

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES. PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

February 11, 2010

Addendum No. 2

RE: Contract ID: C202402

WBS# 38927.3.1

Lenoir County (U-2928B)

Railroad Line from the NCRR to the Global Transpark

February 16, 2010 Letting

To Whom It May Concern:

Reference is made to the proposal form recently furnished to you on this project.

The following revisions have been made to the proposal form:

On Page No. 69 and New Page No. 69-A, the project special provision entitled "Construction, Maintenance and Removal Of Temporary Work Pad For Structure At Station 154 + 58.00 - Main-" has been added. Please void Page No. 69 and staple revised Page No. 69 and new Page No. 69-A thereto.

On Page No. 222, the project special provision entitled "Permits" has been revised. Please void Page No. 222 in your proposal and staple the revised Page No. 222 thereto. New Page Nos. 223 thru 297 have been added to include the 401 Permit and the draft 404 permit conditions and drawings. Please staple New Page Nos. 223 thru 297 in your proposal after revised Page No. 222.

The Table of Contents has been revised to reflect the above noted changes. Please void the Table of Contents in your proposal and staple the revised Table of Contents thereto.

Sincerely,

R. A. Garris, PE Contract Officer C202402 (U-2928B) Lenoir County

RAG/jag Attachments

cc:

Mr. J.G Nance, PE
Mr. Ron Hancock, PE
Mr. C. E. Lassiter, Jr., PE
Ms. D. M. Barbour, PE
Mr. Art McMillan, PE
Mr. J.V. Barbour, PE
Mr. Jay Bennett, PE
Mr. Paul C. Worley, CPM

Project File (2)

Ms. G. R. Perfetti, PE

Mr. R. E. Davenport, Jr., PE

Mr. Ronnie Higgins Mr. Larry Strickland Ms. Norma Smith Ms. Jaci Kincaid Ms. Lori Strickland Ms. Penny Higgins



TABLE OF CONTENTS

COVER SHEET PROPOSAL SHEETS

PROJECT SPECIAL PROVISIONS (WHITE SHEETS)	PAGE No.
Contract Time and Limited Dames	1
Contract Time and Liquidated Damages	1
Mandatory Pre-Bid Conference (Pre-Qualifying to Bid)	1-2
Major Contract Items	2
Specialty Items	2
Fuel Price Adjustment.	3
Schedule of Estimated Completion Progress.	3-4
Minority Business Enterprises and Women Business Enterprise	4-15
Progress Schedule	15-16
Liability Insurance.	16-17
Contractor Licenses Requirements	17
Subsurface Information	17
Maintenance of the Project.	17-18
Contractor Claim Submittal Form	18
Twelve Month Guarantee.	18-19
Outsourcing Outside U.S.A	19
Act of God	19
Gifts from Vendors and Contractors	19-20
Erosion & Sediment Control / Storm Water Certification	20-25
Procedure for Monitoring Borrow Pit Discharge	25-26
Roadway	27-69A
Utilities By Others	70-71
Erosion Control.	72-91
Project Special Provisions Structure / Culverts	92-221
PERMITS (PINK SHEETS).	222-297
STANDARD SPECIAL PROVISIONS (YELLOW SHEETS)	
Availability of Funds – Termination of Contracts	1
General Seed Specification for Seed Quality	2-4
Errata	5-8
Plant and Pest Quarantines	9
Minimum Wages	10
On the Job Training	11-13

PROPOSAL ITEM SHEET AND SIGNATURE SHEET

Item Sheet (s)

Signature Sheet (Bid Acceptance by Department)

Revised 2-11-10 Lenoir County

EXCAVATION, TRENCHING, PIPE LAYING, & BACKFILLING FOR UTILITIES: (2-17-09) SP15 R01

Revise the 2006 Standard Specifications as follows:

Page 15-5, Article 1505-4 Repair of Pavements, Sidewalks and Driveways, first paragraph, add at the end of the first sentence

in accordance with Section 848.

