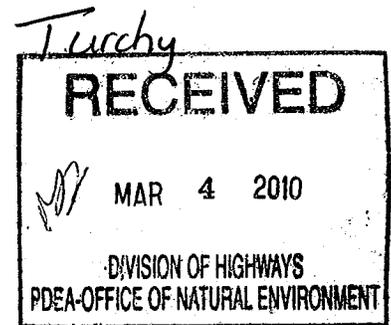




REPLY TO  
ATTENTION OF:

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



July 9, 2009

Mr. Steve Lund  
U. S. Army Corps of Engineers  
Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, North Carolina 28801-5006

Dear Mr. Lund:

Subject: EEP Mitigation Acceptance Letter:

**R-2248AB**, West Charlotte Outer Loop from NC 49 to Brown-Grier Road  
**R-2248BA**, West Charlotte Outer Loop from US 29/74 to North of I-85  
Mecklenburg County; Catawba River Basin (Cataloging Unit 03050103);  
Southern Piedmont (SP) Eco-Region

The purpose of this letter is to notify you that the Ecosystem Enhancement Program (EEP) will provide the riparian wetland restoration mitigation for the unavoidable impact associated with the above referenced project. As indicated in the NCDOT's mitigation request dated July 8, 2009, additional non-riparian wetland restoration mitigation from EEP is required for 1.91 acres of impact to make for the deficit at the Long Creek mitigation site.

EEP acknowledges that the NCDOT has requested non-riparian wetland mitigation; however, due to the scarcity and difficulty of locating and obtaining suitable non-riparian wetland mitigation, EEP proposes to provide up to 1.91 riparian wetland restoration mitigation credits to offset the impacts associated with this project by the end of the MOA Year in which this project is permitted, in accordance with Section X of the Amendment No. 2 to the Memorandum of Agreement between the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the U. S. Army Corps of Engineers, fully executed on March 8, 2007 and consistent with the **Guidance for Expanded Service Area for Mitigating Impacts within the Lower Catawba River Basin adopted by the PACG-TC on September 12, 2006, and renewed on October 8, 2008.** This mitigation is needed to make up deficits at the Long Creek Mitigation site. 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 EEP.

Mr. Lund  
TIP R-2248AB/BA  
July 9, 2009  
Page Two

If you have any questions or need additional information, please contact Ms. Beth Harmon at 919-715-1929.

Sincerely,



William D. Gilmore, P.E.  
EEP Director

cc: Mr. Gregory J. Thorpe, Ph.D., NCDOT-PDEA  
Mr. Brian Wrenn, Division of Water Quality, Wetlands/401 Unit  
File: R-2248AB/BA

*Restoring... Enhancing... Protecting Our State*

