



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

July 9, 2021

MEMORANDUM TO: Mr. Brett Canipe, P.E.
Division 10 Engineer

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

SUBJECT: **Environmental Permits Modification and Renewal for the Improvements to NC 3 in Cabarrus County, Division 10; WBS No. 39010.1.R2, TIP: U-3440.**

Please find enclosed the following permits for this project:

Agency	Permit Type	Permit Expiration
US Army Corps of Engineers Section 404 Clean Water Act Permit	Individual 404	December 31, 2023
NC Division of Water Resources Section 401 Water Quality Certification	Individual 401	December 31, 2023

Please feel free to contact our Unit for any questions.

cc:

NCDOT Permit Website (<https://xfer.services.ncdot.gov/pdea/PermIssued/>)
Mr. Joel Howard, Division Environmental Officer
Mr. Stephen Morgan, P.E., Hydraulics
Mr. Brian Hanks, P.E., Structure Design
Mr. Mark Staley, Roadside Environmental
Mr. Lamar Sylvester, P.E., State Roadway Construction Engineer



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

July 08, 2021

Regulatory Division

DA Permit No. SAW-2012-00417

Philip Harris, III, P.E.,
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, NC, 27699-1598

Dear Mr. Harris:

Reference the Department of the Army (DA) permit issued on October 4, 2016, to the North Carolina Department of Transportation (NCDOT), for impacts associated with the NC 3 (Mooresville Road) Improvement Project (TIP# U-3440) located along existing NC 3, in Kannapolis, Cabarrus County, North Carolina. Reference also the previous permit modification issued on November 2, 2018.

On May 7, 2021, the U.S. Army Corps of Engineers (Corps) received a request from NCDOT to modify the standard permit for the U-3440 project to include an additional 80 linear feet of permanent stream channel impact for relocation. This additional impact is necessary because the stream has shifted location into the roadway slope and is not in the location as depicted in the original permit drawings. NCDOT has proposed to provide an additional 160 linear feet of compensatory stream mitigation through the NC Division of Mitigation Services. NCDOT also requested to extend the expiration date to December 31, 2023, because the project construction is not anticipated to be completed until 2023.

The Corps has completed the evaluation of your request and has determined that it is appropriate and reasonable, and no public notice is required for this modification. Therefore, the permit is modified as requested and as shown on the enclosed revised Permit Drawing, Sheet 18 of 23, prepared by Stantec, and received on May 7, 2021.

A Mitigation Responsibility Transfer Form to document the additional 160 linear feet of compensatory stream mitigation required is also attached.

The permit expiration date is hereby extended to December 31, 2023. All other conditions of the permit remain in effect as written. Should you have any questions, contact Mr. Eric Alsmeyer, via email at Eric.C.Alsmeyer@usace.army.mil or by telephone at (919) 554-4884, extension 23.

FOR THE COMMANDER

Monte Matthews
Lead Project Manager
Wilmington District

Enclosure

Ms. Beth Harmon, NC Division of Mitigation Services

U.S. ARMY CORPS OF ENGINEERS
Wilmington District
Compensatory Mitigation Responsibility Transfer Form

Permittee: NCDOT, Division 10

Action ID: SAW-2012-00417

Project Name: TIP U 3440_NC3_Kannapolis Parkway to Loop Rd

County: Cabarrus

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that Wilmington District Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one Mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate Mitigation Sponsors.

Instructions to Sponsor: The Sponsor verifies that the mitigation requirements (credits) shown below have been released and are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated ledger to the Permittee, the Project Manager who issued the permit, the Bank Project Manager, and the District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*:			8-digit HUC and Basin: 03040105, Yadkin River Basin			
Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
80						

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements:			8-digit HUC and Basin: 03040105, Yadkin River Basin			
Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
160						

Mitigation Site Debited: NCDMS

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the Wilmington District, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: NCDMS DEQ

Name of Sponsor's Authorized Representative: Beth Harmon

Elizabeth Harmon

Signature of Sponsor's Authorized Representative

07/09/2021

Date of Signature

**USACE Wilmington District
Compensatory Mitigation Responsibility Transfer Form, Page 2**

Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the District is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the District is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. When NCDMS provides mitigation for authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by NCDMS must be provided to the District within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the District has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the District Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the District, the Sponsor must obtain case-by-case approval from the District Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the District administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This mitigation requirement is in addition to the original mitigation requirement from a Mitigation Responsibility Transfer Form from the original October 4, 2016 individual permit.

This form is not valid unless signed below by the District Project Manager and by the Mitigation Sponsor on Page 1. *Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the District Project Manager at the address below, 3) the Bank Manager listed in RIBITS, and 4) the Wilmington District Mitigation Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (or by email to SAWMIT@usace.army.mil).* Questions regarding this form or any of the permit conditions may be directed to the District Mitigation Office.

