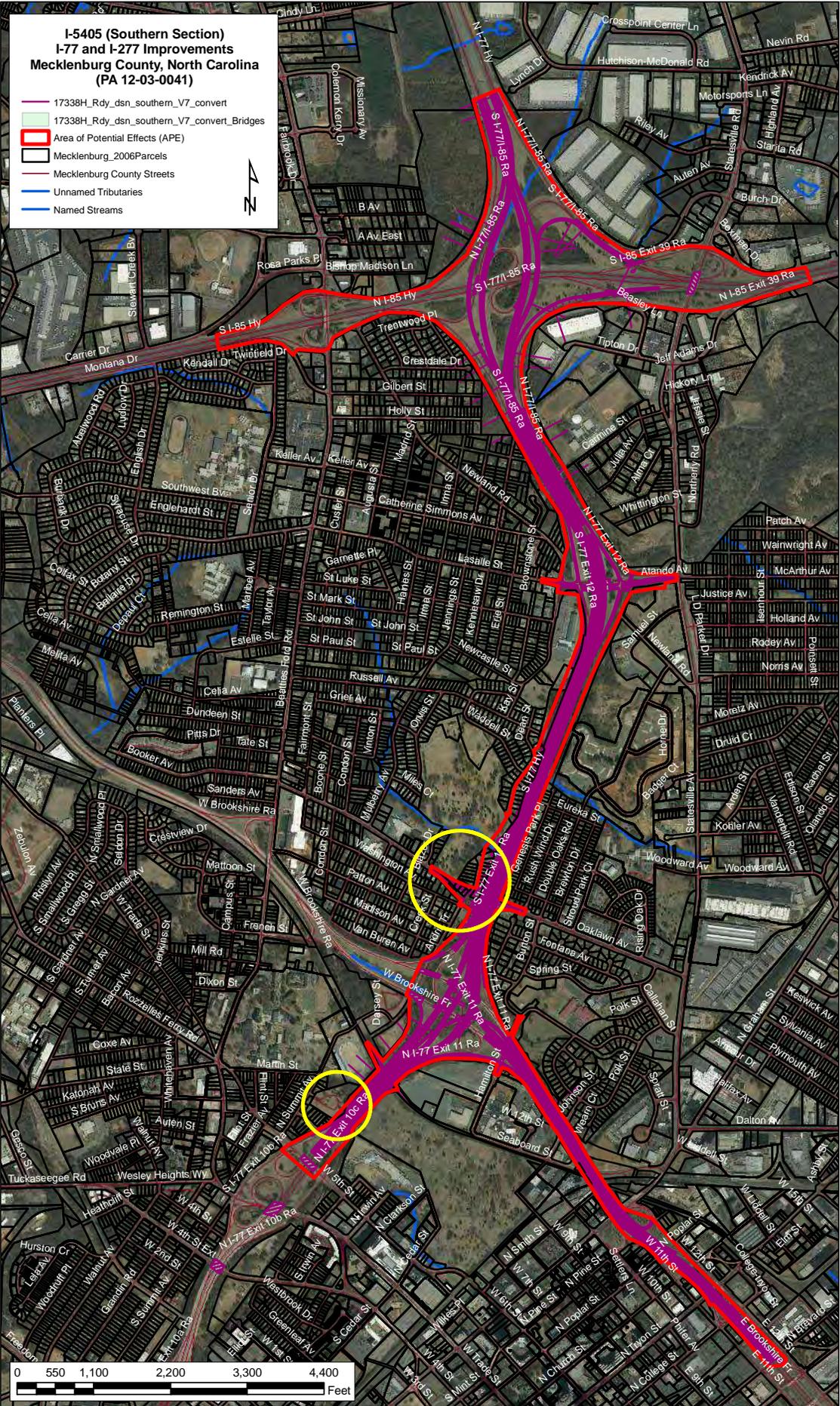
Photo 5: Front Section (East Side) of Oaklawn Cemetery, looking west.



Photo 6: Front Section (West Side) of Oaklawn Cemetery, looking west.



Photo 7: Oaklawn Cemetery Signage and Fence that may be impacted, looking northeast.









North Carolina Department of Cultural Resources  
State Historic Preservation Office

Ramona M. Bartos, Administrator

Pat McCrory, Governor  
Susan W. Kluttz, Secretary  
Kevin Cherry, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

January 31, 2013

MEMORANDUM

TO: Shelby Spillars  
Office of Human Environment  
NCDOT Division of Highways

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Historic Architectural Survey Report, Conversion of High-Occupancy Vehicle Lanes to High-Occupancy Toll Lanes on I-77 (from I-277 to I-85), Charlotte, I-5405, Mecklenburg County, ER 12-0125

Thank you for forwarding the above report, prepared by Marvin Brown of URS Corporation and received on December 18, 2012.

For the purpose of compliance with Section 106 of the National Historic Preservation Act, we concur that the **Orient Manufacturing Company/Chadwick-Hoskins No. 3/Alpha Cotton Mill** is listed in, and remains eligible for listing in, the National Register of Historic Places under Criterion A for Industry and Criterion C for Architecture.

For the purpose of compliance with Section 106, we concur with the report's findings that the following properties are eligible for listing in the National Register under the criteria cited, and that the proposed National Register boundaries appear appropriate:

- **Dalebrook Historic District:** Criterion A for Ethnic Heritage and Criterion C for Architecture;
- **Oaklawn Park Historic District:** Criterion A for Ethnic Heritage and Criterion C for Architecture;
- **McCrorey Heights Historic District:** Criterion A for Ethnic Heritage and Criterion C for Architecture;
- **Elmwood/Pinewood Cemetery:** Previously determined eligible for listing in the National Register and still eligible under Criterion A for Ethnic Heritage and Criterion C for Design, and meets Criterion Consideration D as a cemetery that derives its primary significance from age and distinctive design features;
- **Seaboard Historic District**— Previously determined eligible for listing in the National Register and still eligible, including **Interstate Mills, People's Ice and Coal Company, John B. Ross and Company Bag Warehouse**, and the (former) **Bus Garage** as contributing resources: Criterion A for Industry and Criterion C for Engineering and Design; and,
- **Sears, Roebuck and Company Department Store:** Criterion C for Architecture. The argument presented regarding the Sears Department Store focuses on the significance of the store's design (Criterion C), rather than its significance to Charlotte's economy (Criterion A).

We also concur that at this time, barring additional information to the contrary, the following properties are *not* eligible for listing in the National Register:

- **Lincoln Heights Historic District;**
- **Oaklawn Cemetery;**
- **North Pinewood Cemetery;**
- (Former) **Warehouse**, 700 North Summit Avenue;
- **West Pinewood Cemetery;**
- **East Biddleville Neighborhood;**
- **1315, 1322, 1325, 1330 West 6<sup>th</sup> Street;**
- **325 and 409 North Summit Avenue;**
- **Double Oaks/Genesis Park Historic District;**
- **Ada Cotton Mill** (no longer extant);
- **House**, 221 West 11<sup>th</sup> Street;
- **Jung's Laundry;**
- **Warehouse**, 801 North Tryon Street;
- **First Associate Reformed Presbyterian Church;**
- (Former) **Sunoco Service Station;**
- (Former) **Warehouse**, 901 North Tryon Street; and,
- **Alpha Cotton Mill Village** (no longer extant).

