

**PROJECT SPECIAL PROVISIONS**  
**PERMITS**

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

**PERMIT****AUTHORITY GRANTING THE PERMIT**

Dredge and Fill and/or  
Work in Navigable Waters (404)

U. S. Army Corps of Engineers

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.**



REPLY TO  
ATTENTION OF:

126

**DEPARTMENT OF THE ARMY**  
**WILMINGTON DISTRICT, CORPS OF ENGINEERS**  
**P.O. BOX 1890**  
**WILMINGTON, NORTH CAROLINA 28402-1890**

September 28, 2004

Regulatory Division

Action ID Number 200000913, Owen Drive Extension, Transportation Improvements Project U-2912

Dr. Gregory J. Thorpe, PhD, Manager  
Project Development and Environmental Analysis Branch  
North Carolina Department of Transportation  
Division of Highways  
1548 Mail Service Center  
Raleigh, North Carolina 27699-1548

Dear Dr. Thorpe:

In accordance with your written request of July 20, 2004 and the ensuing administrative record, enclosed are two copies of a Department of the Army permit to directly discharge dredged and/or fill material into tributaries to Pearces Mill Creek to facilitate the construction of the Owens Drive Extension, Transportation Improvements Project (TIP) U-2912, State Project Number 8.2441101, in Cumberland County, North Carolina. The proposed 1.8 mile five-lane, 64-foot, curb-and-gutter, continues center turn lane highway extends from the intersection of existing Owen Drive and Wilkes Road (LAT. DD 35.0202; LONG DD 78.8953), east of US 301/I-95 Business, and proceeds on new location in a southeasterly direction to East Mountain Drive (SR 2283) (LAT. DD 35.0113; LONG DD 78.8849). The roadway will then involve the symmetric and asymmetric widening of East Mountain Road to the intersection with NC 87(LAT. DD 35.0093; LONG DD 78.8688).

You should acknowledge that you accept the terms and conditions of the enclosed permit by signing and dating each copy in the spaces provided ("Permittee" on page 3). Your signature, as permittee, indicates that, as consideration for the issuance of this permit, you voluntarily accept and agree to comply with all of the terms and conditions of this permit. All pages of both copies of the signed permit with drawings should then be returned to this office for final authorization. A self-addressed envelope is enclosed for your convenience.

In addition, I have enclosed a copy of the Notification of Administrative Appeal Process and Options and Request for Appeal. Please carefully read Section "B" of this form for information regarding the appeal process for proffered permits.

After the permit is authorized in this office, the original copy will be returned to you; the duplicate copy will be permanently retained in this office. Should you have questions, contact Mr. Richard K. Spencer of my Wilmington Field Office regulatory staff at telephone (910) 251-4172.

Sincerely,



*for* E. David Franklin  
Chief, NCDOT Team

Enclosures

## DEPARTMENT OF THE ARMY PERMIT

NC Department of Transportation

Permittee \_\_\_\_\_

200000913

Permit No. \_\_\_\_\_

USAED, Wilmington

Issuing Office \_\_\_\_\_

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:**

Directly discharge dredged and/or fill material into tributaries to Pearces Mill Creek to facilitate the construction of the Owens Drive Extension, Transportation Improvements Project (TIP) U-2912, State Project Number 8.2441101.

**Project Location** In the Cape Fear River basin, beginning at the intersection of existing Owen Drive and Wilkes Road (LAT. DD 35.0202; LONG DD 78.8953), east of US 301/I-95 Business, and proceeding on new location in a southeasterly direction to East Mountain Drive (SR 2283) (LAT. DD 35.0113; LONG DD 78.8849). The roadway will then involve the symmetric and asymmetric widening of East Mountain Road to the intersection with NC 87 (LAT. DD 35.0093; LONG DD 78.8688), Cumberland County, North Carolina.

**Permit Conditions:****General Conditions:**

1. The time limit for completing the work authorized ends on December 31, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

See enclosed sheet.

**Further Information:**

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. **Limits of this authorization.**
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.





*Beavergard*

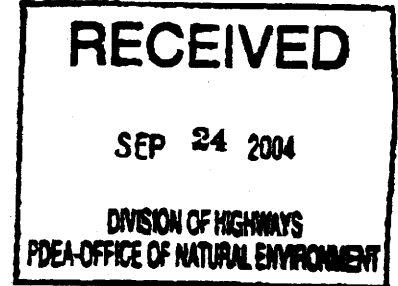
**North Carolina Department of Environment and Natural Resources**  
**Division of Water Quality**

Michael F. Easley, Governor

William G. Ross, Jr., Secretary  
 Alan W. Klimek, P.E., Director

September 17, 2004

Mr. Gregory J. Thorpe, Ph.D., Environmental Director  
 NCDOT Planning and Environmental Branch  
 1548 Mail Service Center  
 Raleigh, NC, 27699-1548



Dear Dr. Thorpe:

Re: Water Quality Certification Pursuant to §401 of the Federal Clean Water Act,  
 Owen Drive Extension from I-95 Business, southeast of Fayetteville, North Carolina, Cumberland  
 County.  
 TIP No. U-2912;  
 Federal Aid No. STP-0620(1); State Project No. 8.2441101; NCDOT Division 6;  
 WBS Element 34885.1.1.

Attached hereto is a copy of Certification No. 3475 issued to The North Carolina  
 Department of Transportation dated September 17, 2004. The project shall be constructed  
 in accordance with your application received July 29, 2004 and the Indirect and Cumulative  
 Impact Assessment Report received September 7, 2004.

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

Sincerely,

Alan W. Klimek, P.E.

