



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

November 6, 2019

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

ATTN: Ms. Nicholle Braspenickx, NCDOT Regulatory Coordinator

Subject: **Request for Individual Section 404 Permit and Section 401 Water Quality Certification** for the upgrade of existing Mallard Creek Road (SR 2467) from W.T. Harris Boulevard (SR 2665) to the intersection of Hubbard Road (SR 2494) and continuing southeast on new location to Sugar Creek Road (SR 2480) with an additional extension from Rumble Road (SR 2501) to Neal Road (SR 2498) in Mecklenburg County. Federal Aid Project No. STPDA-5238 (4) & (5), Division 10, TIP U-2507 A, WBS 34811.2.3.

Reference: **Section 404 Permit dated November 20, 2012, Action ID: SAW-2008-02424**
Section 401 Water Quality Certification dated May 24, 2012, Certification No. 3921

Dear Madam:

The North Carolina Department of Transportation is in the process of completing construction to widen the existing Mallard Creek Road from H.T. Harris Boulevard (SR 2665) to the intersection of Hubbard Road (SR 2494) and continuing southeast on new location to Sugar Creek Road (SR 2480) with an additional extension from Rumble Road (SR 2501) to Neal Road (SR 2498) in Mecklenburg County.

The previously issued Individual Permit has expired, and construction at Impact Site 6 is incomplete.

Please see the enclosed ENG form, permit drawings for Site 6, and adjacent landowner address. The previous Permit Package (including permits, certifications, mitigation acceptance and drawings) can be found on the NCDOT Permits webpage at: <https://xfer.services.ncdot.gov/pdea/PermIssued/> in the Archived Permits section.

NCDOT is only requesting permitting for Site 6, as all other sites have been completed. Impacts and site descriptions for Site 6 remain as previously permitted:

Widening of W.T. Harris Blvd results in the impact to 0.01 acre of wetland by way of mechanized clearing, as well as the need to lengthen a 24" concrete pipe, resulting in 12 feet of permanent loss of water impact and 16 feet of bank stabilization.

NCDOT hereby requests authorization for the above-described activities at Site 6

Natural Environment Updates

Since the December 2011 application, the northern long-eared bat, and rusty-patched bumble bee have been added to the list of Federally protected species for Mecklenburg County.

Northern long-eared bat:

Please find attached 4(d) memo, dated October 2, 2019 indicating that the proposed action does not require separate consultation on the grounds that the proposed action is consistent with the final Section 4(d) rule. This memo was sent to the USFWS on November 6, 2019.

Rusty-patched bumble bee:

The USFWS does not require surveys for the rusty-patched bumble bee as it assumes the state is unoccupied by the rusty-patched bumble bee.

Table 1: Federally Protected Species in Mecklenburg County

Scientific Name	Common Name	Federal Status	Habitat Present	Biological Conclusion	Last Survey
<i>Helianthus schweinitzii</i>	Schweinitz's sunflower	Endangered	Yes	No Effect	10/21/2019
<i>Rhus michauxii</i>	Michaux's sumac	Endangered	Yes	No Effect	10/21/2019
<i>Echinacea laevigata</i>	Smooth coneflower	Endangered	Yes	No Effect	10/21/2019
<i>Lasmigona decorata</i>	Carolina heelsplitter	Endangered	No	No Effect	8/9/2008
<i>Myotis septentrionalis</i>	Northern long-eared bat	Threatened	Yes	4(d)	--
<i>Bombus affinis</i>	Rusty-patched bumble bee	Endangered	*	*	*

* = The [FWS] Service does not require surveys for RPBB in North Carolina because FWS assumes the state is unoccupied by RPBB.

Human Environment Updates

NCDOT Historic Architecture staff confirmed the information in the December 2011 application from the FHWA and SHPO remains accurate. In addition, the resources identified in the December 2011 application are not located in the area of the remaining site to be constructed.