As you know, the **Fourth Ward Historic District** was determined eligible for listing in the National Register in 1995. However, we concur with your finding that the historic integrity of the district within this project's Area of Potential Effect has been severely compromised, making these blocks no longer eligible for listing in the National Register. A map showing our proposed revisions to the National Register boundaries are attached. Please note, these boundaries have already taken into account the historic district's boundary decrease as a result of CSX Main Line Grade Separation Project (P-5002, ER 09-1268), which determined that seven blocks of the district northwest of Graham Street were no longer eligible for listing in the National Register. However, at this time the remainder of the historic district remains eligible. The rest of the district remains bound by Graham Street to the northwest, Trade Street to the southwest, and Church Street to the southeast.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

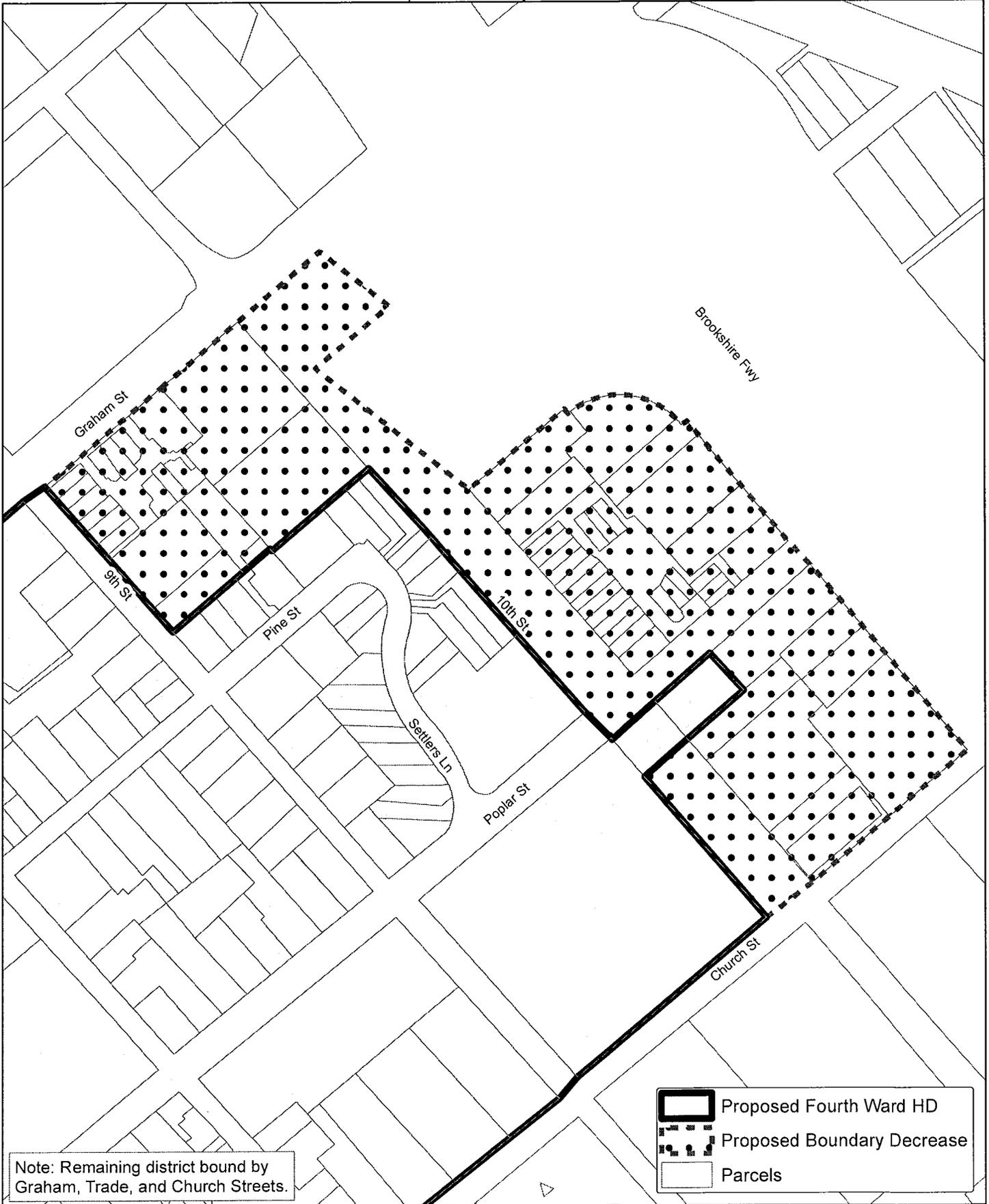
Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, Environmental Review Coordinator, at 919-807-6579. In all future communication concerning this project, please cite the above-referenced tracking number.

Attachment

cc: Mary Pope Furr, NC DOT, [mfurr@ncdot.gov](mailto:mfurr@ncdot.gov)

# Fourth Ward Historic District

Proposed Boundary Decrease





**North Carolina Department of Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Beverly Hayes Perdue, Governor  
Linda A. Carlisle, Secretary  
Jeffrey J. Crow, Deputy Secretary

Office of Archives and History  
Division of Historical Resources  
David Brook, Director

October 30, 2012

MEMORANDUM

TO: Matt Wilkerson  
Office of Human Environment  
NCDOT Division of Highways

FROM: Ramona M. Bartos *RMB for Ramona M. Bartos*

SUBJECT: Ground Penetrating Radar Survey, Oaklawn Cemetery, I-3311C, Mecklenburg County,  
ER 12-0125

Thank you for your letter of October 15, 2012, transmitting the above referenced document.

Our office found this document to be outstanding in scope, methodology, and archival research, not to mention very informative and well written, the report authors, Christopher T. Espenshade, Sarah Lowry and Mark T. Swanson along with New South Associates, Inc., should be commended. We would also like to recognize the efforts of Paul J. Mohler (NCDOT) for his knowledge of the extant archaeological literature and for his familiarity with archaeological field methodology.

The report authors note that one possible anomaly consistent with the expected signature of a historic-era grave was identified on the northeastern edge of the project area. If this area can not be avoided, additional archaeological investigations will be necessary. We concur with this recommendation.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for compliance with Section 106 codified at 36 CFR Part.800.

Thank you for your cooperation and considerations. If you have any questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919.807.6579. In all future communication concerning this project, please cite the above referenced tracking number.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

October 15, 2012

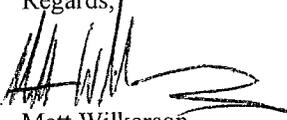
Ramona Bartos  
Administrator, State Historic Preservation Office  
Deputy State Historic Preservation Officer  
4617 Mail Service Center  
Raleigh, NC 27699-4617

Re: HOT (High Occupancy Toll) Lanes Project: I-77 from 5<sup>th</sup> Street to Exit 36 (NC 150) and I-277 from I-77 to North of College Street, Mecklenburg County, North Carolina, TIP Nos. I-3311C (WBS 3418.1.7), I-4750HOT (WBS 40099.1.1), and I-5405 (WBS 45454.1.1).

Ms. Bartos,

Enclosed please find one (1) copy of the ground-penetrating radar survey conducted as part of the I-3311C HOT Lanes Project, the review for which and request for survey was accomplished under the North Carolina Department of Transportation's Programmatic Agreement (PA) for Minor Transportation Projects with the State Historic Preservation Office (NC-HPO). The Federal Highway Administration (FHWA) has now determined that the three (3) HOT Lane Projects are to be studied under one NEPA document in anticipation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Transportation projects processed under an EA have the potential for more significant impacts and are, therefore, excluded from the PA. To facilitate the review process, Mr. Paul J. Mohler, HOT Lanes Project Manager for Archaeology, can meet with a representative of the Office of State Archaeology (OSA) to discuss the methodology used to generate the recommendations and requested work regarding Archaeology first proposed by our office.

Thank you for your assistance in this matter. Should you have any questions concerning this project, please contact me at (919) 707-6089 or Mr. Paul J. Mohler, NCDOT Archaeologist, at (919) 707-6080.

Regards,  
  
Matt Wilkerson  
Archaeology Supervisor  
Human Environment Section

MTW/pjm

Enclosures

cc: Eric Midkiff, PDEA  
Paul J. Mohler, Archaeology

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
PDEA - HUMAN ENVIRONMENT SECTION  
1598 MAIL SERVICE CENTER  
RALEIGH NC, 27699-1598

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

LOCATION:  
PDEA - HUMAN ENVIRONMENT SECTION  
CENTURY CENTER, BLDG. B  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC, 27610



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

October 9, 2012

Ramona Bartos  
Administrator, State Historic Preservation Office  
Deputy State Historic Preservation Officer  
4617 Mail Service Center  
Raleigh, NC 27699-4617

Re: HOT (High Occupancy Toll) Lanes Project: I-77 from 5<sup>th</sup> Street to Exit 36 (NC 150) and I-277 from I-77 to North of College Street, Mecklenburg County, North Carolina, TIP Nos. I-3311C (WBS 3418.1.7), I-4750HOT (WBS 40099.1.1), and I-5405 (WBS 45454.1.1).