Attachments

cc: Wilmington District Corps of Engineers  
 Richard Spencer, USACE Wilmington Field Office  
 Ken Averitte, NCDWQ Fayetteville Regional Office  
 Christopher Militscher, US Environmental Protection Agency – Region IV  
 T. R. Gibson, PE, Division Engineer, NCDOT Division 6, PO Box 1150, Fayetteville, NC 28302  
 Central Files  
 File Copy

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## NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

**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 (DWQ) Regulations in 15 NCAC 2H, Section .0500. This Certification authorizes the NCDOT to incur the following permanent impacts:

- 1.6 acres riverine wetlands;
- 0.09 acres non-river wetlands; and
- 301 linear feet stream impacts;

in Cumberland County.

| Site         | Permanent Riverine Wetland Impacts (acres) | Permanent Non-Riverine Wetland Impacts (acres) | Stream Impacts (linear feet) | Wetland Impacts Requiring Mitigation (acres) | Stream Impacts Requiring Mitigation (linear feet) |
|--------------|--|--|------------------------------|--|---|
| 1            | 1.21                                       | ---  | 301                          | 1.21   | 301   |
| 2            | ---  | 0.05   | ---                          | 0.05   | ---   |
| 3            | 0.36                                       | ---  | ---                          | 0.36   | ---   |
| 4            | ---  | 0.04   | ---                          | 0.04   | ---   |
| 5            | 0.03                                       | ---  | ---                          | 0.03   | ---   |
| <b>Total</b> | <b>1.6</b>                                 | <b>0.09</b>                                    | <b>301</b>                   | <b>1.69</b>                                  | <b>301</b>  |

The Owen Drive Extension from I-95 Business to NC 87 located southeast of Fayetteville, North Carolina in Cumberland County, shall be constructed pursuant to the Application dated July 29, 2004 (completed application received September 7, 2004).

The Application provides adequate assurance that the discharge of fill material into the wetlands and waters of the state, 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 application, as described in the Public Notice. Should your project change, you are required to notify the DWQ and you may be required to 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). 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 three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Corps of Engineers Permit, whichever is sooner.

### Condition(s) of Certification:

1. 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:



NCDOT U-2912 DWQ # 041244

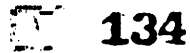


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- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the North Carolina Sediment and Erosion Control Planning and Design Manual.
  - b. The 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. Any reclamation measures and implementation must comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act.
2. No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Application. All construction activities shall be performed so that no violations of state water quality standards, statutes, or rules occur.
  3. Sediment and erosion control measures shall not be placed in wetlands or waters to the maximum extent practicable. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored within 30 days after the project has been released.
  4. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization shall be clearly marked by orange fabric fencing prior to any land disturbing activities. Impacts to areas within the fencing are prohibited unless otherwise authorized by this certification.
  5. NCDOT and its contractors and/or agents shall not excavate, fill, or perform mechanized land clearing at any time in the construction or maintenance of this project within waters and/or wetlands, except as authorized by this Certification, or any modification to this Certification. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this Certification without appropriate modification. If this occurs, compensatory mitigation will be required since it is a direct impact from road construction activities.
  6. Excavation of stream crossings should be conducted in the dry unless demonstrated by the applicant or its authorized agent to be unfeasible and approved by the DWQ. Sandbags, cofferdams, flexible pipe, or other diversion structures should be used to minimize excavation in flowing water.
  7. Placement of culverts and other structures in waters, streams, and wetlands shall be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it is otherwise approved by the DWQ that providing passage would be impractical. 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 shall be maintained if requested in writing by DWQ.



NCDOT U-2912 DWQ # 041244

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8. The natural dimension, pattern and profile of the streams above and below the approved crossings shall not be modified by widening the stream channel or changing the depth of the stream, except as approved by this certification.
9. The removal of vegetation in riparian areas should be minimized. NCDOT is encouraged to use existing on-site vegetation and materials for stream bank stabilization and to minimize the use of rip rap. Riprap shall not be placed in the stream bottom.
10. Using native trees and shrubs, riparian vegetation must be re-established within the construction limits of the project by the end of the growing season following completion of construction.
11. Heavy equipment should be operated from the stream bank rather than in the stream channel unless demonstrated by the applicant or its authorized agent to be unfeasible and approved by the DWQ. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of stream waters from fuels, lubricants, hydraulic fluids or other toxic substances.
12. Live or fresh concrete shall not come into contact with waters of the state until the concrete has hardened. Water that inadvertently contacts uncured concrete should not be discharged to surface waters.
13. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.
14. NCDOT shall require its contractors (and/or agents) to comply with all of the terms of this Certification, and shall provide each of its contractors (and/or agents) a copy of this Certification.

15. *Mitigation:*

Wetland Mitigation

Compensatory mitigation for 1.69 acres of wetland impacts shall be provided through the following schemes:

- The NCDENR Ecosystem Enhancement Program (EEP) has agreed to provide compensatory mitigation for 1.69 acres of wetland impacts incurred for construction of U-2912. DWQ acknowledges that the EEP has agreed to provide compensation for the subject project (reference EEP letter August 5, 2004).

Stream Mitigation

Compensatory mitigation for 301 linear feet of stream impacts shall be provided through the following schemes:

- The NCDENR Ecosystem Enhancement Program has agreed to provide compensatory mitigation for 301 linear feet of stream impacts incurred for construction of U-2912 (reference EEP letter August 5, 2004) EEP shall provide the compensatory mitigation in accordance with the Tri-Party MOA signed on June 12, 2002, and the Dual -Party MOA signed on July 22, 2003.

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NCDOT U-2912 DWQ # 041244

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16. Upon completion of the project, the NCDOT shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed. The responsible party shall complete the attached form and return it to the Transportation Permitting Unit of the Division of Water Quality upon completion of the project.

NCDOT 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 law and Federal law.

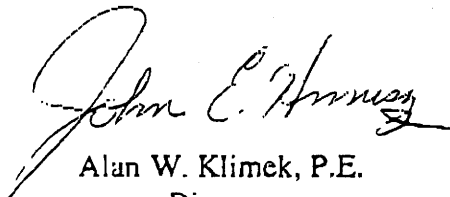
If DWQ determines that such standards or laws are not being met (including the failure to sustain a designated or achieved use), or that State or federal law is being violated, or that further conditions are necessary to assure compliance, DWQ may reevaluate and modify this certification to include conditions appropriate to assure compliance with such standards and requirements in accordance with 15A NCAC 2H .0507(d). Any new or revised conditions shall be provided to NCDOT in writing, shall be provided to the United States Army Corps of Engineers for reference in any permit issued pursuant to Section 404 of the Clean Water Act, and shall also become conditions of the 404 Permit for the project.

