



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

FALLS LAKE
11405 FALLS OF THE NEUSE ROAD
WAKE FOREST, NORTH CAROLINA 27587

19 November 2004

Mr. William Gilmore, PE, Manager
Project Development and Environmental Analysis
North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27669-1548

Dear Mr. Gilmore:

It is our understanding that North Carolina Department of Transportation awarded the contract for the B-2963 project on Stage Coach Road (SR1107) crossing New Hope Creek (B. Everett Jordan Lake) on November 16, 2004 (Easement No. DACW21-2-03-3413 and Temporary Construction License No. DACW21-3-04-8212). Further we understand that completion of mitigation as described in the B-2963 Flood Storage and Wetland Mitigation Plan, December 2003 will be a part of this contract (Temporary Construction License No. DACW 21-3-04-8214).

As a condition of the easement for the additional right of way for SR1107, the NCDOT is required to mitigate for lost flood storage and impacts to wetlands on Jordan Lake project lands. The Nationwide Permit (ID No. 200220853) indicates that 0.27 acre of wetlands will be impacted by the project. The *B-2963 Flood Storage and Wetland Mitigation Plan* document indicates that 7330 cubic yards of flood storage will be impacted as a result of the project. Based on an assessment of those impacts, and an assessment of the proposed mitigation area, a mitigation ratio of two acres of wetland restoration for every one acre of wetland impact was determined to be appropriate (0.54 acre total required). Additionally, a ratio of one cubic yard of material excavated from the mitigation area for every one cubic yard filled in the flood pool was determined to be appropriate for the flood storage mitigation. This mitigation will be accomplished by removing the majority of an abandoned road causeway that is within the Jordan Lake project adjacent to Morgan Creek. Excavation of the required amount of material from the flood pool will result in the concurrent restoration of approximately 2.5 acres of wetlands. This is 1.96 acres of wetlands more than required.

By this letter the Corps of Engineers is acknowledging the 1.96 acres of wetlands that will be created in excess of the mitigation requirement, and agreeing that this excess amount can be held as a mitigation credit that may be used in the future to offset impacts to wetlands that may be caused by NCDOT

projects on Federal property at Jordan Lake. Agreement by the Corps to honor this credit as mitigation for future wetland impacts should in no way be considered as an assurance that future projects involving impacts to wetlands will be approved by the Corps. The following are conditions for use of the credit.

1. The credit can only be used to offset impacts on Federal property at Jordan Lake.
2. Use of the credit must be approved in writing by the Jordan Lake Operations Manager.
3. Use of the credit as wetland mitigation must be approved in writing by the Wilmington District Regulatory Division
4. The ratio applied must be appropriate for the impacts of the particular project and may be different from the ratio utilized for mitigation of the B-2963 project.
5. The NCDOT must continue to first avoid, and then seek every means to minimize, any impacts to wetlands for all future projects impacting Corps property regardless of the availability of this credit.

Please respond in writing to confirm your understanding of and concurrence in this arrangement. This letter along with your reply will serve as documentation of this agreement and will be kept on file for future reference. It will be the responsibility of the NCDOT to notify the Corps of any proposed use of this wetland mitigation credit.

Thank you for your service to the public, your efforts to conserve the natural resources at Jordan Lake, and your cooperation in this matter. If you have any questions, contact Mr. Michael Hosey of the Wilmington District Operations Support Branch at telephone 919-676-3684.

Sincerely,



Steve Brown
Operations Manager
Falls / Jordan

Copy Furnished:
Eric Alsmeyer, CESAW
Sherry Oenbrink, CESAS
Michael Hosey CESAW

file



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 12, 2005

US Army Corps of Engineers
11405 Falls of Neuse Road
Wake Forest, NC 27587

ATTENTION: Mr. R.C. Duckson
Park Manger

Dear Sir:

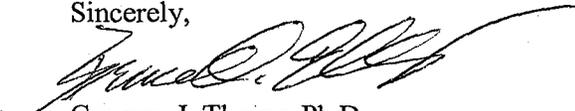
Subject: Mitigation for the Replacement of Bridge No. 111 over New Hope
Creek on SR 1107, Durham County. Federal Aid Project No. BRSTP-
1107(4), State Project No. 8.2352201, TIP Project No. B-2963.

As stated in your letter dated November 19, 2004, the NCDOT plans to mitigate for the wetlands and flood storage lost as a result of the construction of project B-2963. Mitigation will be conducted by removing the abandoned road causeway adjacent to Morgan Creek. The mitigation will result in a surplus of 1.96 acres of wetland restoration. NCDOT concurs with the following conditions that the Army Corp of Engineers Jordan Lake Operations Branch has placed on the use of the 1.96 acres of wetland credit:

1. The credit can only be used to offset impacts on Federal property at Jordan Lake
2. Use of this credit must be approved in writing by the Jordan Lake Operations Manager.
3. Use of the credit as wetland mitigation must be approved in writing by the Wilmington District Regulatory Office.
4. The ratio applied must be appropriate for the impacts of the particular project and may be different for the mitigation of the B-2963 project.
5. The NCDOT must continue to first avoid, and then seek every means practical to minimize, any impacts to wetlands for all future projects impacting Corps property regardless of the availability of this credit.

If you have any questions or need additional information, please contact Brett Feulner at (919) 715-1488.

Sincerely,



Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA

Cc:
Eric Alsmeyer, USACE, Raleigh

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