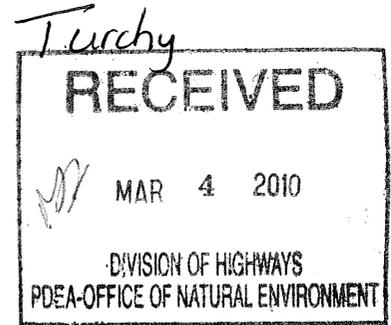




REPLY TO
ATTENTION OF:

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



March 3, 2010

Regulatory Division

Action ID No. 199930776, TIP R-2248 AC/AD/BA

Gregory J. Thorpe, Ph.D., Manager
Project Development and Environmental Analysis Branch
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

Reference the Department of the Army permit issued on September 2, 1999 to the North Carolina Department of Transportation (NCDOT) to discharge dredged or fill material into 2.56 acres of adjacent wetlands and 13,791 linear feet of stream channel of Coffey Creek, Steele Creek, Beaverdam Creek, Little Paw Creek, Ticer Branch, Paw Creek and unnamed tributaries to facilitate the construction of 7.5 miles of the West Charlotte Outer Loop (I-485) between Brown Grier Road and Interstate Highway 85 west of Charlotte, Mecklenburg County, North Carolina (TIP No. R-2248 AC/AD/BA). Also reference your written request of July 28, 2009, to cease monitoring of the Long Creek Mitigation Site and modify Special Condition No. 16 regarding wetland mitigation. This modification is necessary due to a shortfall of riparian wetlands at the Long Creek Mitigation Site.

Based on a final wetland delineation of the Long Creek Mitigation Site conducted by representatives of NCDOT and my regulatory staff on March 11, 2009, it was determined that a total of 39.35 acres of bottomland hardwood wetlands have been successfully created or have met the success criteria in accordance to the mitigation plan and that NCDOT can cease further hydrologic and vegetative monitoring of the site. However, this acreage amount results in a 1.91 acre deficit of the 41.26 acre total that has previously been debited from the site. In order to compensate for this shortfall, NCDOT has agreed to make payment to the North Carolina Ecosystem Enhancement Program (NCEEP) for the 1.91 acres of forested riparian wetlands. Consequently, Special Condition No. 16 of the referenced permit is hereby modified to read as follows:

“Special Condition (16): In order to compensate for unavoidable impacts to wetlands, the permittee will utilize 39.35 acres of successfully created bottomland hardwood wetlands at the Long Creek Mitigation Site in accordance with the permittee’s “Compensatory Mitigation Plan, Long Creek Site, Charlotte Outer Loop, Mecklenburg County, North Carolina” dated December 1995. The property will be preserved in

perpetuity according to this plan. The permittee shall mitigate for unavoidable impacts to 1.91 acres of forested riparian wetlands associated with this project by payment to the North Carolina Ecosystem Enhancement Program (NCEEP) in an amount determined by the NCEEP, of 1.91 acres of forested riparian wetlands within Cataloging Units 03050101 and 03050103 of the Catawba River Basin in accordance with the NCEEP Mitigation Acceptance Letter of July 9, 2009 from William D. Gilmore, Director, NCEEP.”

Please be reminded that all other conditions of the original permit and subsequent modifications remain applicable. NCDOT should also be reminded of their responsibility to ensure that the property be preserved in its mitigated state in perpetuity. If you have any questions, please contact Ms. Liz Hair, Asheville Regulatory Field Office at telephone (828) 271-7980, extension 232.

Sincerely,



For: Jefferson M. Ryscavage
Colonel, U.S. Army
District Commander

Copies furnished:

Director, Atlantic Marine Center
National Ocean Survey, NOAA
Attention: CAM04
439 West York Street
Norfolk, Virginia 23510

Mr. William D. Gilmore, Director
NC Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, North Carolina 27699-1652