12-03-0041

Ms. Bartos,

12-03-0040

11-11-0074

Enclosed please find copies of our internal review regarding Archaeology for the three (3) separate projects mentioned above, the review for which was accomplished under the North Carolina Department of Transportation's Programmatic Agreement (PA) for Minor Transportation Projects with the State Historic Preservation Office (NC-HPO). The Federal Highway Administration (FHWA) has now determined that the three (3) HOT Lane Projects are to be studied under one NEPA document in anticipation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). Transportation projects processed under an EA have the potential for more significant impacts and are, therefore, excluded from the PA. To facilitate the review process, Mr. Paul J. Mohler, HOT Lanes Project Manager for Archaeology, can meet with a representative of the Office of State Archaeology (OSA) to discuss the methodology used to generate the recommendations regarding Archaeology first proposed by our office.

Thank you for your assistance in this matter. Should you have any questions concerning this project, please contact me at (919) 707-6089 or Mr. Paul J. Mohler, NCDOT Archaeologist, at (919) 707-6080.

Regards,

Matt Wilkerson  
Archaeology Supervisor  
Human Environment Section

MTW/pjm

Enclosures

cc: Eric Midkiff, PDEA  
Paul J. Mohler, Archaeology

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
PDEA - HUMAN ENVIRONMENT SECTION  
1598 MAIL SERVICE CENTER  
RALEIGH NC, 27699-1598

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

LOCATION:  
PDEA - HUMAN ENVIRONMENT SECTION  
CENTURY CENTER, BLDG. B  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC, 27610

Federal Aid #: NHS-077-1(210)

TIP#: I-3311C

County: Mecklenburg

**CONCURRENCE FORM FOR ASSESSMENT OF EFFECTS**

*Project Description:* Convert High Occupancy Vehicle Lanes to High Occupancy Toll Lanes on I-77 between I-277 and I-85 in Charlotte.

On February 19, 2013, representatives of the

- North Carolina Department of Transportation (NCDOT)
- Federal Highway Administration (FHWA)
- North Carolina State Historic Preservation Office (HPO)
- Other

Reviewed the subject project and agreed on the effects findings listed within the table on the reverse of this signature page.

Signed:

Shelby Spillers 2/19/13  
Representative, NCDOT Date

Dahl W. Brown 2-19-13  
FHWA, for the Division Administrator, or other Federal Agency Date

\_\_\_\_\_  
Representative, HPO Date

Renee Mitchell-Easley 2.19.13  
State Historic Preservation Officer Date

Property and Status	Effect Finding	Reasons
Orient Manufacturing Co/Chadwick-Hoskins No. 3 Alpha Cotton Mill Village (NR)	No effect	outside of work area
Dalebrook Historic District (DOE)	No effect	all work within existing ROW
Oaklawn Park Historic District (DOE)	conditional no adverse effect	all work within existing ROW temp. easement come back to discuss design of noise wall *
McCrorey Heights Historic District (DOE)	No effect	all work outside historic boundary moving bridge away from HD
Elmwood/Pinewood Cemetery (DOE)	No effect	all work outside boundary for cemetery
Seaboard Street Historic District (DOE)	conditional no adverse effect	come back to see slope stakes at the Pass Station looking for an earthen wall OK as of 6/25/13 <sup>SLS</sup> <sup>6/25/13</sup> <sup>MCD</sup>
Sears Roebuck Department Store (DOE)	No effect	outside of work area

Initialed: NCDOT SLS FHWA JB HPO BSR

\* met with HPO on June 25, 2013 residents decide what they want. BSR 6/25/13 MCD 6/25/13



**I-77 HOV-HOT CONVERSION**  
 STIP PROJECT NO. I-3511C  
 Mecklenburg County, North Carolina

Source: Mecklenburg County GIS, NCDOT GIS, ESRI GIS, NCOMENAP, NC Statewide Orthomograpy 2010 Project

**Legend**

- Noise Wall Modeled and Recommended
- Noise Wall Modeled but Not Recommended
- Noise Study Area
- Existing Noise Walls within I-77 Right of Way
- I-77 and I-277

**Activity Categories**

- B - Residential
- C - Parks, Libraries, Churches, Amphitheatres, Cemeteries, etc
- E - Hotels, Offices, Restaurants, etc
- F - Industrial, Retail, Agriculture, etc
- G - Undeveloped

0 250 500 750 feet

**Figure 4b**



**I-77 HOV-HOT CONVERSION**  
 STIP PROJECT NO. I-331C  
 Mecklenburg County, North Carolina

**Legend**

- Noise Wall Modeled and Recommended
- Noise Wall Modeled but Not Recommended
- Noise Study Area
- Existing Noise Walls within I-77 Right of Way
- I-77 and I-277

**Activity Categories**

- B - Residential
- C - Parks, Libraries, Churches, Amphitheatres, Cemeteries, etc
- E - Hotels, Offices, Restaurants, etc
- F - Industrial, Retail, Agriculture, etc
- G - Undeveloped

Source: Mecklenburg County GIS, NCDOT GIS, ESRI GIS, NCEM/AMAP, NC Statewide Orthoimagery 2010 Project

0 250 500 Feet

**ALT 2 NOISE STUDY AREAS (NSA) and RECOMMENDED NOISE BARRIERS**

Figure 4c

# PROPOSED NOISE BARRIER TEXTURES & COLORS

The NC Department of Transportation (NCDOT) will Provide a textured and colored surface on proposed noise walls adjacent to your neighborhood. NCDOT is seeking your input regarding both the texture and color that will be used for these walls because your residence and/or property is predicted to receive at least a 5-decibel reduction in traffic noise due to construction of the proposed noise wall. Only brick texture options are offered so the noise walls' texture will most closely match that of existing brick privacy walls now found between your neighborhood and I-77. The texture and color that receives the most votes will be used on the community side of all noise walls constructed on the west side of I-77. The wall panels will be stained one color and the supporting concrete columns will remain unstained. Applicable property owners and tenants will be given one (1) vote. The City of Charlotte will cast the deciding vote in case of a tie. Vote for only **one texture** and **one color** below. Ballots with more than one texture vote or one color vote will not be considered. The actual texture and color used will be similar, based on the manufacturer and supplier used for the materials.