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 or CAMA permit.

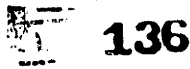
If this Certification is unacceptable to you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this Certification. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, P.O. Box 27447, Raleigh, N.C. 27611-7447. 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 17 th day of September 2004

DIVISION OF WATER QUALITY



Alan W. Klimek, P.E.  
Director



**Certificate of Completeness**

DWQ Project No.: 041244 County: Cumberland  
Project Name: Owen Drive Extension  
Date of Issuance of 401 Water Quality Certification: September 17, 2004

**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 Transportation Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1621. This form may be returned to DWQ 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**

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.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**If this project was designed by a Certified Professional**

I, \_\_\_\_\_, as a duly registered Professional \_\_\_\_\_ (i.e., Engineer, Landscape Architect, Surveyor, etc.) in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the project, for the Permittee 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 \_\_\_\_\_

Registration No. \_\_\_\_\_

Date \_\_\_\_\_

SPECIAL CONDITIONS (Action ID. 2000-0-0913; NCDOT/TIP U-2912)

1. All work authorized by this permit must be performed in strict compliance with the attached plans, which are a part of this permit. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. The permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any deviation in the construction design plans shall be brought to the attention of the Corps of Engineers, Mr. Richard Spencer, Wilmington Regulatory Field Office prior to any active construction in waters or wetlands and any modification to the permit plans must be approved by the Corps of Engineers prior to implementation.

2. The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Mr. Richard Spencer, Wilmington Regulatory Field Office, prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meetings in order to provide that individual with ample opportunity to schedule and participate in the required meetings. One copy of the final construction drawings shall be furnished to the Corps of Engineers, Mr. Richard Spencer, Wilmington Regulatory Field Office prior to the pre-construction meeting. Written verification shall be provided to the Corps of Engineers that the final construction drawings comply with the attached permit drawings.

3. 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 and any authorized modifications. Copies of this permit and any modifications authorized by the USACE shall be available for review at the construction site at all times. All violations, including non-compliance of these conditions, of the authorized permit shall be reported to the District Engineer within 24 hours of the violation.

4. Compensatory mitigation for the unavoidable impacts to 1.69 acres of wetland and 301 linear feet of stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated August 5, 2004 from William D. Gilmore, EEP Transition Manager. The EEP will provide 16.90 acres of preservation of wetlands (16 acres of riverine and 0.9 acres of non-riverine wetlands) and 3,010 linear feet of stream preservation in the Southern Inner Coastal Plain Eco-Region at the Great Coharie Site in Sampson County that has been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers signed on July 22, 2003, the EEP will provide

a minimum of 0.09 acres of restoration of non-riverine wetlands, 1.6 acres of restoration of riverine wetlands and 301 linear feet of restoration of warm water stream channel in the Cape Fear River basin (Hydrologic Cataloging Unit 03030004) by July 22, 2005 and half of the proposed preservation mitigation would be available at that time for mitigation for other project impacts. Construction within wetlands on the permitted highway project shall begin only after the EEP has provided written confirmation to the District Engineer that the EEP and not the NCDOT is responsible for providing the required mitigation, pursuant to Paragraph VI.B.7 of the MOA. The NCDOT shall, within 30 days of the issue date of this permit, certify that sufficient funds have been provided to EEP to complete the required mitigation, pursuant to Paragraph V. of the MOA.

5. The permittee and its contractors and/or agents shall not excavate, fill, or perform mechanized landclearing at any time in the construction or maintenance of this project within waters and/or wetlands, or cause the degradation of waters and/or wetlands, except as authorized by this permit, or any modification to this permit. There shall be no excavation from, waste disposal into, or degradation of, jurisdictional wetlands or waters associated with this permit without appropriate modification of this permit, including appropriate compensatory mitigation. This prohibition applies to all borrow and fill activities connected with this project.

6. To ensure that all borrow and waste activities occur on high ground and do not result in loss or the degradation of adjacent wetlands and streams, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall ensure that all such areas comply with the preceding condition (#5) of this permit, and shall require and maintain documentation of the location and characteristics of all borrow and disposal sites associated with this project. This information will include data regarding soils, vegetation and hydrology sufficient to clearly demonstrate compliance with the preceding condition (#5). All information will be available to the Corps of Engineers upon request. NCDOT shall require its contractors to complete and execute reclamation plans for each waste and borrow site and provide written documentation that the reclamation plans have been implemented and all work is completed. This documentation will be provided to the Corps of Engineers within 30 days of the completion of the reclamation work.

7. The permittee shall comply with the conditions specified in the water quality certification, No. 3475, issued by the North Carolina Division of Water Quality on September 17, 2004.

8. The permittee shall place the inverts of culverts and other structures greater than 48 inches in diameter in waters, streams, and wetlands one foot below the bed of the stream to allow low flow passage of water and aquatic life, unless providing passage would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Design and placement of culverts and other structures including temporary erosion control measures shall not be conducted in a

9. The permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to assure compliance with the appropriate turbidity water quality standard.

10. The permittee shall remove all sediment and erosion control measures placed in wetlands or waters, and shall restore natural grades in those areas, prior to project completion.

11. The permittee shall take measures to prevent live or fresh concrete from coming into contact with any surface waters until the concrete has hardened.

12. If the permittee discovers any previously unknown historic or archeological remains while accomplishing the authorized work, he shall immediately stop work and notify the Wilmington District Engineer who will initiate the required State/Federal coordination.

13. No excavated or fill material shall be placed at any time in waters or wetlands outside the authorized permit area, nor will it be placed in any location or in any manner so as to impair surface water flow into or out of any wetland area.

