



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

May 7, 2021

U.S. Army Corps of Engineers
Regulatory Field Office
3331 Heritage Trade Drive, Suite 105
Wake Forest NC 27587

ATTN: Mr. Eric Alsmeyer
NCDOT Coordinator

Subject: Request for Permit Modification and Extension to Section 404 Individual Permit and Section 401 Water Quality Certification for the proposed improvements to NC 3 (Mooresville Road), Kannapolis Parkway to Dale Earnhardt Boulevard/Loop Road (SR 1691), Kannapolis in Cabarrus County; Division 10, **TIP No. U-3440**.
Debit \$570 from WBS 39010.1.R2.

Reference: 1) Section 404 Individual Permit, Action ID SAW-2012-00417, issued October 4, 2016
2) Section 401 Water Quality Certification No. 20160605, issued September 30, 2016.

Dear Sir:

The purpose of this letter is to request a modification and extension to the United States Army Corps of Engineers (USACE) Section 404 Individual Permit and associated North Carolina Division of Water Resources (NCDWR) Section 401 Water Quality Certification for the above referenced project.

During an agency site visit to Site 6 (a culvert replacement and extension to an UT to Irish Buffalo Creek) it was noted that this stream has shifted into the roadway fill slope and was not in the location as depicted in the permitted drawings.

This modification reflects the current location of the stream, and presents a design that is intended to stabilize this sandy system to ensure roadway fill slope stability.

As depicted on the attached revised Site 6, (Plan sheet 12) hydraulic designers have retained the previously permitted bank stabilization near the outlet of the culvert but have added 80 linear feet of channel relocation where the stream currently turns back into the roadway slope. A 7-10' floodplain bench will be re-established. The adjacent roadway fill slope will be armored as a "Hardened Fill Slope" for protection during high flow events.

Impact Revisions: Site 6:

Site	Stream Name	Stream Number	Impact Type	Permanent Impact (linear feet)	Temporary Impacts (acres/feet)	Mitigation Requirement (linear feet)
S6	UT to Irish Buffalo Creek (Perennial)	UT-5	Perm. Fill	246	--	USACE & DWR
			Stream Realignment	72	--	USACE & DWR
			Downstream Stream Realignment	80	--	TBD
			Bank Stabilization	15	<0.01 / 17	DWR
			Temp Fill	--	<0.01 / 10	--

Revisions to Total Impacts:

	Permanent	Bank Stabilization	Total Permanent Impact	Mitigable Impacts
USACE	1,812 + 80 = 1,892	255	2,067 + 80 = 2,147	1,812 + 80 = 1,892
DWR	1,954 + 80 = 2,034	255	2,209 + 80 = 2,289	2,043 + 80 = 2,123

A revised DMS acceptance letter reflecting this increase was issued on April 29, 2021 and is included with this request.

In addition, the current permit expires on December 31, 2021. Construction is not anticipated to be completed until 2023. Therefore, NCDOT requests the current 404 expiration be extended to December 31, 2023.

Application is hereby made for modification and extension of the USACE 404 permit and the 401 WQC from NCDWR as required for the above-described activities. We have provided a method of debiting \$570.00 to be submitted to the NCDWR for processing the WQC renewal this project, as noted in the subject line of this application.

A copy of this permit application and its distribution list will be posted in the NCDOT website at <http://connect.ncdot.gov/resources/Environmental>. Thank you for your assistance with this project. If you have any questions or need additional information, please contact Michael Turchy or Joel Howard at either maturchy@ncdot.gov (919) 707-6157 or jmhoward@ncdot.gov (704) 983-4400.

Sincerely,



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

cc:
NCDOT Permit Application Standard Distribution List

Project Submittal Interim Form



Updated September 4, 2020

*Please note: fields marked with a red asterisk * below are required. You will not be able to submit the form until all mandatory questions are answered.*

- Project Type:** *
- For the Record Only (Courtesy Copy)
 - New Project
 - Modification/New Project with Existing ID
 - More Information Response
 - Other Agency Comments
 - Pre-Application Submittal
 - Re-Issuance/Renewal Request
 - Stream or Buffer Appeal

Pre-Filing Meeting Information

Before submitting this form please ensure you have submitted the Pre-Filing Meeting Request Form as we will not be able to accept your application without this important first step. The Pre-Filing Meeting Request Form is used in accordance with 40 C.F.R. Section 121.4(a) "At least 30 days prior to submitting a certification request, the project proponent shall request a pre-filing meeting with the certifying agency" and in accordance with 40 C.F.R. Section 121.5(b)(7), and (c)(5) all certification requests shall include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Click [here](#) to read more information on when this form is needed prior to application submission or [here](#) to view the form.

Attach documentation of Pre-Filing Meeting Request here: * U-3440
Documenta...
of No Pre- 141.0..
Filing
Required.p...