## TEXTURE OPTIONS



Standard Brick



Old Brick



Rough Brick

## COLOR OPTIONS



Dark Gray



Light Gray



Light Tan

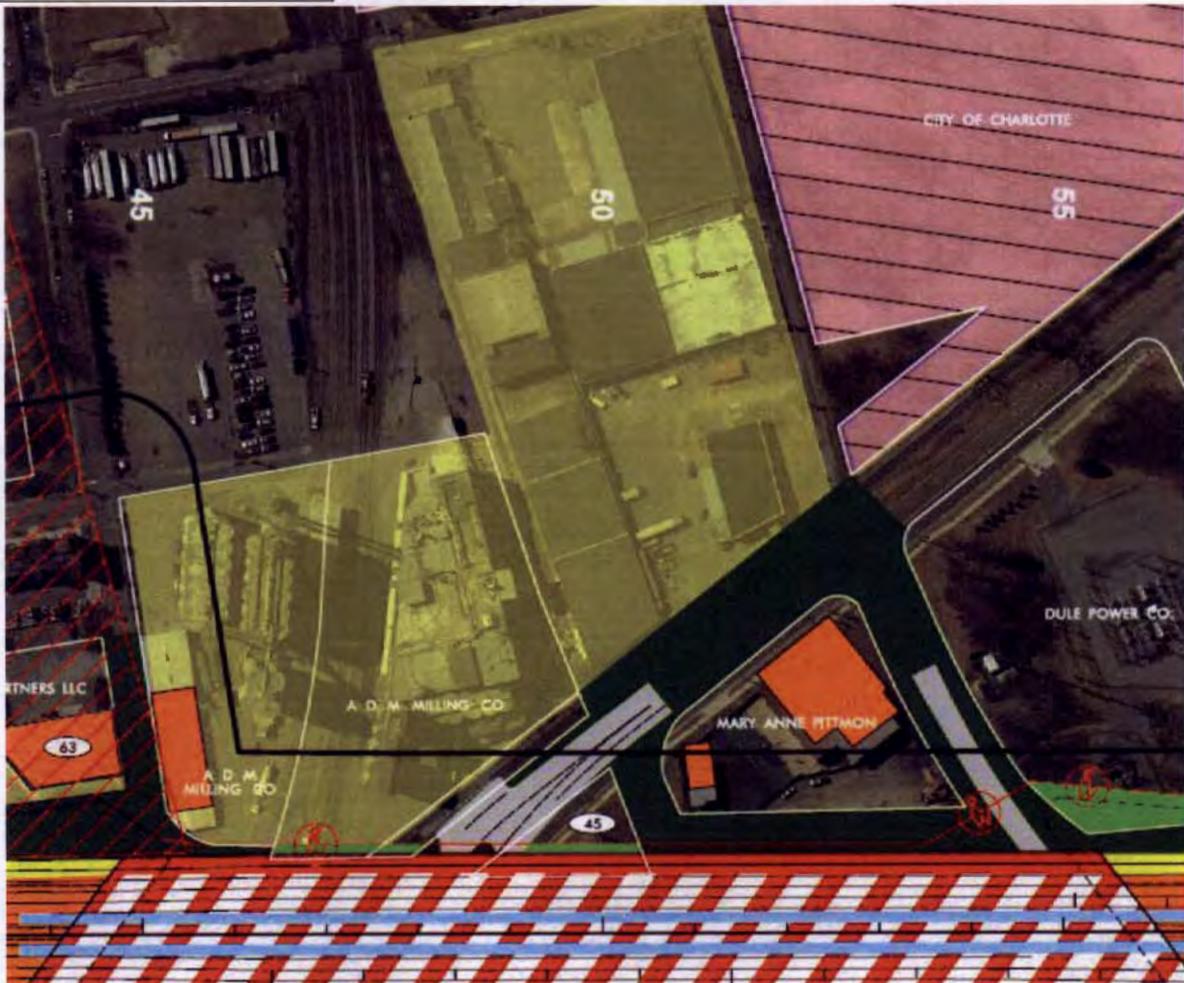


Dark Tan

LEGEND	
	BUILDINGS
	EXISTING RIGHT OF WAY
	EXISTING EASEMENTS
	PROPOSED RIGHT OF WAY
	PROPOSED EASEMENTS (DRAINAGE, CONSTRUCTION, AND UTILITIES)
	EXISTING ROADWAY
	EXISTING ROADWAY TO BE REMOVED
	EXISTING ROADWAY TO BE REEQUIPPED
	PROPOSED ROADWAY
	PROPOSED STRUCTURES, ISLAND, CURB AND GUTTER
	EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE RETAINED
	EXISTING STRUCTURES, ISLAND, CURB AND GUTTER TO BE REMOVED
	FEMA PROPERTY
	LAKES, RIVERS, STREAMS AND PONDS
	RAILROAD RIGHT OF WAY
	EXISTING UTILITY EASEMENT
	CEMETERIES
	PROPOSED RIGHT OF WAY
	PRESENT ADT
	FUTURE ADT
	PROPERTY LINES
	NOISE SENSITIVE AREA
	HOT LANES
	SHPO RESOURCE
	WETLAND LIMIT BOUNDARY
	PRELIMINARY ACCESS POINTS

**I-3311C/I-5405/I-4750AA  
I-77 HOT Lanes**

**Avoidance measures for Seaboard Street Historic District. Retained earth wall to be included to avoid slope stake impacts to property. All improvements in vicinity of property will be within existing right of way.**



June 25, 2013

**NO HISTORIC PROPERTIES PRESENT/AFFECTED FORM****PROJECT INFORMATION**

Project No: I-4750 County: Mecklenburg/Iredell  
 WBS No: 40099.1.1 Document:  
 F.A. No: Funding:  State  Federal

Federal (USACE) Permit Required?  Yes  No Permit Type: unknown

*Project Description:*

Construction of I-77 High Occupancy Toll Lanes (HOT) from Exit 28 (West Catawba Ave) to Exit 36 (NC 150) within the median of I-77.

**SUMMARY OF FINDINGS**

*The North Carolina Department of Transportation (NCDOT) reviewed the subject project and determined:*

- There are no properties over fifty years old within the project's area of potential effects.
- There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's area of potential effects.
- There are no National Register-listed or Study Listed properties within the project's area of potential effects.
- All properties greater than 50 years of age located in the APE have been considered and all compliance for historic architecture with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.
- There are no historic properties present or affected by this project. (*Attach any notes or documents as needed*)

**SUMMARY OF CULTURAL RESOURCES REVIEW**

*Brief description of review activities, results of review, and conclusions:*

Review of HPO quad maps, relevant background reports, historic designations roster, and indexes was undertaken on April 18, 2012. One National Register site is located near the project area, Centre Presbyterian Church (ID 0014), is located near exit 33. A site visit was conducted on April 27, 2012. The church and cemetery are located more than 700 feet southeast of Exit 33 and Fairview Road stands between the church and I-77. All of the work for this project will take place within existing ROW. The new HOT lanes will be constructed in the existing median of I-77. There will be no interchange work included in this project. No historic properties will be affected.

**SUPPORT DOCUMENTATION**

See attached: Maps, Photographs

Signed:

  
Cultural Resources Specialist, NCDOT

*July 10, 2012*  
Date

---

Representative, HPO

Date

*HPO/OSA Comments:*



**CENTRE PRESBYTERIAN CHURCH (ID 0014)**



**VIEW FROM THE CHURCH NORTHEAST TOWARD EXIT 33**



12-03-0040

**NO SURVEY REQUIRED FORM****PROJECT INFORMATION**

*Project No:* I-4750 *County:* Mecklenburg-Iredell  
*WBS No:* 40099.1.1 *Document:* None Listed  
*F.A. No:* IMF-77-(183)29 *Funding:*  State  Federal

*Federal (USACE) Permit Required?*  Yes  No *Permit Type:* Nationwide (n=?)

*Project Description:* I-77, from West Catawba Avenue (Exit 28) to NC 150 (Exit 36), Mecklenburg and Iredell Counties. Construct High Occupancy Toll (HOT) lanes within the median of I-77. Cantilever variable message signing will be installed at currently unknown locations throughout project. While it is anticipated that all work will be contained within existing right-of-way (ROW), survey limits may extend beyond the existing ROW to allow for the possibility that drainage improvements may extend beyond the existing ROW. No interchange work is included with this project. The portion of the I-77 corridor between Exit 28 in Mecklenburg County and Exit 36 in Iredell County is increasingly experiencing traffic volumes exceeding the capacity of the facility resulting in congestion. The purpose of the project is to implement a solution that aligns with transportation objectives in the region, while balancing/addressing physical, environmental, and financial constraints.

**SUMMARY OF CULTURAL RESOURCES REVIEW**

*Brief description of review activities, results of review, and conclusions:*

A map review and site file search was conducted at the Office of State Archaeology (OSA) on Thursday, April 12, 2012. Comprehensive archaeological surveys have been conducted in various locales to either side of the I-77 corridor, resulting in numerous archaeological sites having been recorded. Digital copies of HPO's maps (Cornelius, Lake Norman South, and Mooresville Quadrangles) as well as the HPOWEB GIS Service (<http://gis.ncdcr.gov/hpoweb/>) were reviewed on Thursday, April 26, 2012. There are no known historic architectural resources located within the project area that may have intact archaeological deposits within the footprint of the proposed project; however, limits for the National Register-listed Centre Presbyterian Church Complex (ID0014) do fall within the proposed Study Area. In addition, topographic maps, historic maps (NCMaps website), USDA soil survey maps, and aerial photographs were utilized and inspected to gauge environmental factors that may have contributed to historic or prehistoric settlement within the project limits, and to assess the level of modern, slope, agricultural, hydrological, and other erosive-type disturbances within and surrounding the archaeological APE.

*Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:*

All proposed project activities are to take place within the median of and the existing ROW for I-77, which in most instances measures about 250' wide. This is a Federally-funded and Federally-permitted endeavor, and the entire project corridor consists of an interstate highway. Construction of I-77 started in the mid-1960s. Around 1968, I-77 opened between Exits 28 and 33 in the Cornelius/Davidson area. By 1973, gaps north of the Charlotte area were filled in, so that I-77 was opened from NC 73 (Exit 28) all the way to Exit 73 north of Elkin. Beginning in the mid-1990s, the interstate corridor began to see upgrades including additional lanes in both directions as well as new interchanges. Based on a review

of proposed design plans and the highly disturbed nature of the interstate corridor, the project's Area of Potential Effects (APE) is considered to have an extremely low potential for containing intact archaeological materials. Therefore, an archaeological survey is not recommended. However, if the description of this project changes and/or once preliminary drainage plans have been drawn, then additional consultation will be required. As currently proposed, this interstate improvement project is unlikely to affect any significant NRHP-eligible archaeological resources. No further archaeological work is recommended.

**SUPPORT DOCUMENTATION**

See attached:  Map(s)     Previous Survey Info     Photos     Correspondence  
 Photocopy of County Survey Notes

**FINDING BY NCDOT CULTURAL RESOURCES PROFESSIONAL - NO SURVEY REQUIRED**

Archaeology

Historic Architecture

(Circle One)

*Paul J Mohler*

April 26, 2012

NCDOT Cultural Resources Specialist

Date

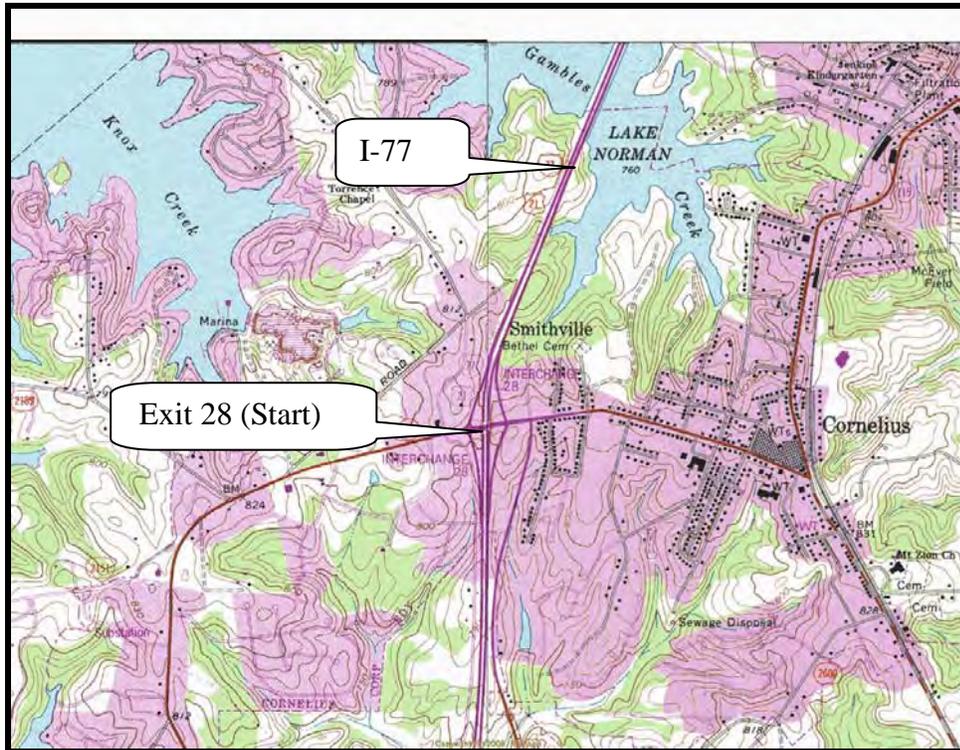


Figure 1: Lake Norman South, NC (USGS 1993) and Cornelius, NC (USGS 1993).

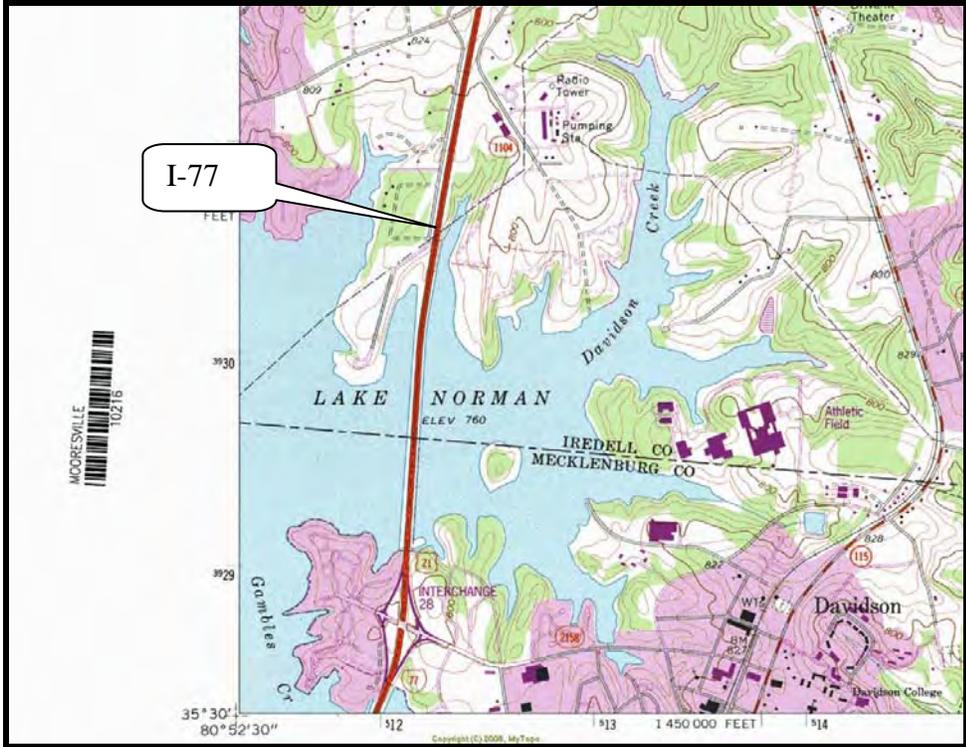


Figure 2: Mooresville, NC (USGS 1993).

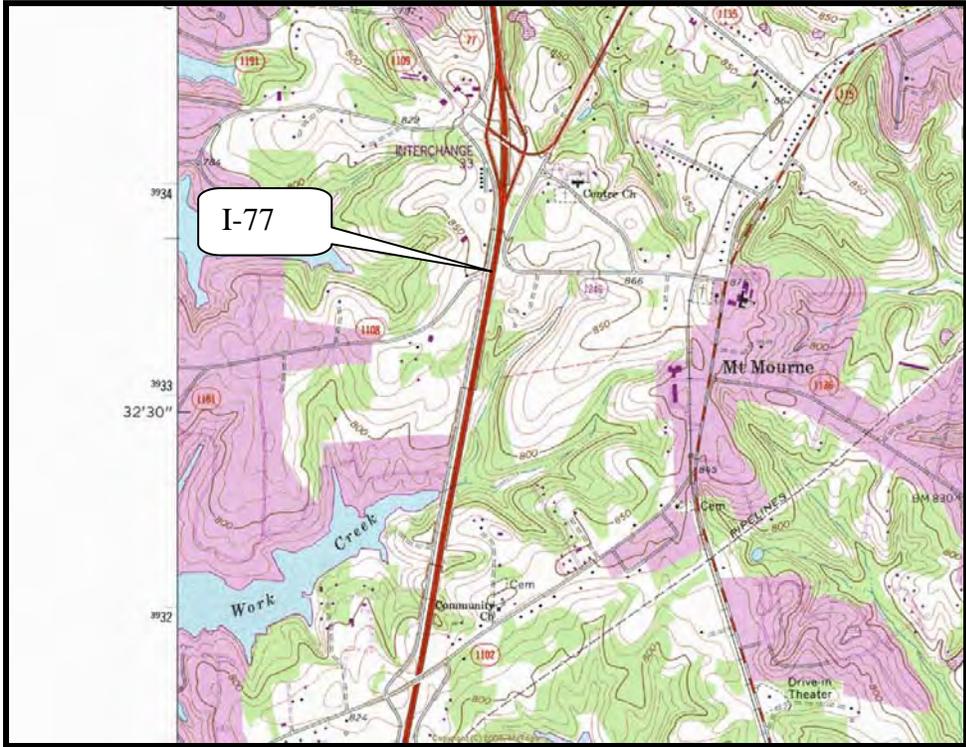


Figure 3: Mooresville, NC (USGS 1993).

