

# STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

January 7, 2022

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

ATTN: Mr. Eric Alsmeyer

NCDOT Coordinator

Subject:

Request for Modification for Section 404 Regional General Permit No. 201902350 and Section 401 Water Quality Certification for the Proposed I-485 and East John Street – Old Monroe Road (SR 1009) Interchange Improvements, Mecklenburg County, Division 10, STIP U-4714AB. Debit \$570.00 from WBS 43609.3.2.

**Reference:** 1) Section 404 Regional General Permit No. 201902350 (RGP 50), Action ID No. SAW-2019-01774, issued October 7, 2019, re-verified May 6, 2021; 2) Section 401 General Water Quality Certification No. 4135, NCDWR Project No. 20191245v.2, issued June 8, 2021.

### Dear Sir:

The purpose of this letter is to request modification of the United States Army Corps of Engineers (USACE) Section 404 Regional General Permit 201902350 (RGP 50) and associated North Carolina Division of Water Resources (NCDWR) Section 401 Water Quality Certification for the above referenced project.

Revisions resulting in changes to permitted impacts are proposed at two impact sites (Sites 3 and 4). The changes to these sites are described below.

Previously authorized permanent stream impacts for the entire project totaled 401 linear feet, which included 159 linear feet of bank stabilization. Previously authorized temporary stream impacts totaled 118 linear feet (0.03 acre).

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DRIVE
ENVIRONMENTAL ANALYSIS UNIT
1598 MAIL SERVICE CENTER
RALEIGH NC 27699-1598

Telephone: (919) 707-6000 Fax: (919) 250-4224 Location: 1000 BIRCH RIDGE

Customer Service: 1-877-368-4968

Website: www.ncdot.gov

RALEIGH NC 27610

The revised stream impacts for the project total 473 linear feet of permanent stream impacts, which includes 175 linear feet of stream bank stabilization impacts, and 150 linear feet (0.08 acre) of temporary stream impacts.

A summary of the changes is shown in Table 1 below.

Table 1 – Summary of changes to impacts\*

Impact Type	Previously Permitted Impacts	Proposed Permit Modification	Difference		
Permanent Stream Impacts	401	473	+72		
Bank Stabilization Impacts	159	175	+16		
Temporary Stream Impacts	118	150	+32		

<sup>\*</sup>Stream impacts are in linear feet.

Please see the enclosed DWR Pre-Filing Meeting Request Form, revised DMS acceptance letter, revised permit drawings and roadway plans where drainage revisions resulted in design and/or impact changes to permitted impact sites. Narratives describing the revisions made to each permit impact site are presented in the following section.

### Permit Impact Site Modifications (shown in revised permit drawings):

### Site 3

The original design included 197 linear feet of permanent stream impact to stream SSG resulting from the installation of 30-inch and 15-inch reinforced concrete pipes (RCP) for drainage, 31 linear feet of permanent bank stabilization impacts, and 10 linear feet of temporary stream impacts.

The design has been revised to include ditch drainage along the exit ramp rather than a closed drainage system in this location. In the revised design, the 15-inch RCP has been eliminated and the upper reach of stream SSG will be filled and drainage will be captured in a new roadside ditch before draining into the previously-approved 30" RCP. The new design includes 197 linear feet of permanent stream impact, including 100 linear feet of impact from installation of the 30" RCP and 97 linear feet of roadway fill impact. Bank stabilization will remain at 31 linear feet and temporary stream impacts with remain at 10 linear feet. The proposed design will result in no change to the length of permanent or temporary stream channel impacts.

### Site 4

The original design included 26 linear feet of permanent stream channel impacts from bank stabilization and 24 linear feet (<0.01 acre) of temporary stream impacts to stream SAG (Four Mile Creek).

The design has been revised to extend the widening of East John Street to the north and includes construction of the intersection of the future Greylock Ridge Road Extension (Project No. HL-0025) on the east side of East John Street. This will result in the need to extend the dual 7x7 reinforced concrete box culvert (RCBC) beneath East John Street at stream SAG (Four Mile Creek). This project modification is being proposed to alleviate future traffic congestion at the I-485 interchange at East John Street, simplify traffic control for the public in this area, and minimize the risk of sedimentation into stream SAG.

Based on a request from the Town of Matthews, endorsed through a resolution by the Charlotte Regional Transportation Planning Organization (CRTPO), the Department decided to delay implementing the East John Street widening from I-485 to Trade Street in downtown Matthews, now known as U-4714AA.

As a result of this delay, an additional operational analysis of the East John Street interchange was conducted assuming U-4714AA would not be constructed for a number of years. The updated analysis, and a supplemental addendum completed in April 2020 for the interchange, showed traffic queuing from not building U-4714AA would block the interchange. As such, the Department needs to extend the widening of East John Street further to the north in order to meet the purpose and need for U-4714AB. Although construction of U-4714AA is currently unfunded, the future widening of E. John Street from Trade Street to the I-485 interchange is included in the Charlotte Regional Transportation Planning Organization (CRTPO) 2045 Metropolitan Transportation Plan (MTP)'s Fiscally Constrained project list for Horizon Year 2025. By performing this additional work under U-4714AB, the Department will help alleviate previously-unanticipated congestion to the East John Street interchange, increasing both the safety of the traveling public and the movement of goods and services in the area.

The extension of the East John Street widening further to the north would also include the construction of the intersection with the future Greylock Ridge Road Extension. Extending East John Street and building the Greylock Ridge Road Extension intersection at the same time will benefit the traveling public by simplifying and providing uninterrupted traffic control along East John Street. If constructed separately, motorists, bicyclists and pedestrians will endure two separate traffic control patterns for these two projects over a span of 2 to 3 years. In addition, by including the Greylock Ridge Road Extension intersection with the widening of John Street as part of U-4714AB, the project area in the vicinity of stream SAG can be disturbed and stabilized at one time. Otherwise, ground disturbance in the vicinity of stream SAG will take place during two separate construction efforts.

