



DEPARTMENT OF THE ARMY  
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890  
WILMINGTON, NORTH CAROLINA 28402-1890

IN REPLY REFER TO

August 12, 2008

Regulatory Division

SUBJECT: Action ID 2007-02903; TIP No. R-2635

Steven D. DeWitt, P.E.  
Chief Engineer  
North Carolina Turnpike Authority  
1578 Mail Service Center  
Raleigh, NC 27699-1578

Dear Mr. DeWitt:

Reference the Department of the Army (DA) permit issued on April 22, 2008, to authorize the discharge of fill material into the waters of United States, for construction of the Western Wake Freeway toll facility (TIP R-2635), from NC 55 at SR 1172 (Old Smithfield Road), between Holly Springs and Apex, to the existing NC 540 at NC 55 near SR 1630 (Alston Avenue), west of Morrisville, in western Wake County, North Carolina. Reference also your June 20, 2008 letter requesting modification of the permit to change the special condition for wetland mitigation. The current conditions) requires NCTA to mitigate for the 20.14 acres of impacts to wetlands, through payment to the Ecosystem Enhancement Program (EEP), in the amount determined by EEP sufficient to perform 21.62 acres of restoration equivalent riverine wetlands, and 18.66 acres of non-riverine wetlands mitigation. You noted that EEP's commitment to provide mitigation is stated in terms of riparian and non-riparian wetland rather than riverine and non-riverine wetlands.

We have reviewed the requested modification, and determined that it is appropriate and reasonable. Therefore, the permit is hereby modified to change special condition s), as follows:

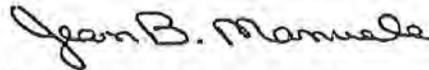
- s) NCTA will mitigate for the remaining 10,059 linear feet of unavoidable permanent impacts to streams with more than minimal function, and the 20.14 acres of impacts to wetlands, through payment to the Ecosystem Enhancement Program (EEP), in the amount determined by EEP sufficient to perform a total of 20,118 linear feet of restoration equivalent warm water stream channel, and 40.28 acres of restoration equivalent riparian wetlands, in the Cape Fear River basin (Cataloging Unit 0303004 - 10,298 lf, 13.28 acres riparian; Cataloging Unit 0303002 - 9,820 lf, 27.0 acres riparian). Construction within jurisdictional areas on the property shall begin only after the NCTA has made full

payment to EEP and provided a copy of the payment documentation to the Corps, and EEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOU between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated November 4, 1998.

It is understood that all other conditions of the permit, including the permit expiration date of December 31, 2013, remain applicable.

If you have questions, please contact Eric Alsmeyer of the Raleigh Regulatory Field Office, at telephone (919) 554-4884, extension 23.

Sincerely,



for Jefferson M. Ryscavage  
Colonel, U.S. Army  
District Commander

Copies Furnished:

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