



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 21, 2006

U. S. Army Corps of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006

Attn: Mr. Steve Lund  
NCDOT Coordinator

Subject: **Request for Permit Modification and Extension** for the Kannapolis  
Westside Bypass from NC 73 to NC 136 in Cabarrus County;  
State Project No. 9.8103406; WBS Element 34772.1.5; Division 10; TIP  
Number U-2009B; \$475 Debit Work Order 9.8103406.

Reference: 1) USACE Individual Permit Action ID 200231069, dated December 4,  
2003.  
2) NCDWQ Section 401 Water Quality Certification DWQ Project No.  
020878, dated October 8, 2003

Dear Mr. Lund:

The purpose of this letter is to request an extension and modification to the United States Army Corps of Engineers (USACE) Section 404 Individual Permit and North Carolina Division of Water Quality (NCDWQ) 401 Water Quality Certification issued for the above referenced project. The anticipated completion date for this project is May 15, 2007. The requested modification is to Permit Site Number 6, Station Number 11+00 (see enclosed drawings).

The original permit application at Site Number 6 called for the temporary placement of a 35 inch (900mm) corrugated steel pipe in an unnamed tributary of Afton Run to allow for an on-site detour. After removing the temporary detour, the roadway contractor stabilized

the newly opened channel with rip rap. In a follow-up site visit with Polly Lespinasse (NCDWQ), a consensus was reached that the rip rap should be left in place and a permit modification should be pursued. The original impacts to Permit Site 6 included 144 feet (44 meters) of temporary stream impacts. The revised impacts at this site measure 130 feet (39.6 meters) of permanent stream impacts due to the addition of rip rap (see attached permit drawing: sheet 16a of 20). On December 11, 2006, a letter was sent to the Ecosystem Enhancement Program (EEP) requesting mitigation for these additional permanent impacts (attached). The total Wetland and Stream Impacts from this project, including the updated permanent stream impacts for Site No. 6 are listed below (Table 1 and Table 2).

**Table 1. Wetland Impacts Resulting from TIP No. U-2009B (Same as original Table)**

Site	Cowardin	NCDWQ Rating	Wetlands Filled (ac)	Mechanized Clearing	Total Wetland Impact (ac)
2	PFO1A	36	<0.0002	0.01	0.01
3	PFO1Hb	89	0.84	0.12	0.96
4	PFO1Eb	43	0.14	0.03	0.17
6	PFO1A	49	0.02 (temp)	0.01 (temp)	0.03 (temp)
		<b>TOTAL:</b>	<b>1.00</b>	<b>0.17</b>	<b>1.17</b>

Note: "Cowardin" refers to Cowardin, et al classification system for wetlands.  
 "PFO1E" refers to palustrine, broad-leaved deciduous forest that is seasonally flooded/saturated.  
 "PFO1A" refers to palustrine, broad-leaved deciduous forest that is temporarily flooded.  
 "PFO1H" refers to palustrine, broad-leaved deciduous forest that is permanently flooded.  
 "b" refers to wetlands affected by beaver dams.

**Table 2. Stream Impacts Resulting from TIP No. U-2009B (Revised Table)**

Site	Stream Type	Stream Name	Temporary Impact Area (ac)	Temporary Linear Impacts (ft)	Permanent Impact Area (ac)	Permanent Linear Impacts (ft)
1	Intermittent	UT Afton Run	0	0	0.05	308
2	Intermittent	UT Afton Run	0	0	0.009	197
4	Intermittent	UT Irish Buffalo Creek	0	0	0.02	177
5	Intermittent	UT Afton Run	0	0	0.005	121
6**	Intermittent	UT Afton Run	0.0005	14	0.005	130
7	Perennial/ Intermittent	UT Afton Run	0	0	0.01	194
		<b>TOTAL:</b>	<b>0.0005</b>	<b>14</b>	<b>0.099</b>	<b>1127</b>

\*\* Impacts listed for Site 6 reflect the additional permanent impacts as a result of the addition of rip rap.