Page 15-6, Article 1505-6 Measurement and Payment,

Second paragraph,

Delete (5) Repair of Sidewalks and Driveways in its entirety.

Add as the eighth paragraph:

__" Concrete Sidewalk and __" Concrete Driveways will be measured and paid for in accordance with Article 848-4.

CONSTRUCTION, MAINTENANCE AND REMOVAL OF TEMPORARY WORK PAD FOR STRUCTURE AT STATION 154+58.00-MAIN-

(11-17-06)

1.0 GENERAL

Construct, maintain, and remove the temporary access required to provide the working area necessary for construction of the new bridge. Temporary access may include other methods than those outlined in this Special Provision; however, all types of temporary access are required to meet the requirements of all permits, the Standard Specifications, and this Special Provision.

2.0 TEMPORARY ROCK CAUSEWAY [WORKPAD]

Construction of a temporary rock causeway [workpad] within the limits shown on the permit drawings is permitted. Build the causeway [workpad] with Class II riprap topped by a layer of Class A riprap or as otherwise approved by the Engineer. If desired, recycle the Class II riprap used in the causeway [workpad] for placement in the final riprap slope protection as directed by the Engineer. No payment will be made for recycled riprap as this material is considered incidental to the causeway [workpad] placement and removal. If this option is exercised, no adjustment in contract bid price will be allowed due to an underrun in the quantity of "Rip Rap Class II".

Completely remove all causeway [workpad] material including pipes and return the entire causeway [workpad] footprint to the original contours and elevations within 90 days of the completion of the deck slab or as otherwise required by permits.

C202402 (U-2928B)

69 - A

Revised 2-11-10 Lenoir County

For sites affected by moratoriums or restrictions on in-stream work: Do not construct or remove causeway [workpad] during the moratorium period shown on the permit. If the completion of the deck slab falls within the prohibitive dates for causeway [workpad] construction or removal, begin causeway [workpad] removal immediately following the prohibitive dates.

3.0 TEMPORARY WORK BRIDGE

At the contractor's option, construction of a temporary work bridge in lieu of the causeway(s) [workpad] is acceptable, provided the temporary work bridge satisfies all permits. Submit details of the temporary work bridge to the Engineer prior to constructing the work bridge to ensure conformance with the plans and all permits. Completely remove the temporary bridge prior to final acceptance or as otherwise required by the permits.

4.0 BASIS OF PAYMENT

No direct payment will be made for the work described in this Special Provision. The cost of same shall be included in the unit price bid per linear foot for "4'-0" x 4'-6" Prestressed Concrete Box Girders". Such price and payment will be considered full compensation for the above work, or other methods of access, including all material, pipes, work bridge components, equipment, tools, labor, disposal, and incidentals necessary to complete the work.

C202402 (U-2928B)

Revised 2-11-10

222

PROJECT SPECIAL PROVISION

(10-18-95)

PERMITS

Z-1a

The Contractor's attention is directed to the following permits, which have been applied for by the Department of Transportation to the authority granting the permit. Copies of the permits will be furnished to the Contractor when received by the Department. A copy of the final 401, and the draft 404 permit conditions and drawings has been included for the Contractor's use in placing his bid on this project. It is anticipated that the conditions and drawings in the draft 404 permit will be approved as currently written.

<u>PERMIT</u>	AUTHORITY GRANTING THE PERMIT
Dredge and Fill and/or	U. S. Army Corps of Engineers
Work in Navigable Waters (404)	·
Water Quality (401)	Division of Environmental Management, DENR
	State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the Department and the Contractor has no responsibility in accomplishing those conditions.

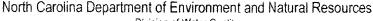
Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the *Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.





everly Eaves Perdue Governor

Division of Water Quality Coleen H. Sullins Director

Dee Freeman Secretary

November 12, 2009

Ms. Darlene Waddell North Carolina Global TransPark Authority 2780 Jetport Road, Suite A Kinston, NC 28504

Subject: Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Neuse Buffer Rules with ADDITIONAL CONDITIONS for the railroad spur extension from existing NCRR main line to the Spirit Aerosystems building location within the North Carolina Global TransPark in Lenoir County, TIP U-2928.

