



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

November 15, 2006

Addendum No. 1

RE: Contract ID: C201190

WBS# 35600.3.1

Edgecombe County (R-4434)

McNair Road Extension From NC-111

To SR-1344 (Sarah Lee Industrial Road).

November 21, 2006 Letting

To Whom It May Concern:

Reference is made to the plans and proposal form previously furnished to you on this project.

The following revisions have been made to the proposal form:

The bid opening date on the proposal cover sheet has been revised from "October 17, 2006" to "November 21, 2006." Please void the proposal cover sheet previously furnished and staple the revised proposal cover sheet thereto.

On Page No. 1, the date of availability and completion date have been revised within the project special provision entitled "Contract Time and Liquidated Damages." Please void Page No. 1 in your proposal and staple the revised Page No. 1 thereto.

On Page No. 2, the project special provisions entitled "Fuel Price Adjustment" and "Schedule of Estimated Completion Progress" have been revised. Please void Page No. 2 in your proposal and staple the revised Page No. 2 and 2-A thereto.

On Page Nos. 24 and 25, the project special provision entitled "Price Adjustment-Asphalt Binder for Plant Mix" has been revised. Please void Page Nos. 24 and 25 in your proposal and staple the revised Page Nos. 24 and 25 thereto.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
DESIGN SERVICES UNIT
1591 MAIL SERVICE CENTER
RALEIGH NC 27699-1591

TELEPHONE: 919-250-4128
FAX: 919-250-4119

WEBSITE: WWW.DOH.DOT.STATE.NC.US

LOCATION:
CENTURY CENTER COMPLEX
ENTRANCE B2
1020 BIRCH RIDGE DRIVE
RALEIGH NC

Page No. 2 (C201190)
Edgecombe County (R-4434)

On Page No. 72, the first paragraph of the project special provision entitled "Permits" has been revised. Please void Page No. 72 in your proposal and staple the revised Page No. 72 thereto.

New Page Nos. 73 thru 99 are being added to include the 404 and 401 permits for the project. Please staple New Page Nos. 73 thru 99 after revised Page No. 72 in your proposal.

The Table of Contents has been revised to reflect this change. Please void the Table of Contents in your proposal and staple the revised Table of Contents thereto.

The following revision has been made to the plans:

The letting date on the Title Sheet has been revised. Please void the Title Sheet in your plans and staple the revised Title Sheet thereto.

Sincerely,



R. A. Garris, PE
Contract Officer

RAG/jag/pa

cc: Mr. W. S. Varnedoe, PE
Mr. E. C. Powell, PE
Mr. R. E. Greene, PE
Ms. D. M. Barbour, PE
Mr. Victor Barbour, PE
Mr. R. E. Davenport, Jr., PE
Mr. Mark Staley (2)
Ms. Norma Smith
Ms. Marsha Byrd
Ms. Taylor Mishoe
Ms. Marsha Sample
Mr. Ronnie Higgins
Project File (2)

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH, N.C.

Revised 11-15-06

PROPOSAL

DATE AND TIME OF BID OPENING: **NOVEMBER 21, 2006 AT 2:00 PM**

CONTRACT ID C201190
WBS 35600.3.1

FEDERAL-AID NO. STATE FUNDED

COUNTY EDGECOMBE

T.I.P. NO. R-4434

MILES 1.900

ROUTE NO.

LOCATION MCNAIR ROAD EXT FROM NC-111 TO SR-1344 (SARA LEE INDUSTRIAL RD).

TYPE OF WORK CLEARING & GRUBBING, GRADING, DRAINAGE, PAVING & SIGNALS.

NOTICE:

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALITY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. NOT WITHSTANDING THESE LIMITATIONS ON BIDDING, THE BIDDER WHO IS AWARDED ANY PROJECT SHALL COMPLY WITH CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA FOR LICENSING REQUIREMENTS WITHIN 60 CALENDAR DAYS OF BID OPENING, REGARDLESS OF FUNDING SOURCES.

BIDS WILL BE RECEIVED AS SHOWN BELOW:

THIS IS A ROADWAY PROPOSAL

5% BID BOND OR BID DEPOSIT REQUIRED

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PROPOSAL ITEM SHEET AND SIGNATURE SHEET

- Item Sheets
- Signature Sheet (Bid Acceptance by Department)

PROJECT SPECIAL PROVISIONS**GENERAL****CONTRACT TIME AND LIQUIDATED DAMAGES:**

(7-20-99) (Rev.7-18-06)

SP1 G04

The date of availability for this contract is January 2, 2007, except that work in jurisdictional waters and wetlands shall not begin until a meeting between the DOT, Regulatory Agencies, and the Contractor is held as stipulated in the permits contained elsewhere in this proposal. This delay in availability has been considered in determining the contract time for this project.

The completion date for this contract is December 1, 2007.

When observation periods are required by the contract, they are not a part of the work to be completed by the completion date and/or intermediate contract times stated in the contract. Should an observation period extend beyond the final completion date, the acceptable completion of the observation period shall be a part of the work covered by the performance and payment bonds.

The liquidated damages for this contract are Eight Hundred Dollars (\$800.00) per calendar day.

MAJOR CONTRACT ITEMS:

(2-19-02)

SP1 G28

The following listed items are the major contract items for this contract (See Articles 101 and 104-5 of the *Standard Specifications*):

Line #	Description
4	Unclassified Excavation
7	Borrow Excavation
18	Asphalt Concrete Base Course, Type B25.0B
19	Asphalt Concrete Intermediate Course, Type I19.0B
20	Asphalt Concrete Surface Course, Type S9.5B

SPECIALTY ITEMS:

(7-1-95)

SP1 G37

Items listed below will be the specialty items for this contract (See Article 108-6 of the *Standard Specifications*).

Line #	Description
49 thru 53	Long-Life Pavement Markings
58	Permanent Pavement Markers
59 thru 68	Utility Construction
69 thru 91	Erosion Control
92 thru 107	Signals

FUEL PRICE ADJUSTMENT:

(11-15-05) (Rev 11-21-06)

RG 043

Revise the 2006 *Standard Specifications* as follows:

Page 1-93, Article 109-8 Fuel Price Adjustment is amended to add the following as the first paragraph:

Bidders will have the option to *opt-out* of receiving a fuel price adjustment on this contract. Bidders shall designate in their bid submission in the Miscellaneous Data Folder of Transport Expedite whether or not they wish to accept or decline receiving a fuel price adjustment on items designated in the contract. If no designation is shown in the bid, the bidder will be subject to the fuel price adjustment. The bidder will not be permitted to change the option after the Department accepts the bid. If the bidder indicates that they want to participate in the fuel price adjustment, it shall be paid as follows:

Page 1-93 Subarticle 109-8, add the following:

The base index price for DIESEL #2 FUEL is \$1.8001 per gallon.

Where any of the following are included in the contract, they will be eligible for fuel price adjustment.