USACE Project Manager: Eric Alsmeyer
USACE Field Office: Raleigh Regulatory Field Office
US Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, NC 27587
Email: eric.c.alsmeyer@usace.army.mil


Wilmington District Project Manager Signature

July 6, 2021
Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.

ROY COOPER

Governor

JOHN NICHOLSON

Interim Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA
Environmental Quality

July 2, 2021

Mr. Philip S. Harris, III, P.E., CPM
NCDOT Environmental Analysis Unit Manager
1598 Mail Service Center
Raleigh, NC 27699-1598

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with ADDITIONAL CONDITIONS for Proposed improvements to Highway 3 in Cabarrus County, TIP U-3440, NCDWR Project No. 20160605v2

Dear Mr. Harris:

Attached hereto is a modification of Certification No. 004070 issued to The North Carolina Department of Transportation (NCDOT) dated September 30, 2016v1 and In-field modification for temporary impacts dated November 16, 2018.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

DocuSigned by:

Amy Chapman

9C9886312D0D474...
S. Daniel Smith, Director
Division of Water Resources

Attachments

Electronic copy only distribution:

Eric Alsmeyer, US Army Corps of Engineers, Raleigh Field Office
Joel Howard, Division 10 Environmental Officer
Michael Turchy, NC Department of Transportation
Amanetta Somerville, US Environmental Protection Agency
Holland Youngman, US Fish and Wildlife Service
Marla Chambers, NC Wildlife Resources Commission
Beth Harmon, Division of Mitigation Services
Donna Hood, NC Division of Water Resources Mooresville Regional Office
File Copy



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

**Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act
with ADDITIONAL CONDITIONS**

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact an additional 80 linear feet of jurisdictional streams in Cabarrus County. The project shall be constructed pursuant to the modification dated received May 6, 2021. The authorized impacts are as described below:

Stream Impacts in the Yadkin-PeeDee River Basin

Site	Permanent Fill in Intermittent Stream (linear ft)	Temporary Fill in Intermittent Stream (linear ft)	Permanent Fill in Perennial Stream (linear ft)	Temporary Fill in Perennial Stream (linear ft)	Total Stream Impact (linear feet)	Stream Impacts Requiring Mitigation (linear ft)
New additional impacts with this approval at Site 6 (additional stream realignment)			80		80	80
TOTAL:	0	0	80	0	80	80

Total Additional Stream Impact for Site 6 Modification: 80 linear feet

The application provides adequate assurance that the discharge of fill material into the waters of the Yadkin-PeeDee River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modified application dated received May 6, 2021. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 30, 2016v1 and In-field modification for temporary impacts dated November 16, 2018 still apply except where superseded by this certification. Should your project change, you are required to notify the NCDWR and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Condition(s) of Certification:

1. This modification is applicable only to the additional proposed activities. All of the authorized activities and conditions of certification associated with the original Water Quality Certification dated September 30, 2016v1 and subsequent In-Field modification dated November 16, 2018 still apply except where superseded by this certification.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 or CAMA permit.

If you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission.

The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 431-3000, Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center

This the 2nd day of July 2021

DIVISION OF WATER RESOURCES

DocuSigned by:

Amy Chapman

9C9886312DCD474...

S. Daniel Smith, Director

WQC No. 004070



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

NCDWR Project No.: _____

County: _____

Applicant: _____

Project Name: _____

Date of Issuance of 401 Water Quality Certification: _____

Certificate of Completion

Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Resources, 1617 Mail Service Center, Raleigh, NC, 27699-1617. This form may be returned to NCDWR by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.

Applicant's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Agent's Certification

I, _____, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature: _____ Date: _____