NCDWQ Project No. 19970093 v. 2

Dear Ms. Waddell:

Attached hereto is a modification of Certification No. 3184 issued to The Global TransPark Authority dated April 7, 1998.

If we can be of further assistance, do not hesitate to contact us.

Sincerely,

oleen H. Sullins Director

Attachments

cc: Tracey Wheeler, US Army Corps of Engineers, Washington Field Office Neil Lassiter, PE, Division 2 Engineer Jay B. Johnson, Division 2 Environmental Officer Kathy Matthews, Environmental Protection Agency (electronic copy only) Robert Belvin, NC Division of Land Quality, Washington Regional Office Ron Ferrell, PBS&J-EcoScience, Raleigh Marc Hamel, NCDOT Rail Division Garcy Ward, NCDWQ Washington Regional Office File Copy





Modification to the 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and Neuse Buffer Rules with ADDITIONAL CONDITIONS

THIS CERTIFICATION is issued in conformity with the requirements of Section 401 Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality (NCDWQ) Regulations in 15 NCAC 2H .0500 and 15A NCAC 2B .0233. This certification authorized the NCDOT to impact 6.81 acres of jurisdictional wetlands, 394 linear feet of jurisdictional streams, and 36,002 square feet of protected riparian buffers in Lenoir County. The project shall be constructed pursuant to the modification dated received July 1, 2009. The authorized impacts are as described below:

Wetland Impacts in the Neuse River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Total Wetland Impact (ac)	Impacts requiring Mitigatio
11	0.01	. 0	0	0.01	0	0.02	0.02
2	0.01	0	0	0.01	0	0.02	0.02
3	0.01	0.02	0	0	0	0.03	0.01
4	0.01	0	0	0.01	0	0.02	0.02
5	0.01	0	0	0.01	0	0.02	0.02
6	0.03	0	0.01	0.01	0	0.05	0.05
7A	0.46	0	0	0.22	0	0.68	0.68
7B	0	0	0.12	0.04	0	0.16	0.16
8	0.92	0	0	0.38	0	1.3	1.3
9	0.24	0	0	0.1	0	0.34	0.34
10	0.07	0	0	0.04	0	0.11	0.11
11	0.3	0.12	0	0	0.14	0.56	0.44
12	1.1	0	0.31	0.69	0	2.1	2.1
13	0.08	0	0	0.01	0	0.09	0.09
14A	0	0	0.01	0.01	0	0.02	. 0.02
14B	0	0	0.03	0.02	0	0.05	0.05
15	0.34	0	0.54	0.26	0	1.14	1.14
16 1	0	0	0	0	0	0	0
17	0	0	0.04	0.02	0	0.06	0.06
18	0.01	0	. 0	0.01	0	0.02	0.02
19	0	0	0.01	0.01	0	0.02	0.02
TOTAL:	3.6	0.14	1.07	1.86	0.14	6.81	6.67

Current Wetland Impacts Allowed: 6.81 acres

Stream Impacts in the Neuse River Basin

Site		Temporary Fill in Intermittent Stream (linear	Permanent Fill in Perennial Stream (linear	Temporary Fill in Perennial Stream (linear	Total Stream Impact	Stream Impacts Requiring Mitigation (linear
6	0	0	201	0	201	201
11	0	0	0	0	0	0
13	0	0	193	0	193	193
TOTAL:	0	· 0	394	0	394	394

Total Stream Impact for Project: 394 linear feet

¹Subsequent to receiving the permit application, Site 16 was re-verified by the USACE and determined not to be a wetland. Therefore, although the impacts are shown and discussed in the permit application, no wetland impacts occurred and no mitigation will be required for this site.