14. The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without transferring it to a third party.

15. All fill material shall be clean and free of any pollutants except in trace quantities. Metal products, organic materials, or unsightly debris will not be used.

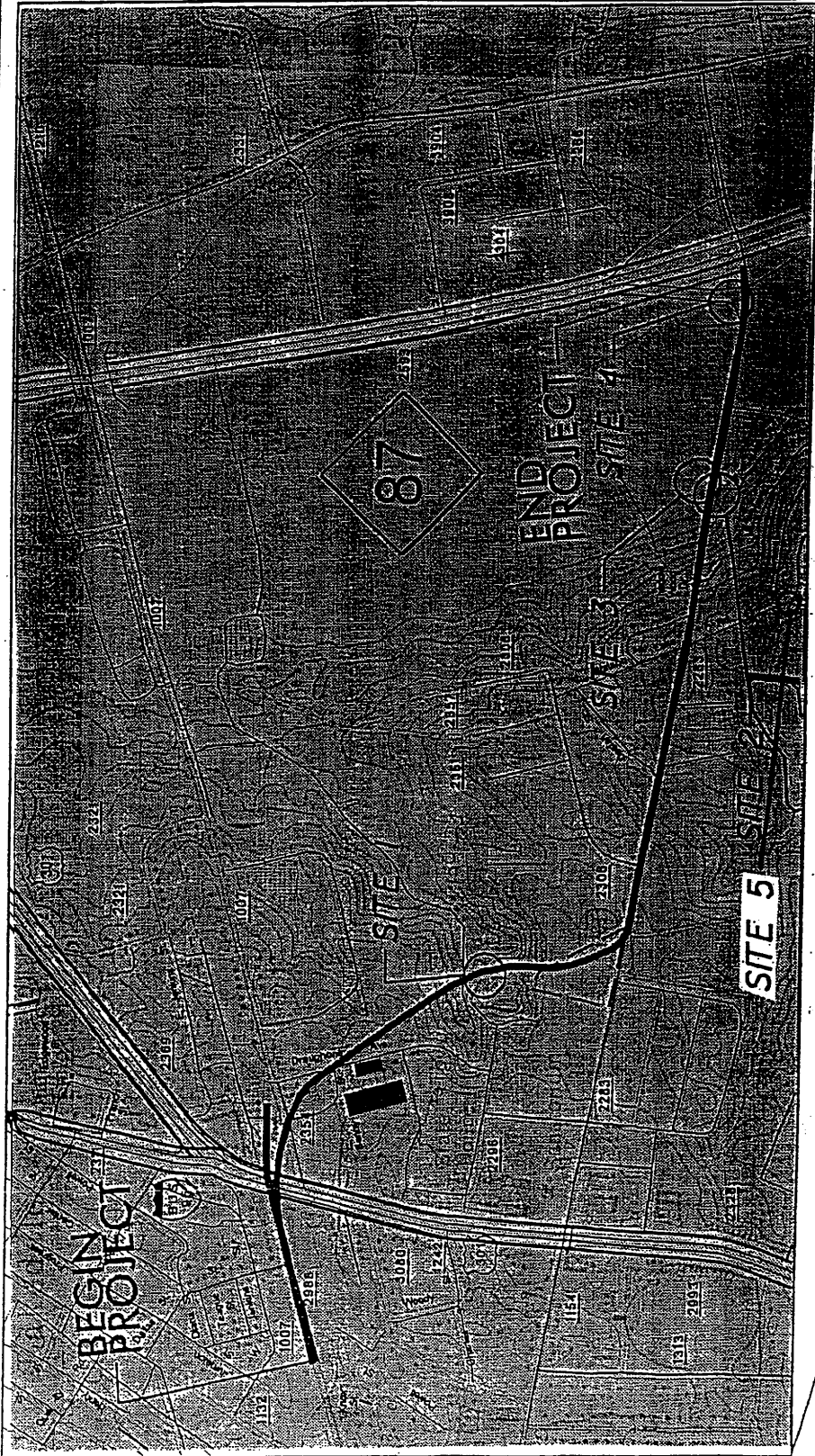
16. This Department of the Army permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

17. In issuing this permit, the Federal Government does not assume any liability for:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public.
- c. Damages to other permitted or un-permitted activities or structures caused by the authorized activity.
- d. Design and construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.



140

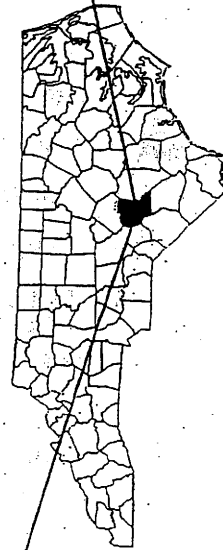


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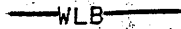
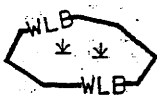
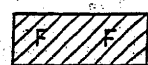


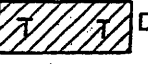
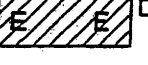
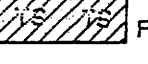

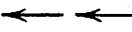

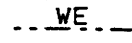
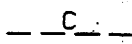
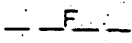

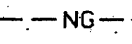
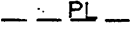
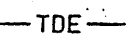
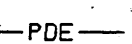

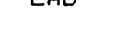
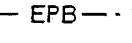
SHEET 1 OF 10

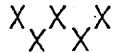

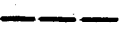

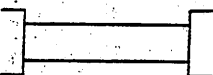
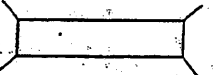
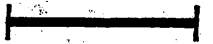

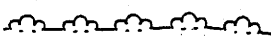

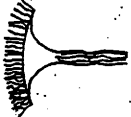


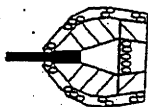
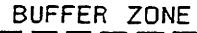