The item(s) of work and the fuel factor used in calculating adjustments to be made are as follows:

Description	Units	Fuel Usage Factor Diesel
Unclassified Excavation	Gal/CY	0.29
Borrow Excavation	Gal/CY	0.29
Aggregate Base Course	Gal/Ton	0.55
Asphalt Concrete Base Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Intermediate Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Surface Course, Type ____	Gal/Ton	2.90
Open-Graded Asphalt Friction Course	Gal/Ton	2.90
Sand Asphalt Surface Course, Type ____	Gal/Ton	2.90
Aggregate for Cement Treated Base Course	Gal/Ton	0.55
Portland Cement for Cement Treated Base Course	Gal/Ton	0.55
____ In. Portland Cement Concrete Pavement	Gal/SY	0.245
Concrete Shoulders Adjacent to ____ In. Pavement	Gal/SY	0.245

SCHEDULE OF ESTIMATED COMPLETION PROGRESS:

(7-20-04)

SP1 G58

The Contractor's attention is directed to the Standard Special Provision entitled *Availability Of Funds Termination Of Contracts* included elsewhere in this proposal. The Department of Transportation's schedule of estimated completion progress for this project as required by that Standard Special Provision is as follows:

	<u>Fiscal Year</u>	<u>Progress (% of Dollar Value)</u>
2007	(7/01/06 - 6/30/07)	69% of Total Amount Bid
2008	(7/01/07 - 6/30/08)	31% of Total Amount Bid

The Contractor shall also furnish his own progress schedule in accordance with Article 108-2 of the *Standard Specifications*. Any acceleration of the progress as shown by the Contractor's progress schedule over the progress as shown above shall be subject to the approval of the Engineer.

Page 10-41, Table 1012-1, add the following:

Mix Type	Course Aggregate Angularity ^(b) ASTM D5821	Fine Aggregate Angularity % Minimum AASHTO T304 Method A	Sand Equivalent % Minimum AASHTO T176	Flat & Elongated 5:1 Ratio % Maximum ASTM D4791 Section 8.4
S 9.5 D	100/100	45	50	10

Page 10-45, Replace Table 1012-2 with the following:

TABLE 1012-2
NEW SOURCE RAP GRADATION and BINDER TOLERANCES
(Apply Tolerances to Mix Design Data)

Mix Type	0-20% RAP			21-25% RAP			26%+ RAP		
	Base	Inter.	Surf.	Base	Inter.	Surf.	Base	Inter.	Surf.
P _b , %		± 0.7%			± 0.4%			± 0.3%	
1 1/2" (37.5)	±10	-	-	±7	-	-	±5	-	-
3/4" (19.0)	±10	±10	-	±7	±7	-	±5	±5	-
1/2" (12.5)	-	±10	±6	-	±7	±3	-	±5	±2
3/8" (9.5)	-	-	±8	-	-	±5	-	-	±4
No. 4 (4.75)	±10	-	±10	±7	-	±7	±5	-	±5
No. 8 (2.36)	±8	±8	±8	±5	±5	±5	±4	±4	±4
No.16 (1.18)	±8	±8	±8	±5	±5	±5	±4	±4	±4
No. 30 (0.600)	±8	±8	±8	±5	±5	±5	±4	±4	±4
No. 50 (0.300)	-	-	±8	-	-	±5	-	-	±4
No. 200 (0.075)	±4	±4	±4	±2	±2	±2	±1.5	±1.5	±1.5

PRICE ADJUSTMENT - ASPHALT BINDER FOR PLANT MIX:

(11-21-00)

SP6 R25

Price adjustments for asphalt binder for plant mix will be made in accordance with Section 620 of the *Standard Specifications* as modified herein.

The base price index for asphalt binder for plant mix is \$392.50 per ton.

This base price index represents an average of F.O.B. selling prices of asphalt binder at supplier's terminals on October 2, 2006.

PREFORMED SCOUR HOLE WITH LEVEL SPREADER APRON:

(10-15-02) (Rev 7-18-06)

SP8 R105

Description

Construct and maintain preformed scour holes with spreader aprons at the locations shown on the plans and in accordance with the details in the plans. Work includes excavation, shaping and maintaining the hole and apron, furnishing and placing filter fabric, rip rap (class as specified in the plans) and permanent soil reinforcement matting.

Materials

Item	Section
Plain rip rap	1042
Filter Fabric	1056

The permanent soil reinforcement matting shall be permanent erosion control reinforcement mat and shall be constructed of 100% coconut fiber stitch bonded between a heavy duty UV stabilized cusped (crimped) netting overlaid with a heavy duty UV stabilized top net. The three nettings shall be stitched together on 1.5 inch centers UV stabilized polyester thread to form a permanent three dimensional structure. The mat shall have the following physical properties:

<i>Property</i>	<i>Test Method</i>	<i>Value Unit</i>
Ground Cover	Image Analysis	93 %
Thickness	ASTM D1777	0.63 in
Mass Per Unit Area	ASTM D3776	0.92 lb/sy
Tensile Strength	ASTM D5035	480 lb/ft
Elongation	ASTM D5035	49 %
Tensile Strength	ASTM D5035	960 lb/ft
Elongation	ASTM D5035	31 %
Tensile Strength	ASTM D1682	177 lbs
Elongation	ASTM D1682	22 %
Resiliency	ASTM D1777	>80 %
UV Stability *	ASTM D4355	151 lbs
Color(Permanent Net)		UV Black
Porosity (Permanent Net)	Calculated	>95 %
Minimum Filament Diameter (permanent net)	Measured	0.03 in

*ASTM D1682 Tensile Strength and % strength retention of material after 1000 hours of exposure in a Xenon-arc weatherometer.

PROJECT SPECIAL PROVISION

(10-18-95)

Z-1

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

Dredge and Fill and/or
Work in Navigable Waters (404)
Water Quality (401)

AUTHORITY GRANTING THE PERMIT

U. S. Army Corps of Engineers

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.

Revised 11-15-06

73

DEPARTMENT OF THE ARMY PERMIT

Permittee **North Carolina Department of Transportation, Gregory J. Thorpe, Ph.D.**

Permit No. **SAW-2006-32961-133**

Issuing Office **CESAW-RG-W**

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: **The project will be approximately 1.4 miles on new location and provide 12-foot travel lanes with 8-foot shoulders in each direction.**

Project Location: **The project will extend McNair Road (NC 122) from NC 111 to US 258. The project will be approximately 1.4 miles on new location. The new location will tie into existing SR 1344 and continue for approximately 0.5 miles to an intersection with US 258. The project is located south Tarboro in Edgecombe County and within the Tar River Basin, Hydrologic Unit 03020103.**

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2011**. 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 ATTACHED SPECIAL CONDITIONS

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).
 - (X) 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.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit, Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE) **North Carolina Department of Transportation** *(DATE)*

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) **JOHN E. PULLIAM, JR., COLONEL** *(DATE)*

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) _____ *(DATE)*

SPECIAL CONDITIONS (Action ID. SAW-2006-32961-133; NCDOT/TIP R-4434)

COMPLIANCE WITH PLANS

a) All work must be performed in strict compliance with the attached plans, which are a part of this permit. Any modification to the permit plans must be approved by the USACE prior to implementation.

ACTIVITIES NOT AUTHORIZED

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, nor shall any activities take place that cause the degradation of waters or wetlands. In addition, 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, into, or out of waters or wetlands or to reduce the reach of waters or wetlands.

This permit does not authorize temporary placement or double handling of excavated or fill material within jurisdictional waters, including wetlands, outside the permitted area. Additionally, no construction materials or equipment will be placed or stored within jurisdictional waters, including wetlands.

CONSTRUCTION PLANS

c) The permittee will ensure that the construction design plans for this project do not deviate from the plans submitted with the application. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Washington Regulatory Field Office prior to any active construction in waters or wetlands.

POLLUTION SPILLS

d) 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. No equipment staging or storage of construction material will occur in wetlands. Hydro-seeding equipment will not be discharged or washed out into any surface waters or wetlands. 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 or (800) 662-7956 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act will be followed.

NOTIFICATION

e) The permittee shall advise the Corps in writing at least two weeks prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

CLEAN FILL MATERIAL

f) 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.

CONTRACTOR COMPLIANCE

g) 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. A copy of this permit, and any authorized modifications, including all conditions, shall be available at the project site during construction and maintenance of this project.