Date for Meeting Request * 5/7/2021

ID# 20160605 **Version** 1

Project Contact Information

Name: Michael Turchy
Who is submitting the information?

Email Address: * maturchy@ncdot.gov

Project Information

Existing ID #: * 20160605
20170001 (no dashes)

Existing Version: * 1
1

Project Name:* U-3440 Improvements to NC 3 from Kannapolis Parkway to Dale Earnhardt Blvd

Is this a public transportation project?*

- Yes
 No

Is this a DOT project?*

- Yes
 No

Is the project located within a NC DCM Area of Environmental Concern (AEC)?*

- Yes No Unknown

TIP#:

U-3440

WBS#:

39010.1.R2

(Applies to DOT projects only)

County (ies) *

Cabarrus

Please upload all files that need to be submitted.

[Click the upload button or drag and drop files here to attach document](#)

U-3440 Cabarrus Modification and Extension May 7 3.22MB
2021.pdf

[Only pdf or kmz files are accepted.](#)

Describe the attachments or add comments:

Cover letter, revised design plans, and DMS acceptance letter are attached.

* By checking the box and signing box below, I certify that:

- I, the project proponent, hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief.
- I, the project proponent, hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.
- I agree that submission of this online form is a "transaction" subject to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I agree to conduct this transaction by electronic means pursuant to Chapter 66, Article 40 of the NC General Statutes (the "Uniform Electronic Transactions Act");
- I understand that an electronic signature has the same legal effect and can be enforced in the same way as a written signature; AND
- I intend to electronically sign and submit the online form.

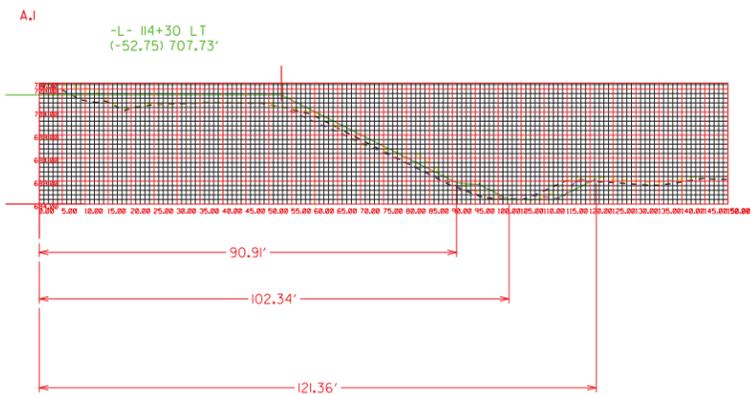
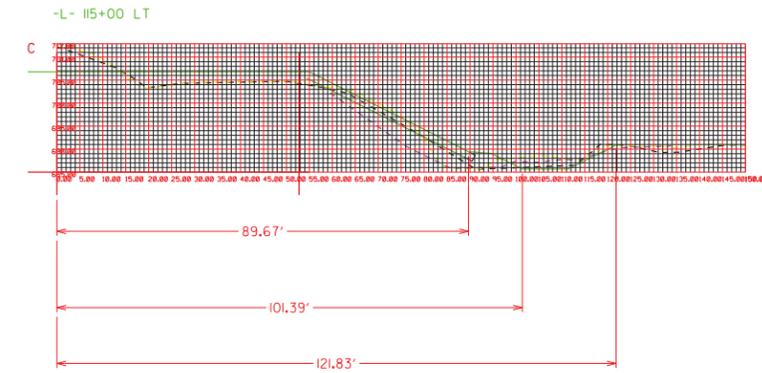
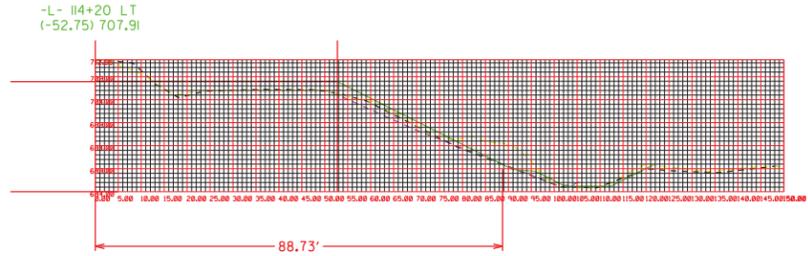
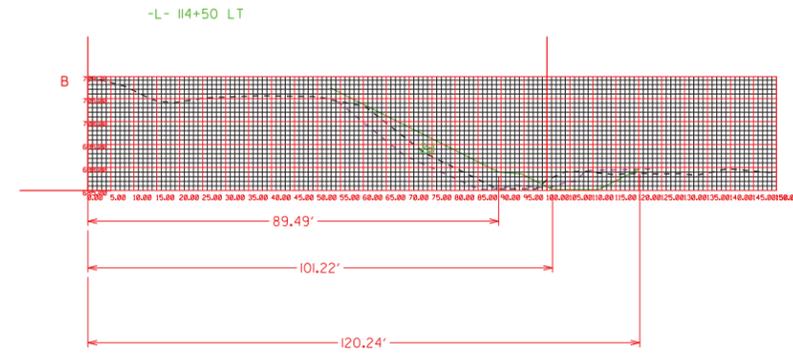
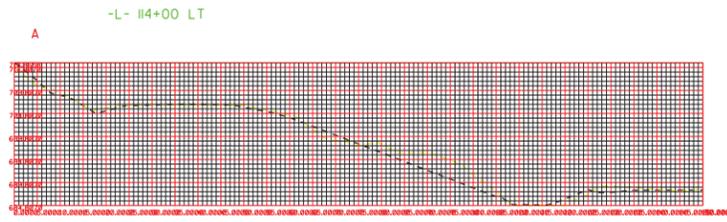
Signature:*