The North Carolina Department of Transportation respectfully requests that the referenced Section 404 Individual Permit and NCDWQ 401 Water Quality Certification be modified to reflect the revision to Permit Site 6 and the expiration date extended to accommodate the proposed completion date of May 15, 2007. We are providing five copies of this request to the NCDWQ for their approval.

If you have any questions, concerns, or need any additional information, please contact Erin Schubert at [ekschubert@dot.state.nc.us](mailto:ekschubert@dot.state.nc.us) or (919) 715-5529.

Sincerely,



*for*

Gregory J. Thorpe, Ph.D.,  
Environmental Management Director  
Project Development and Environmental Analysis Branch

cc: W/attachment

Mr. John Hennessy, NCDWQ (5 Copies)  
Ms. Polly Lespinasse, NCDWQ  
Ms. Marella Buncick, USFWS  
Ms. Marla Chambers, NCWRC  
Ms. Kathy Matthews, USEPA  
Mr. Ronald Mikulak, USEPA – Atlanta, GA  
Mr. Clarence W. Coleman, P.E., FHWA  
Dr. David Chang, P.E., Hydraulics  
Mr. Greg Perfetti, P.E., Structure Design  
Mr. Mark Staley, Roadside Environmental  
Mr. Barry Moose, PE, Division 10 Engineer  
Mr. Jeff D'Arruda, Division 10 Resident Engineer  
Mr. Larry Thompson, Division 10 DEO

W/o attachment

Mr. Jay Bennett, P.E., Roadway Design  
Mr. Majed Alghandour, P. E., Programming and TIP  
Mr. Art McMillan, P.E., Highway Design  
Mr. Scott McLendon, USACE, Wilmington  
Ms. Beth Harmon, EEP  
Mr. Todd Jones, NCDOT External Audit Branch  
Mr. Carl Goode, PE, Human Environment Unit Head, PDEA Project Planning Engineer



*File*

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 11, 2006

Mr. William D. Gilmore, P.E., Director  
Ecosystem Enhancement Program  
1652 Mail Service Center  
Raleigh, NC 27699-1652

Dear Sir:

Subject: **Additional Mitigation** for the construction of the Kannapolis Westside Bypass in Cabarrus County from NC 73 to NC 136. State Project No. 9.8103406, WBS Element 34772.1.5, Division 10, T.I.P. No. U-2009B.

The purpose of this letter is to request that the North Carolina Ecosystem Enhancement Program (EEP) provide confirmation that you are willing to provide additional compensatory mitigation for the project.

The North Carolina Department of Transportation (NCDOT) proposed to construct the Kannapolis Westside Bypass from NC 173 to NC 136 in Cabarrus County. The NCDOT received an Individual Permit and 401 Water Quality Certification for this project in 2003 and the project is currently being constructed. The NCDOT also received a letter from EEP on August 28, 2003 confirming that EEP would provide compensatory mitigation for 1,141 feet (347 meters) of stream impacts. However, during construction of this project, an additional 130 feet (39.6 meters) of stream was permanently impacted that was not originally anticipated in the permit application. (Due to the age of this project, the Impact Numbers are reported in feet as well as meters since the original permit drawings were metric.)

The original permit application called for the temporary placement of a 35 inch (900mm) corrugated steel pipe in an unnamed tributary (UT) of Afton Run to allow for an on-site detour. After removing the temporary detour, the roadway contractor stabilized the newly opened channel with rip rap. In a follow-up visit with the Division of Water Quality (DWQ), a consensus was reached that the rip rap should be left in place and that a permit

modification should be pursued. The permanent impacts to this site due to the addition of rip rap measures 130 feet (39.6 meters).

**RESOURCES UNDER THE JURISDICTION OF SECTION 404 AND 401  
OF THE CLEAN WATER ACT.**

We have avoided and minimized the impacts to jurisdictional resources to the greatest extent possible. We propose to provide additional compensatory mitigation for the stream by using the EEP. The additional permanent impacts for this project due to the placement of rip rap in the **UT to Afton Creek are 130 feet (39.6 meters)**. This stream is classified as "Warm" and the DWQ best usage classification is "C". This project is located in the Yadkin-Pee Dee River Basin in Hydrological Cataloguing Unit 03040105, subbasin 03-07-11.