SEDIMENTATION AND EROSION CONTROL MEASURES

h) 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. 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 assure compliance with the appropriate turbidity water quality standards. 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).

Adequate sedimentation and erosion control measures must be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures must be inspected and maintained regularly, especially following rainfall events. All fill material must be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

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.

During the clearing phase of the project, heavy equipment must not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of

stream channels. All temporary diversion channels and stream crossings will be constructed of nonerodable materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

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.

REPORTING OF VIOLATIONS

i) The permittee will report any violation of these conditions or violations of Section 404 of the Clean Water Act in writing to the Corps of Engineers, Washington Regulatory Field Office NCDOT Regulatory Project Manager, within 24 hours of the permittee's discovery of the violation.

COMPLIANCE WITH SPECIAL CONDITIONS

j) Failure to institute and carry out the details of these special conditions, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with the permitted project, or such other remedies and/or fines as the District Engineer or his authorized representatives may seek.

WET CONCRETE

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

CULVERTS

l) All authorized culverts will be installed to allow the passage of low stream flows and the continued movement of fish and other aquatic life as well as to prevent headcutting of the streambed. For all box culverts and for pipes greater than 48 inches in diameter, the bottom of the pipe will be buried at least one foot below the bed of the stream unless burial would be impractical and the Corps of Engineers has waived this requirement. For culverts 48 inches in diameter or smaller, the bottom of the pipe 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 manner that may result in disequilibrium of wetlands or streambeds or banks, adjacent to, upstream or downstream of the structures. In order to allow for the continued movement of bed load and aquatic organisms, existing stream channel widths and depths will be maintained at the inlet and outlet ends of culverts. Riprap armoring of streams at culvert inlets and outlets shall be minimized above the ordinary high water elevation in favor of bioengineering techniques such as bank sloping, erosion control matting and revegetation with

deep-rooted, woody plants.

PRECONSTRUCTION MEETING

m) The permittee shall schedule a preconstruction meeting between its representatives, the contractor's representatives, and the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, 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 provide the Corps of Engineers, Washington Regulatory Field Office, NCDOT Regulatory Project Manager, with a copy of the final plans at least two weeks prior to the preconstruction meeting along with a description of any changes that have been made to the project's design, construction methodology or construction timeframe. The permittee shall schedule the preconstruction meeting for a time when the Corps of Engineers and North Carolina Division of Water Quality (NCDWQ) Project Managers can attend. The permittee shall invite the Corps and NCDWQ Project Managers a minimum of thirty (30) days in advance of the scheduled meeting in order to provide those individuals with ample opportunity to schedule and participate in the required meeting.

BORROW AND WASTE

n) To ensure that all borrow and waste activities occur on high ground and do not result in 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 provide the Corps of Engineers with appropriate maps indicating the locations of proposed borrow or waste sites as soon as the permittee has that information. The permittee will coordinate with the Corps of Engineers before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. All jurisdictional wetland boundaries on borrow and waste sites shall be verified by the Corps of Engineers and shown on the approved reclamation plans. The permittee shall ensure that all such areas comply with Special Condition b) 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 Special Condition b). 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.

* EEP MITIGATION

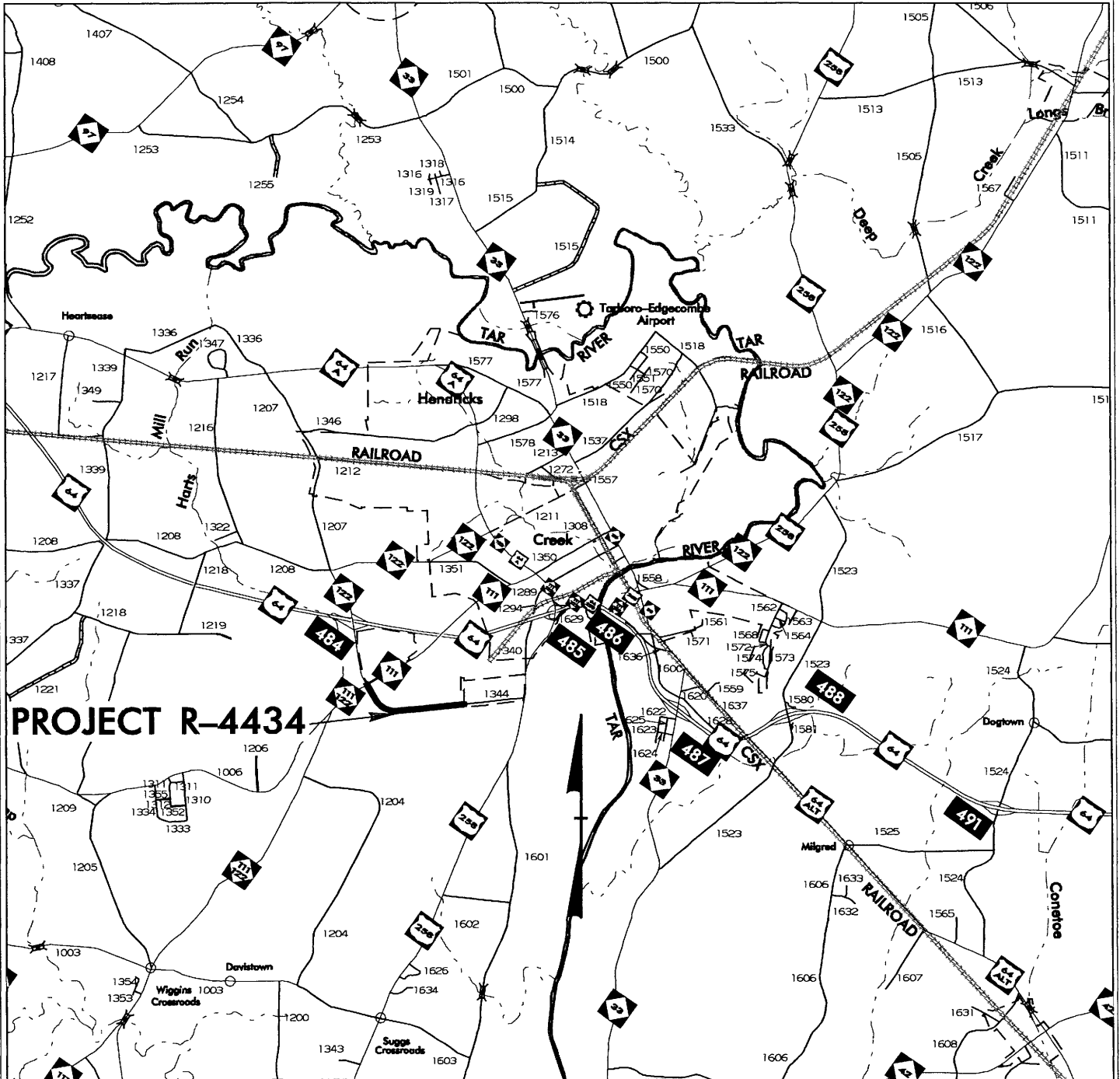
o) Compensatory mitigation for the unavoidable impacts to 1.574 acres of non-riparian wetlands,

and 35 linear feet of perennial stream associated with the proposed project shall be provided by the Ecosystem Enhancement Program (EEP), as outlined in the letter dated July 7, 2006 from William D. Gilmore, EEP Director. The EEP will provide the compensatory mitigation as follows:

Tar-Pamlico River, CU 03020103 (3.148 acre non-riparian; and 70 feet of stream):

In order to compensate for impacts to 1.574 acres of non-riparian forested wetlands and 35 linear feet of stream impacts the permittee shall make payment to the North Carolina Ecosystem Enhancement Program (NC EEP) in the amount determined by the NC EEP, sufficient to perform the restoration of 3.148 acres of non-riparian wetlands and 70 linear feet of warm water stream in the Tar-Pamlico River Basin, Cataloging Unit 03020103.