# SITE MAP





# LEGEND

-  WLB WETLAND BOUNDARY
-  WETLAND
-  DENOTES FILL IN WETLAND
-  DENOTES FILL IN SURFACE WATER
-  DENOTES FILL IN SURFACE WATER (POND)
-  DENOTES TEMPORARY FILL IN WETLAND
-  DENOTES EXCAVATION IN WETLAND
-  DENOTES TEMPORARY FILL IN SURFACE WATER
-  DENOTES MECHANIZED CLEARING
-  FLOW DIRECTION
-  TB TOP OF BANK
-  WE EDGE OF WATER
-  C PROP. LIMIT OF CUT
-  F PROP. LIMIT OF FILL
-  PROP. RIGHT OF WAY
-  NG NATURAL GROUND
-  PL PROPERTY LINE
-  TDE TEMP. DRAINAGE EASEMENT
-  PDE PERMANENT DRAINAGE EASEMENT
-  EAB EXIST. ENDANGERED ANIMAL BOUNDARY
-  EPB EXIST. ENDANGERED PLANT BOUNDARY
-  WATER SURFACE

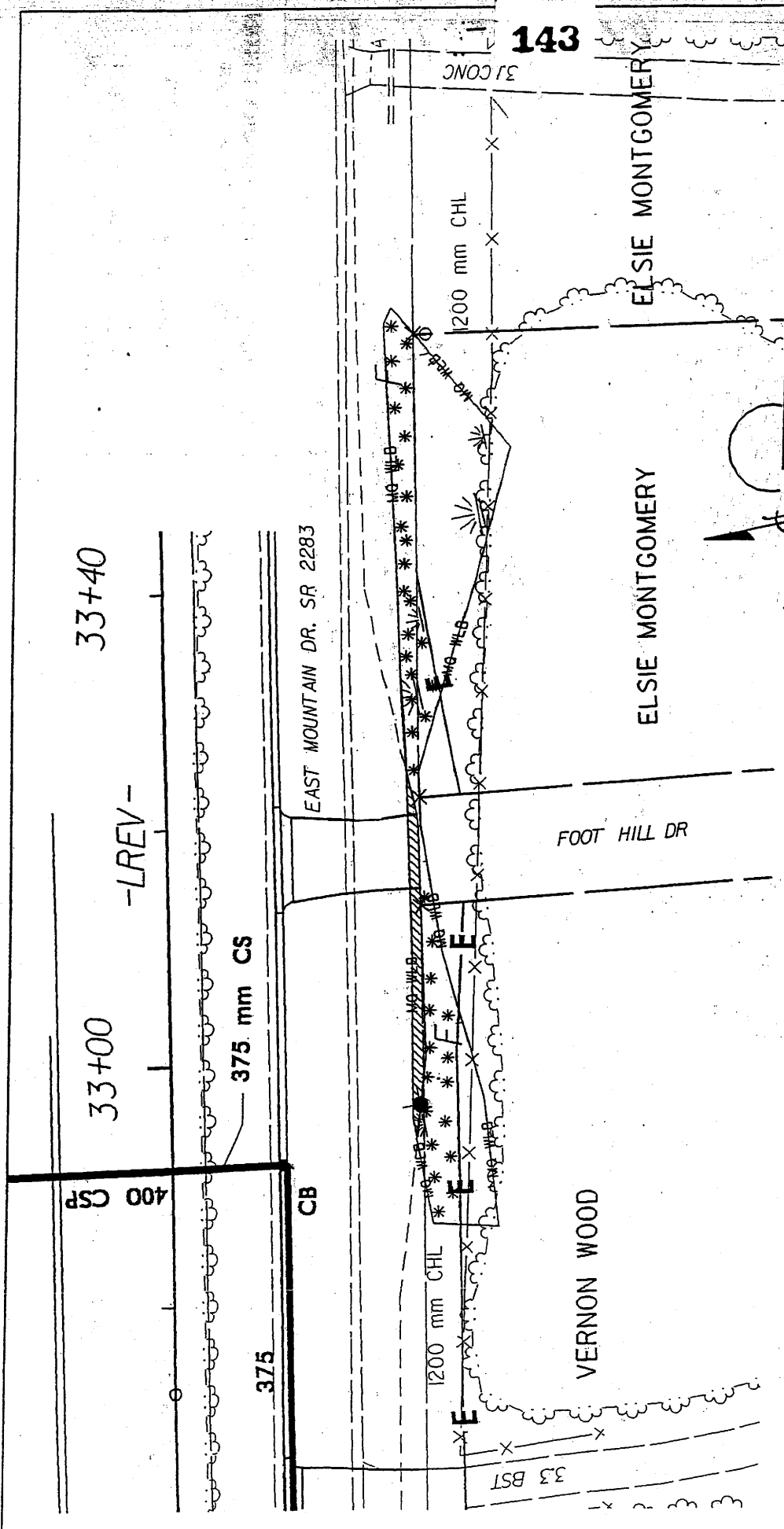
-  LIVE STAKES
-  BOULDER
-  COIR FIBER ROLLS
-  ADJACENT PROPERTY OWNER OR PARCEL NUMBER
-  PROPOSED BRIDGE
-  PROPOSED BOX CULVERT
-  PROPOSED PIPE CULVERT
- (DASHED LINES DENOTE EXISTING STRUCTURES)
-  SINGLE TREE
-  WOODS LINE
-  DRAINAGE INLET
-  ROOTWAD
-  VANE
-  RIP RAP
-  RIP RAP ENERGY DISSIPATOR BASIN
-  BUFFER ZONE
-  BUFFER ZONE