Please send the letter of confirmation to Mr. Steve Lund (USACE Coordinator) at the USACE Regulatory Field Office, 151 Patton Ave. Room 208 Asheville, NC 28801-5006.

In order to satisfy regulatory assurances that mitigation will be performed; the NCDWQ requires a formal letter from EEP indicating their willingness and ability to provide the additional mitigation work requested by NCDOT. The NCDOT request that a letter of confirmation be sent to Mr. John Hennessy of NCDWQ, with copies submitted to NCDOT.

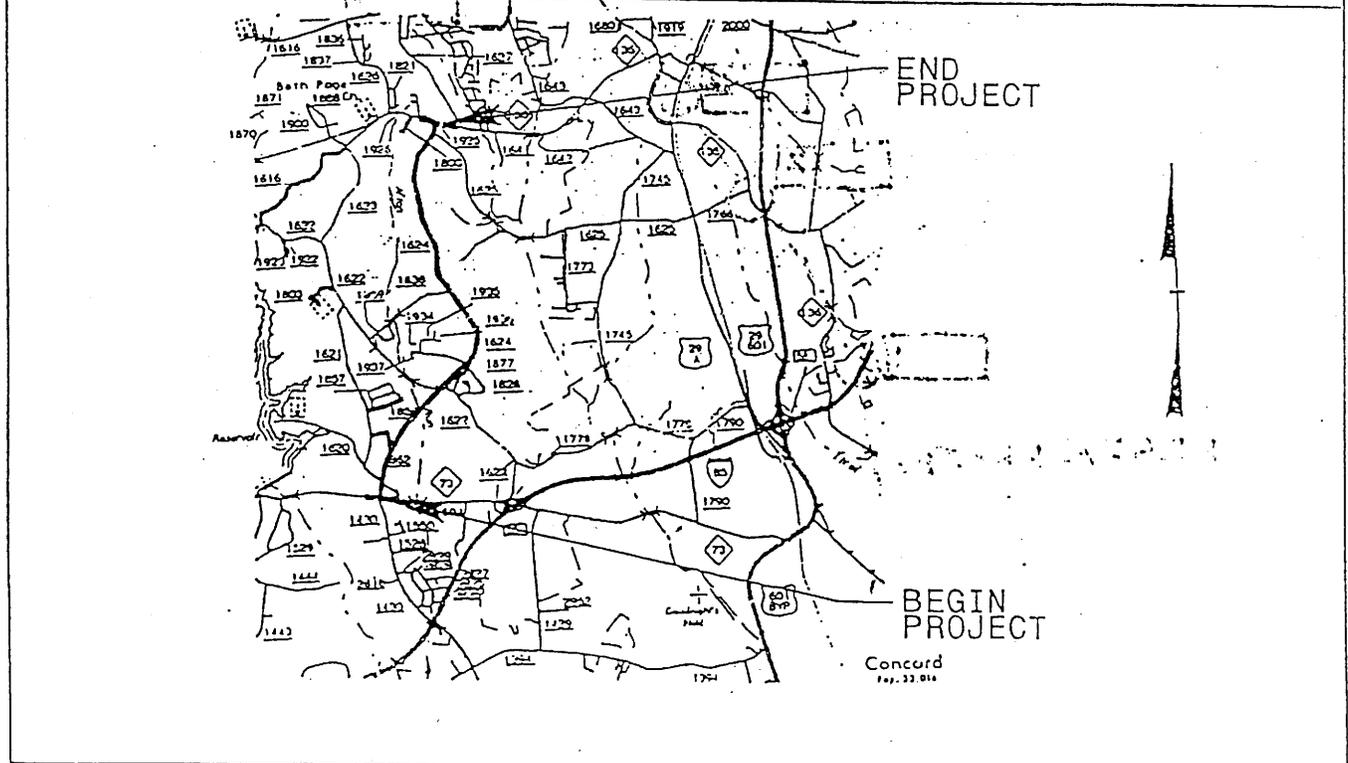
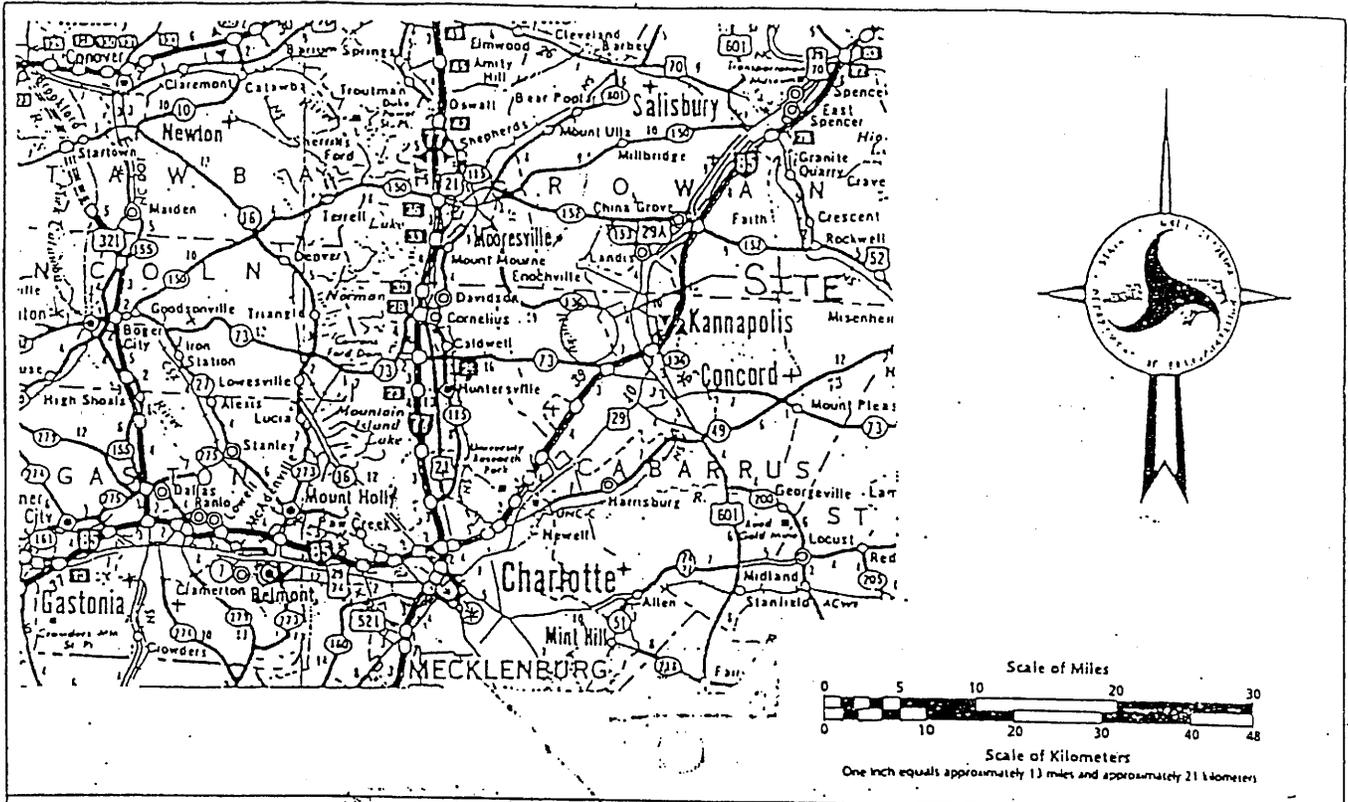
If you have any questions or need additional information please contact Erin Schubert at [ekschubert@dot.state.nc.us](mailto:ekschubert@dot.state.nc.us) or (919) 715 - 5529.