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Michael Turchy at maturchy@ncdot.gov or (919) 707-6157. A copy of this permit application and its distribution list will be posted on the NCDOT website at:

<https://xfer.services.ncdot.gov/pdea/PermApps/>

Sincerely,



 Philip S. Harris III, P.E., C.P.M.
Environmental Analysis Unit Head

ec: Standard Permit Application Distribution List

**U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**

33 CFR 325. The proponent agency is CECW-CO-R.

**Form Approved -
OMB No. 0710-0003
Expires: 30-SEPTEMBER-2015**

Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Philip Middle - S Last - Harris Company - NCDOT E-mail Address - pharris@ncdot.gov			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -		
6. APPLICANT'S ADDRESS: Address- 1598 Mail Service Center City - Raleigh State - NC Zip - 27699 Country - USA			9. AGENT'S ADDRESS: Address- City - State - Zip - Country -		
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 919-707-6001			10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax		

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT

DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) U-2507 A Upgrade of Mallard Creek Road			
13. NAME OF WATERBODY, IF KNOWN (if applicable) UT to Doby Creek		14. PROJECT STREET ADDRESS (if applicable) Address	
15. LOCATION OF PROJECT Latitude: °N 35.29586 Longitude: °W -80.79329		City -	State- Zip-
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Range -			

17. DIRECTIONS TO THE SITE

From I-85, Exit onto W.T. Harris Blvd, travel west to intersection of Mallard Creek Road. Site on W.T. Harris Blvd 0.1 mile past intersection of Mallard Creek Road on right.

18. Nature of Activity (Description of project, include all features)

The North Carolina Department of Transportation is in the process of completing construction to widen the existing Mallard Creek Road from H.T. Harris Boulevard (SR 2665) to the intersection of Hubbard Road (SR 2494) and continuing southeast on new location to Sugar Creek Road (SR 2480) with an additional extension from Rumble Road (SR 2501) to Neal Road (SR 2498) in Mecklenburg County.

The previously issued Individual Permit has expired, and construction at Impact Site 6 is incomplete. NCDOT is only requesting permitting for Site 6, as all other sites have been completed. Impacts and site descriptions for Site 6 remain as previously permitted:

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of this project is to improve local access to development along the route, improve the levels of services for current and future traffic demands, reduce both travel time and accident potential and provide a savings of operating cost.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Widening of W.T. Harris Blvd results in the impact to 0.01 acre of wetland by way of mechanized clearing, as well as the need to lengthen a 24" concrete pipe, resulting in 12' of permanent loss of water impact and 16 feet of bank stabilization.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

see attached Cover Letter.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet see attached Cover Letter.

23. Description of Avoidance, Minimization, and Compensation (see instructions)

Impacts at Site 6 have been minimized to widening at this location. Wetland impacts have been minimized to mechanized clearing. All impacts for the project have been accepted by the Division of Mitigation Services on 12/6/2012.

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

The previously issued Individual Permit has expired, and construction at Impact Site 6 is incomplete. NCDOT is only requesting permitting for Site 6, as all other sites have been completed. Impacts and site descriptions for Site 6 remain as previously permitted under SAW-2008-02424.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- see attached Permit Drawings.

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
USACE	Individual Permit	SAW-2008-02424	12/6/2011	11/16/2012	
NCDWR	Individual Permit	3921	12/6/2011	05/24/2012	