Neuse River	Basin	Riparian	Buffer	Impacts
-------------	-------	----------	--------	---------

Impact Site	Zone 1 Impact (ft²)	Wetlands in Zone 1 (ft²)	Zone 1 Buffers (not in wetlands) (ft²)	Zone 1 Buffer Mitigation Required (3:1ratio)	Zone 2 Impact (ft²)	Wetlands in Zone 2 (sq ft)	(not in wetlands) (ft²)	Zone 2 Buffer Mitigation Required (1,5:1 ratio)	Total Impact (ft²)	Total Mitigatio n Required (ft²)
6	11,230	0	11,230	33,690	6,622	0	6,622	9,933	17,852	43,623
11	2,677	1,810	867	N/A	2,838	1,386	1,452	N/A	5,515	0
13	7,853	4,187	3,666	N/A	4,782	0	4,782	N/A	12,635	0
Total:	21,760	5,997	15,763	33,690	14,242	1,386	12,856	9,933	36,002	43,623

^{*} N/A = Total impact for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required Total Buffer Impact for Project: 36,002 square feet.

The application provides adequate assurance that the discharge of fill material into the waters of the Neuse River Basin in conjunction with the proposed development will not result in a violation of applicable Water Quality Standards and discharge guidelines. Therefore, the State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of PL 92-500 and PL 95-217 if conducted in accordance with the application and conditions hereinafter set forth.

This approval is only valid for the purpose and design that you submitted in your modified application dated received July 1, 2009. All the authorized activities and conditions of certification associated with the original Water Quality Certification dated April 7, 1998 and the extension dated October 13, 2008 still apply except where superceded by this certification. Should your project change, you are required to notify the NCDWQ and submit a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter, and is thereby responsible for complying with all the conditions. If any additional wetland impacts, or stream impacts, for this project (now or in the future) exceed one acre or 150 linear feet, respectively, additional compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h) (6) and (7). Additional buffer impacts may require compensatory mitigation as described in 15A NCAC 2B .0233. For this approval to remain valid, you are required to comply with all the conditions listed below. In addition, you should obtain all other federal, state or local permits before proceeding with your project including (but not limited to) Sediment and Erosion control, Coastal Stormwater, Non-discharge and Water Supply watershed regulations. This Certification shall expire on the same day as the expiration date of the corresponding Corps of Engineers Permit.

Conditions of Certification:

This modification is applicable only to the proposed activities. All other conditions written into previous
Water Quality Certifications, including Certification No. 3184 dated April 7, 1998 and the associated
extension of this Water Quality Certification dated October 13, 2008 for this project still apply except where
superceded by this certification.

Project Specific Conditions:

- 2. All stormwater runoff shall be directed as sheetflow through stream buffers at non-erosive velocities, unless otherwise approved by this certification.
- 3. All riparian buffers impacted by the placement of temporary fill or clearing activities shall be restored to the preconstruction contours and revegetated. Maintained buffers shall be permanently revegetated with non-woody species by the end of the growing season following completion of construction. For the purpose of this condition, maintained buffer areas are defined as areas within the transportation corridor that will be subject to regular maintenance activities including mowing. The area with non-maintained buffers shall be permanently revegetated with native woody species before the next growing season following completion of construction.
- 4. Pursuant to NCAC15A 2B .0233(6) sediment and erosion control devices shall not be placed in Zone 1 of any Neuse Buffer without prior approval by the NCDWQ. At this time, the NCDWQ has approved no sediment and erosion control devices in Zone 1, outside of the approved project impacts, anywhere on this project. Moreover, sediment and erosion control devices shall be allowed in Zone 2 of the buffers provided that Zone 1 is not compromised and that discharge is released as diffuse flow.