Engineer's Certification

_____ Partial _____ Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.

Signature _____ Registration No. _____
Date _____

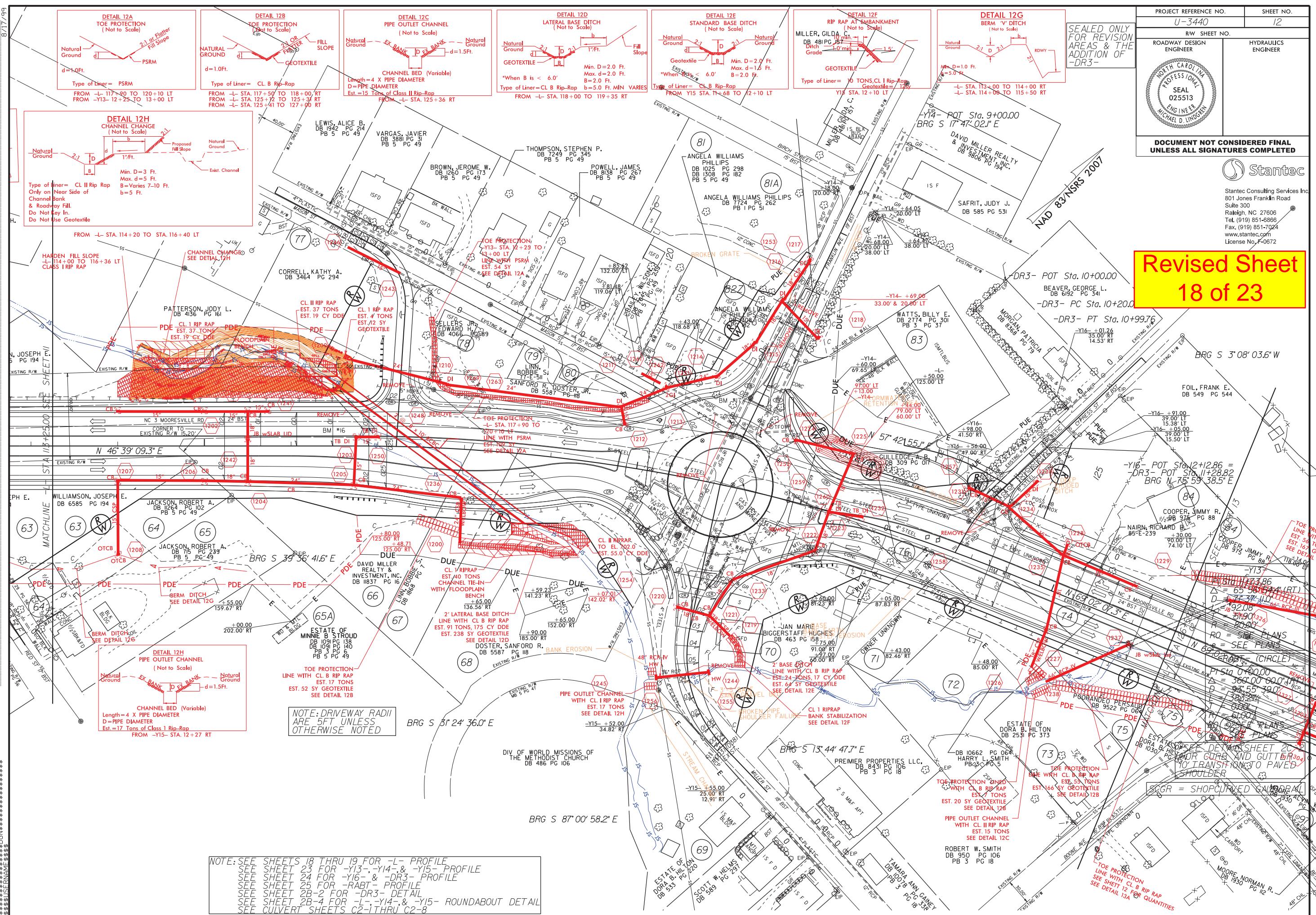




Revised Sheet

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Stantec Consulting Services Inc.
801 Jones Franklin Road
Suite 300
Raleigh, NC 27606
Tel. (919) 851-6866
Fax. (919) 851-7024
www.stantec.com
License No. F-0672



FS Tin file (Original Ground Surface)
 LiDAR Data
 From DWG File Received 7/14/2020

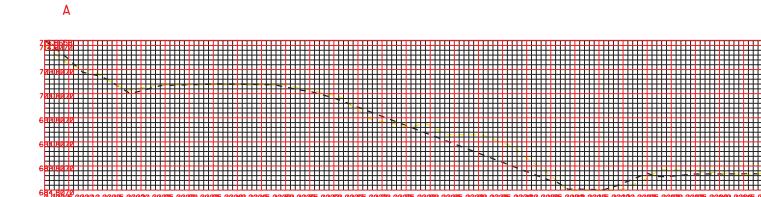
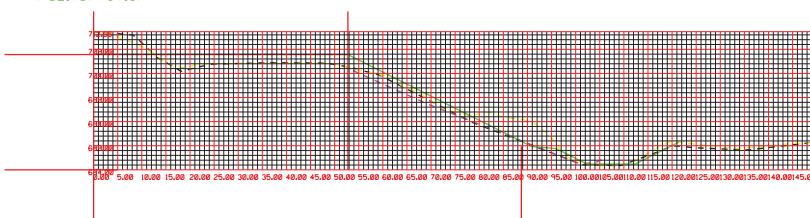
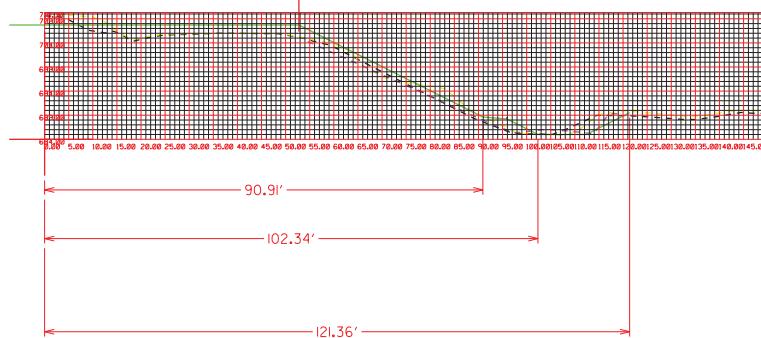
PROJECT REFERENCE NO.	SHEET NO.
R/W SHEET NO.	
ROADWAY DESIGN ENGINEER	HYDRAULICS ENGINEER