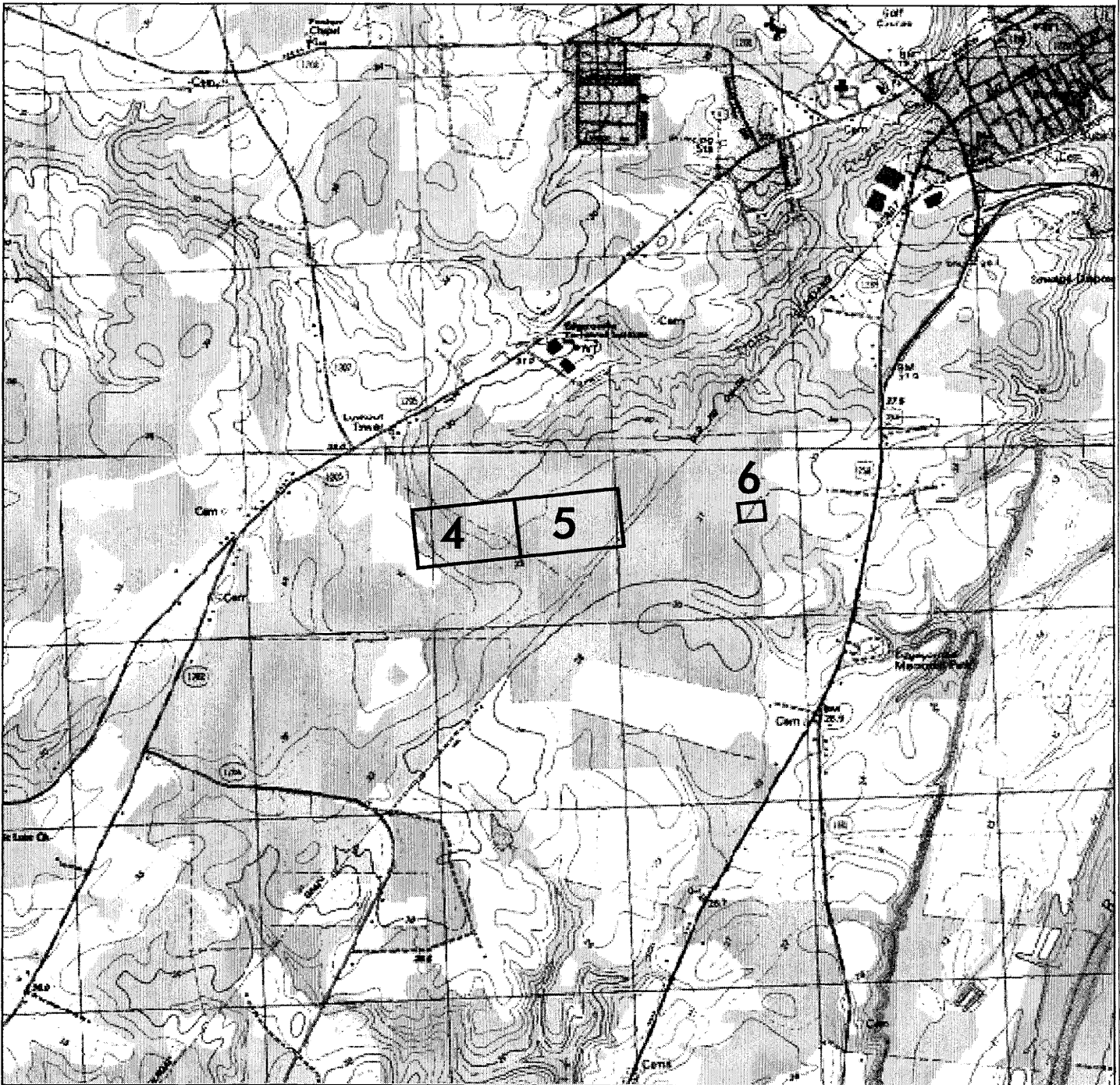
Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment to the NC EEP and provided a copy of the payment documentation to the Corps, and the NC EEP has provided written confirmation to the Corps that it agrees to accept responsibility for the mitigation work required, in compliance with the MOA between the North Carolina Department of Environment and Natural Resources and the United States Army Corps of Engineers, Wilmington District, dated July 22, 2003.