The new design includes 56 linear feet of permanent stream channel impacts resulting from the dual 7x7 RCBC extension, 42 linear feet of stream bank stabilization impacts, and 56 linear feet (0.06 acre) of temporary stream impacts. The proposed design will result in an increase in permanent stream channel impacts of 72 linear feet (including an increase of 16 linear feet of stream bank stabilization impacts) and an increase in temporary stream impacts of 32 linear feet (0.05acre).

### **Revised Compensatory Mitigation**

The original permit approvals indicated the North Carolina Division of Mitigation Services (NCDMS) would provide compensatory mitigation for 242 linear of permanent stream impacts, as referenced in the October 7, 2019 GP 31 issued permit from the USACE and the November 15, 2019 401 WQC from NCDWR.

Of the revised permanent stream impacts totaling 473 linear feet for this modification, 175 linear feet are the result of bank stabilization and therefore do not require mitigation from USACE. Therefore, a total of 298 linear feet of permanent stream impacts will require mitigation based on this modification, which is an increase of 56 linear feet as compared to the previously approved permit. There are no additional permanent wetland impacts, therefore no additional wetland mitigation is required A revised DMS acceptance letter reflecting this change was issued and received on November 4, 2021 (attached).

No changes have occurred to special commitments for this project.

NCDOT requests to modify the permit for this project. Application is hereby made for modification of the USACE 404 permit and the 401 WQC from NCDWR. We have provided a method of debiting \$570.00 to be submitted to the NCDWR for processing the WQC renewal for U-4714AB, 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 <a href="http://connect.ncdot.gov/resources/Environmental">http://connect.ncdot.gov/resources/Environmental</a>. Thank you for your assistance with this project. If you have any questions or need additional information, please contact Erin Cheely at either <a href="ekcheely@ncdot.gov">ekcheely@ncdot.gov</a> or (919) 323-5192.

Sincerely,

Milal LL 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 mark mandatory questions ar	ked with a red asterisk * below are required. You will not be able to submit the form until all be 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
Project Contact I	nformation
Name:	Erin Cheely Who is submitting the information?
Email Address: *	ekcheely@ncdot.gov
Project Information	on
Existing ID #: * 20191245 20170001 (no dashes)	Existing Version: *  2  1
Project Name: *	U-4714 AB - Proposed I-485 and East John Street / Old Monroe Road (SR 1009) Interchange Improvements
Is this a public transpo • Yes • No	ortation project?*
Is this a DOT project?  • Yes • No	*
Is the project located	within a NC DCM Area of Environmental Concern (AEC)?*
○ Yes   No ○ Unkr	nown
TIP#:	WBS#:
U-4714 AB	43609.3.2 (Applies to DOT projects only)

County (ies) \*

Mecklenburg

### Please upload all files that need to be submited.

Click the upload button or drag and drop files here to attach document

U-4714AB Modification Mecklenburg January 7 2022.pdf 9.85MB

Only pdf or kmz files are accepted.

### Describe the attachments or add comments:

Permit modification package.

- \* 

  ✓ 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: \*

Michael Tunchy

Submittal Date: Is filled in automatically once submitted.

# DWR Pre-Filing Meeting Request Form



ID#*	20191245	Version*	3
Regional Office *		Mooresville Regional Office - (704) 66	3-1699
Reviewer List*		Donna Hood	
Pre-Filing Meet	ting Request submi	itted 8/11/2021	
Contact Name *		Erin Cheely	
Contact Email Addı	ress*	ekcheely@ncdot.gov	
Project Name *		U-4714AB	
Project Owner*		NCDOT	
		Mecklenburg	
Project County*		Meckleriburg	
Owner Address:		Street Address 1598 Mail Service Center Address Line 2	
		City	State / Province / Region
		Raleigh	NC
		Postal / Zip Code	Country
		27699	United States of America
Is this a transporta	ition project?*	⊙ Yes ○ No	
Type(s) of approva	I sought from the DWR:		
		1 Water Quality Certification -	
Regular		press	
<ul><li>☐ Individual Permi</li><li>☐ Shoreline Stabil</li></ul>		odification	
Does this project h	nave an existing project	ID#?*	
⊙ Yes ○ No			
Please list all exist 20191245	ing project ID's associa	ted with this projects.*	
Do you know the n No meeting is reques		r you would like to request a meetir	ng with?
	f project description bel Street-Old Monroe Road (	ow and include location information SR 1003) interchange	ı. <b>*</b>

Please attach the documentation you would like to have the meeting about.

### pdf only

By digitally signing below, I certify that I have read and understood that per the Federal Clean Water Act Section 401 Certification Rule the following statements:

- This form completes the requirement of the Pre-Filing Meeting Request in the Clean Water Act Section 401 Certification Rule.
- I understand by signing this form that I cannot submit my application until 30 calendar days after this pre-filing meeting request.
- I also understand that DWR is not required to respond or grant the meeting request.

Your project's thirty-day clock started upon receipt of this application. You will receive notification regarding meeting location and time if a meeting is necessary. You will receive notification when the thirty-day clock has expired, and you can submit an application.

**Signature** 

EPIN K. CHEELY

**Submittal Date** 

8/11/2021

ROY COOPER Governor ELIZABETH S. BISER Secretary



November 4, 2021

Mr. Philip S. Harris, 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-4714AB, SR 1009 (John Street / Old Monroe Road) at I-485 – Improve

Interchange, Mecklenburg County

References: USACE 404 General Permit 31 issued October 7, 2019 (USACE Action ID 2019-

01774)

NCDWR 401 Water Quality Certification issued November 15, 2019 (NCDWR ID

2019-1245)

The purpose of this letter is to notify you that the Division of Mitigation Services (DMS) will provide the additional compensatory stream mitigation for the subject project. Based on the information supplied by you on November 1, 2021, the impacts are located in CU 03050103 of the Catawba River basin in the Southern Piedmont (SP) Eco-Region, and are as follows:

**Table 1 – Additional Impacts (feet / acres)** 

Catawba	Stream				Wetlands	Buffer (Sq. Ft.)		
03050103 SP	Cold	Cool	Warm	Rinarian		Coastal Marsh	Zone 1	Zone 2
Impacts (feet/acres)	0	0	56.000	0	0	0	0	0

<sup>\*</sup>NOTE: Some of the stream 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 expanded Catawba 03 service area as required by the 404 and 401 permits issued in October and November 2019, as shown in the below table (in mitigation credits)



Mr. Harris TIP U-4714AB November 4, 2021 Page Two

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)		Mitigation Provided by DMS per Issued Permits (Credits)	Additional Impact (for approval)	Revised Total Impacts*	
Stream (warm)	242.000	484.000	56.000	298.000	

<sup>\*</sup>Some of the additional stream 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 letters issued on March 12, 2018 and September 13, 2019. The impacts and associated mitigation needs were not projected by the NCDOT in the 2021 impact data. DMS will commit to implement sufficient stream mitigation credits to offset the additional stream impacts associated with this project as determined by the regulatory agencies using the delivery timeline listed in Section F.3.c.iii of the In-Lieu Fee Instrument dated July 28, 2010, and consistent with the Guidance for Expanded Service Area for Mitigating Impacts within the Lower Catawba River Basin approved by the IRT. 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,

Clizabeth Harmon James B. Stanfill

Asset Management Supervisor

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

File: U-4714AB Additional



# **PROIEC**

20397 T

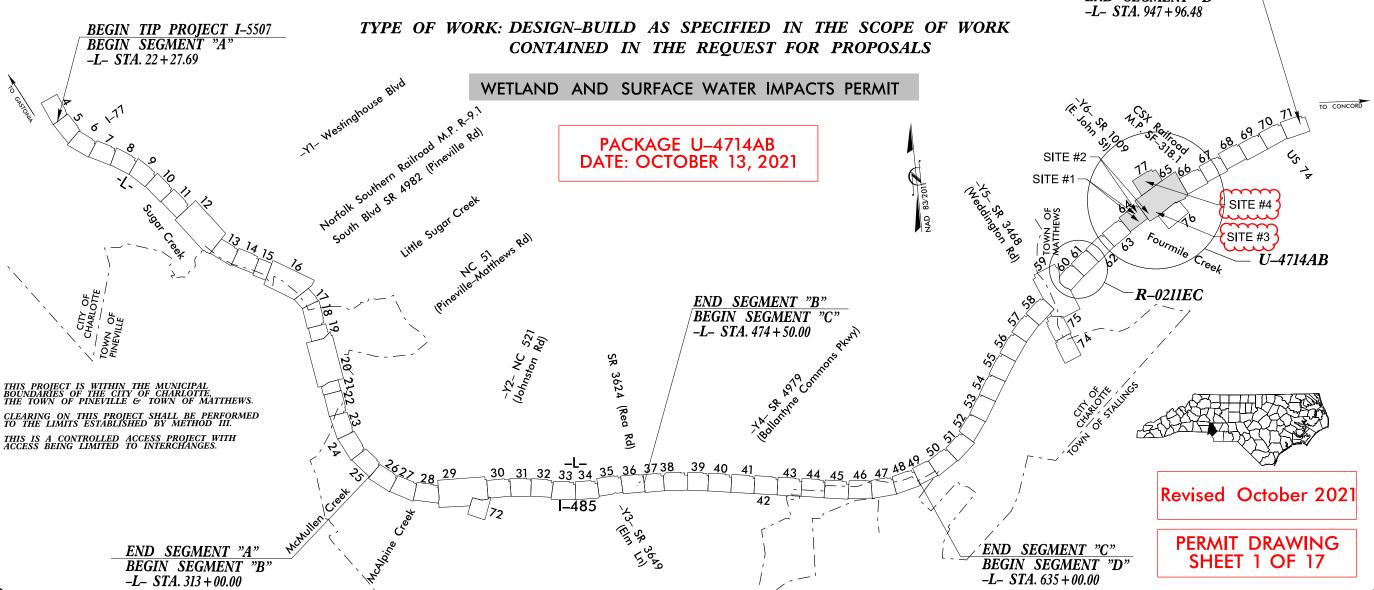


# MECKLENBURG COUNTY

LOCATION: I-485 FROM I-77 TO US 74 (INDEPENDENCE BOULEVARD) (I-5507); I-485 / WEDDINGTON ROAD INTERCHANGE (R-0211EC); AND I-485 / EAST JOHN STREET - OLD MONROE ROAD INTERCHANGE (U-4714AB)

SHEET TOTAL NO. SHEETS <del>U</del>-4714AB N.C. STATE PROJ. NO 43609.3.2 Design-Build BLYTHE WY)