INCOMPLETE PLANS
DO NOT USE FOR R/W ACQUISITION

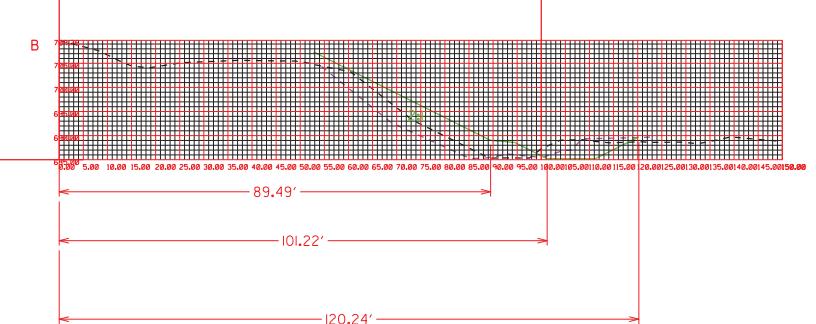
DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

REVISIONS

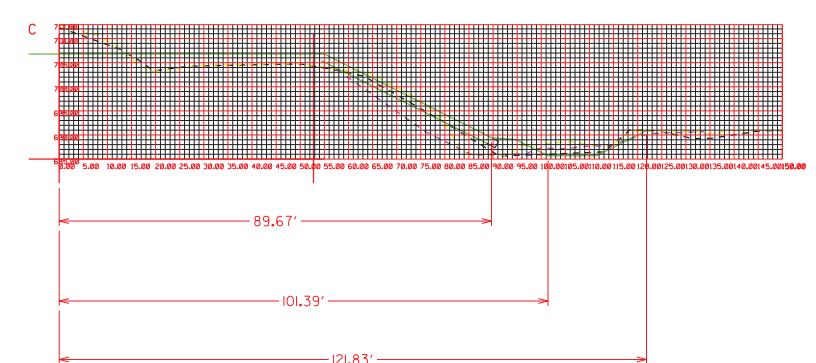
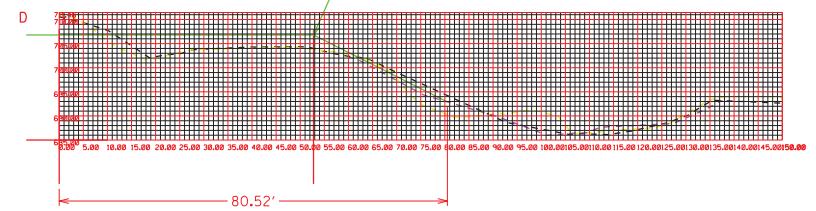
-L- II4+00 LT

-L- II4+20 LT
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(-52.75) 707.73'

-L- II4+50 LT

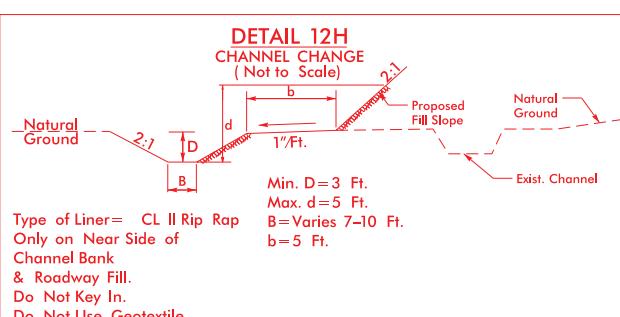


-L- II5+00 LT

Shoulderpoint based on XSC
-L- II5+50 LT 706.793', (-52.75)

RECOMMEND TO HARDEN FILL SLOPE
FROM -L- 114+00 TO 116+35 LT

PRINT SCALE 1"=20'



FROM -L- STA. 114+20 TO STA. 116+40 LT