PROJECT R-4434

**VICINITY
MAP
WETLANDS**

**N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
DATE:3/2006
SHEET 1 OF 8**



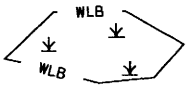
**TOPO
MAP**

**N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
DATE: 3/2006
SHEET 2 OF 8**

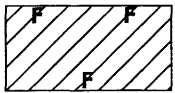
LEGEND



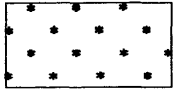
WETLAND BOUNDARY



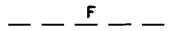
WETLAND



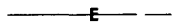
DENOTES FILL IN WETLANDS



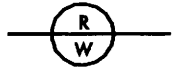
DENOTES MECHANIZED CLEARING



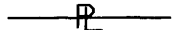
PROP. LIMIT OF FILL



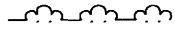
EXISTING WATER
LINE EASEMENT



PROPOSED RIGHT OF WAY



PROPERTY LINE



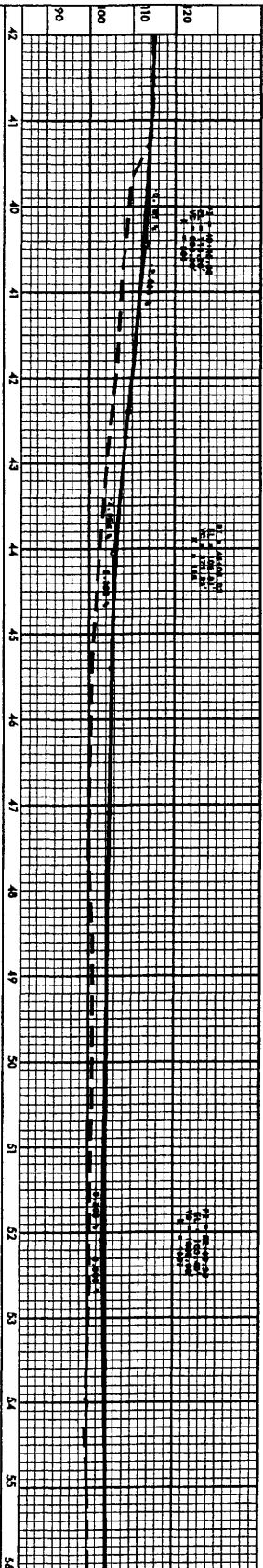
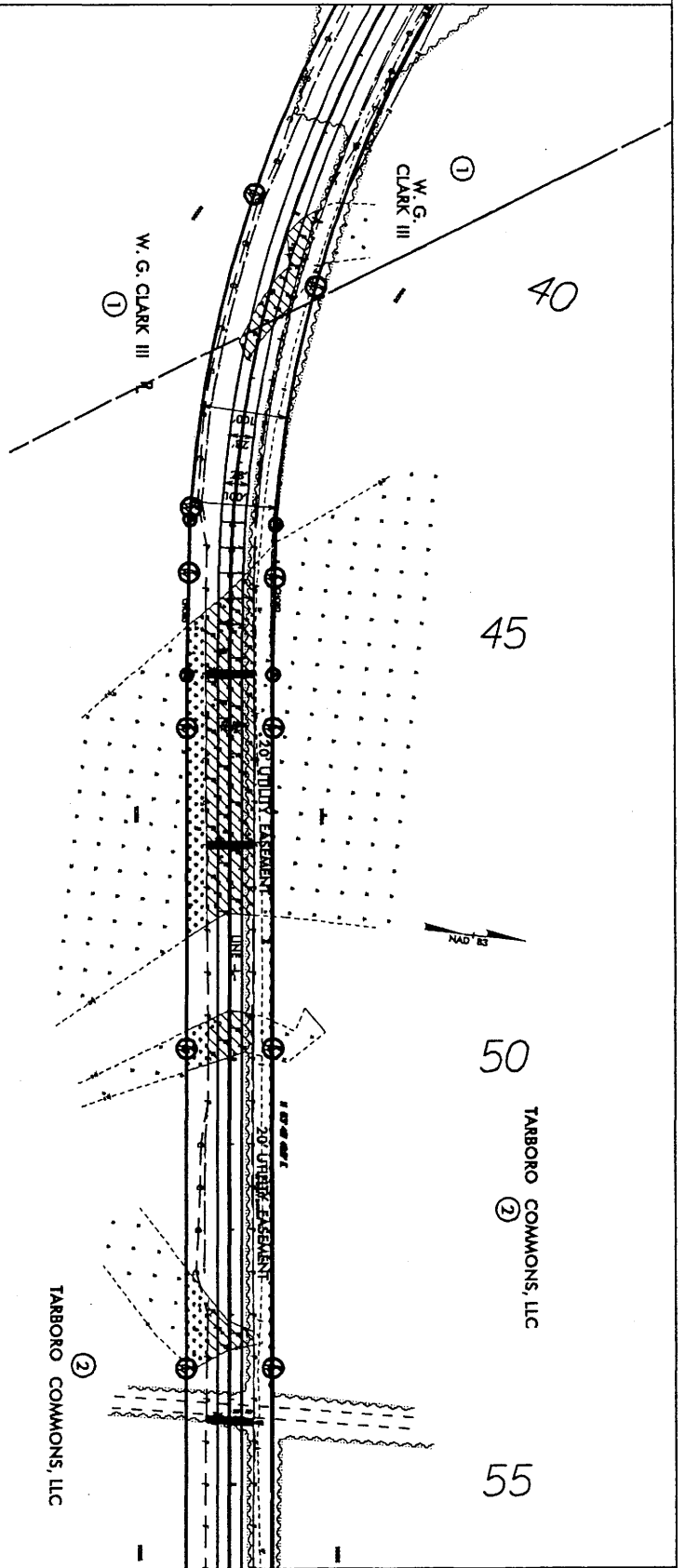
WOODS LINE



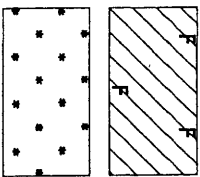
DENOTES FILL IN SURFACE WATER

LEGEND

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
DATE: 3/2006
SHEET 3 OF 8



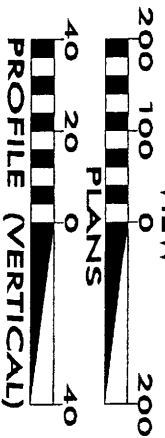
N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE COUNTY
 WBS ELEMENT 35600 R-4434
 McNAIR ROAD,
 FROM NC 111 TO US 258
 DATE: 3/2006
 SHEET 4 OF 8

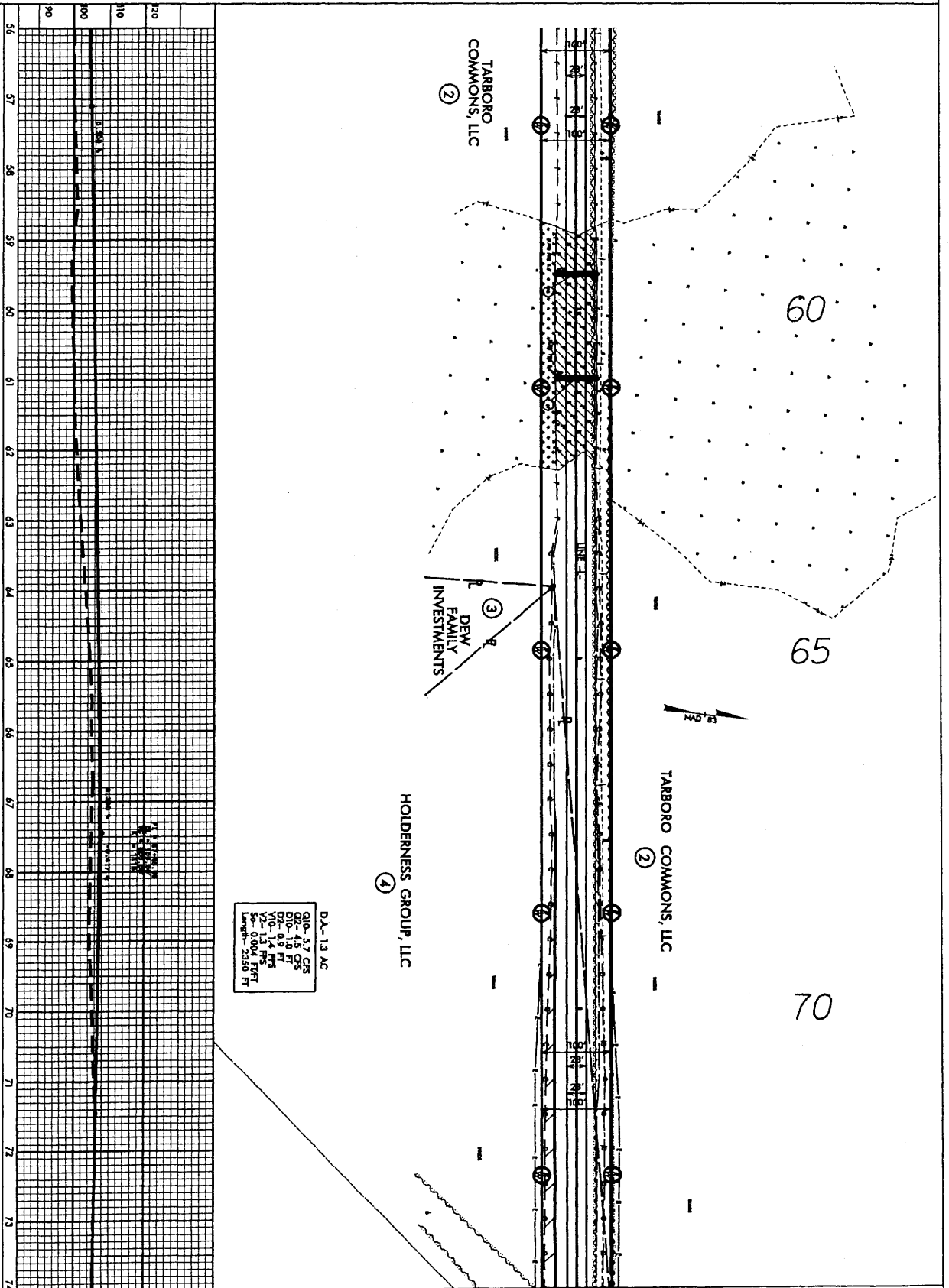


DENOTES FILL IN WETLANDS

DENOTES MECHANIZED CLEARING

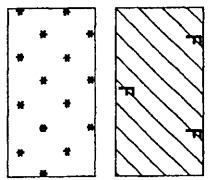
PLAN & PROFILE VIEW





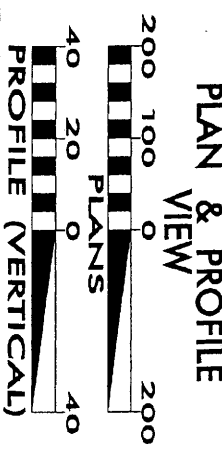
D.A. - 13 AC
 Q10- 5.7 CS
 Q02- 4.5 CS
 D10- 1.0 FT
 V10- 1.4 FT
 V2- 1.3 FT
 L= 0.000135 FT
 L= 0.000135 FT

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE COUNTY
 WBS ELEMENT 35600 R-4434
 MCNAIR ROAD,
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 SHEET 5 OF 8



DENOTES FILL IN WETLANDS

DENOTES MECHANIZED CLEARING



PLAN & PROFILE VIEW

PLANS

PROFILE (VERTICAL)

URS REAL ESTATE

5



KITCHENS OF SARA LEE CORP.