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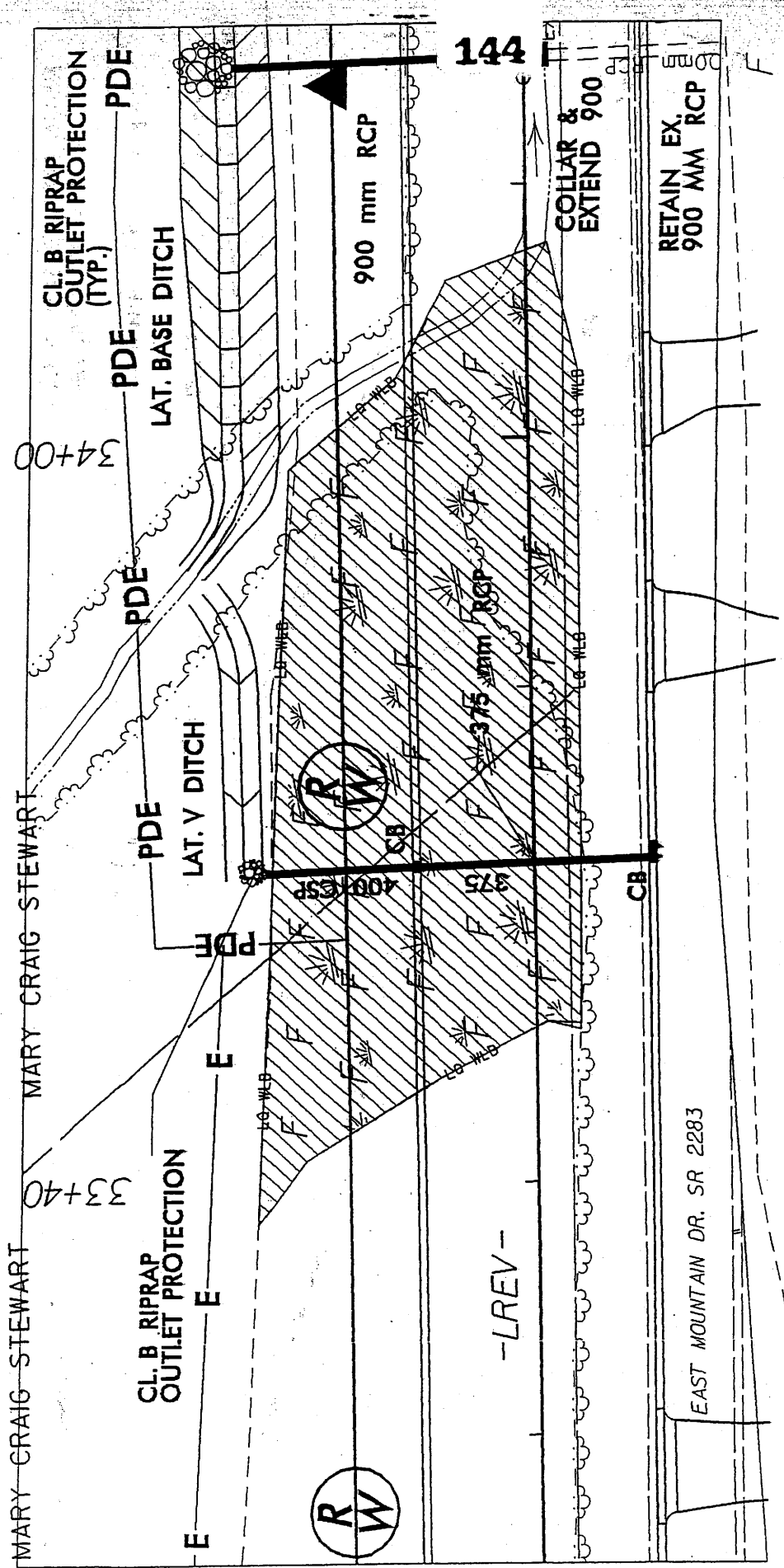
N. C. DEPT. OF TRANSPORTATION  
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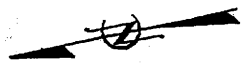
PLAN VIEW  
 SITE 2



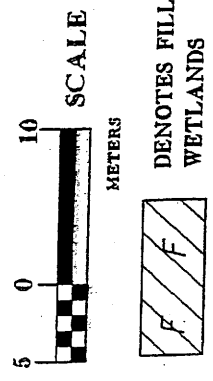
-  DENOTES FILL IN WETLANDS
-  DENOTES MECHANIZED CLEARING