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

 11/6/2019
SIGNATURE OF APPLICANT DATE

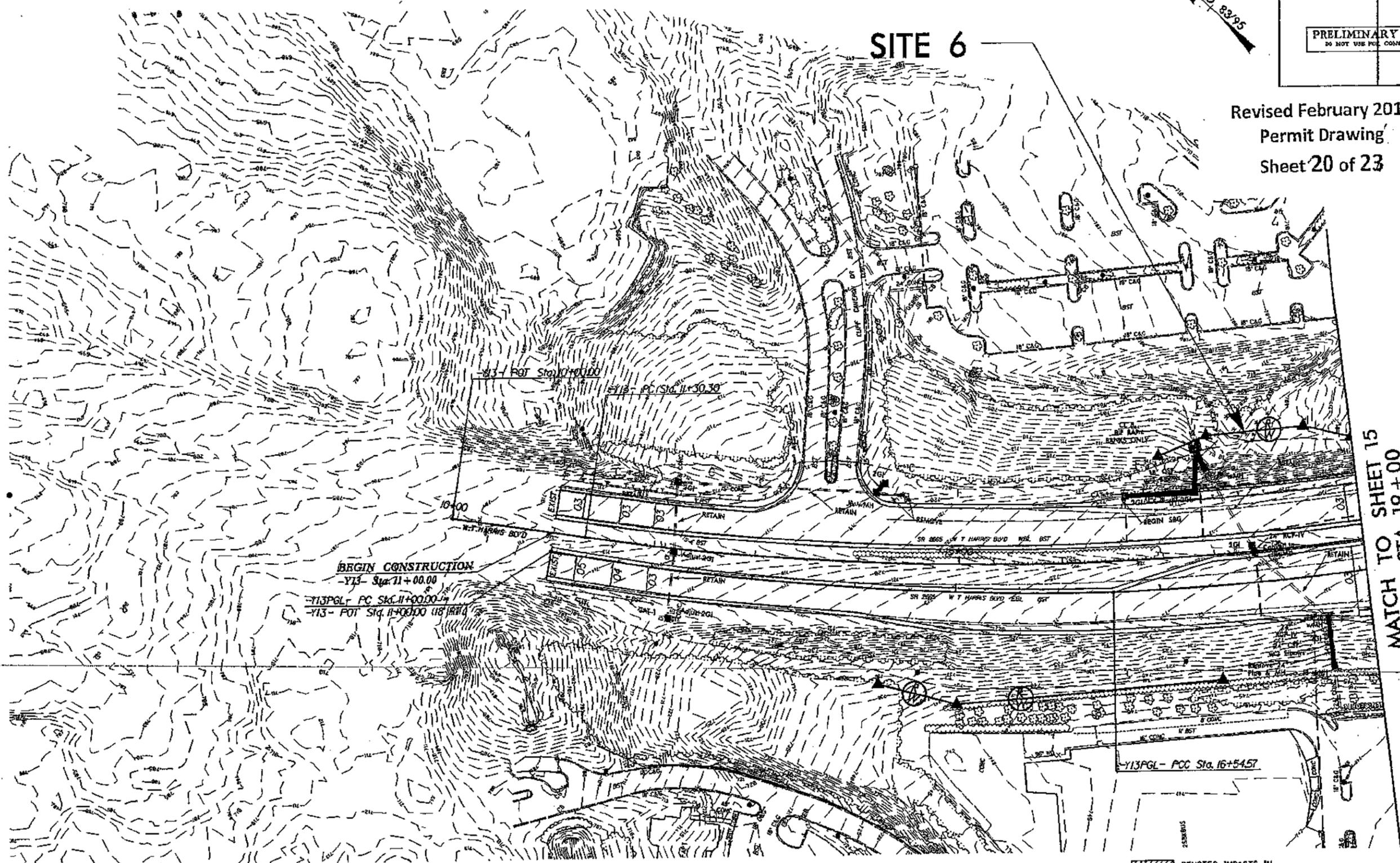
SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Revised February 2012
Permit Drawing
Sheet 20 of 23