Sincerely,

*for*   
Gregory J. Thorpe, Ph.D.,  
Environmental Management Director

Project Development & Environmental Analysis Branch

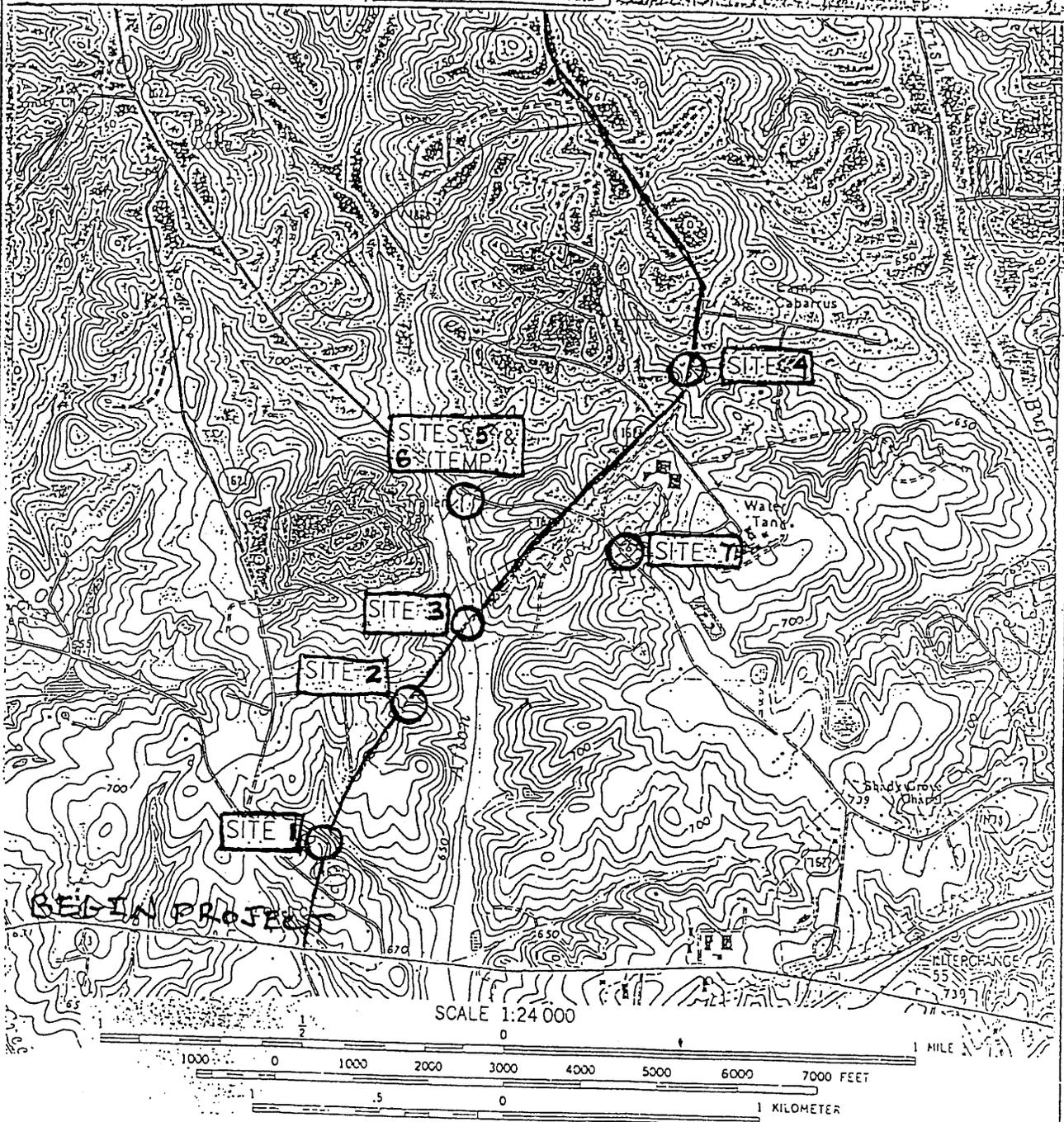
cc: Mr. John Hennessy, NCDWQ  
Ms. Polly Lespinasse, NCDWQ  
Mr. Steve Lund, USACE  
Ms. Linda Fitzpatrick, NCDOT Natural Environment Unit  
Mr. Majed Alghandour, P. E., NCDOT Project Management/Scheduling Unit  
Mr. Todd Jones, NCDOT External Audit Branch  
File U-2009B



