



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

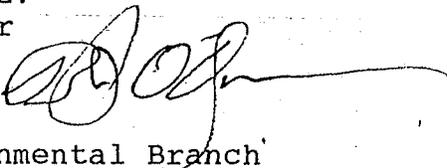
JAMES B. HUNT, JR.
GOVERNOR

DIVISION OF HIGHWAYS
P.O. BOX 25201, RALEIGH, N.C. 27611-5201

R. SAMUEL HUNT III
SECRETARY

August 29, 1995

MEMORANDUM TO: Mr. B. G. Payne, P.E.
Division 10 Engineer

FROM: B. J. O'Quinn, P.E. 
Assistant Manager
Planning and Environmental Branch

SUBJECT: Mecklenburg County, Southern Charlotte Outer
Loop; State Project No. 8.1670102; T.I.P #
R-211DC

Attached is the U. S. Army Corps of Engineers letter modifying the Individual Permit issued on June 20, 1994 Special Condition No. 2 authorizing the NCDOT to retain ownership of the Porter Road Swamp Mitigation Area until June 20, 1996.

BJO/eah

Attachment

cc: Mr. G. T. Shearin, P.E.
Mr. Kelly Barger, P.E.
Mr. Don Morton, P.E.
Mr. A. L. Hankins, P.E.
Mr. John Smith, P.E.
Mr. Victor Barbour, P.E.
Mr. W. D. Johnson
Mr. N. L. Graf (FHWA)
Mr. H. Franklin Vick, P.E. (cover only)
Mr. Gary Jessup (cover only)



8114
cc: O'Quinn

4



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



August 8, 1995

Regulatory Branch

Action ID. 199400840



Mr. H. Franklin Vick
Planning and Environmental Branch
North Carolina Department of Transportation
Post Office Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Vick:

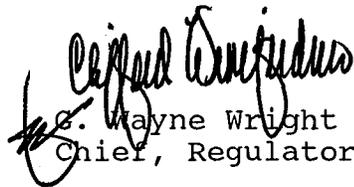
This is in response to your letter of June 6, 1995 requesting modification of Special Condition No. 2 of your Department of the Army (DA) permit issued on June 20, 1994 which authorized the discharge of fill materials into approximately 6.8 acres of waters and wetlands in the headwaters of Fourmile Creek and Flat Branch to construct a 2.5-mile long segment of the Charlotte Outer Loop Highway (I-485) between the planned Rea Road interchange and Providence Road south of Charlotte, Mecklenburg County, North Carolina.

Specifically your request was to modify Special Condition No. 2 in order to allow the North Carolina Department of Transportation to retain indefinite ownership and management of the Porter Road Swamps Mitigation Area. While we can appreciate the difficulties you have experienced in locating a suitable, local conservation organization, we still believe that local, onsite management of the area would best insure its continued maintenance, protection and preservation. We also believe that the public interest would be best served by allowing some low-intensity use of the area such as scientific study and research, educational programs, wildlife photography and the like. Your concerns over potential development of the site or unauthorized sale of portions of the property could be addressed through deed restrictions or similar legal mechanisms. Therefore, Special Condition No. 2 of the referenced DA permit is hereby modified to require the transfer of the Porter Road Swamps Mitigation Area to an appropriate conservation organization by June 20, 1996. All other terms and conditions of the original permit remain in full force and effect.

We are aware that the Charlotte-based Catawba Lands Conservancy (CLC) would accept donation of the Porter Road Swamps site and has prepared a management plan for the area that involves a cooperative stewardship agreement among the CLC, Mecklenburg County Parks and Recreation Department, the North Carolina Herpetological Society, and the University of North Carolina at Charlotte. The CLC is also prepared to engage in a fund raising campaign to establish a management endowment for the site. Their basic mission statement as well as specific objectives for the site are highly compatible with our goals for the area. We recommend that you continue your discussions with the CLC with a view toward resolving your concerns.

If you have any questions, please contact Mr. Steven Lund at telephone (704) 271-4857.

Sincerely,


G. Wayne Wright
Chief, Regulatory Branch

Copy Furnished:

Mr. John Dorney
North Carolina Department of Environment,
Health and Natural Resources
Division of Environmental Management
4401 Reedy Creek Road
Raleigh, North Carolina 27607

Ms. Virginia Laszewski
Post, Buckley, Schuh & Jernigan, Inc.
4201 North View Drive, Suite 302
Bowie, Maryland 20716