END TIP PROJECT I-5507 END SEGMENT "D" -L- STA. 947 + 96.48



# GRAPHIC SCALES NTR PROFILE (HORIZONTAL) PROFILE (VERTICAL)

## DESIGN DATA ADT 2018 = 118,400 D = 55 % T = 9 % \*V = 70/75 MPH\*( TTST 4 + DUAL 5) FUNCTIONAL CLASSIFICATION:

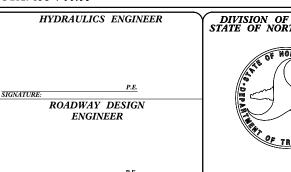
INTERSTATE

STATEWIDE TIER

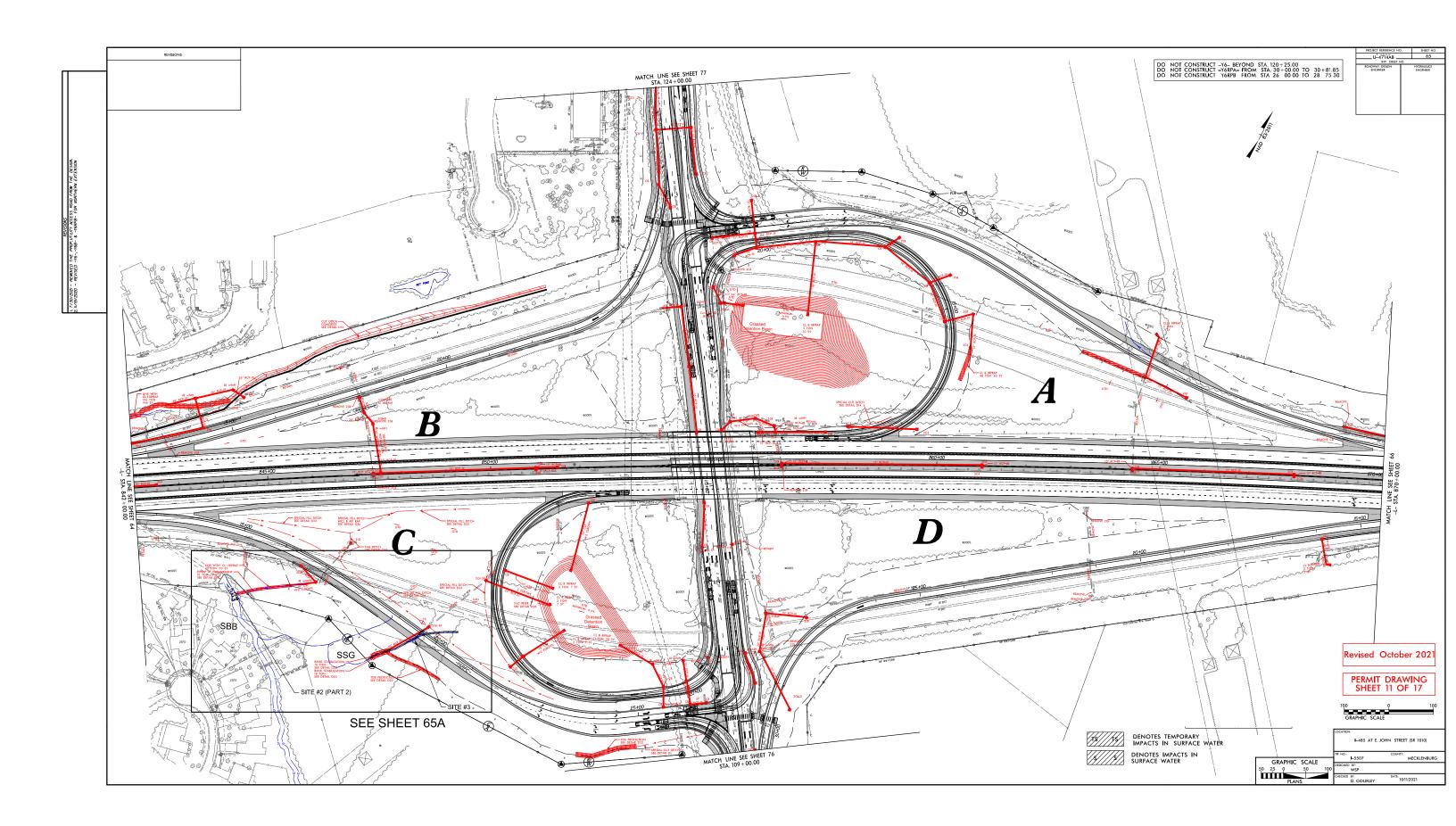
PROJECT LENGTH LENGTH OF ROADWAY TIP PROJECT I-5507 = 17.137 mi LENGTH OF STRUCTURES TIP PROJECT I-5507 = 0.395 mi (BASED ON 485 WB BRIDGES) TOTAL LENGTH OF TIP PROJECT I-5507 = 17.532 mi TIM MCFADDEN, PE NCDOT CONTACT: DESIGN BUILD PROJECT ENGINEER – TRANSPORTATION PROGRAM MANAGEMENT UNIT

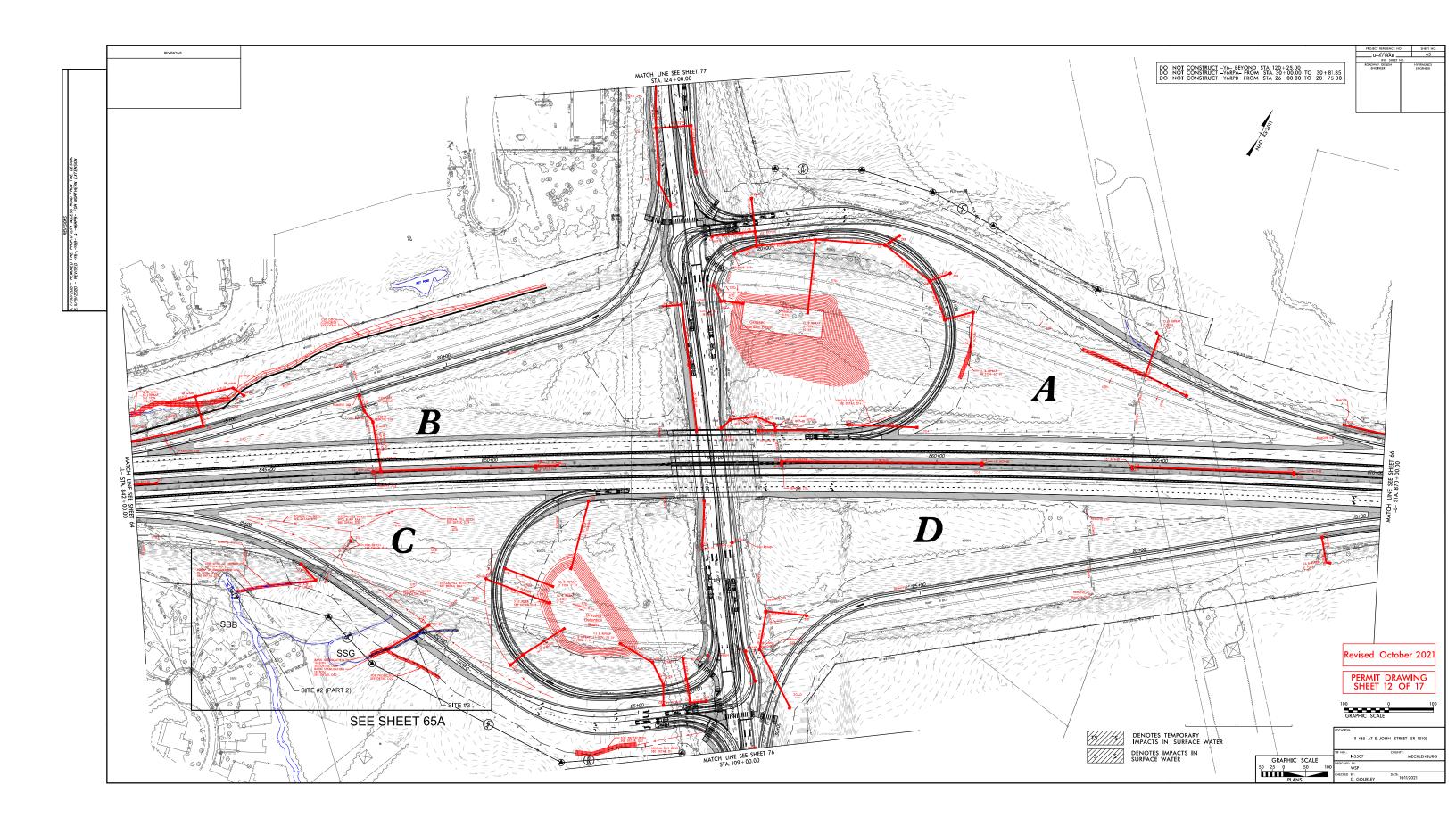
018 STANDARD SPECIFICATIONS RIGHT OF WAY: DANIEL H. BRIDGES, PE **SEPTEMBER 18, 2018** DAVID B. GOURLEY, PE LETTING DATE: **SEPTEMBER 18, 2018** 