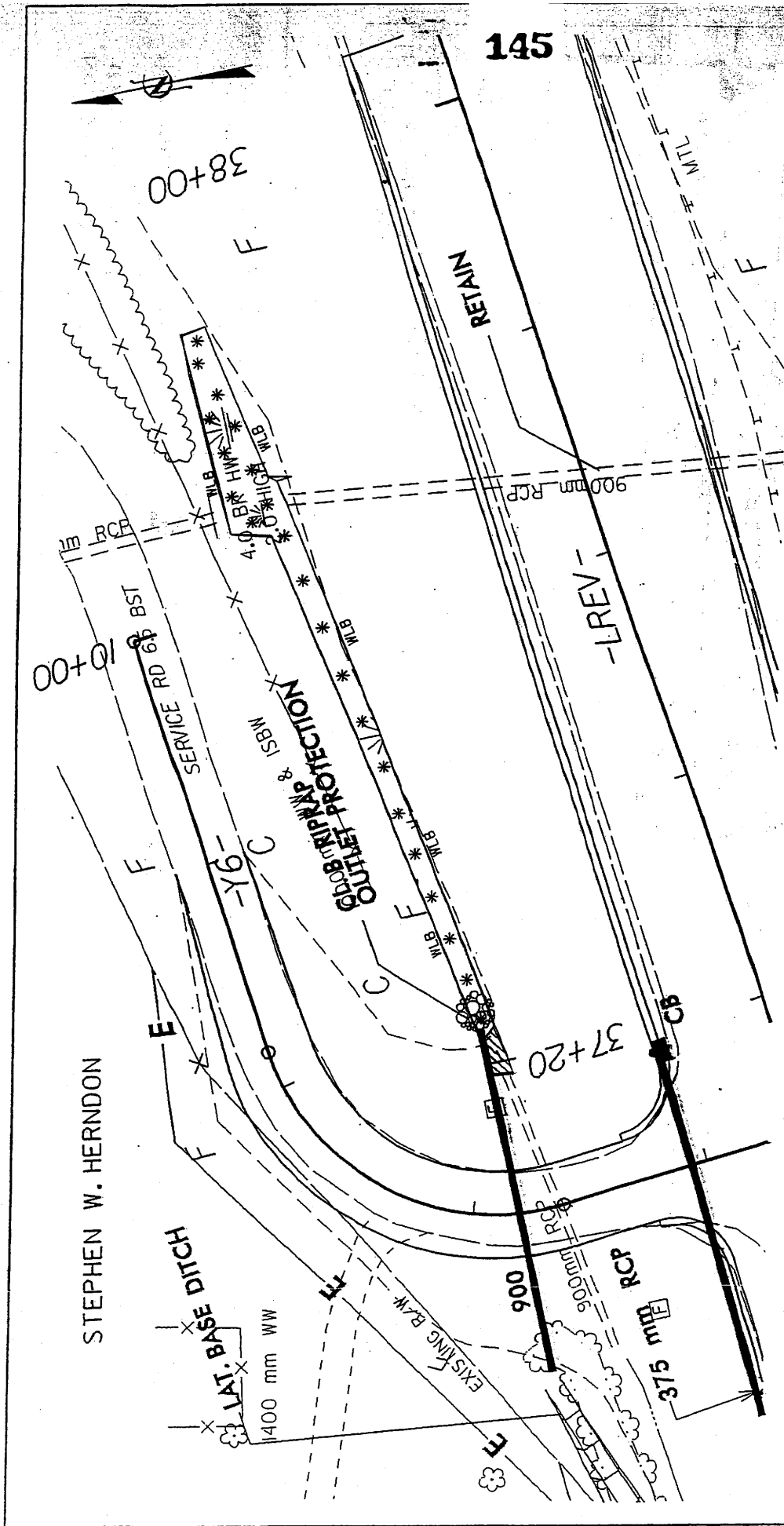


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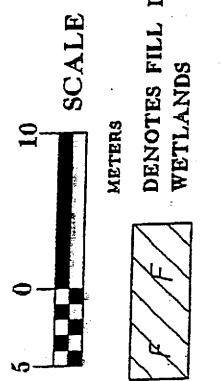
PLAN VIEW  
 SITE 3

