



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

September 28, 1995

Mr. H. Franklin Vick, P.E., Manager
Planning and Environmental Branch
N.C Division of Highways
Post Office Box 25201
Raleigh, North Carolina 27611-5201



Dear Mr. Vick:

We have reviewed your June 29, 1995, letter regarding the list of debits from the Company Swamp Mitigation Bank. The U.S. Fish and Wildlife Service (Service) agrees to your recommendation that the debit from the bank involving Public Notice 199200501, BIC3-90, be revised from 0.34 acre to 1.0 acre. The Service is pleased with your agreement to include the 0.57 acre debit involving Public Notice 85-N-071-0038, R-604/B-704, on the list of debits. We have obtained the project file and have enclosed the U.S. Army Corps of Engineers (Corps) 404 permit for your review. Please note the following statement which has been included under "Additional Conditions, Note," on page 2 of the permit:

These conditions are predicted on the fact that mitigation for approximately 0.57-acre of wooded wetlands will be provided in accordance with the Memorandum of Understanding between USFWS and NCDOT."

We have also enclosed additional information for you to review in reference to Public Notice 87-N-081-0202 (please note that the Public Notice number has been corrected), U.S. 74, Rutherford County. In your June 29, 1995, letter, you state that although the Service recommended a debit of 0.90 acres, that recommendation was not included as a condition of the Corps' 404 permit. You have recommended that this debit be deleted from the list. The Service agrees that our recommendation for debiting the mitigation bank was not included as a condition of the Corps' 404 permit. However, the lost wetland functions and values were not mitigated for as recommended in our March 30, 1987, response letter to the Corps. The Service sent a letter to NCDOT dated May 20, 1987, that stated the Corps did not receive our comments concerning the project, and we proposed that the mitigation bank be debited 0.9 acres for

unavoidable wetland habitat loss. We hope that you will reconsider your recommendation concerning this debit based on this information.

We will be happy to resubmit the transaction data sheet once the issue involving the 0.9 acre debit for the U.S. 74 project in Rutherford County is resolved. You may contact Ms. Anita Goetz, of my staff, if you have any questions or need additional information.

Sincerely,



Tom Augspurger
Acting Supervisor

enclosure

cc: Mr. David Cox, WRC
USACE

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