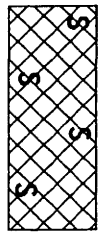
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100

HOLDERNESS GROUP, LLC

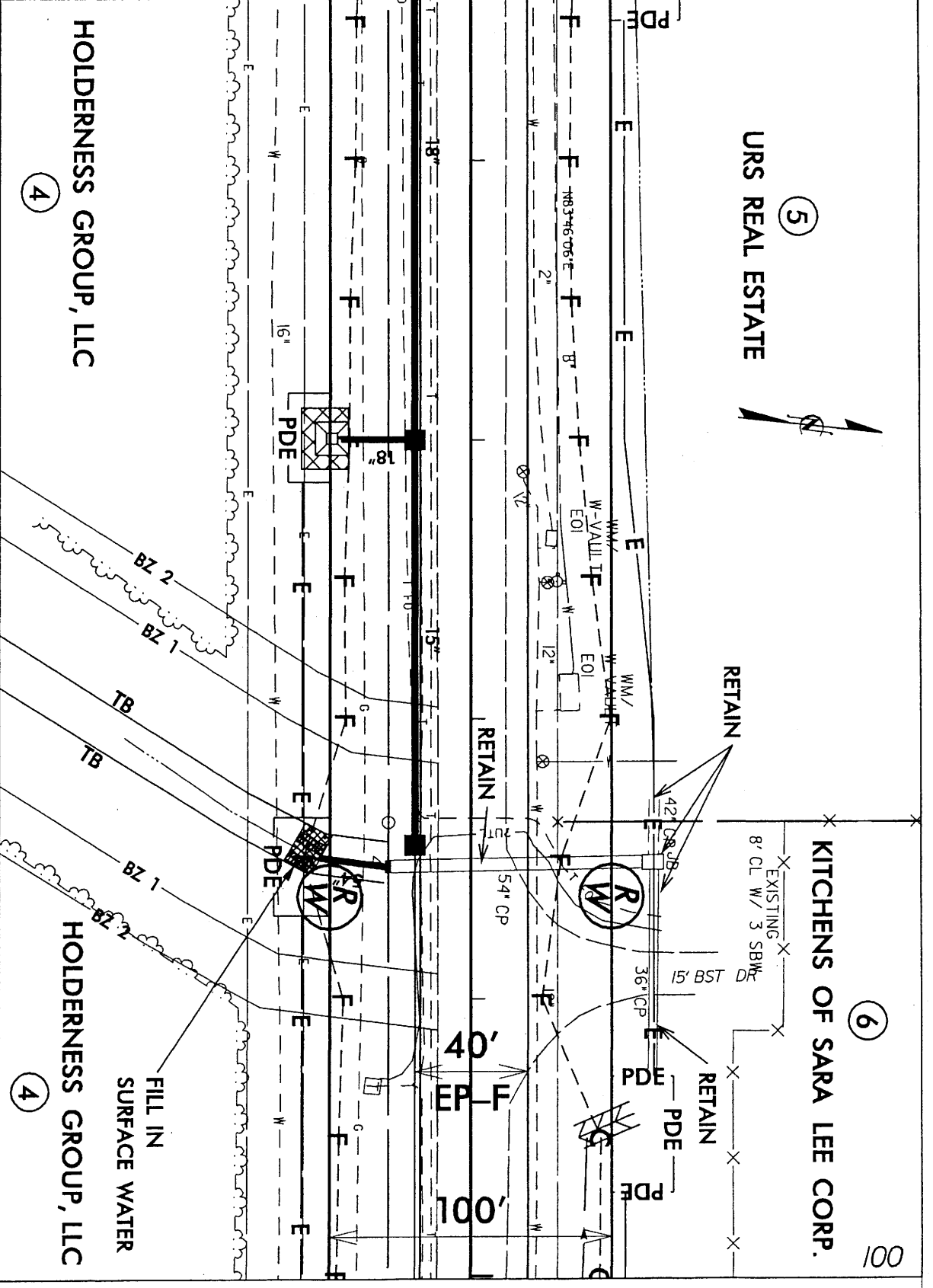
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N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
MCNAIR ROAD,
FROM NC 111 TO US 258
DATE: 4/2006
SHEET 6 OF 8



FILL IN SURFACE WATER

PLAN VIEW



HOLDERNESS GROUP, LLC

4

FILL IN SURFACE WATER

Station (From/To)	Crossing Number	WETLAND IMPACTS				SURFACE WATER IMPACTS						
		Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation In Wetlands (ac)	Mechanized Clearing (ac)	Fill In SW (Natural) (ac)	Fill In SW (Pond) (ac)	Temp. Fill In SW (ac)	Existing Channel Impacted (ft)	Relocated Channel (ft)	Enclosed Channel (ft)	
40+27.77 TO 41+61.36		0.092										
44+50.46 TO 48+29.95		0.486			0.189							
49+43.25 TO 49+97.16		0.060			0.028							
53+07.79 TO 53+41.21		0.047			0.056							
58+93.40 TO 62+12.97		0.454			0.163							
98+52						0.004				35		
TOTALS:		1.138			0.436	0.004				35.000		

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE COUNTY
 WBS ELEMENT 35600 R-4434
 McNAIR ROAD,
 FROM NC 111 TO US 258
 DATE: 3/2006
 SHEET 7 OF 8