Mitigation

The initial 401 Water Quality Certification (WQC) application for this project is dated July 10, 1997 and was approved April 7, 1998. During the permitting negotiations in 1998 it was decided that the GTP would offer all mitigation for the potential loss of 871 wetland acres without a provision for functional basis as part of the credit/debit process. The initial 401 WQC has remained active and an extension was granted on October 13, 2008. Therefore, in keeping with the April 7, 1998 and the October 13, 2008 401 WQC, no mitigation ratios are proposed as part of this certification. Instead, credits (at a 1:1 ratio) will be deducted from the remaining credits available to the Global TransPark in the Stonyton Creek, Dover Bay, and Frog Hollow Mitigations Sites as outlined below:

5. Compensatory mitigation for 394 linear feet of impact to streams is required. We understand that you have chosen to debit credits from the Stonyton Creek Conservation Area. According to the NCDWQ's records, this site has not gone through the final NCDWQ approval process to determine the amount of credits that will ultimately be available. Nonetheless, based in information provided to the NCDWQ, it appears at this time that there will be sufficient credits once final approval is given to meet the required mitigation for impacts approved with this WQC. However, should there be insufficient credits upon final approval of the site the GTP will be required to obtain the necessary credits by other means.

Stonyton Creek Mitigation Site - Stream Cred	it
Site Credit History	Credits (feet)
Anticipated Available Credits Upon Final NCDWQ Approval:	2,906
Credits Used for Previous Projects:	2,100
Credits used for This Project:	394
Anticipated Remaining Credits Upon Final NCDWQ Approval:	412

Some story mitigation for impacts to 11,230 square feet of protected riparian buffers in Zone 1 and 6,622 square feet of protected riparian buffers in Zone 2 (a total of 17,852 ft²) shall be required. A total of 43,623 ft² of credit will be required. We understand that you have chosen to debit credits from the Stonyton Creek Conservation Area. According to the NCDWQ's records, this site has not gone through the final NCDWQ approval process to determine the amount of credits that will ultimately be available. Nonetheless, based in information provided to the NCDWQ, it appears at this time that there will be sufficient credits once final approval is given to meet the required mitigation for impacts approved with this WQC. However, should there be insufficient credits upon final approval of the site the GTP will be required to obtain the necessary credits by other means.

Stonyton Creek Mitigation Site - Buffer C	redit
Site Credit History	Credits (ft²/acres)
Anticipated Available Credits Upon Final NCDWQ Approval:	6,316,200 / 145.00
Credits Used for Previous Projects:	0/0
Credits used for This Project:	61,794 / 1.00
Anticipated Remaining Credits Upon Final NCDWQ Approval:	6,254,406 / 144.00

7. Compensatory mitigation for impacts to 0.85 acres riverine and 5.82 acres of non-riverine (a total of 6.67 acres) wetlands is required. We understand that you have chosen to debit credits from the Dover Bay Mitigation Site, the Frog Hollow Mitigation Site, and/or the Stonyton Creek Conservation area. According to the NCDWQ's records, none of these sites has gone through the final NCDWQ approval process to determine the amount of credits that will ultimately be available. Nonetheless, based in information provided to the NCDWQ, it appears at this time that there will be sufficient credits once final approval is given to meet the required mitigation for impacts approved with this WQC. However, should there be insufficient credits upon final approval of the sites the GTP will be required to obtain the necessary credits by other means.

Wetland Impact Su	mmary		
Activity ¹	Riverine	Non-Riverine	Total
Credits Allowed in April 7, 1998 WQC	106.40	764.50	870.90
Runway Extension/Access Taxiway (10/21/1998)	22.70		22.70
Crescent Road (R-2719BA) (10/21/1998)		5.91	5.91
ALSF (10/21/1998)		12.40	12.40
Hardstand (7/10/1999)		8.60	8.60
Cargo Building (5/1/2001)	0.42		0.42
Utility Line Construction (9/18/2001)		2.17	2.17
Stonyton Creek Restoration Site ² (8/21/2002)	0.00	0.00	0.00
Runway (clearing/grubbing) (9/4/2002)		13.50	13.50
John Mewborne Road Relocation (5/15/2003)		5.00	5.00
Glideslope Grading and ALSF Road (10/15/2003)		53.00	53.00
Institute Road ³ (2/28/2005)	0.00	0.00	0.00
Spirit Aerosystems Roads (9/16/2008 & 3/12/2009)	0.04		0.04
Total of Previously Permitted Impacts	23.16	100.58	123.74
Rail Spur (U-2928) Impacts	0.85	5.82 4	0.85
Total Impacts (through this WQC)	24.01	106.40	124.59
REMAINING CREDITS	82.39	658.10	740.49