Submital Date: [Is filled in automatically once submitted.](#)

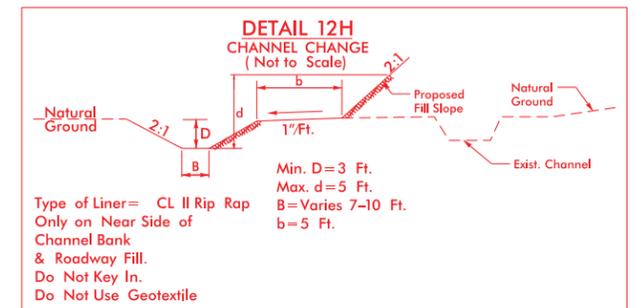
	FS Tin file (Original Ground Surface)
	LiDor Data
	From DWG File Received 7/14/2020

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			



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

ROY COOPER
 Governor
 DIONNE DELLI-GATTI
 Secretary
 TIM BAUMGARTNER
 Director



April 29, 2021

Mr. Philip S. Harris, III, P.E., CPM
 Environmental Analysis Unit
 North Carolina Department of Transportation
 1598 Mail Service Center
 Raleigh, North Carolina 27699-1598

Dear Mr. Harris:

Subject: DMS Mitigation Acceptance Letter:
U-3440, NC 3 Widening from Westside Bypass (TIP U-2009) to SR 1691 (Loop Road), Cabarrus County

References: USACE 404 Individual Permit issued October 4, 2016 (USACE Action ID 2012-00417)
 NCDWR 401 Water Quality Certification issued September 30, 2016 (NCDWR ID 2016-0605)

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the additional stream mitigation for the subject project. Based on the information supplied by you on April 28, 2021, the impacts are located in CU 03040105 of the Yadkin River basin in the Southern Piedmont (SP) Eco-Region, and are as follows:

Table 1 – Additional Impacts (feet / acres)

Yadkin 03040105 SP	Stream			Wetlands			Buffer (Sq. Ft.)	
	Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	0	80.000	0	0	0	0	0

*NOTE: Some of the impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details.

This additional impact and associated mitigation needs were not projected by the NCDOT in the 2021 impact data. DMS is currently providing stream mitigation for the impacts associated with this project located in cataloging unit 03040105 of the Yadkin River basin as required by the 404 and 401 permits issued in 2016, as shown in the below table (in mitigation credits):



Table 2 – Current Permitted Impacts and Associated Mitigation Requirements provided by DMS (based on issued permits) and Revised Anticipated Impacts (based on mitigation request)

Impact Type	Total Permitted Impacts (feet / acre / sq ft)	Total Mitigation Provided by DMS per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*
Stream (warm)	1,812.0 (USACE) / 2,043.0 (NCDWR)	3,624.0	80.0	1,892.0 (USACE) / 2,123.0 (NCDWR)

*Some of the additional impacts may be proposed to be mitigated at a 1:1 mitigation ratio. See permit application for details. DMS will provide the amount of mitigation as determined by the regulatory agencies.

This mitigation acceptance letter replaces the mitigation acceptance letter issued on May 19, 2016. DMS commits to implementing the additional stream mitigation credits to offset the impacts associated with this project as determined by the regulatory agencies in accordance with the In-Lieu Fee Instrument dated July 28, 2010. If the above referenced impact amounts are revised, then this mitigation acceptance letter will no longer be valid and a new mitigation acceptance letter will be required from DMS.

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-707-8420.

Sincerely,



James B. Stanfill
 DMS Asset Management Supervisor

cc: Mr. Monte Matthews, USACE – Raleigh Regulatory Field Office
 Ms. Amy Chapman, Division of Water Resources, Wetlands/401 Unit
 File: U-3440 Additional