SITE 6



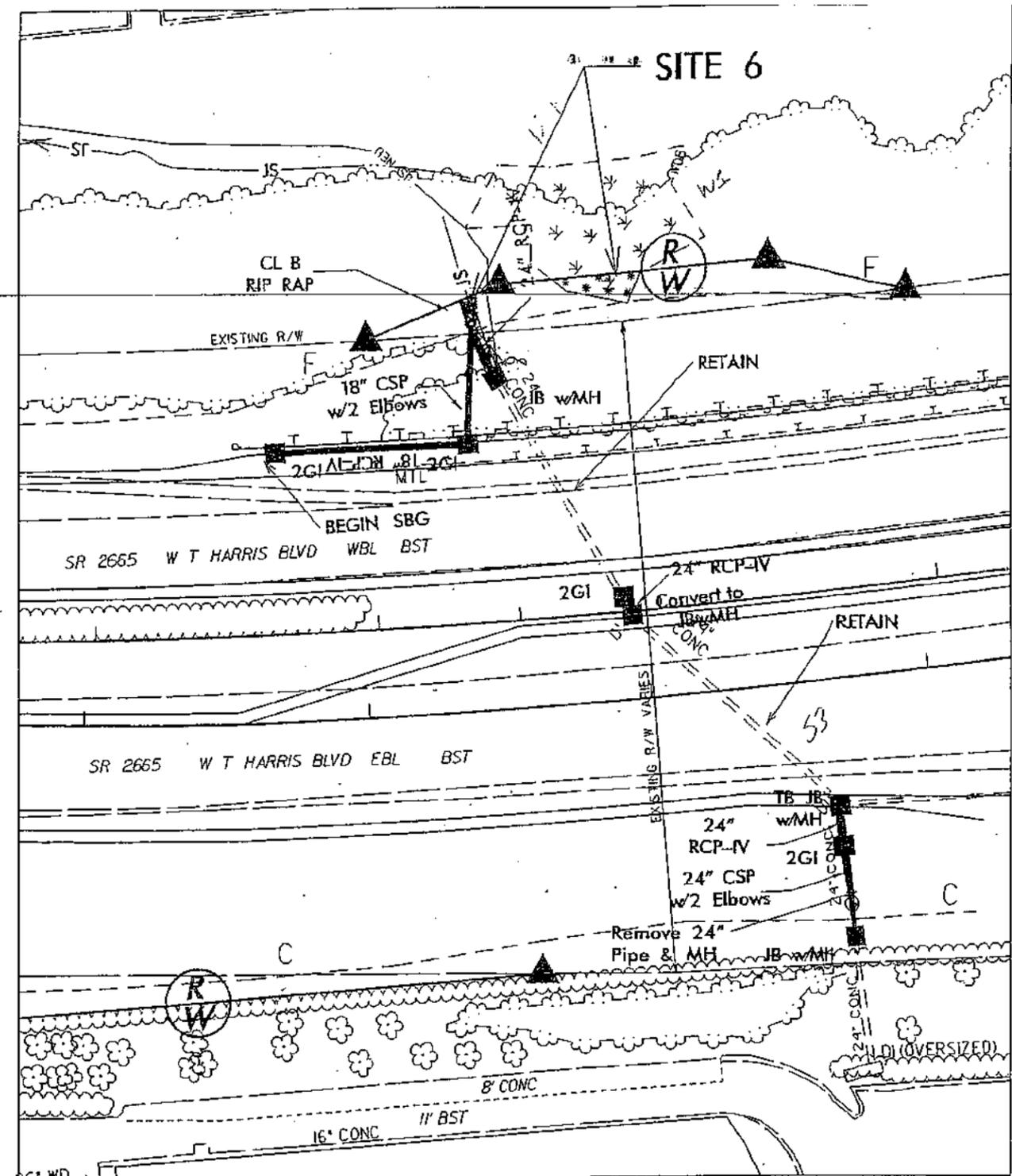
REVISIONS

MATCH TO SHEET 15
-Y13- STA. 19+00

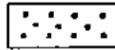
 DENOTES IMPACTS IN SURFACE WATER
 DENOTES MECHANIZED CLEARING

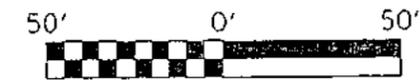
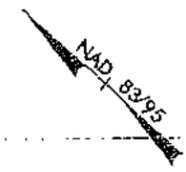


SYSTEMS ENGINEERS



PLAN VIEW

-  DENOTES IMPACTS IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING



NCDOT
 DIVISION OF HIGHWAYS
 MECKLENBURG COUNTY
 PROJECT: 34811.11 (U-2507A)

CHARLOTTE
 SR 2467 TO SR 2665

SHEET **21** OF 23 2/16/11

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS				
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)
1	50+59 to 52+15-L- RT	Fill	0.07			0.04						
	51+50 to 53+23-L-LT	Fill					<0.01	<0.01	152	10		
	53+75 to 58+49 -L-	Fill					0.04	<0.01	552	10		
	53+75 to 53+90-L-LT	Bank Stabilization					<0.01		22			
2	57+19 to 57+58-L-	Bank Stabilization					0.01	0.01	72	76		
	57+44 to 58+30-L-	7' x 8" RCBC					0.03		214			
3 *	63+89 to 67+58-L- LT	Fill					0.26	0.82				
	63+88 to 64+23-L- RT	Fill	0.01									
	63+20 to 63+21-L-RT	Bank Stabilization					<0.01	<0.01	19			
4	27+14 to 27+83-Y6-RT	Pipe Extension	0.01			0.01	<0.01		44			
		Bank Stabilization					<0.01	<0.01	34	10		
5 *	84+64-L- RT	Fill					0.01	0.02				
6	17+66 to	Fill				0.01						
	17+98-Y13- LT	Pipe Extension Bank Stabilization					<0.01		12 16			
TOTALS:			0.09			0.06		0.35	0.85	1137	106	

* Pond/Basin

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

COUNTY
WBS - 34811.1.1 (U-2507A)

Adjacent Property Owner to Site 6:

HS Mallard Creek Center, LLC
101 S Tryon St Ste 2410
Charlotte NC 28280