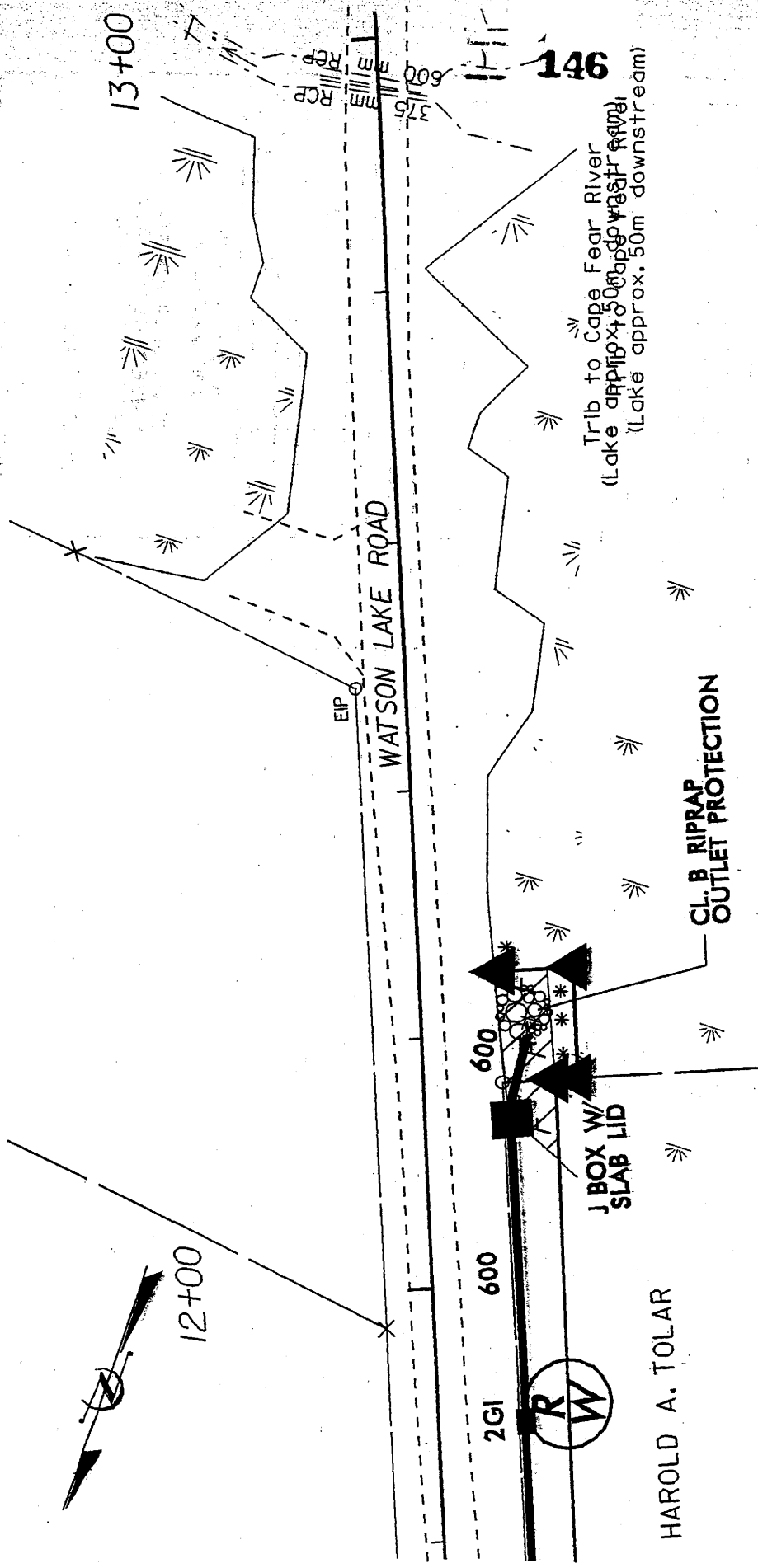




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PLAN VIEW  
 SITE 4





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SCALE

5 0 10 METERS

DENOTES FILL IN WETLANDS

DENOTES MECHANIZED CLEARING

PLAN VIEW  
SITE 5

WETLAND PERMIT IMPACT SUMMARY

| Site No. | Station (From/To)     | Structure Size / Type | WETLAND IMPACTS       |                             |                             |                                       | SURFACE WATER IMPACTS     |                        |                       |                               |   | Natural Stream Design (m) |   |
|----------|-----------------------|-----------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------|------------------------|-----------------------|-------------------------------|---|---------------------------|---|
|          |                       |                       | Fill In Wetlands (ha) | Temp. Fill In Wetlands (ha) | Excavation In Wetlands (ha) | Mechanized Clearing (Method III) (ha) | Fill In SW (Natural) (ha) | Fill In SW (Pond) (ha) | Temp. Fill In SW (ha) | Existing Channel Impacted (m) |   |                           |   |
| 1        | 17+80 -L-             | 1500 RCP              | 0.278                 |                             |                             | 0.033                                 | 0.008                     |                        |                       |                               |   | 47                        |   |
|          | 18+20 -L-             |                       | 0.161                 |                             |                             | 0.017                                 | <0.001                    |                        |                       |                               |   | 8                         |   |
|          | 18+60 -L- LT          |                       |                       |                             |                             |                                       | 0.002                     |                        |                       |                               |   | 37                        |   |
| 2        | 32+85 to 33+85 -L- RT |                       | 0.003                 |                             |                             | 0.016                                 |                           |                        |                       |                               |   |                           |   |
| 3        | 33+38 to 34+18 -L- LT | 375 RCP               | 0.148                 |                             |                             |                                       |                           |                        |                       |                               |   |                           |   |
| 4        | 37+20 to 37+85 -L- LT | 900 RCP               | 0.001                 |                             |                             | 0.015                                 |                           |                        |                       |                               |   |                           |   |
| 5        | Watson Lake Road      | 600 RCP               | 0.005                 |                             |                             | 0.002                                 |                           |                        |                       |                               |   |                           |   |
| TOTALS:  |                       |                       | 0.594                 | 0                           | 0                           | 0.083                                 | 0.01                      | 0                      | 0                     | 0                             | 0 | 92                        | 0 |

**NCDOT**  
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Form Revised 3/22/01

| WETLAND PERMIT IMPACT SUMMARY |                       |                       |                       |                             |                             |                                       |                           |                        |                       |                                |                            |   |
|-------------------------------|-----------------------|-----------------------|-----------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------|------------------------|-----------------------|--------------------------------|----------------------------|---|
| Site No.                      | Station (From/To)     | Structure Size / Type | WETLAND IMPACTS       |                             |                             |                                       | SURFACE WATER IMPACTS     |                        |                       |                                |                            |   |
|                               |                       |                       | Fill In Wetlands (ac) | Temp. Fill In Wetlands (ac) | Excavation In Wetlands (ac) | Mechanized Clearing (Method lit) (ac) | Fill In SW (Natural) (ac) | Fill In SW (Pond) (ac) | Temp. Fill In SW (ac) | Existing Channel Impacted (ft) | Natural Stream Design (ft) |   |
| 1                             | 17+60 -L-             | 60" RCP               | 0.69                  |                             |                             | 0.08                                  | 0.02                      |                        |                       |                                | 154                        |   |
|                               | 18+20 -L-             |                       | 0.40                  |                             |                             | 0.04                                  | <0.01                     |                        |                       |                                | 26                         |   |
|                               | 18+60 -L- LT          |                       |                       |                             |                             |                                       | 0.01                      |                        |                       |                                | 121                        |   |
| 2                             | 32+85 TO 33+65 -L- RT |                       | 0.01                  |                             |                             | 0.04                                  |                           |                        |                       |                                |                            |   |
| 3                             | 33+38 TO 34+16 -L- LT | 15" RCP               | 0.36                  |                             |                             |                                       |                           |                        |                       |                                |                            |   |
| 4                             | 37+20 TO 37+85 -L- LT | 36" RCP               | <0.01                 |                             |                             | 0.04                                  |                           |                        |                       |                                |                            |   |
| 5                             | WATSON LAKE ROAD      | 24" RCP               | 0.01                  |                             |                             | 0.01                                  |                           |                        |                       |                                |                            |   |
| TOTALS:                       |                       |                       | 1.47                  | 0                           | 0                           | 0.21                                  | 0.03                      | 0                      | 0                     | 0                              | 301                        | 0 |

NC DEPARTMENT OF TRANSPORTATION  
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# PROPERTY OWNER

## NAME AND ADDRESS

| OWNER'S NAME            | ADDRESS  |
|-------------------------|--|
| STATE OF NORTH CAROLINA | 116 WEST JONES ROAD<br>RALEIGH, NC 27603       |
| CUMBERLAND COUNTY       | PO BOX 449<br>FAYETTEVILLE, NC 28302-0449      |
| VERNON WOOD             | 2741MT. HAVEN DR.<br>FAYETTEVILLE, NC 28306    |
| ELSIE MONTGOMERY        | 882 EAST MONTAIN DR.<br>FAYETTEVILLE, NC 28306 |
| MARY CRAIG STEWART      | 1427 CHADSFORD PLACE<br>CHARLOTTE, NC 28211    |
| HAROLD A. TOLAR         | P.O. BOX 87104<br>FAYETTEVILLE, NC 28304       |
| GEORGETTE LEFFEW        | 636 EAST MONTAIN DR.<br>FAYETTEVILLE, NC 28306 |
|                         |  |
|                         |  |
|                         |  |

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