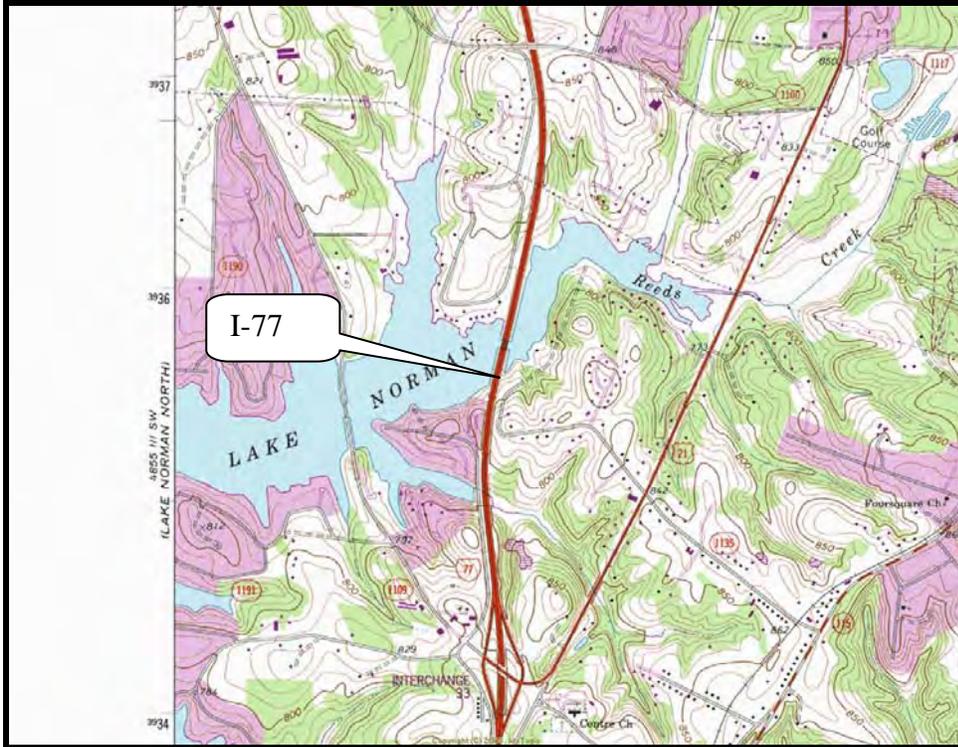


Figure 4: Mooresville, NC (USGS 1993).