^{&#}x27;Dates shown are the date of application

General Conditions:

8. Unless otherwise approved in this certification, placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20 percent of the culvert diameter for culverts having a diameter less than 48 inches, to allow low flow passage of water and aquatic life. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or streambeds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium is being maintained if requested in writing by the NCDWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NCDWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.

Applications of the first

- 9. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
- During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers.
- 11. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions.
- 12. The post-construction removal of any temporary bridge structures must return the project site to its preconstruction contours and elevations. The impacted areas shall be revegetated with appropriate native species.
- 13. Bridge piles and bents shall be constructed using driven piles (hammer or vibratory) or drilled shaft construction methods. More specifically, jetting or other methods of pile driving are prohibited without prior written approval from the NCDWQ first.
- 14. No drill slurry or water that has been in contact with uncured concrete shall be allowed to enter surface waters. This water shall be captured, treated, and disposed of properly.

Impacts to 1.1 acres of wetlands were mitigated through creation of the SCRS, resulting in no net impacts

³ Institute Road, although permitted, was never built and no impacts occurred

⁴ Initial Impact was 8.11 acres, but was reduced to 5.82 based on latest USACE wetland verification.

228

- 15. All pile driving or drilling activities shall be enclosed in turbidity curtains unless otherwise approved by NCDWQ in this certification.
- 16. All bridge construction shall be performed from temporary work bridges or temporary causeways.
- 17. If multiple pipes or barrels are required, they shall be designed to mimic natural stream cross section as closely as possible including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel should be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.
- 18. Riprap shall not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be properly designed, sized and installed.
- 19. The stream channel shall be excavated no deeper than the natural bed material of the stream, to the maximum extent practicable. Efforts must be made to minimize impacts to the stream banks, as well as to vegetation responsible for maintaining the stream bank stability. Any applicable riparian buffer impact for access to stream channel shall be temporary and be revegetated with native riparian species.
- 20. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage.
- 21. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval.
- 22. All work in or adjacent to stream waters shall be conducted in a dry work area. Approved BMP measures from the most current version of NCDOT Construction and Maintenance Activities manual such as sandbags, rock berms, cofferdams and other diversion structures shall be used to prevent excavation in flowing water.
- 23. Heavy equipment shall be operated from the banks rather than in the stream channel in order to minimize sedimentation and reduce the introduction of other pollutants into the stream.
- 24. All mechanized equipment operated near surface waters must be regularly inspected and maintained to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids, or other toxic materials.
- 25. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
- 26. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
- 27. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use) or that State or federal law is being violated, or that further conditions are necessary to assure compliance, NCDWQ may reevaluate and modify this certification.
- 28. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification.
- 29. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager.
- 30. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by highly visible fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
- 31. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.

- 32. Native riparian vegetation (ex. list trees and shrubs native to your geographic region) must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.
- 33. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.
- 34. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:
 - a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
 - b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the North Carolina Sediment and Erosion Control Manual. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
 - c. For borrow pit sites, the erosion and sediment control measures must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Surface Mining Manual.
 - d. The reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
- 35. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification.
- 36. The Permittee shall report any violations of this certification to the Division of Water Quality within 24 hours of discovery.
- 37. Upon completion of the project (including any impacts at associated borrow or waste sites), the Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWQ when all work included in the 401 Certification has been completed.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. This Certification shall become null and void unless the above conditions are made conditions of the Federal 404 and/or Coastal Area Management Act Permit. This Certification shall expire upon the expiration of the 404 permit.