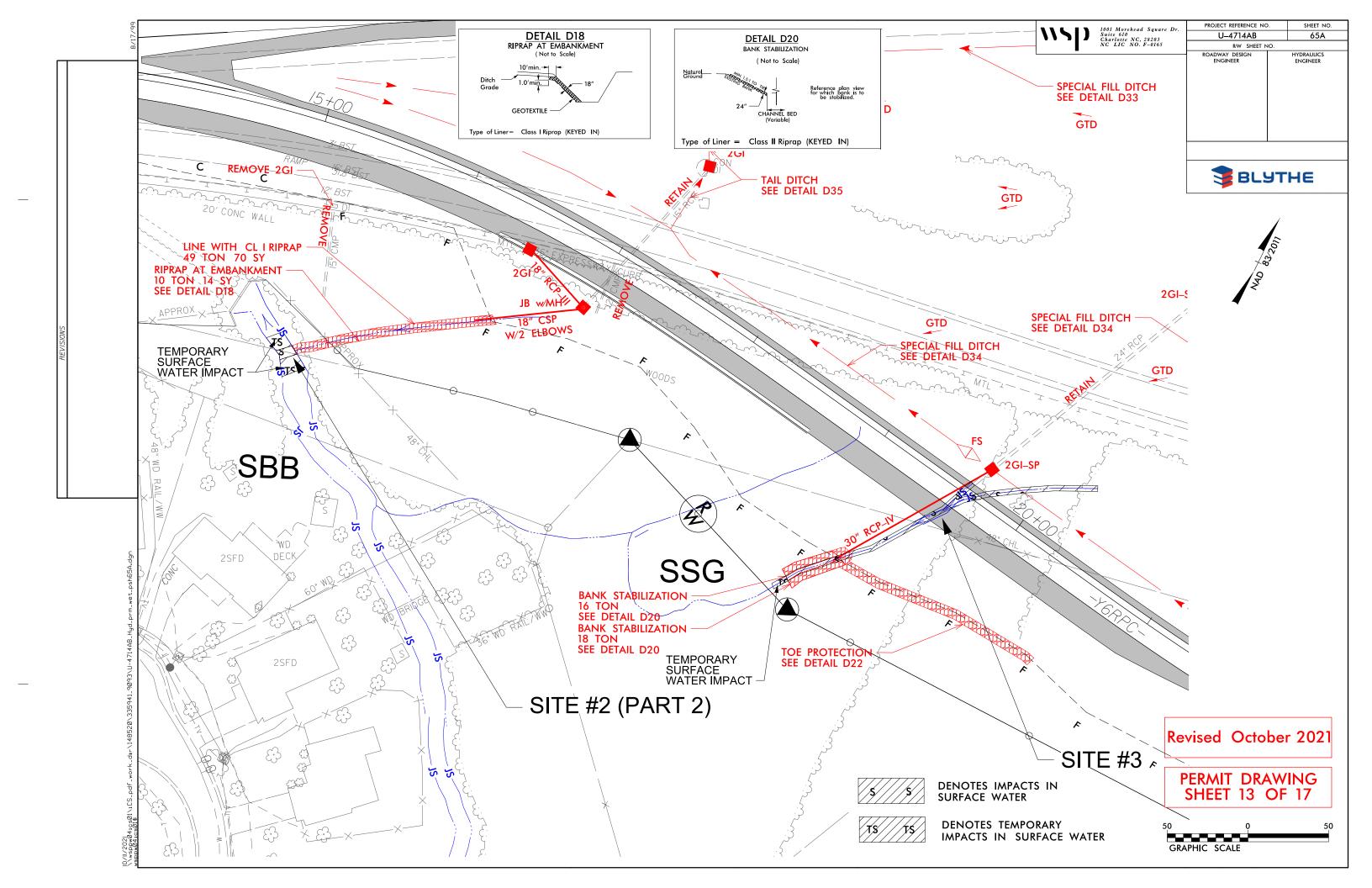
Prepared in the Office of:

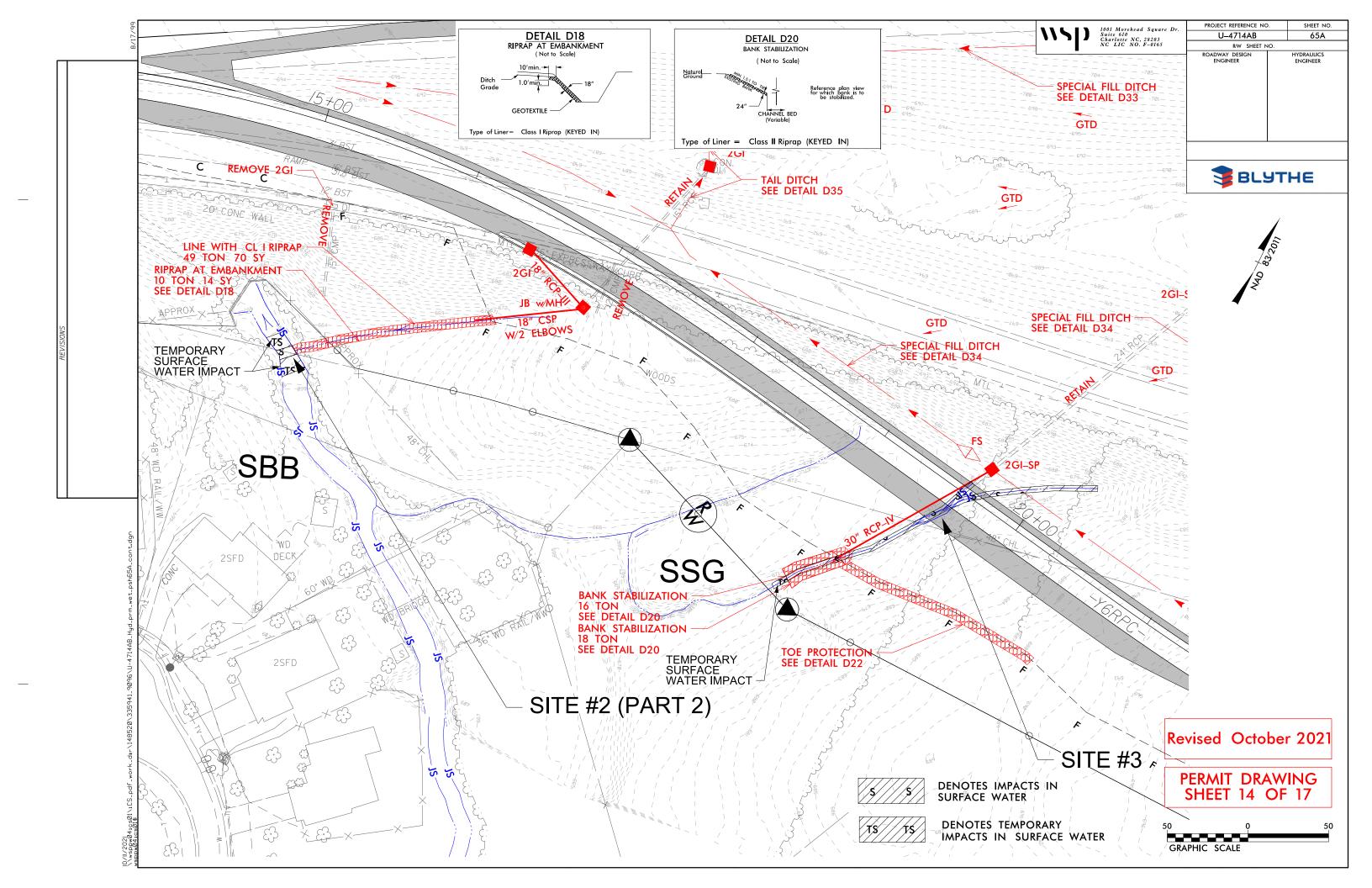


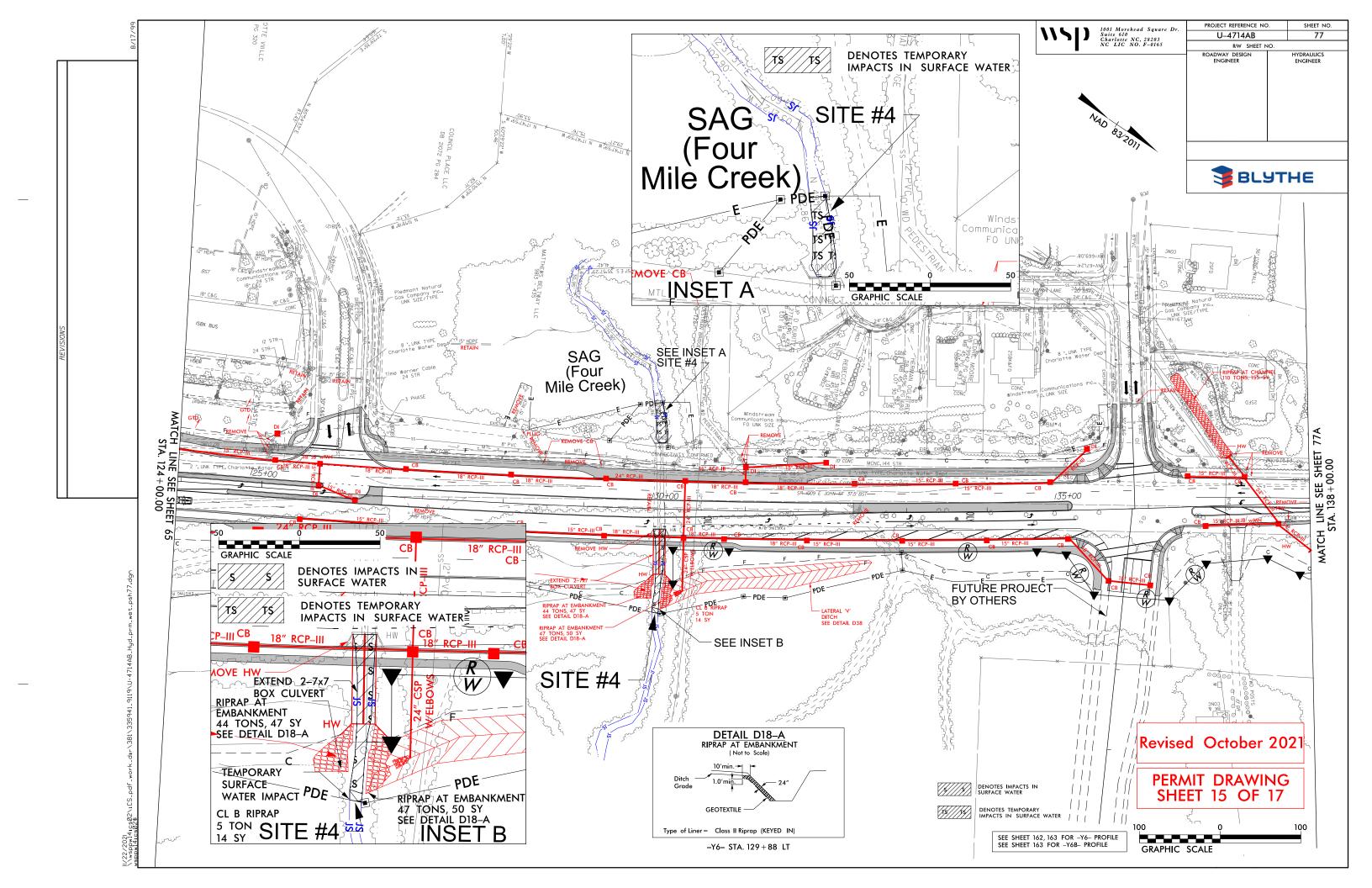
DIVISION OF HIGHWAYS STATE OF NORTH CAROLINA