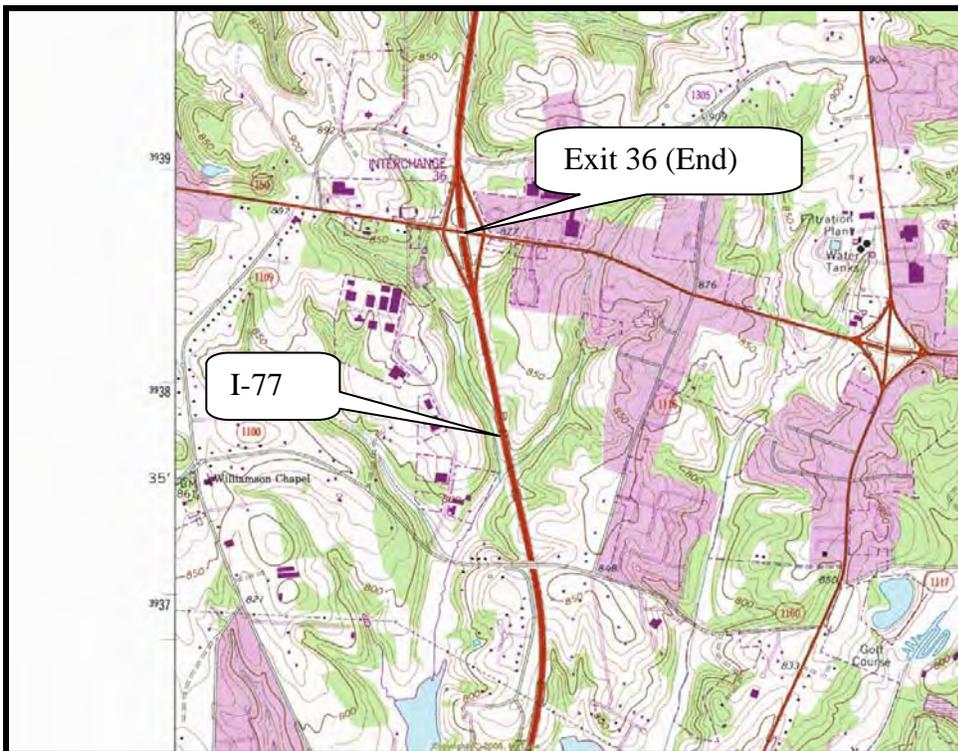
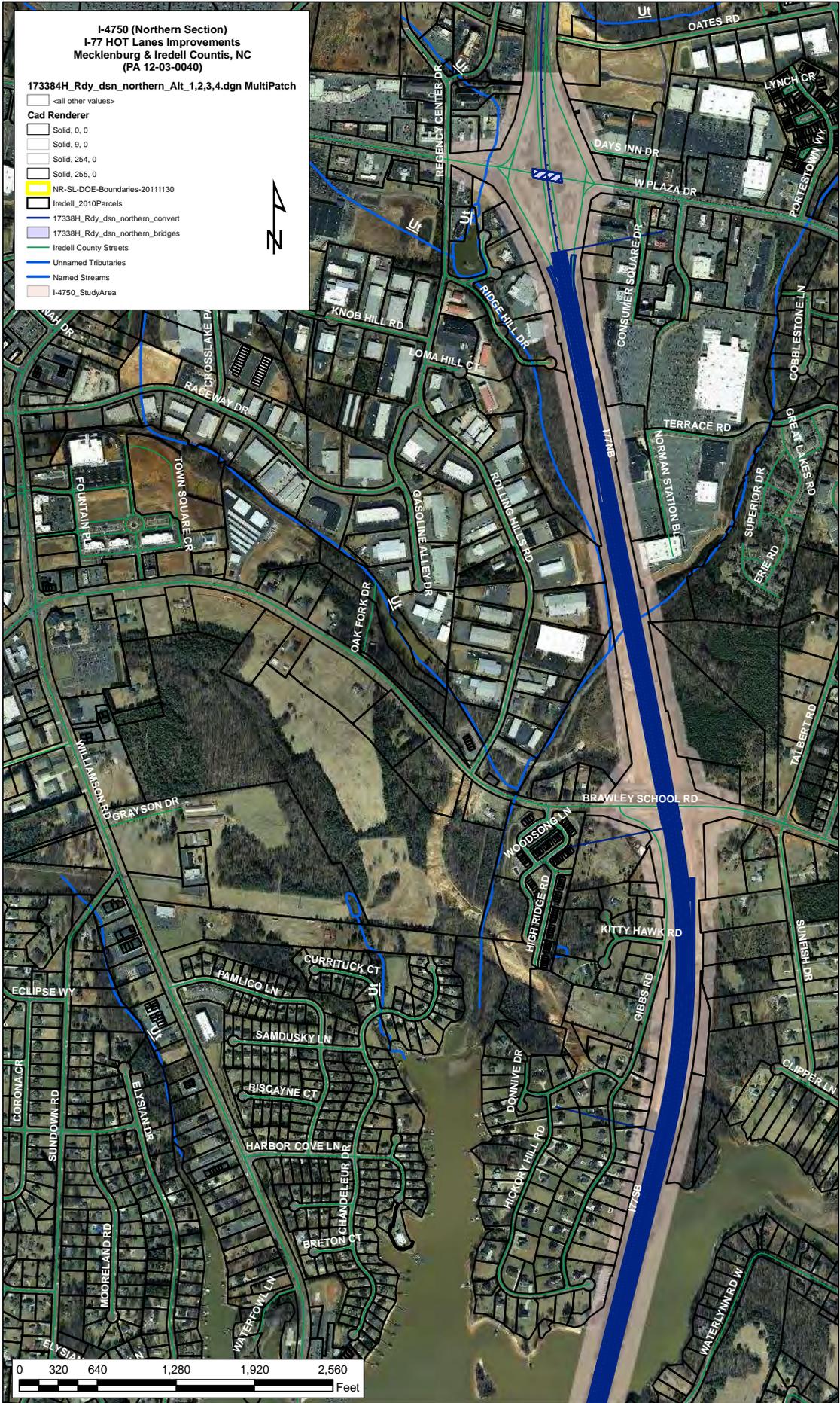
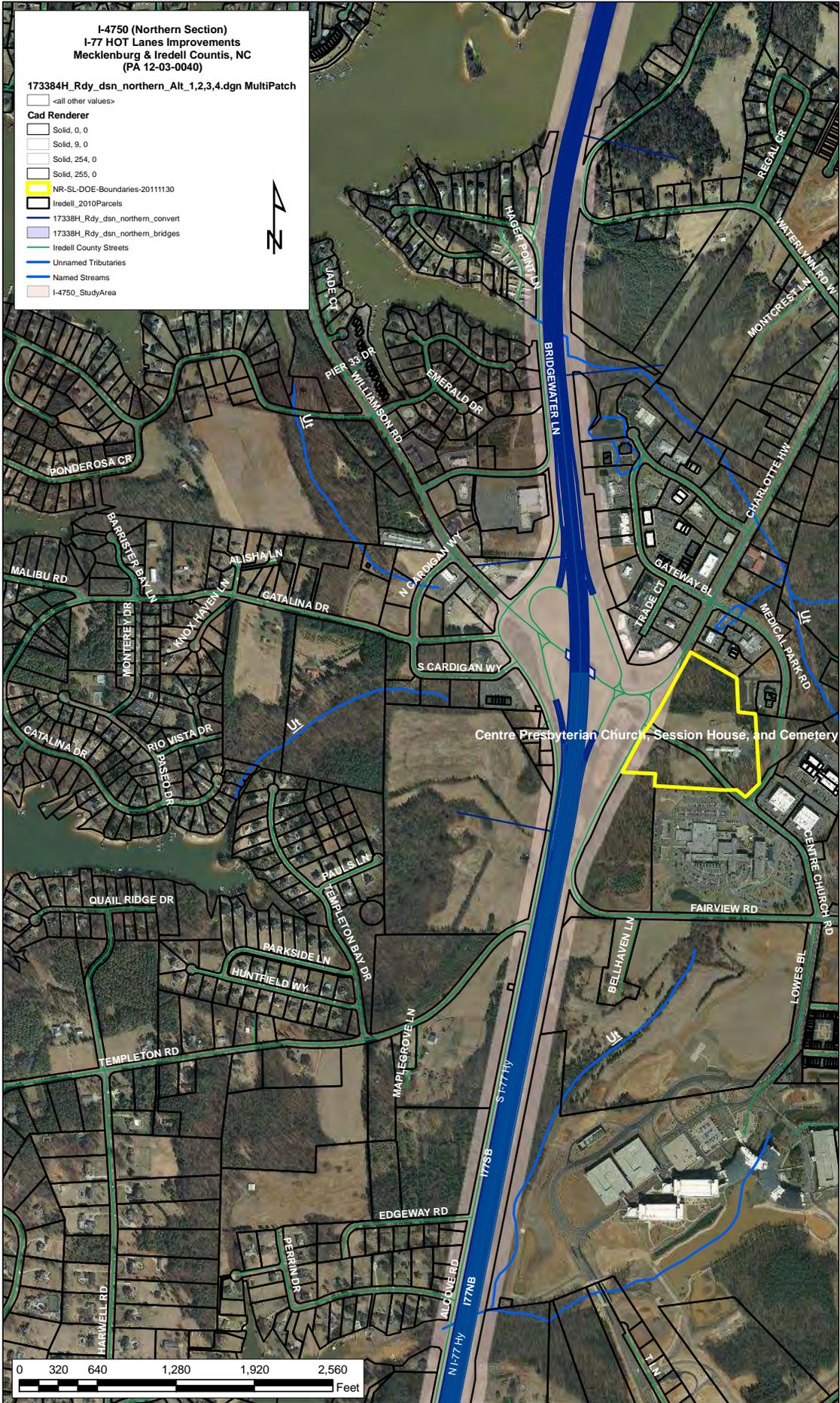
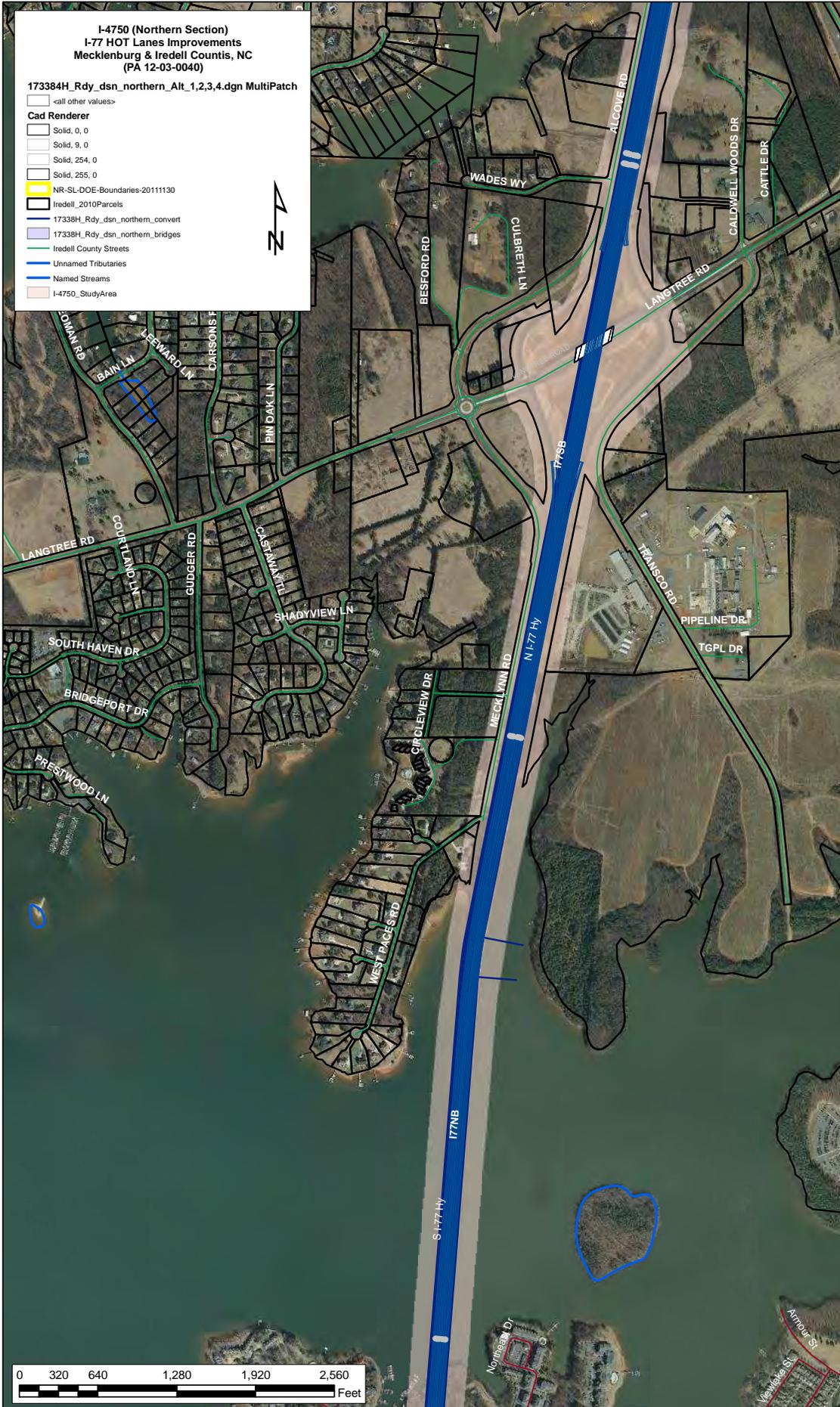
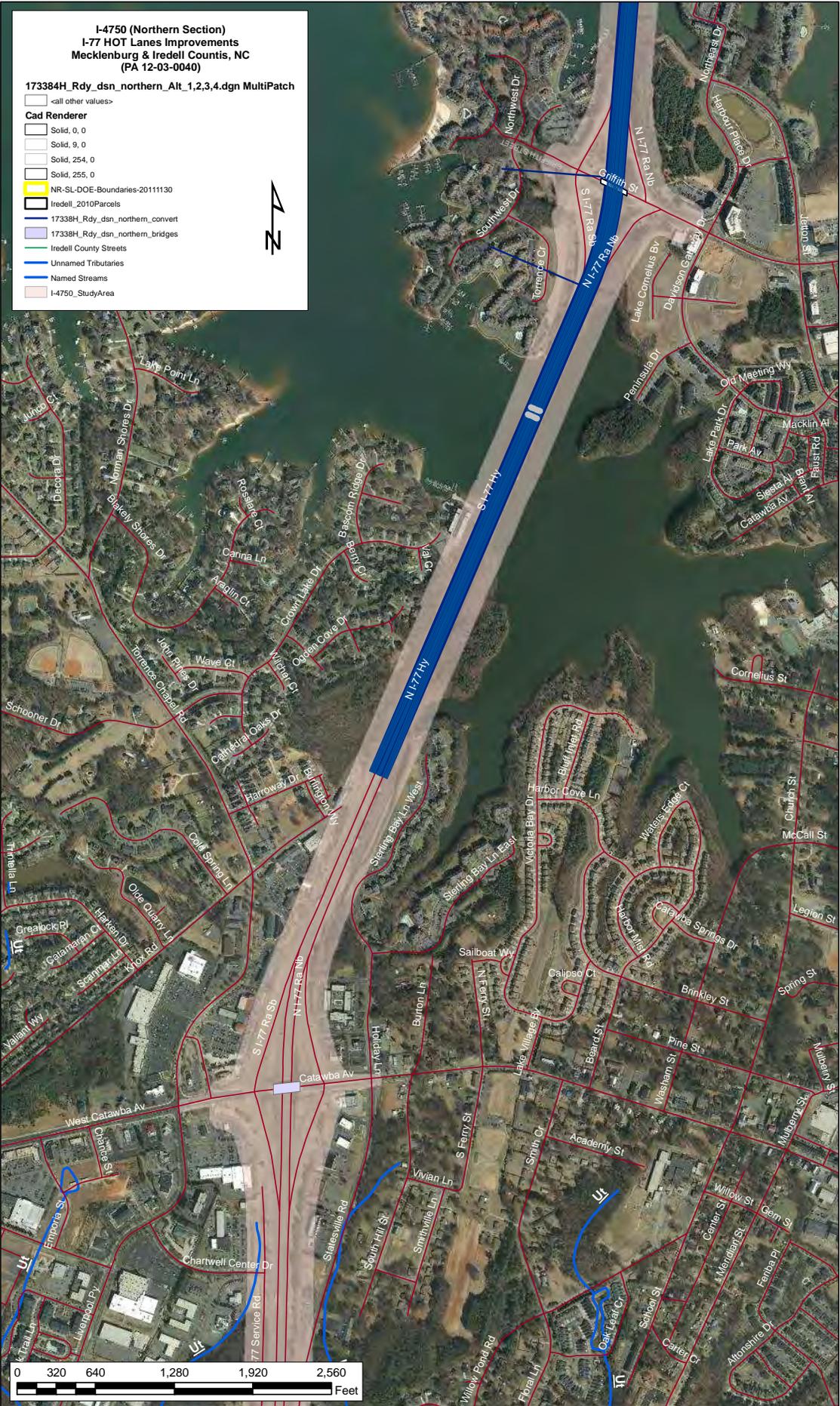