VICINITY  
MAPS

N. C. DEPT. OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 CABARRUS COUNTY  
 PROJECT: 9.8103406 (U-2009B)  
 KANNAPOLIS WEST SIDE BYPASS  
 FROM NC 75 TO NC 136  
 DATE: 5/26/98  
 REV. DATE: OCT., 2001  
 SHEET 1 OF 20

MATCH LINE



# SITE MAP

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5 / 26 / 98  
REV. DATE: OCT., 2001  
SHEET 2 OF 20

END PROJECT



MATCH LINE

SITE MAP

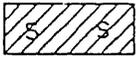
N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8105406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 3 OF 20

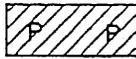
# LEGEND

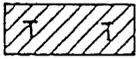
— WLB — WETLAND BOUNDARY

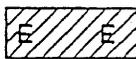
 WETLAND

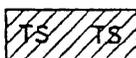
 DENOTES FILL IN WETLAND

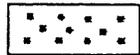
 DENOTES FILL IN SURFACE WATER (DASHED LINES DENOTE EXISTING STRUCTURES)

 DENOTES FILL IN SURFACE WATER (POND)

 DENOTES TEMPORARY FILL IN WETLAND

 DENOTES EXCAVATION IN WETLAND

 DENOTES TEMPORARY FILL IN SURFACE WATER

 DENOTES MECHANIZED CLEARING

—>—>—> FLOW DIRECTION

— TB — TOP OF BANK

— WE — EDGE OF WATER

— C — PROP. LIMIT OF CUT

— F — PROP. LIMIT OF FILL

—▲— PROP. RIGHT OF WAY

— NG — NATURAL GROUND

— PL — PROPERTY LINE

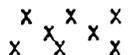
— TDE — TEMP. DRAINAGE EASEMENT

— PDE — PERMANENT DRAINAGE EASEMENT

— EAB — EXIST. ENDANGERED ANIMAL BOUNDARY

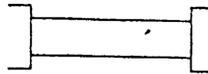
— EPB — EXIST. ENDANGERED PLANT BOUNDARY