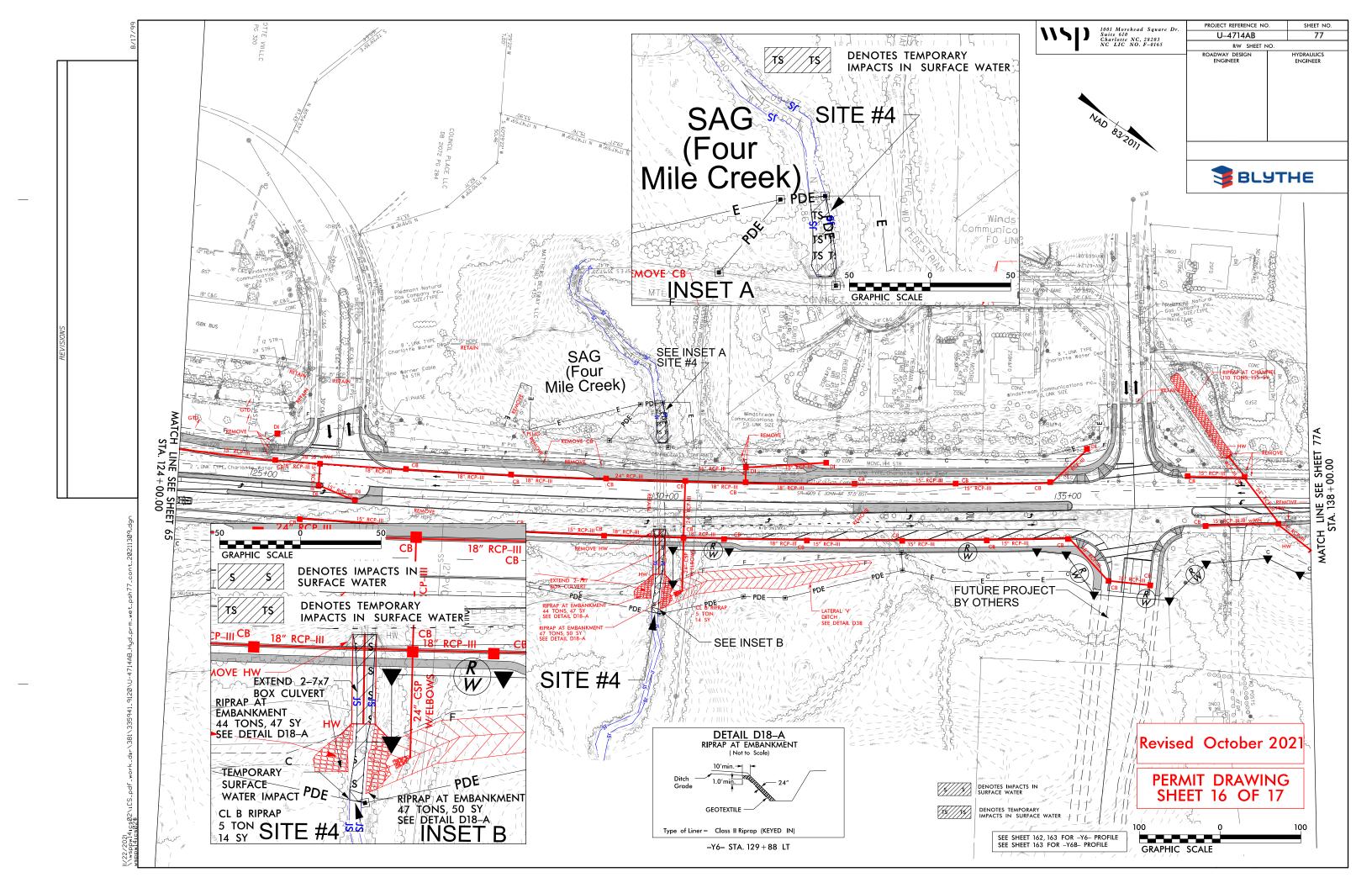


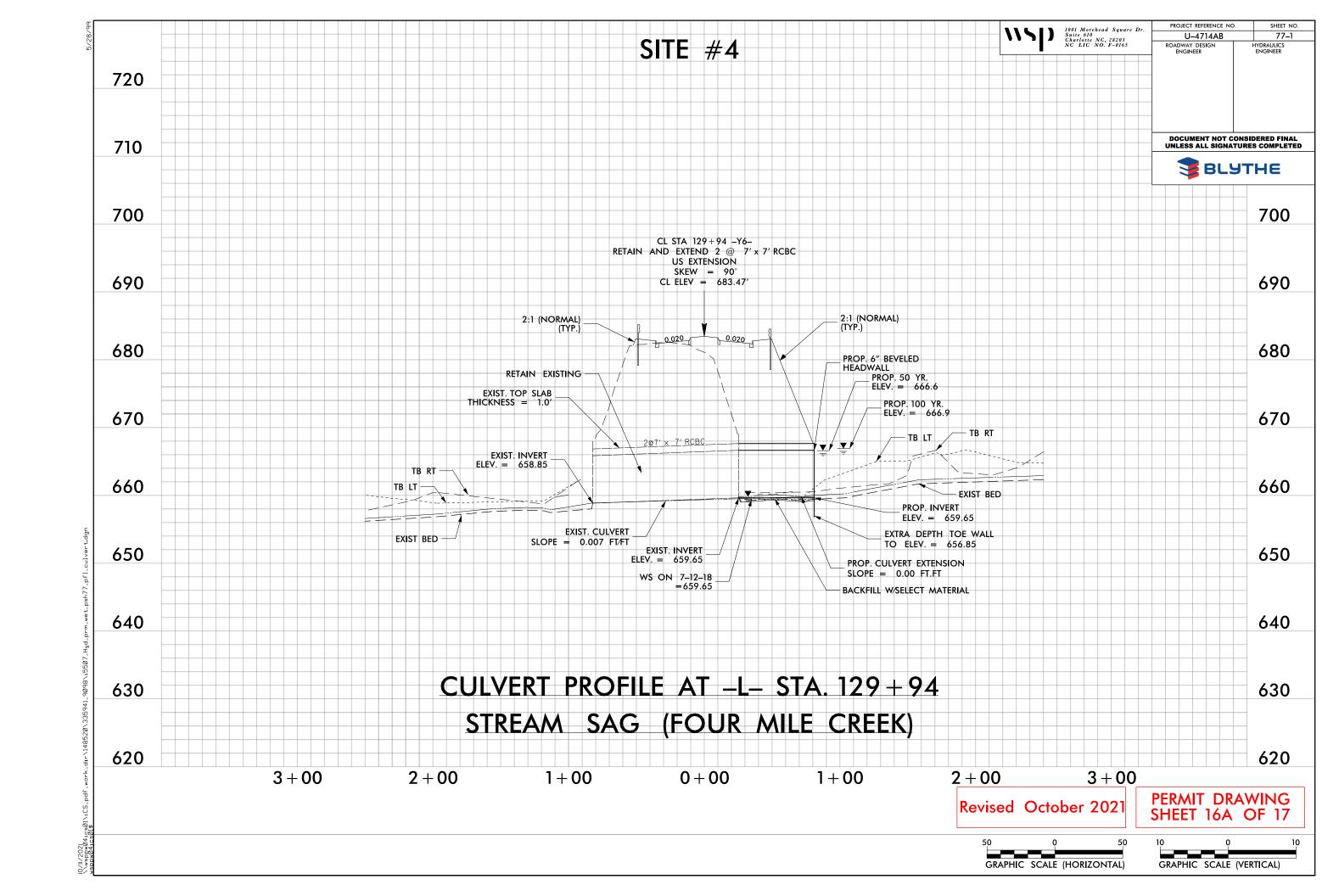












					ND AND S	URACE WA	ATER IMP			WATER IM	DACTS	
Site No.	Station (From/To)	Structure Size / Type	Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)		Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW impacts (ac)	Temp. SW impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts	Natural Stream Design (ft)
1 2	837+80 -L- (LT) 837+80 -L- 839+00 -L- (LT)	Extend 2 @ 7' x 6' RCBC  Bank Stabilization  Extend 2 @ 7' x 6' RCBC						< 0.01 0.01 < 0.01	< 0.01	14 45 31	33	
2 3 3	839+00 -L- (LT) 15+20 -Y6RPC- (RT) 19+50 -Y6RPC (RT) 19+50 -Y6RPC (RT)	Bank Stabilization  Bank Stabilization  30" RCP  Bank Stabilization		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		~~~~	~~~~	0.01 < 0.01 < 0.01 < 0.01	< 0.01 < 0.01 < 0.01	51 6 100 31	31 20 10	~~~~
4 4	19+50 -Y6-PC (LT) 129+50 -Y6- (RT) 129+50 -Y6- (RT)	Roadway Fill  Bank Stabilization  Extend 2 @ 7' x 7' RCBC	***************************************	~~~	***************************************	·····	***************************************	< 0.01 < 0.01 < 0.01	< 0.01	97 42 56	6	····
4	129+50 -Y6- (LT)	Temporary Erosion Measures						·····	0.06		50	
TOTAL	_S*:	·····	·····	~~~	·····	·····	·····	0.07	0.08	473	150	0

\*Rounded totals are sum of actual impacts

### NOTES:

At Sites 1 and 2, the existing culvert is not buried, therefore the culvert extension will not be buried. The bottom elevation of the extended culvert will match the elevation of the existing stream bed.

At Site 1, 0.01 ac (45 lf) of temporary impacts due to construction activities are included within the bank stabilization impacts.

At Site 2, 0.01 ac (51 lf) of temporary impacts due to construction activities are included within the bank stabilization impacts.

At Site 3, <0.01 ac (31 lf) of temporary impacts due to construction activities are included within the bank stabilization impacts.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

Revised

10/11/2021 MECKLENBURG

TIP NO. U-4714AB WBS NO. 39078.1.1

SHEET

17

OF

17

Revised 2018 Feb

