STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

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E. NORRIS TOLSON SECRETARY

August 18, 1998

MEMORANDUM TO: Charles Bruton
Natural Resources/Permits/Mitigation Unit Head

FROM: Michael Wood MW
Permits Specialist

SUBJECT: PERMITTING PROBLEMS WITH SECTION R-2123 CC OF THE CHARLOTTE OUTER LOOP.

On May 27, 1998, Hal Bain, Logan Williams, and I began final threatened and endangered species surveys on sections AC, BA, BB and CC of the eastern Charlotte Outer Loop (R-2123). This was one of the conditions in the USACE Individual Permit for the project. Hal and Logan did the wetland delineations for this project approximately three years prior, so were already familiar with the area.

When I brought them to section CC, they stated they had never walked this section of the project. This was very surprising since not only did the application to the USACE, dated November 15, 1995, state there were no wetland or stream impacts on this section, but that this was based on the final design for this section. In subsequent weeks, the wetlands were delineated and the T&E survey performed. Upon receiving the wetland impact information from Roadway and Hydraulics Units, I started preparing an application for a permit modification.

At the time of the original application, stream impacts, while regulated, did not require mitigation. However, applying for modification to the original permit essentially reopens the project for review under all new and existing regulations. Therefore, all wetland and surface water impacts which were not authorized in the original permit must now be authorized in the modification.

Steve Lund of the USACE Asheville Office is aware of the situation. He stated that if the surface water crossings were basically perpendicular, the USACE may be willing to accept payment to the WRP as mitigation for stream impacts and the wetland impacts can be mitigated at Long Creek Mitigation Site. Unfortunately, one of the streams being impacted runs immediately beneath the proposed road for a distance of approximately 2000 feet. This stream is being relocated into a straight, rip-rap lined ditch along the project. This is also the highest quality stream on the project.

At this point, I am requesting a meeting with management to discuss the status of the project. This section is scheduled for an October 1998 let, but this is no longer realistic.

cc: Gordon Cashin