If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. If modifications are made to an original Certification, you have the right to an adjudicatory hearing on the modifications upon written request within sixty (60) days following receipt of the Certification. Unless such demands are made, this Certification shall be final and binding.

This the 12th day of November 2009

DIVISION OF WATER QUALITY

oleen H. Sullins Director



North Carolina Department of Environment and Natural Resources

Division of Water Quality Coleen H. Sullins Director

Dee Freeman Secretary

Beverly Eaves Perdue Governor

	NCDWQ Project No.: County:
	Applicant:
	Project Name:
	Date of Issuance of 401 Water Quality Certification:
	Certificate of Completion Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return this certificate to the 401 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650. This form may be returned to NCDWQ by the applicant, the applicant's authorized agent, or the project engineer. It is not necessary to send certificates from all of these.
	Applicant's Certification
. 3	I,, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
	Signature: Date:
	Agent's Certification
	I,, hereby state that, to the best of my abilities, due care and diligence
	was used in the observation of the construction such that the construction was observed to be built within substantial compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
	compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials.
	compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials. Signature: Date: Engineer's Certification Partial Final
	compliance and intent of the 401 Water Quality Certification and Buffer Rules, the approved plans and specifications, and other supporting materials. Signature: Date:

Transportation Permitting Unit 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Location: 2321 Crabtree Blvd., Raleigh, North Carolina 27604 Phone: 919-733-1786 \ FAX: 919-733-6893 Internet: http://h2o.enr.state.nc.us/ncwetlands/



SAW-2008-02650 North Carolina Global TransPark Railroad Spur

- a. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.
- b. Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.
- c. Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.
- d. The Permittee shall schedule an onsite preconstruction meeting between its representatives, the contractor's representatives and the appropriate USACE Regulatory Project Manager prior to commencement of this project to ensure that there is a mutual understanding of all terms and conditions contained within the Department of the Army permit. The Permittee shall notify the USACE Project Manager a minimum of thirty (30) days in advance of the meeting in order to provide that individual with sufficient opportunity to schedule and participate in the required meeting.
- e. All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the Permittee shall immediately report it to the N.C. Division of Water Quality at (919) 733-5083, Ext. 526 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.
- f. The Permittee shall advise the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
- g. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.
- h. The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or

maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project

- i. The Permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).
- j. The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.
- k. Violations of these conditions or violations of Section 404 of the Clean Water Act must be reported in writing to the Wilmington District U.S. Army Corps of Engineers within 24 hours of the Permittee's discovery of the violation.
- 1. The Permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, within 60 days of project completion.
- m. No fill or excavation for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless it is included on the plan drawings and specifically authorized by this permit.
- n. The Permittee shall conduct a survey for red cockaded woodpeckers and cavity trees within the railroad spur study area corridor plus an additional buffer of 0.5 mile from either side of the study area corridor. This shall be performed and a report submitted to the USACE within 45 days of the issuance of this permit. Should birds and/or cavity trees be observed, the Permittee shall immediately contact the USACE to discuss contingency measures.
- o. The width, height, and gradient of any pipe or culvert installed as a result of this permit must be sized to allow for the passage of average low and high water flows.
- p. Any pipe or culvert installed as a result of this permit shall be buried at least one (1) foot below normal bed elevation when placed within streams appearing as blue lines on United States Geological Survey (USGS) 7.5 minute quadrangle sheets.

Wetland Mitigation Conditions

q. Within 30 days of permit issuance, the Permittee shall submit written documentation that

- 18.2 acres of property within the Dover Bay Restoration Area has been assigned to this project.
- r. Within 30 days of permit issuance, the Permittee shall submit written documentation that 394 linear feet of stream mitigation within the Stoneyton Creek restoration project has been assigned to this project.
- s. Within 60 days of permit issuance, the Permittee shall submit to the USACE a ledger depicting all permitted debits from the NCGTP mitigation properties, including this permit action and all other debits associated with the original permit (Action ID SAW-1992-02851).

