



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

August 30, 2013

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

ATTN: Ms. Lori Beckwith
NCDOT Coordinator

Subject: **Modification Request for Individual Section 404 Permit and to Individual Section 401 Certification for R-2123CE**
I-85/I-485 (Charlotte Outer Loop) Interchange, Mecklenburg County
NCDOT Division 10
T.I.P. Project Number R-2123 AC/BB/CC
Debit \$570.00 from WBS Element 36654.9.1

References:

- Individual 401 Water Quality Certification No. 3240 issued July 30, 1999.
- Modification to Water Quality Certification No. 3240, issued April 1, 2004.
- Individual Section 404 Permit issued August 4, 1999. COE Action ID 199504596
- Acceptance letter from the N.C. Ecosystem Enhancement Program dated October 3, 2005

Dear Ms. Beckwith:

This letter addresses the mitigation requirements specified in the R-2123AC/BB/CC project permits that remain unfulfilled. At the time of permit issuance, the NCDOT entered into an agreement with the North Carolina Wildlife Resources Commission (NCWRC) for the NCWRC to provide stream mitigation for the project, and this arrangement is specified in the project permits.

In accordance with the NCDOT/NCWRC agreement for the R-2123CE mitigation requirements, the NCWRC identified several potential mitigation sites. On July 25, 2005, the NCDOT transferred management of all mitigation sites developed by the NCWRC associated with this and other TIP projects for which NCWRC had agreed to provide stream mitigation. The N.C. Ecosystem Enhancement Program (EEP) agreed to manage and complete any remaining work required to close out the existing NCWRC mitigation sites and to implement any additional mitigation credits needed to satisfy the permit conditions associated with the TIP projects. Due to accessibility issues, none of the potential mitigation sites identified by NCWRC were successfully developed.

However, EEP has developed other mitigation sites that are appropriate and suitable to offset the project impacts. The NCDOT requests that all permits for this project be modified to reflect that the EEP will provide mitigation for the 3,194 feet of stream impacts authorized in the permits.

A copy of this modification request and its distribution list will be posted on the NCDOT website at <http://www.ncdot.org/doh/preconstruct/pe/neu/permit.html>

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Mr. Michael Turchy at maturchy@ncdot.gov.

Sincerely,

Deborah M. Barbour, P.E.
Director of Preconstruction

CC: NCDOT Permit Application Standard Distribution List