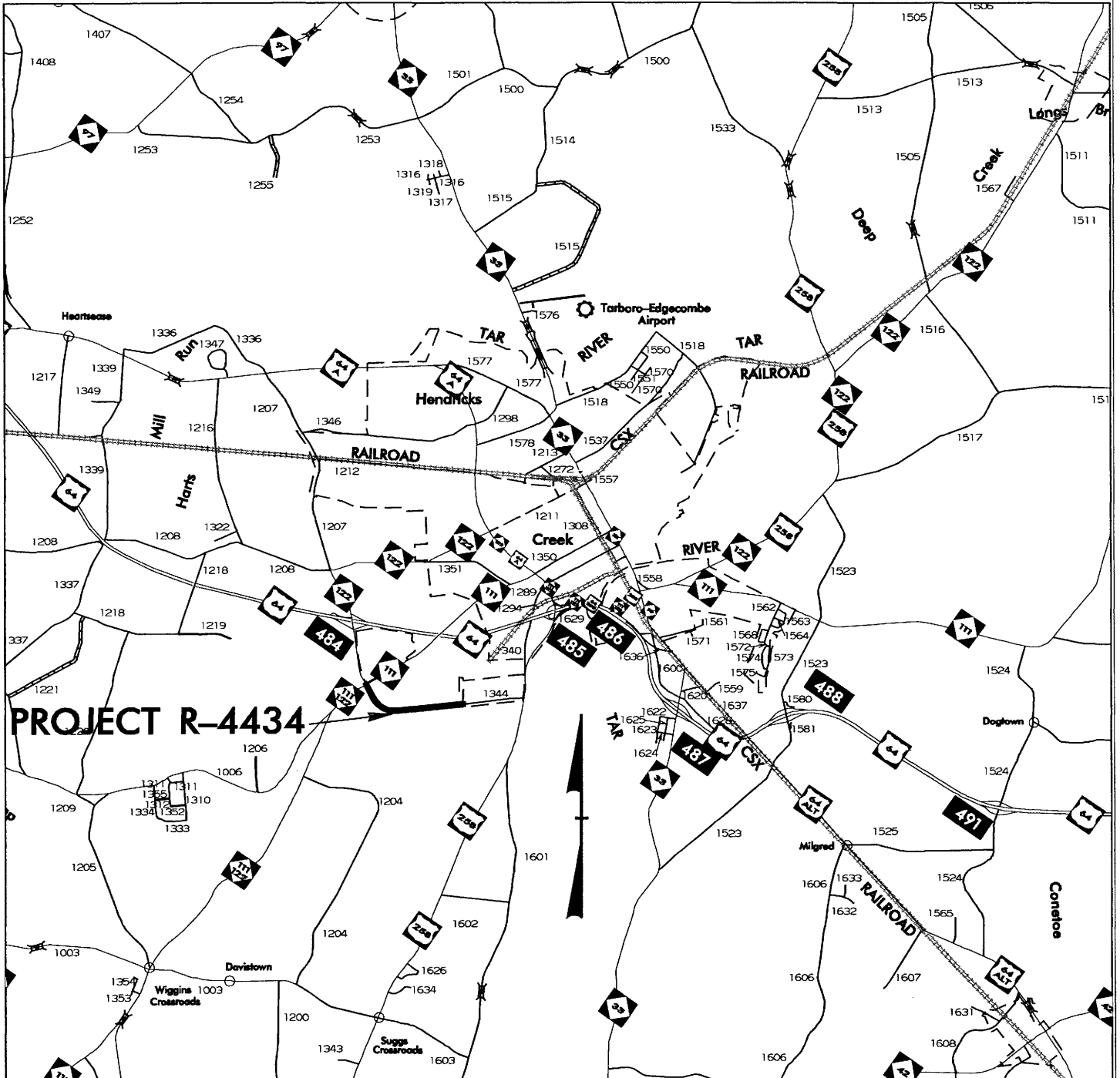
PROPERTY OWNERS

PARCEL NUMBER	Name	Address
1	W.G. CLARK III CO W. G. Clark, IV	PO Box 1159 Tarboro, NC 27886
2	Tarboro Commons, LLC	1300 Tunnel Rd. Asheville, NC 28805
3	Dew Family Investments	2730 US 258 South Tarboro, NC 27886
4	Holderness Group, LLC	PO Box 249 Tarboro, NC 27886
5	URS Real Estate	10 Glenlake Parkway, Suite 800 Atlanta, GA 30328
6	KITCHENS OF SARA LEE CORP	

PROPERTY OWNERS

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
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SHEET 8 OF 8

Revised 11-15-06



PROJECT R-4434

**VICINITY
MAP
BUFFER**

**N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
DATE: 3/2006
SHEET 1 OF 6**

LEGEND

— WLB — WETLAND BOUNDARY

 WETLAND

 ALLOWABLE IMPACTS ZONE 1

 ALLOWABLE IMPACTS ZONE 2

- - - F - - - PROP. LIMIT OF FILL

— E — EXISTING WATER LINE EASEMENT

 PROPOSED RIGHT OF WAY

— PL — PROPERTY LINE

 WOODS LINE

LEGEND

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGEcombe COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,
FROM NC 111 TO US 258
DATE: 3/2006
SHEET 3 OF 6

URS REAL ESTATE

5



KITCHENS OF SARA LEE CORP.

6

100

HOLDERNESS GROUP, LLC

4

HOLDERNESS GROUP, LLC

4

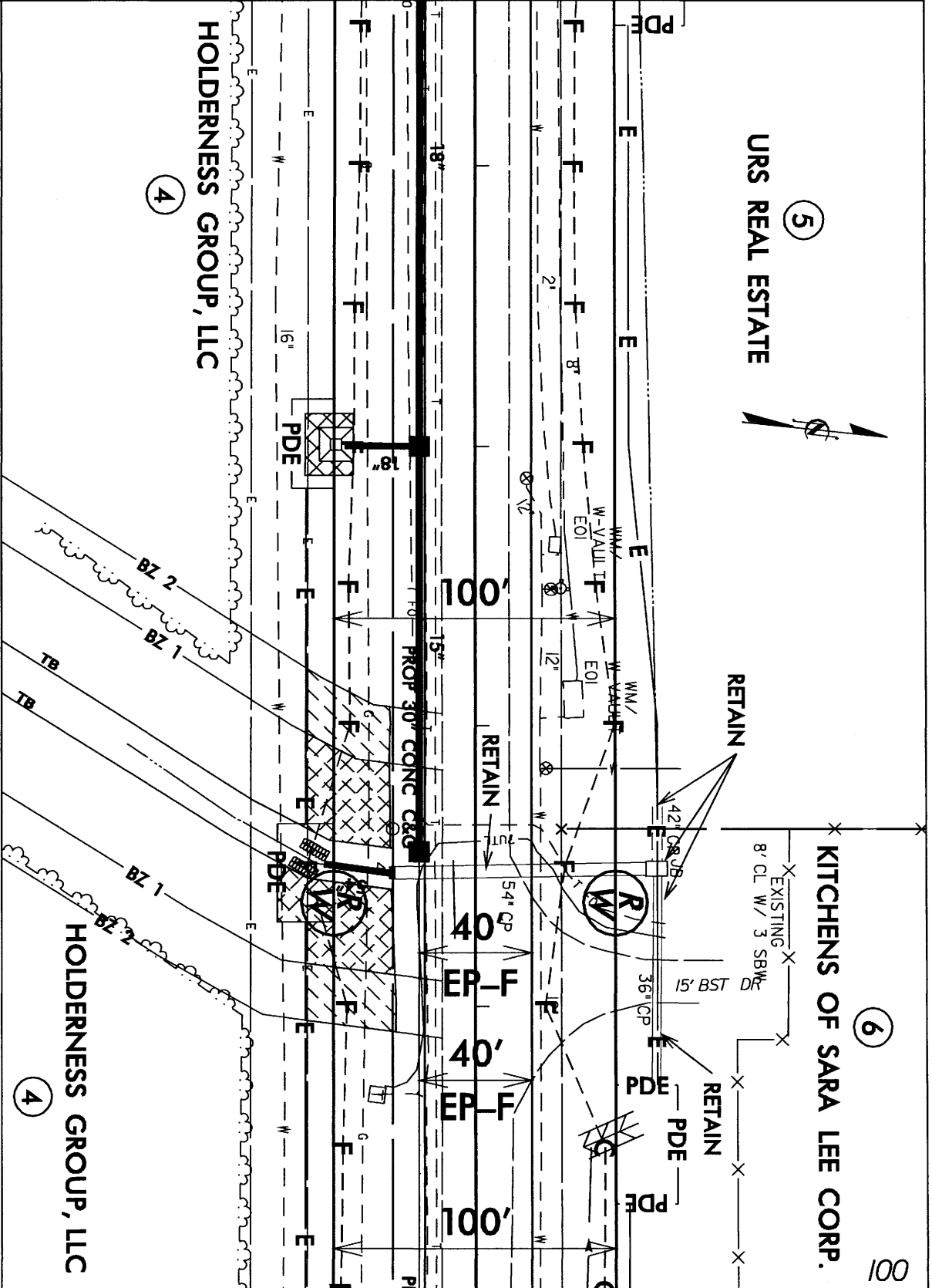
N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
McNAIR ROAD,