Figure 5: Mooresville, NC (USGS 1993).









**I-4750 (Northern Section)  
I-77 HOT Lanes Improvements  
Mecklenburg & Iredell Counties, NC  
(PA 12-03-0040)**

173384H\_Rdy\_dsn\_northern\_Alt\_1,2,3,4.dgn MultiPatch

<all other values>

**Cad Renderer**

- Solid, 0, 0
- Solid, 9, 0
- Solid, 254, 0
- Solid, 255, 0

NR-SL-DOE-Boundaries-20111130

Iredell\_2010Parcels

17338H\_Rdy\_dsn\_northern\_convert

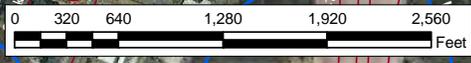
17338H\_Rdy\_dsn\_northern\_bridges

Iredell County Streets

Unnamed Tributaries

Named Streams

I-4750\_StudyArea





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**North Carolina Division** 310 New Bern Avenue, Suite 410  
Raleigh, NC 27601  
May 31, 2013 (919) 856-4346  
(919) 747-7030  
<http://www.fhwa.dot.gov/ncdiv/>

In Reply Refer To:  
HDA-NC

Mr. Anthony J. Tata  
Secretary  
North Carolina Department of Transportation  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Dear Secretary Tata:

We reviewed the Mecklenburg Union Metropolitan Planning Organization (MUMPO) Transportation Conformity Determination Report for the:

- ❑ The MUMPO 2035 LRTP (I-4750AA/I-5405/I-3311C) Amendment
- ❑ The MUMPO FY 2012-2018 TIP (I-4750AA/I-5405/I-3311C) Amendment
- ❑ Projects from the FY 2012-2018 State TIP for the county donut areas of Union and Iredell

The MUMPO made a conformity determination on their 2035 LRTP Amendment/FY 2012-2018 TIP Amendment and the North Carolina Department of Transportation made a conformity determination on projects from the FY 2012-2018 State TIP for the county donut areas of Union and Iredell on the following dates:

- ❑ MUMPO on May 22, 2013
- ❑ The NCDOT (for the county donut areas of Union and Iredell) on May 10, 2013

The MUMPO FY 2012-2018 TIP is a direct subset of the MUMPO amended 2035 LRTP.

The Federal Highway Administration and the Federal Transit Administration reviewed these documents. We coordinated our review with the Environmental Protection Agency (EPA) Region 4 and enclosed their comments to this letter.

Based on our review and the comments provided to us by the EPA, we find that the following conform to the purpose of the State Implementation Plan in accordance with 40 CFR Part 93:

- ❑ The MUMPO 2035 LRTP (I-4750AA/I-5405/I-3311C) Amendment
- ❑ The MUMPO FY 2012-2018 TIP (I-4750AA/I-5405/I-3311C) Amendment
- ❑ Projects from the FY 2012-2018 State TIP for the county donut areas of Union and Iredell

Sincerely,

For John F. Sullivan, III, P.E.  
Division Administrator

Enclosure