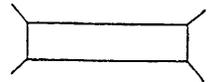
— — — — — WATER SURFACE

 LIVE STAKES

 BOULDER

— — — — — CORE FIBER ROLLS

 PROPOSED BRIDGE

 PROPOSED BOX CULVERT

 PROPOSED PIPE CULVERT  
12"-48" PIPES  
54" PIPES & ABOVE

 SINGLE TREE

— — — — — WOODS LINE

 DRAINAGE INLET

 ROOTWAD

 RIP RAP

 ADJACENT PROPERTY OWNER OR PARCEL NUMBER IF AVAILABLE

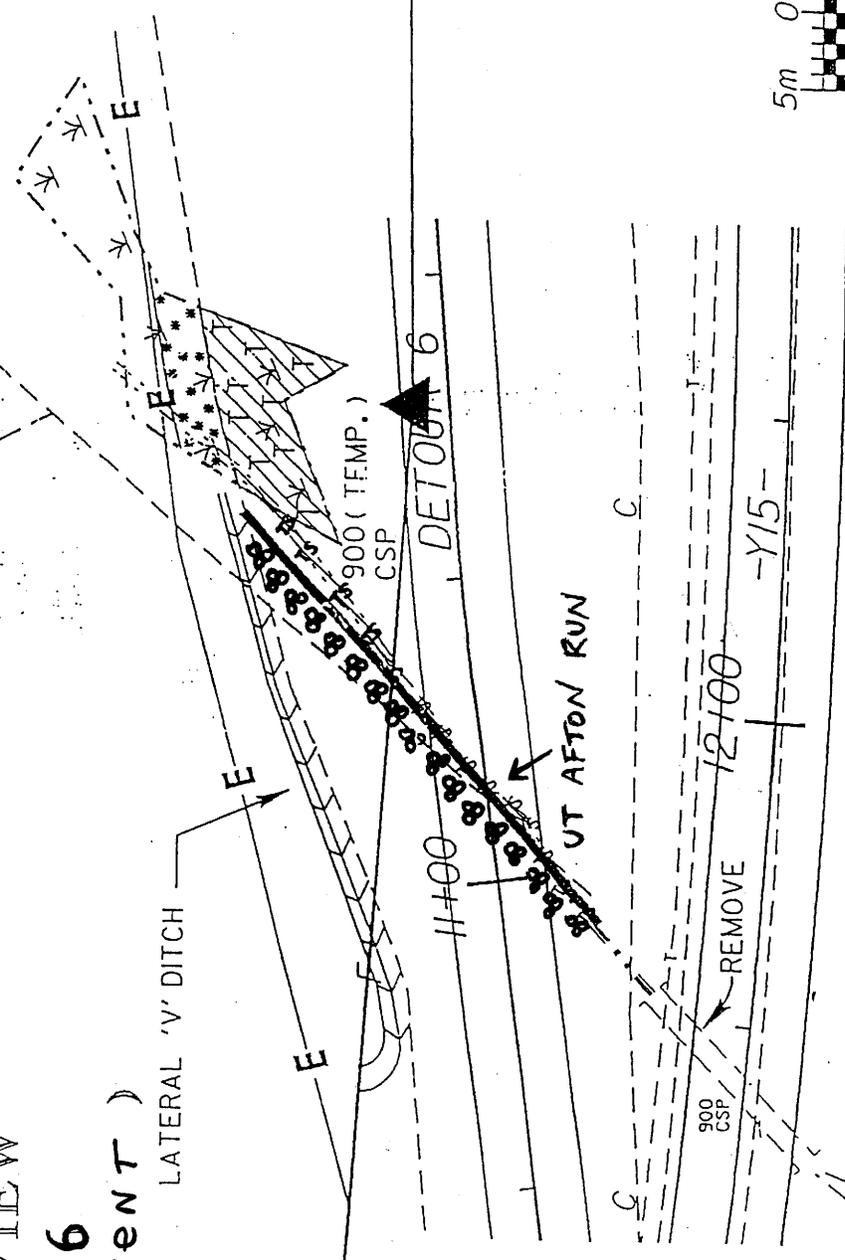
— BZ1 — BUFFER ZONE 1

— BZ2 — BUFFER ZONE 2

N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 5/26/98  
REV. DATE: OCT., 2001  
SHEET 4 OF 20

PLAN VIEW  
SITE 6  
(PERMANENT)

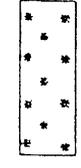
LATERAL 'V' DITCH



N. C. DEPT. OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CABARRUS COUNTY  
PROJECT: 9.8103406 (U-2009B)  
KANNAPOLIS WEST SIDE BYPASS  
FROM NC 73 TO NC 136  
DATE: 12/18/06  
REV. DATE: OCT., 2001  
SHEET 16a OF 20



**△ = Rip Rap (Permanent Impact)  
130ft (39.6m)**



DENOTES MECHANIZED CLEARING



DENOTES TEMPORARY FILL IN WETLANDS

DENOTES TEMPORARY FILL IN SURFACE WATERS

NO LONGER APPLICABLE

## Western Region Document Review/ Signature Request

Project Manager: SCHUBERT      TIP#: U-2009      Permit expires: 12/31/06  
 Let Date (if applicable):      /      /     

Document Type:

<input checked="" type="checkbox"/>	Permit Application/ Modification		Other:
<input type="checkbox"/>	Concurrence Letter		
<input type="checkbox"/>	EEP Request		

Review (additional Comments below)

Reviewer:	1 <sup>st</sup> Review by <u>NT</u>	2 <sup>nd</sup> Review by <u>CD</u>	3 <sup>rd</sup> Review by	
Date Submitted	<u>12/12/06</u>		<u>12/19/06</u>	
Date Reviewed	<u>12/18/2006</u>		<u>12/20/06 CD</u>	

Date Document Sent for Distribution:	
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Comments:

Comments by: <u>NT</u>	<p><i>The 2005 permit application was reviewed and approved. The permit is valid and in compliance with all requirements.</i></p> <p><i>No comments.</i></p>
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Comments by:

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Comments by:

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