FROM NC 111 TO US 258
DATE: 4/20/06
SHEET 4 OF 6

ALLOWABLE IMPACTS
ZONE 1

ALLOWABLE IMPACTS
ZONE 2

PLAN VIEW



BUFFER IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size/ Type	TYPE		IMPACT			MITIGABLE			BUFFER REPLACEMENT	
			ROAD CROSSING	PARALLEL IMPACT	ZONE 1 (SF)	ZONE 2 (SF)	TOTAL (SF)	ZONE 1 (SF)	ZONE 2 (SF)	TOTAL (SF)	ZONE 1 (SF)	ZONE 2 (SF)
1	98+52	54" RCP	X		2070	1294	3364	0	0	0	0	0
TOTALS:					2070	1294	3364	0	0	0	0	0

N.C. DEPT. OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 EDGECOMBE COUNTY
 WBS ELEMENT 35600 R-4434
 McNAIR ROAD,
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 SHEET 5 OF 6

PROPERTY OWNERS

PARCEL NUMBER	Name	Address
4	Holderness Group, LLC	PO Box 249 Tarboro, NC 27886
5	URS Real Estate	10 Glenlake Parkway, Suite 800 Atlanta, GA 30328
6	KITCHENS OF SARA LEE CORP.	

PROPERTY OWNERS

N.C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
EDGECOMBE COUNTY
WBS ELEMENT 35600 R-4434
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DATE:3/2006
SHEET 6 OF 6



Revised 11-15-06

Michael F. Easley, Governor
William G. Ross Jr., Secretary

North Carolina Department of Environment and Natural Resources

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Alan W. Klimek, P.E. Director
Division of Water Quality

September 5, 2006

R. E. Greene, Jr., PE, Division Engineer
Division 4
North Carolina Department of Transportation
PO Box 3165
Wilson, North Carolina, 27895-3165

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act and TARPAMLICO BUFFER RULES, with ADDITIONAL CONDITIONS for Proposed extension to NC 122 (McNair Road) in Edgecombe County, State Project No. 35600.1.1.1, TIP No. R-4434, DWQ Project No. 20061008

Dear Mr. Greene:

Attached hereto is a copy of Certification No. 3585 issued to The North Carolina Department of Transportation dated September 5, 2006.

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

Sincerely,

Alan W. Klimek, P.E.
Director

Attachments

cc: William Wescott, US Army Corps of Engineers, Washington Field Office
Jamie Guerrero, Division 4 Environmental Officer
Chris Milischer, Environmental Protection Agency
Travis Wilson, NC Wildlife Resources Commission
Ecosystem Enhancement Program
DWQ Raleigh Regional Office copy
File Copy



401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act, and TAR-PAMLICO 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 (DWQ) Regulations in 15 NCAC 2H .0500 and .15A NCAC 2B.0259. This certification authorizes the NCDOT to impact 1,574 acres of jurisdictional wetlands, 35 linear feet of jurisdictional streams and 3,364 square feet of protected riparian buffers in Edgecombe County. The project shall be constructed pursuant to the application dated received June 21, 2006. The authorized impacts are as described below:

Stream Impacts in the Tar-Pamlico River Basin

Site	Permanent Culvert Fill in Intermittent Stream (linear ft)	Total Stream Impact (linear ft)	Stream Impacts Requiring Mitigation (linear ft)
98+52	35	35	N/A
Total	35	35	0

Total Stream Impact for Project: 35 linear feet

Wetland Impacts in the Tar-Pamlico River Basin

Site	Fill (ac)	Mechanized Clearing (ac)	Total Wetland Impact (ac)
40+27.77	0.092	0	0.092
44+50.46	0.486	0.189	0.675
49+43.25	0.060	0.028	0.088
53+07.79	0.047	0.056	0.103
58+93.40	0.454	0.163	0.617
Total	1.138	0.436	1.574

Total Wetland Impact for Project: 1.574 acres.

Tar-Pamlico Riparian Buffer Impacts

Site	Zone 1 Impact (sq ft)	minus Wetlands in Zone 1 (sq ft)	= Zone 1 Buffers (not wetlands) (sq ft)	Zone 1 Buffer Mitigation Required (using 3:1 ratio)	Zone 2 Impact (sq ft)	minus Wetlands in Zone 2 (sq ft)	= Zone 2 Buffers (not wetlands) (sq ft)	Zone 2 Buffer Mitigation Required (using 1.5:1 ratio)
98+52	2,070	0	2,070	N/A	1,294	0	1,294	N/A
Totals	2,070	0	2,070	0	1,294	0	1,294	0

* n/a = Total for Site is less than 1/3 acre and 150 linear feet of impact, no mitigation required

Total Buffer Impact for Project: 3,364 square feet.

The application provides adequate assurance that the discharge of fill material into the waters of the Tar-Pamlico 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.



Revised 11-15-06
William G. Ross Jr., Secretary

North Carolina Department of Environment and Natural Resources

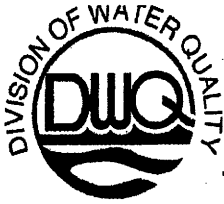
Alan W. Klimek, P.E. Director
Division of Water Quality

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This approval is only valid for the purpose and design that you submitted in your application dated received June 21, 2006. Should your project change, you are required to notify the DWQ 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). 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:

1. Compensatory mitigation for impacts to 1.574 acres of wetlands is required. We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the North Carolina Ecosystem Enhancement Program (EEP), and that the EEP has agreed to implement the mitigation for the project. EEP has indicated in a letter dated April 20, 2004 that they will assume responsibility for satisfying the federal Clean Water Act compensatory mitigation requirements for the above-referenced project, in accordance with the Tri-Party MOA signed on July 22, 2003 and the Dual-Party MOA signed on April 12, 2004.
2. Stormwater outlets to wetlands near stations 43+70, 52+50, 63+00, and 63+21 shall have a discharge velocity of no more than 2 feet per second for a 10-year storm event.
3. All stormwater runoff shall be directed as sheetflow through stream buffers at nonerosive velocities.
4. 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 DOT 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.
5. Pursuant to NCAC15A 2B.0259(6), sediment and erosion control devices shall not be placed in Zone 1 of any Tar-Pamlico 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.
6. 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 DWQ. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact the NC DWQ for guidance on how to proceed and to determine whether or not a permit modification will be required.
7. 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.



8. If concrete is used during construction, a dry work area should be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete should not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills.
9. 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.
10. The dimension, pattern and profile of the stream above and below the crossing should not be modified. Disturbed floodplains and streams should be restored to natural geomorphic conditions.
11. 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.
12. 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.
13. 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.
14. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification.
15. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited.
16. 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 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.
17. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification..
18. A copy of this Water Quality Certification shall be posted 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.
19. 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.
20. Upon completion of the project, the NCDOT Division Engineer (or whomever is the authorized agent if a non-DOT project) shall complete and return the enclosed "Certification of Completion Form" to notify DWQ when all work included in the 401 Certification has been completed.
21. Native riparian vegetation must be reestablished within the construction limits of the project by the end of the growing season following completion of construction.



22. 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 be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities.

23. 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.

24. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, they shall be removed and the natural grade restored upon completion of 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, 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 5th day of September 2006

DIVISION OF WATER QUALITY

Alan W. Klimek, P.E.
Director

WQC No. 3585